REVIEW COMPLETION LETTER

Project Name: Point Wells Urban Center

Date of Letter: October 6, 2017

Files Numbers:
- 11-101457 LU (Land Use permit for site plan)
- 11-101461 SM (Shoreline Management permit)
- 11-101464 RC (Retaining Wall – Commercial)
- 11-101008 LDA (Land Disturbing Activity – grading)
- 11-101007 SP (Short Plat)
- 11-101457 VAR (Parking Variance)

Application Vesting Dates:
- February 14, 2011 (LDA and SP)
- March 4, 2011 (LU, SM and RC)
- April 17, 2017 (VAR)

Date of Recent Submittals: April 17, 2017 (LU, SP, VAR)

Nature of Request: Urban Center development to include 3,080 residential units,
138,353 square feet of commercial space and other amenities.

Applicant: BSRE Point Wells, LP
c/o Karr, Tuttle, Campbell Attorneys
Gary Huff and Doug Luetjen, via email
701 Fifth Avenue, Suite 3300
Seattle, WA 98104
Dear Mr. Huff and Mr. Luetjen,

Snohomish County has completed its review of the Point Wells application materials submitted on April 17, 2017. This letter transmits our review comments.

Scope of review. This letter includes review of three applications

- Urban Center Site Plan (11-101457 LU) revisions submitted on April 17, 2017
- Short Plat (11-101007 SP) revisions submitted on April 17, 2017
- Variance related to parking (11-101457 VAR) first submittal on April 17, 2017

Related files not resubmitted on April 17, 2017, and therefore only referred to occasionally with in this review:

- Land Disturbing Activity permit – grading (11-101008 LDA)
- Shoreline Management permit (11-101461 SM)
- Retaining Wall – Commercial permit (11-101464 RC)
- Documents for the draft environmental impact statement that are not specifically part of the permit applications that are the subject of this review

Project Description. The Point Wells proposal is to redevelop an approximately 61-acre industrial site with 3.35 million square feet of new occupied space, including 3,080 residential units (3.21 m sq ft) and approximately 138,000 sq ft of retail and other commercial amenities. The site includes 45 acres of upland and 16 acres of tidelands.

Summary and Level of Review. The April 17, 2017, revisions to the project added a required second access to the site, provided more information regarding building floor plans, and improved the parking design and depiction of landslide hazards. While progress is apparent compared to the original 2011 applications, the revised plans still do not include all of the required information. Half of the items identified as requirements in our April 12, 2013 review completion letter are entirely unaddressed. Of the requirements that the 2017 revisions do address, only a few of the changes adequately meet our requirements. The project plans still contain many internal contradictions, errors and omissions. Snohomish County cannot support the new variance request accompanying the April 17, 2017, resubmittal that would allow a proposed surplus of parking in the third phase to mitigate for a shortage of parking in phases 1, 2, and 4.

Snohomish County provided the applicant preliminary review comments on May 10, 2017, and several technical review memos on various topics throughout the summer of 2017. A number of meetings took place to discuss the review findings to date and possible responses from BSRE to that review. Our comments below consider this prior communication. Some comments address specific design details while other comments are more general because we understand that relevant aspects of the project will be changing.

Files: 11-101457 LU / 11-101461 SM / 11-101464 RC / 11-101008 LDA / 11-101007 SP / 11-101457 VAR
Author: Snohomish County Planning and Development Services
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Timing: The current permit applications have previously been the subject of three previous requests for extension, all of which have been granted. The most recent was a 24-month extension extending the expiration date of the applications to June 30, 2018. Under County Code, no additional extensions are permitted absent extraordinary circumstances. Accordingly, Snohomish County asks that the additional information/revisions set forth below be provided within a reasonable period of time to allow completion of SEPA review and submission of the applications for hearing or decision by June 30, 2018. Even if the applicant does not wish to revise the application submittal, we would request that the applicant identify an “alternative” project proposal on the site capable of demonstrating compliance with the County’s regulations, including those for critical areas, parking, and fire protection for purposes of SEPA review.

If a revised submittal or alternative information addressing the above is not received on or before January 8, 2018, PDS will assume that the applicant wishes the County to proceed with concluding environmental review under SEPA and processing the permit applications for hearing or decision based on the current application submittals. Please be advised that this may result in a recommendation of denial without further preparation of an EIS in accordance with SCC 30.61.220 if PDS concludes that the permit applications as submitted evidence a substantial conflict with applicable County Code and development regulations.

Responses to the issues identified in this letter are required for continued evaluation of your proposal.

Respectfully,

[Signature]

Paul MacCready, Principal Planner/Project Manager
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# PROPERTY INFORMATION

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<tr>
<th>Tax Parcel Numbers</th>
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<td>Location</td>
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<td>Acreage</td>
<td>60.92</td>
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<td>Southwest County UGA</td>
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<tr>
<td>Municipal UGA</td>
<td>Woodway MUGA</td>
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<td>School District</td>
<td>Edmonds School District</td>
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<td>Fire District</td>
<td>Fire District No. 1</td>
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<tr>
<td>Water Service</td>
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<td>Sewer Service</td>
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<td>PCB (Planned Community Business)</td>
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<td>Zoning for Review</td>
<td>UC (Urban Center)</td>
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<td>Current Comprehensive Plan Designation</td>
<td>UV (Urban Village)</td>
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<td>Comprehensive Plan Designation for Review</td>
<td>UC (Urban Center)</td>
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</table>
BACKGROUND INFORMATION

The applicant proposes to redevelop the site to include approximately 3,350,311 square feet (sq ft) of new uses, including 3,080 residential units (3,211,958 sq ft), 32,262 sq. ft. of commercial/office uses (with space for on-site police and fire facilities), 106,091 sq. ft. of retail uses, open space, and other amenities. This proposal would use the Urban Center land use designation/zoning classification of the site at the time of application to Snohomish County in 2011.

The Point Wells site is located near the extreme southwestern corner of Snohomish County, immediately north of the City of Shoreline, north and west of the Town of Woodway, and east of Puget Sound. Point Wells is in unincorporated Snohomish County, although one of the access roads to the main project site is in the Town of Woodway. The site is approximately 61 acres in size, with approximately 16 acres of tideland and 45 acres of upland areas. About 56 acres of the site are located between the Sound and the Burlington Northern Santa Fe (BNSF) railroad line that pass north/south through the site. The remaining approximately 5 acres are located on the east side of BNSF-owned right-of-way and tracks, about 50 feet higher. Some documents refer to these as the “Lower Bench” and the “Upper Bench,” respectively. Since there are three “villages” on the lower bench (and just one on the upper) and review occurs for each phase individually as well as for the project as a whole, this supplemental review letter discusses the villages rather than benches. Figure 1, below, illustrates the Urban Plaza on the Upper Bench and the North, Central, and South Villages on the lower bench. Review also sometimes refers to “phases” because construction of some of the infrastructure must take place during the first phase, yet the physical location of said infrastructure spans three of the four proposed villages.

Figure 1 – Phasing Plan (Sheet A-056)

1 See summary of proposed uses on Sheet A-050 of the April 17, 2017, site plan.
Land Use History and Project Chronology

Submission of permits for a Short Plat for phasing (11-101007 SP) and a Land Disturbing Activity (LDA) for grading (11-101008 LDS) took place on February 14, 2011. The applicant then applied on March 4, 2011 for an Urban Center Site Plan (11-101457 LU), Shoreline Management (11-101461 SM) and retaining walls (11-101464 RC). Collectively, these are the 2011 permit applications. The 2011 permit applications were determined to be complete as of the date of submittal for regulatory purposes.

Snohomish County provided a review completion letter on April 12, 2013 addressing the short plat, urban center, and shoreline management permits. Feedback on the LDA and retaining wall permits was not necessary at the time because these permits depend on the site plan. As the site plan changes, so too will the LDA and retaining wall permits. Planning and Development Services (PDS) expects that the appropriate time to revise the LDA and retaining wall permits will be after review is complete for the next (third) submittal of the site plan, short plat, and shoreline permits.

On April 17, 2017, BSRE submitted revised plans for the short plat and urban center permits. On this date, BSRE also submitted a first request for a parking variance (11-101457 VAR) for the project. Collectively, these are the 2017 permit applications or second submittal (despite it being the first for the requested variance).

Files Numbers

<table>
<thead>
<tr>
<th>Files Numbers</th>
<th>Description</th>
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<tbody>
<tr>
<td>11-101457 LU</td>
<td>Land Use permit for site plan</td>
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<tr>
<td>11-101461 SM</td>
<td>Shoreline Management permit</td>
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<td>11-101464 RC</td>
<td>Retaining Wall – Commercial</td>
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<td>Land Disturbing Activity – grading</td>
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<tr>
<td>11-101007 SP</td>
<td>Short Plat</td>
</tr>
<tr>
<td>11-101457 VAR</td>
<td>Parking Variance</td>
</tr>
</tbody>
</table>

Application Vesting Dates:

- February 14, 2011 (LDA and SP)
- March 4, 2011 (LU, SM and RC)
- April 17, 2017 (VAR)
Site Description and Classification for Review Purposes

The Point Wells site is between 60 and 61 acres, including several overlapping and/or discontiguous tax parcels. This would be simplified by the proposed short plat, 11 101007 SP, which would create nine parcels as illustrated in the figure below.

Figure 2 – Proposed Short Plat Layout from Sheet 1

The short plat application gives the site area as 2,653,320 sq ft (60.91 acres, per Sheet 1) and the urban center site plan says it is 2,630,110 sq ft (60.38 acres, per Sheet A-050). The applicant must reconcile or explain this difference when revising the applications.
Major development of the Point Wells Urban Center proposal would take place on eight parcels and the tidelands would be in an open space tract. Table 1, below, summarizes what the short plat applicant says about the proposed lot sizes and uses in the short plat.

<table>
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<th>Lot or Tract</th>
<th>Square Feet</th>
<th>Acres</th>
<th>Use³</th>
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<td>50,974</td>
<td>1.17</td>
<td>Future Development</td>
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<td>2</td>
<td>166,142</td>
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<td>4</td>
<td>260,636</td>
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<td>529,521</td>
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<td>Open Space</td>
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<td>8</td>
<td>263,187</td>
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<td>Future Development</td>
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<td>Tract 999</td>
<td>555,161</td>
<td>12.74</td>
<td>Tidelands</td>
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<td><strong>Total</strong></td>
<td><strong>2,653,650</strong></td>
<td><strong>60.92</strong></td>
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Table 1 – Lot Size and Use Taken from Short Plat Application (11 101007 SP)

Development activity would take place in Tract 999 for reconstruction of the pier access. The pier itself is on leased submerged land owned by the Washington Department of Natural Resources (DNR) and is outside of the parcels and Snohomish County jurisdiction.

Offsite development activity would take place as well. The project includes replacing two crossings of the Burlington Northern rail right-of-way, which bisects the site and is in Snohomish County jurisdiction. The project would also require a second access road extending from the site and into the Town of Woodway. Traffic mitigation improvements would also occur in off-site rights-of-way, primarily in City of Shoreline jurisdiction.

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³ See Short Plat markups for comments on how the plans characterize “uses.”
**Prior Comments and Responses**

On April 12, 2013, PDS provided the applicant comments on first submittals for Point Wells (the applicant submitted these on February 14 and March 4, 2011). This section discusses those comments and evaluates how the April 17, 2017, second submittal responded to the 2013 review completion letter.4 The first page of the 2013 letter clearly states that the “following information is required to further evaluate your proposal.”

The 2013 letter groups the required information by application type. The Urban Center Site Plan application (11-101457 LU) had 32 general comments labeled (a) to (ff). The Short Subdivision application (11-101007SP) had seven general comments labeled (a) to (g), and the Shoreline Development Permit (11-101461 SM) had three general comments labeled (a) to (c) relating to issues other than critical areas. Of total 42 general issues identified in the 2013 letter:

- One issue (2%) was adequately addressed
- Thirteen issues (31%) were partially addressed, but still require changes
- Twenty-one issues (50%) were not addressed at all
- Seven issues (17%) will now be responded to in the EIS or a response at this time is otherwise not necessary as described below

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Table 2 – Summary of Applicant Responses to April 12, 2013, Review Completion Letter

<table>
<thead>
<tr>
<th>Application</th>
<th>Comment</th>
<th>Adequate Response</th>
<th>Partial Response</th>
<th>Did Not Respond</th>
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<td>1 (2%)</td>
<td>13 (31%)</td>
<td>21 (50%)</td>
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</table>
**Urban Center Development Comments (2013)**

**Urban Center Comment (a):** “This review does not include comments on Land Disturbing Activities and Retaining wall permit applications.”

Evaluation of response to (a): The applicant did not update the Land Disturbing Activity (LDA) permit (11-101008 LDA) or the Retaining Wall permit (11-101464 RC), nor were they being required to. Details on these permits depend on the layout of the site plan. Since several adjustments to the site plan were (and still are expected), updating these permits for the second submittal (received in 2017) was not seen as necessary until the site plan was closer to a final version. For the next set of revisions, however, the applicant will be required to update their LDA and retaining wall permits for consistency with the site plan. Information from these permits is necessary to include in the Draft Environmental Impact Statement (DEIS). Without this information, Snohomish County will be unable to identify mitigation measures related to these permits. To illustrate, for the LDA permit we will need updated estimates or the amount of material for removal from and transportation to the site in order to address mitigation measures for how this might happen (e.g. truck trips, by rail, or barging). Retaining wall information is especially relevant with respect to mitigating landslide hazards and effects on drainage. The addition of the second access road in the 2017 resubmittal and further revisions expected in the next version require updates to the land disturbing activity and retaining wall permits.

The applicant must address these specific issues as part of responding to the original question.

**Urban Center Comment (b):** “Please indicate all recorded easements and encumbrances on short subdivision and urban center development site plans, if not indicated.”

Evaluation of response to (b): The applicant has not responded to this comment.  
**Second Request: A response is still required.**

Only a handful of known easements appear the Urban Center Site Plan (Sheet A-051). The 2013 review letter raises the same issue in relation to the short plat application (see Short Plat Comment (b). All recorded easements, encumbrances, and proposed modifications thereto must appear on both the Urban Center Site Plan and the Short Plat plans. See relevant short plat comments and markups.

The applicant must address these specific issues as part of responding to the original question.

**Urban Center Comment (c):** “Does proposal include construction of a public building on the public building site at this time? If so, please indicate which project phase that it would be constructed and proposed floor area.”
Evaluation of response to (c): The applicant has not responded to this comment.  
**Second Request: A response is still required.**

Please be advised that failure to disclose the use and phasing of the public building site means that the DEIS cannot address the building or possible mitigation measures. Absent the required information prior to the DEIS, a building at this location cannot be approved under the current environmental review. Adding a public building at this location would require supplemental environmental review if it were to occur before the Final EIS or an Addendum to the FEIS if after the fact.

**Urban Center Comment (d): “Is there retail floor area in Buildings UP-T1 – UP-T4?”**

Evaluation of response to (d): The applicant has partially responded to this question. Further clarification is still required.

The 2011 site plan included a data table on Sheet A-100 that the 2017 site plan moved and expanded on a new Sheet A-200.\(^5\) While this change is helpful, questions remain. What is the amount (square footage) of retail floor area in Buildings UP-T1 to -T4, including square footage for each building?

Figure 3, next page, compares the level of information given for ground floor uses in UP-T1 to -T4 relative to a typical building in the Central Village phase. Note that both cases are missing proposed square footage information.

The applicant must address these specific issues as part of responding to the original question.

\(^5\) Sheet A-200 includes a number of errors. It mislabels buildings UP-T1 to -T4 as NV-T1 to -T4.
Urban Center Comment (e): “Is the 26,300 SF of retail space for Buildings UP-T1 – UP-T4 located between and/or within these buildings?”

Evaluation of response to (e): The applicant has partially responded to this question. Further clarification is still required.

The 2011 site plan included a data table on Sheet A-100 that the 2017 site plan moved and expanded on a new Sheet A-200. While this change is helpful, questions remain. How does the 26,300 SF of retail space relate to the phasing plan and traffic study? Specifically, the Phasing Plan on Sheet A-056 shows two stand-alone retail buildings in the Urban Plaza as being constructed as part of Phase 1 (the South Village). This phasing also does not seem to match what appears in the Expanded Traffic Impact Analysis by David Evans Associates dated August 2016 (see page 6 summary of uses by phase).

The applicant must address these specific issues as part of responding to the original question.

Urban Center Comment (f): “In which building or buildings is the 32,262 SF of office space located?”

Evaluation of response to (f): The applicant has not responded to this comment. **Second Request: A response is still required.**

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6 Sheet A-200 includes a number of errors. The text here assumes corrections. See markups.

7 This report is available at [https://snohomishcountywa.gov/DocumentCenter/Home/View/45396](https://snohomishcountywa.gov/DocumentCenter/Home/View/45396).
Note that the applicant must add a sheet or detail showing the layout of the proposed office space and square footages associated with each area.

Urban Center Comment (g): “Is the 24,000 SF of podium retail space\(^8\) for Buildings SV-T1 – SV-T6 located between and/or within these buildings?”

Evaluation of response to (g): The applicant has not responded to this comment. 
Second Request: A response is still required.

The new data table for the South Village on Sheet A-202 muddies the issue due to lack of consistency between the table and the plans. Figure 4, below, illustrates the point. It compares where Sheet A-202 says that SV-T6 would have 7,950 SF of retail space on the ground floor, yet there is no retail space shown in this building on Sheet A-103. See markups for details on the problems with Sheet A-202. If the 24,000 SF of podium retail is between the buildings (as the larger retail spaces below would be), then how much retail is in the base of each building?

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### Figure 4 – Questionable Retail Space in Building SV-T6

Urban Center Comment (h): “Is the 24,000 SF of retail space\(^9\) for Buildings SV-L1 – SV-L7 located between and/or within these buildings?”

Response to (h): The applicant has partially responded to this question by showing retail spaces in buildings SV-L6 and SV-L7 on Sheet A-103, but the plans must also indicate the square

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\(^8\) Note that this podium retail space increase from 24,000 SF in the 2011 plans to 35,791 SF in the 2017 plans.
\(^9\) Note that this podium retail space increase from 24,000 SF in the 2011 plans to 35,791 SF in the 2017 plans.

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footage of each space. Further clarification is still required on Sheet A-202 where the square footages of retail suites/units does not match the totals given.

We also note that the total retail space in the South Village (35,791 SF in the 2017 plans) does not match the Expanded Traffic Impact Analysis by David Evans Associates dated August 2016 (see page 6 summary of uses by phase where the figure is given as 32,635 SF and elsewhere). Nor does it match the Traffic Methods and Assumptions Memo revised on August 30, 2016, that at page 8 indicates that the traffic model splits the 32,635 SF into 24,625 SF of Specialty Retail center plus 8,000 SF of Quality Restaurant.10

The applicant must address these specific issues as part of responding to the original question.

If the difference in retail space between the plans and traffic study remains small (3,156 SF at present), then it may be reconciled by including an updated traffic study in the Final EIS rather than the Draft EIS. However, if future changes to the site plan result in larger differences, then the applicant may wish to consider revising the traffic study before the DEIS instead of risking the need for a supplemental DEIS study to address the issue later.

Urban Center Comment (i): “Is the 44,000 SF of retail space for Buildings CV-T1 – CV-T7 located between and/or within these buildings?”

Evaluation of response to (i): The applicant has not responded to this comment.
Second Request: A response is still required.

The new data table for the Central Village on Sheet A-201 muddies the issue due to lack of consistency between the table and the plans. Please indicate the square footage of each retail space on Sheet A-102. For building CV-T7, why does Sheet A-201 not show square footage for the restaurant that extends beyond the base of the tower as shown on Sheet A-102? Many of our comments for the restaurant under building SV-T1 (page 176) would likely also apply to the restaurant under CV-T7 if the plans had enough information to comment in the first place. None of the floor plans for Central Village Towers on Sheet A-102 matches the typical tower entry detail on Sheet A-300.

The traffic study assumes that the Central Village has 24,000 square feet of retail space rather than the 44,000 SF shown on the plans. In the traffic study, 10,000 of the 24,000 SF would be restaurant space. Is all of this restaurant space at the base of building CV-T7 or in other locations too? Since the April 17, 2017, site plan proposes 20,000 square feet more retail space than appears in the traffic study, this difference may result in undiscovered traffic impacts.

The applicant must address these specific issues as part of responding to the original question.

10 We assume that this refers to the restaurant at the base of building SV-T1. See detailed comments on this building and restaurant space on page 251.
Urban Center Comment (j): “It appears from review of the enlarged site plans for the urban plaza, central plaza, south plaza and north plaza that there may be 15 mixed use (residential/retail) buildings. Is this correct?”

Evaluation of response to (j). The applicant has not responded to this comment.
**Second Request: A response is still required.**

We note that the 2017 plans now show retail uses in buildings SV-L6 and SV-L7 where these buildings previously appeared to be entirely residential. In addition, the new data table on Sheet A-202 suggests that there is retail space at the base of SV-T6, but Sheet A-103 shows no such retail space.

The applicant must address these specific issues as part of responding to the original question.

Urban Center Comment (k): “Could not find [building] elevations for the following buildings:

1. Envac/retail bldg
2. Fire/Police/retail bldg
3. UP-T1 – UP-T4
4. SV-T1 – SV-T6
5. SV-L1 – SV-L7
6. CV-T1 – CV-T7”

Evaluation of response to (k): The applicant has not responded to this comment.
**Second Request: A response is still required.**

To clarify the above request, the application does not satisfy the submittal requirements of SCC 30.34A.170 [2010]. This section sets forth requirements on the level of detail required for each building or major building type. The application only provides three elevations for typical buildings. The original list in Comment k above was itself incomplete and it includes an error on item 6 because these buildings are among those shown on the plans. To reiterate and clarify the request, see Table 3, next page.

**Table 3 – Summary of Elevations Provided and Still Required**

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Building Type</th>
<th>Building Numbers</th>
<th>Elevations Shown</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Non-residential</td>
<td>Envac/retail bldg</td>
<td>No</td>
<td>Elevation required</td>
</tr>
<tr>
<td>2</td>
<td>Non-residential</td>
<td>Fire/police/retail</td>
<td>No</td>
<td>Elevation required</td>
</tr>
<tr>
<td>3</td>
<td>Tower</td>
<td>UP-T1 – UP-T4</td>
<td>No</td>
<td>Elevation required</td>
</tr>
<tr>
<td>4</td>
<td>Tower</td>
<td>SV-T1 – SV-T6</td>
<td>No</td>
<td>Elevation required</td>
</tr>
<tr>
<td>5</td>
<td>Low-rise</td>
<td>SV-L1 – SV-L5</td>
<td>Maybe at A-301</td>
<td>See comments on A-301</td>
</tr>
<tr>
<td>6</td>
<td>Mid-rise</td>
<td>SV-L6 – SV-L7</td>
<td>Maybe at A-301</td>
<td>See comments on A-301</td>
</tr>
<tr>
<td>7</td>
<td>Tower</td>
<td>CV-T1 – CV-T7</td>
<td>Yes at A-300</td>
<td>See comments on A-300</td>
</tr>
<tr>
<td>8</td>
<td>Non-residential</td>
<td>Public building</td>
<td>No</td>
<td>Elevation required</td>
</tr>
<tr>
<td>9</td>
<td>Non-residential</td>
<td>Transit station</td>
<td>No</td>
<td>Elevation required</td>
</tr>
<tr>
<td>10</td>
<td>Low-rise</td>
<td>CV-L1 – CV-L6</td>
<td>Maybe at A-301</td>
<td>See comments on A-301</td>
</tr>
</tbody>
</table>
Of the three typical building elevations provided in the 2017 plans, only the tower buildings in the Central Village clearly have an intended match (Sheet A-300). However, the site plan, proposed finished grades and building elevations do not match.

Sheet A-301 provides two typical elevations, one for low- and one for mid-rise buildings. The intent may be to match the low- and mid-rise buildings proposed; however, the low-rise example clearly depicts townhomes (two-story units) and the mid-rise identifies as having townhomes at base (see Figure 5, next page).

The unit counts on the data tables (Sheets A-200 to A-202) clearly indicate the make-up of the low- and mid-rise buildings as being entirely flats.11

Please confirm if the proposal includes townhomes. The applicant must clarify this issue because if townhomes were indeed proposed, then the unit counts would be significantly lower, thereby altering several aspects of the Draft EIS. If townhomes are not proposed, then the elevations provided in the April 17, 2017, plans are in error and the applicant must replace them.

The applicant must address these specific issues as part of responding to the original question.

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Figure 5 – Building Elevations Adapted from Detail 1 on Sheet A-301

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11 The traffic study also reflects flats or senior-only units rather than townhomes.
Urban Center Comment (l): “Please provide a project data table indicating the following data for each building:

1. Stories
2. Height in feet above ground level
3. Structured parking spaces
4. Residential units
5. Residential floor area
6. Office floor area
7. Retail floor area
8. Civic floor area
9. Police/fire floor area
10. Energy center floor area
11. Envac floor area”

Evaluation of response to (l): The applicant has only partially responded. The new data tables on Sheets A-200 to A-202 only provide some of the required information. These sheets also include several errors and inconsistencies with the plans that may result in need for supplemental environmental analysis, depending on the remedies the applicant chooses to make to these issues.

Urban Center Comment (m): “Do the enlarged site plans for the four villages indicate location of overall sections shown on A-331 [sic] and A-330 [sic]? If not, please add section lines.”

Evaluation of response to (m): The applicant has not responded to this comment.

Second Request: A response is still required.

The enlarged site plans refer to Sheets A-100 to A-103. None of these sheets indicates where the overall sections on Sheets A-310 and A-311 match. Moreover, the overall sections do not entirely match the site plans. For example, Detail 2 on Sheet A-310 must include the second access road and depict the slope to the east consistent with proposed finish grades and Sheet C-300.

Detail 1 on Sheet A-310 conflicts with the proposed finish grades as shown on Sheet C-302. Clarify this inconsistency is important to ensure fire access along the esplanade below the bridge to the pier. Figure 6 below shows this area of concern at the underpass. Detail 1 from Sheet A-310 shows the finished grade of the esplanade as 13’ elevation whereas Sheet C-302 and most other locations in the plan consistently give the esplanade and elevation of 15.5’. Moreover, the point of departure for the bridge would be somewhere between the 27.9’ finished floor elevation of the nearby tower and the 20-25’ elevation shown on the proposed contour lines from Sheet C-302 rather than the 35’ departure point shown on Sheet A-310.13 In other words, the applicant

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12 This reference should have been to Sheets A-310 and A-311. There are no sheets A-331 or A-330.
13 Two notes regarding this part of Sheet C-302. First, the 25’ contour shown on the portion of Sheet C-302 in Figure 6 conflicts with the finished floor elevation of the parking garage for the Central Village. This adds to the uncertainty about what is proposed and what the applicant must address. (The same problem is true for a small part
must revise the plans for internal consistency in this area and must provide sufficient information to demonstrate compliance with a minimum 13’ 6” vertical clearance for the esplanade to count as a fire lane in this location (see fire review memo dated June 15, 2017, item 6 on page 4.)¹⁴. Sufficient information will likely require addition of one or more new detail sheets to the plans.

Urban Center Comment (n): “Project contains 47 multistory buildings including approximately 15 multistory buildings with a mix of residential and commercial space. The project meets definition of “mixed use” per SCC 30.34A.030. The maximum Floor Area Ratio (FAR) for mixed use development is 2.0 and minimum FAR is 1.0. A FAR 1.17 is proposed.”

Response to (n): The applicant has only partially responded. The April 17, 2017, revisions to the site plan make some corrections to the FAR calculation that, with updated information, appears to show an FAR of 1.27 on Sheet A-050. While the project is likely to remain within the 1.0 to 2.0 FAR required range, not enough information appears on the April 27, 2017, version of the plans to demonstrate compliance with the applicable definitions and method for calculating FAR. See detailed comments under review of SCC 30.34A.030 [2010] on page 79 and markups for the data tables on Sheets A-200 to A-202.

Urban Center Comment (o): “Minimum drive aisle width for surface and structured parking adjacent to perpendicular parking stalls is 25 feet pursuant to SCC Table 30.26.065(13). This of the 20’ contour as well.) Second, the shaded area represents building CV-T7 but omits the ground floor restaurant that extends beyond the shaded area.

¹⁴ This memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44891.

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Table also provides dimensional requirements for other types of drive aisles and parking stall configurations.”

PDS Supplement to Comment (o): The parking design in the 2011 Urban Center Site Plan contains approximately 900 fewer stalls than stated on the plans. This design flaw was of such concern that PDS transmitted an email with a draft 27-page supplemental review of the parking situation to the applicant on February 5, 2016. This email and the attached supplemental parking review are available at https://snohomishcountywa.gov/DocumentCenter/Home/View/46413.

Response to (o): The applicant has only partially responded. The April 17, 2017, revisions to the site plan make many corrections to the parking lot layouts, but more work is necessary to demonstrate compliance the dimensional requirements for parking stalls and drive aisles. While improved, the plans are still do not include depictions of all parking levels. The applicant must add sheets to the plans showing all of the proposed parking, and the parking must meet dimensional requirements, including those in SCC 30.26.065. See detailed comments on parking design under the review of Chapter 30.26 SCC beginning on page 54.

The applicant submitted a request for a variance relating to parking on April 17, 2017. The purpose of this request was to allow a surplus of parking in the Central Village (phase 3) to make up for a shortage of parking in the three other phases of the project (phases 1, 2 and 4). PDS recommends to the applicant that they withdraw this request for variance. If the applicant does not withdraw it, then the staff recommendation to the Hearing Examiner will be to deny the variance. See discussion of parking at page 31 under the heading Issues of Concern and comparison of the variance proposal to code requirements under review of Chapter 30.43B (Variances) on page 111.

Urban Center Comment (p): “Propose[d] shared parking shall comply with the requirements of SCC 30.34A.050(6).”

Evaluation of response to (p): The applicant has not responded to this comment.
Second Request: A response is still required.

Urban Center Comment (q): “Are structured parking entrances located behind or to the side of buildings pursuant to SCC 30.34A.050(1)?”

Evaluation of response to (q): The applicant has not responded to this comment.
Second Request: A response is still required.

Please note that location of parking entrances will be an agenda item for the Design Review Board (DRB) to consider. After discussing this, the DRB could then make a recommendation supportive of the proposed entrance locations or they might recommend changes. Absent information such as garage entrance elevations, it will be difficult for the DRB to recommend anything other than the provision of adequate detail.

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Urban Center Comment (r): “Parking requirements for urban center are determined by the parking ratios in SCC Table 30.34A.050. In order to determine the parking requirement for the project, the following data is needed:

- Total restaurant floor area
- Total retail floor area
- Total office floor area
- Total residential units over 1,000 SF
- Total residential units less than 1,000 SF
- Total civic building floor area
- Total police/fire floor area”

A parking demand analysis may be required for uses not listed in the above table pursuant to SCC 30.34A.050(5).”

Evaluation of response to (r): The applicant has only partially responded. The revised plans show more of the required information, especially in the new data tables on Sheets A-200 to A-202. However, there is still missing information these tables regarding some of the uses and the tables include several conflicts with the plans. See markups on Sheets A-200 to A-202.

The applicant has not provided a parking demand study.

Urban Center Comment (s): “Sheets A-050 and 051 indicate location of an Ordinary High Water Line along the shoreline. Sheets C-201 – 203 indicate location of a Line Mean Higher High Water along the shoreline. Do these terms represent the same the same line?”

Evaluation of response to (s): The applicant has not responded to this comment.

Second Request: A response is still required.

See related comments in the Flood Hazard Review memo from Rebecca Samy dated June 27, 2017. This memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44894.

Urban Center Comment (t): “Please indicate on project plans if any petroleum storage tanks will remain on north part of site after completion of Phase 1 or other phases.”

Evaluation of response to (t): The applicant has not responded to this comment.

Second Request: A response is still required.
Urban Center Comment (u): “Due to the existence of contaminated soils on the site as indicated in the SEPA checklist, it is likely PDS will require that a hydrogeologic report be prepared for the proposal.”

Evaluation of response to Comment (u): The applicant did not respond to this comment. An Environmental Impact Statement (EIS) began for the project after the date of the review letter making Comment (u). In support of this EIS, the applicant supplied a *Draft Subsurface Conditions Report* by Hart Crowser dated June 11, 2015. However, at page 8, this report states, “Subsurface contamination during past use of the site is discussed separately for the EIS, and so is omitted from this [report].” Indeed, the report addresses geologic hazards and drainage issues but not contamination. There is also not any discussion of contamination in the *Targeted Drainage Report* (May 28, 2015) by SVR Design. Hence, no report provided by the applicant to date has the necessary information regarding contamination for the EIS.

**Second request. The applicant must address this important SEPA issue. A response is still required.**

The applicant must coordinate with the Snohomish County Chief Engineering Officer (Randy Sleight), the project manager (Paul MacCready) and the EIS consultants on the scope of what information regarding contamination is required and when they must provide it for the Draft EIS.

Please note that some of the June 15, 2017, grading and drainage review comments co-authored by Randy Sleight assume mitigation of contamination. However, without more information to characterize the contamination, it is not possible for the Draft EIS to disclose potential impacts fully. Without full disclosure, the DEIS cannot propose adequate mitigation. Further, aspects of the drainage plans, such as infiltration, may only be acceptable under the assumption that adequate mitigation has been identified and taken place. Snohomish County cannot allow infiltration into a contaminated site until cleanup or mitigation is complete. Any future approval from Snohomish County for the site plan will be conditional on receipt of a letter from the Washington State Department of Ecology (DOE) certifying approval of adequate cleanup and mitigation plans. Any future approval of construction plans will be contingent on completion of the steps called for in the plans requiring DOE approval.

For the EIS addressing the site plan, contamination and mitigation information must be sufficient to demonstrate that probable adverse impacts involving cleanup and mitigation will not conflict with site plan issues such as drainage. If the cleanup plans involving DOE result in mitigation requiring changes to the site plan, then supplemental environmental impact analysis for the site

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17 The grading and drainage comments are available at [https://snohomishcountywa.gov/DocumentCenter/Home/View/44896](https://snohomishcountywa.gov/DocumentCenter/Home/View/44896)
plan may be necessary. Depending on timing, this may mean either supplemental Draft EIS for the site plan or an addendum to the Final EIS before future project approvals may go into effect.

Urban Center Comment (v): “Several proposed buildings will be located near adjacent residential properties in the Town of Woodway that are zoned R-14.5 and R-9600. These buildings will need to comply with the building height and setback requirements of SCC 30.34A.040.”

PDS supplement to Comment (v): The reference to properties with R-9600 zoning in the original comment referred to land that was still under Snohomish County jurisdiction at the time. This site is commonly called the “Upper Bluff.” There has since been an annexation of this property into the Town of Woodway. The current zoning of the Upper Bluff is Urban Residential (UR). UR zoning is roughly equivalent to the former R-9600 zoning that the site had prior to annexation. The requirements of SCC 30.34A.040 (2010) still apply.

Evaluation of response to (v): The applicant did not respond to this comment. **Second request: A response is still required.**

See detailed review comments on SCC 30.34A.040 (2010) beginning on page 81.

Urban Center Comment (w): “Several proposed buildings will be over 90 feet in height. Due to the proposed height, an environmental impact statement (EIS) is required that shall include at a minimum an analysis of the impacts of the height on; aesthetics; light and glare; noise; air quality and transportation per SCC 30.34A.040.”

Evaluation of response to Comment (w): An Environmental Impact Statement (EIS) began for the project after the date of the review letter making comment (w). The Draft EIS will include the required information.

Please see detailed review comments on SCC 30.34A.040 (2010) beginning on page 81, where there is discussion of buildings over 90’ and a request for relevant information that is separate from the information to be provided in the DEIS.

Urban Center Comment (x): “Landscaping for the urban center project will need to comply with the requirements of SCC 30.25.015, 30.25.017, 30.25.023, 30.25.043, 30.25.045 and 30.34A.060.”

Evaluation of response comment (x): The applicant has partially responded to this comment by making improvements to the landscaping plans; however, the plans still need more detail and corrections. See review comments for the Chapter 30.25 (Landscaping) on page 50.
Urban Center Comment (y): “Proposed open spaces shall comply with the requirements of SCC 30.34A.070.”

Evaluation of response to Comment (y): The applicant has partially responded to this comment by updating open space information, especially as shown on Sheet A-052. However, there are some errors in the plans. More revisions and corrections are necessary to demonstrate compliance with Snohomish County Code. See plan markups and review of SCC 30.34A.070 (2010) on page 83.

Urban Center Comment (z): “The project will need to comply with urban center design standards that correspond to the following project design elements pursuant to SCC 30.34A.100; 110; 120; 130; 140; 150 and 160:

1. Trash enclosures/service areas
2. Rooftop mechanical equipment
3. Lighting and lighting fixtures
4. Building façade height and roof edge
5. Building massing and articulation
6. Building ground level detail and transparency
7. Overhead weather protection
8. Blank building walls”

Evaluation of response to Comment (z): The applicant did not respond to this comment. 
Second request: A response is still required.

See also detailed review comments for compliance with Snohomish County urban center development regulations (Chapter 30.34A SCC) that begin on page 79.

Urban Center Comment (aa): “Review of the urban center architectural plans did not indicate proposed project signs or sign program. At some point in the application review process, a sign program should be proposed in order to determine compliance with SCC 30.34A.090 requirements.”

Evaluation of response to Comment (aa): The applicant did not respond to this comment.
Second request: A response is still required.

While signage is not a SEPA-level concern, the Design Review Board will need information on signage to consider during its hearing and recommendations for the project. See also detailed comments on design standards for signs (SCC 30.34A.090 (2010)) on page 86.
Urban Center Comment (bb): “Given the proposed removal of the existing sea wall, grading to remove existing soil and placement of additional sand and gravel with the FEMA 100-Year Flood Plain eastward of the Puget Sound shoreline and Line of Mean Higher High Water, a Snohomish County Flood Hazard Permit will be required for the proposal pursuant to SCC 30.65.220(5).”

Evaluation of response to Comment (bb): The applicant did not respond to this comment. **Second request: The Applicant still must apply for a Flood Hazard Permit.**

The memo on flood hazards prepared by Rebecca Samy, Certified Floodplain Manager, dated June 27, 2017, provides additional information on the required Flood Hazard Permit. This memo includes several important warnings to the applicant that the applicant should consider in the context of the overall site plan as well. Presented in a different order than they appear in the original, these warnings read:

The applicant is strongly encouraged to utilize the preliminary flood hazard maps for project design and development and to speak with a flood insurance specialist regarding this project, specifically related to the below grade parking structures and any over water structures (commercial uses on the pier).

[County] Staff would like to reiterate that all development activities within the special flood hazard area requires a permit and is subject to the flood hazard designation and regulations in effect at the time of permit application.

Snohomish County received preliminary digital flood insurance rate maps (DFIRMs) in July 2016 and is in the process of reviewing these maps for potential adoption. Changes reflected on the preliminary DFIRMs will have direct impacts on the proposed project. The majority of the project site, including Phase 1, 3 and 4 will have a coastal flooding designation of AE with a BFE [base flood elevation] of 12’ […]

Stated differently, **it is an important SEPA-level concern that the applicant must apply for a Flood Hazard Permit.** Requirements for flood hazard permits are a moving target because the project does not enjoy vesting to federal regulations in the same manner that it vests to many county codes. The Federal Emergency Management Administration (FEMA) is in the process of revising how it characterizes flood hazards for the Point Wells site. Changes will likely result in stricter regulations applied to the Point Wells development. The lower floors of the three parking garages on the lower bench would all be at 6’ elevation, which is below the base flood elevation for the property. Any approval for garages at this level would be conditional on meeting floodproofing standards. While hypothetically approvable, such garages may prove cost-prohibitive to build. Revising the site plan to bring the garages entirely above the base flood elevation at the construction drawing stage would likely result in other changes – such as to drainage, visual impacts, and the amount of fill material to be moved to and from the site – that may require supplemental environmental review and approval before construction could proceed.

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Urban Center Comment (cc): “Further application review comments will be provided following completion of the project EIS.”

PDS supplement to Comment (cc): This was an informational-only comment and not a specific request for response by the applicant. To clarify the intent of the original comment, Snohomish County may provide review comments to the applicant at any point prior to the project hearing. These comments may include Review Completion Letters (such as this letter) which occur after the applicant submits revisions to their plans or emails, feedback on reports, or similar communications throughout the review process. Snohomish County reserves the right to provide review comments to the applicant after publication of the FEIS and before the project hearing. The applicant may then respond to these last comments before the hearing.

Urban Center Comment (dd): “Proposed public roads, drive aisles and pedestrian facilities shall comply with the applicable requirements of SCC Chapter 30.24, SCC Title 13, SCC 30.34A.080 and the EDDS.”

Evaluation of response to Comment (dd): The applicant has partially responded to this comment by updating their plans for roads, pedestrian facilities, emergency access and through other changes. However, additional revisions by the applicant are necessary to bring the project into compliance with all applicable requirements. If the applicant cannot meet certain requirements, then the applicant may apply for variances from portions of SCC Title 30 or make deviation requests from EDDS. Only one variance request has been received (relating to parking) and the applicant has yet to request any EDDS deviations. See detail discussion of the variance request under review of Chapter 30.43B SCC Variances at page 111. See also the list of possible EDDS deviations necessary for the proposed plans on page 175.

Review of Chapter 30.24 SCC (Access and Road Network) begins on page 37. There are also many issues identified on the marked up plans relating to access and roads.

There is no specific review in this letter for compliance with SCC Title 13. This title establishes that the EDDS establish the basic design standards for roads, sidewalk, bridges, and other features typically found in the right-of-way (SCC 13.05.010). Title 13 also sets forth the type of permits that the project applicant will need for road and bridgework at the construction stage of the project.

See review of SCC 30.34A.080 (2009) beginning on page 84 for discussion of requirements that are specific to the Urban Center zoning that this project has vesting to.

The proposed design has not had thorough review for consistency with EDDS because many changes will take place in response to reviews on other issues. A preliminary review of EDDS that previews possible future comments begins on page 174.
Urban Center Comment (ee): “The attached section of the Snohomish County Assessor’s parcel map appears to indicate that a narrow panhandle of parcel 270335-003-002-00 extends across the current access road to the subject site. Additionally, sheet EX2 indicates a 50’ access easement per King County Cause No 05-2-13678-1 on the west portion if the subject property. If the Assessor’s parcel map is correct, does this easement provide vehicular access rights across the narrow panhandle? If this access easement does provide access rights, please provide a copy of the recorded access easement demonstrating that the owner of the subject property has access rights across the panhandle.”

Evaluation of response to Comment (ee): The applicant did not respond to this comment. **Second request: A response is still required.**

Urban Center Comment (ff): “Please respond to attached agency and public comments received to date.”

Evaluation of response to Comment (ff): The applicant did not respond to this comment. **Second request: A response is still required.**

Please note that there will be a formal comment period following publication of the Draft EIS. The Final EIS must include responses to comments received during the formal comment period. The applicant may choose to defer responding to general public comments until the response section in the FEIS; however, Snohomish County recommends providing responses sooner. Early response to comments would ensure – to the extent possible – clarification of the issues in those comments and in the responses to said comments before the project hearing takes place.
**Issues of Concern**

**Traffic Assumptions**

The traffic study includes a 21% internal capture assumption for the PM peak hour,\(^{19}\) i.e. that residents will make frequent use of commercial services on site without leaving the project area. The Snohomish County Department of Public Works (DPW), since review of the initial 2011 submittal, through the April 17, 2017 resubmittal, has had and continues to concerns with the very high internal capture rates proposed in various traffic studies submitted by the applicant. DPW also has had and continues to have concerns with the assumption that 15% of the trips leaving the site will be by transit.

While review of the traffic assumptions is outside the scope of this Review Completion Letter, it is worth noting here that many of the issues identified in this letter will have some effect on the traffic study when the applicant revises it to account for site plan revisions made in response to this letter. The amount of various uses proposed on the site is the most important variable. Our review of the data tables on Sheets A-200 to A-202 shows that the tables do not accurately reflect the number of floors in each building. With the wrong number of floors, the tables and, by extension, the traffic study do not accurately reflect the proposed development. When making changes to the project design for other reasons, it is imperative that the applicant use correct data in the tables on Sheets A-200 to A-202.

The applicant, Snohomish County, and the EIS consultant will need to discuss the next revisions of the site plan relative to the modeling in the August 2016 version of the traffic study. The point of this discussion will be to determine the suitability of using the August 2016 traffic study in the DEIS. Snohomish County is not making a determination at this time. Please note, however, that the traffic study will almost certainly need updating for the Final EIS to account for new information at that stage.

**Parking**

The April 17, 2017, Urban Center Site Plan does not provide adequate parking for the uses shown. Each phase of the project must include sufficient parking for the uses proposed in that


Snohomish County acknowledges that the preliminary review comments dated May 10, 2017, made reference to an outdated traffic study that proposed a higher internal capture rate. The preliminary review comments are available at [https://snohomishcountywa.gov/DocumentCenter/Home/View/43702](https://snohomishcountywa.gov/DocumentCenter/Home/View/43702).
phase. We acknowledge that significant improvements to the parking design took place between the 2011 and 2017 plans, but more design work and review for internal consistency is necessary. Detailed comments on parking design are under our review of Chapter 30.26 SCC (Parking) beginning on page 54. See also the marked up plans. Most importantly, the plans do not include sheets showing all of the parking levels (the plans must depict each parking area).

Snohomish County cannot support the requested variance (11-101457 VAR) to allow a surplus of parking in the Central Village (phase 3) to offset shortages in phases 1, 2, and 4. Using the applicants own buildout timeline of 5-years per phase, this means that the Urban Plaza and South Village (phases 1 and 2) would exist without adequate parking for 10 years and 5 years, respectively. If the applicant does not withdraw the variance request, Snohomish County will need to recommend to the Hearing Examiner that the Examiner deny the request. See detailed comments on this issue at page 111 under review of Chapter 30.43B SCC (Variances).

**Buildings Greater than 90-Feet in Height**

Building heights for the Point Wells project have generated a great deal of public comment and opposition. Much depends on interpretation of a portion of SCC 30.34A.040 (2010).20 With emphasis added, the relevant portion reads:

1. The maximum building height in the UC zone shall be 90 feet. A building height increase up to an additional 90 feet may be approved under SCC 30.34A.180 when the additional height is documented to be necessary or desirable when the project is located near a high capacity transit route or station and the applicant prepares an environmental impact statement [...]

The project submittal includes buildings greater than 90 feet and an Environmental Impact Statement (EIS) is underway that includes analysis of the relevant issues in SCC 30.34A.040(1) (2010). This leaves an unanswered question:

**Is Point Wells located near a high capacity transit route or station?**

This review completion letter does not answer the question above, nor is it required to. Snohomish County uses review letters to ask applicants for revisions or more information. In this case, we are asking the applicant to provide additional information and opinion. No decision will take place on this issue until the Hearing Examiner renders a decision on the project as a whole. However, opinions on the matter are important because it is a key aspect of the approvability of the proposed design. PDS and DPW will eventually make a recommendation to the Hearing Examiner on the issue and more information from the applicant would help inform that eventual recommendation.

20 See discussion of other issues from SCC 30.34A.040 (2010) on page 111.
The applicant must revise the project narrative to expand on their answer to the question of whether Point Wells is near a high capacity route or station, including identification of specific high capacity transit route(s) or station(s) that would meet this requirement. When making these revisions, the applicant must, at a minimum, consider and respond to the following documents:

- Transit Compatibility Comment Memo from Erik Olson (DPW) dated May 23, 2017
- Snohomish County DPW Rule 4227, relating to transit compatibility criteria
- Public comment email from Tom McCormick to Ryan Countryman dated August 30, 2017

Incomplete Application

The permit applications in 2011 were determined to be complete enough for PDS to accept them and begin review, but were not complete in the sense that additional information was necessary. Since 2011 and through the April 17, 2017, revised applications, the applicant has made progress on providing missing information. However, before the Draft EIS is possible, the applicant must provide several important pieces of information:

1. Mitigation Plan for impacts to wetland, fish, and wildlife habitat (SCC 30.62A.150),
3. Geotechnical Report(s) addressing shoreline stabilization and flood protection measures per (SCC 30.62B.140).
4. Report(s) describing contamination of the site and plans for cleanup, see page 25.
5. Plan sheets for areas not depicted on the site plans, including missing building and parking floor plans.
6. Parking demand study.

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22 Review of Point Wells is per the first revision version of Rule 4227 (October 11, 2004) which was still in effect at the 2011 project submittal. It is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/9849.

23 A PDF of this email is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/46583. The attachment to the original email is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/46586.
Phasing

The phasing concept for Point Wells needs further refinement. Phasing plans need to show how the Urban Center site plan and preliminary short subdivision are achievable. Some of the phasing issues involve internal inconsistencies and logical fallacies. It is necessary to correct for these so that the Draft EIS can identify impacts and potential mitigation measures. PDS strongly encourages the applicant to provide a written phasing narrative that matches any updates to the phasing plan on Sheet A-056. This written phasing plan should also describe the sequencing of cleanup activities if those are to occur simultaneously with construction of the urban center development.

Phase 1
It appears that Phase 1 would include the following elements:
- The South Village
- The Energy Center
- Two new bridges
- A police/fire station
- Envac system
- Temporary emergency access to the esplanade

And possibly
- The bus drop off area
- Retail uses above the police/fire station and Envac system
- Public building

When revising the plans, the applicant must clarify which phase the bus drop, retail areas, and public building would occur. It is also unclear how the secondary access connection would happen when part of the roadway infrastructure would be in Phase 3 (this same question would also affect whether Phase 2 has two accesses prior to construction of Phase 3). Will any petroleum storage buildings remain on site during or after construction of Phase 1? Does Phase 1 include construction of the entire garage below Phase 2? Since the secondary access will cross Chevron Creek during Phase 1, will the relocation of the creek be temporary or will it go to the proposed permanent relocation? How will access to the energy center happen since the plans only show access via a garage that would be part of Phase 3?

Phase 2
This phase would include the buildings on top of a garage to be constructed, or partially constructed during Phase 1. Please clarify if Phase 2 is when the bus drop off or retail areas above the police/fire station become active.
Phase 3
This phase would include the Central Village. Sheet A-056 includes a note that reconstruction of the pier access would occur during Phase 3. Are we correct in assuming that other changes to the pier, such as landscaping and provision of public access, would take place during Phase 1?

Phase 4
Snohomish County’s understanding of phasing for the remediation of contaminants complicates Phase 4 (the North Village). Stockpiling and cleanup of material removed from Phases 1 and 2 would occur at the site of Phase 3. Stockpiling and cleanup for Phase 3 would occur at Phase 4. Where would the applicant stockpile and clean the material from Phase 4?

Miscellaneous Errors and Inconsistencies

There are a number of minor errors and inconsistencies in the submittal drawings. The applicant should correct these in a revised submittal to demonstrate feasibility of the applications. We have identified a number of issues under the heading Miscellaneous Errors and Inconsistencies and Other Issues on page 176. The attached marked up plans also identify many minor issues that the applicant must address. Potential solutions to these issues would alter other aspects of the project including some combination of the site plan, drainage plan, parking, and building heights. Therefore, making corrections to one part of the plans requires the applicant to coordinate with various sub-disciplines on their team. It also means that Snohomish County will need to re-review many aspects of the proposal for internal consistency, feasibility, and agreement with documents submitted for the Draft EIS after the applicant submits revisions to the County.
Project Consistency with Adopted Codes

This section analyzes how and to what extent the proposal complies with all the applicable codes.

General Provisions (Chapter 30.10 SCC)

SCC 30.10.040 Compliance with other laws.
Compliance with Title 30 of the Snohomish County Code does not excuse compliance with other applicable federal, state, or local laws or regulations.

Purpose and Establishment of Zones (Chapter 30.21 SCC)

The intent of the Urban Center zoning to which Point Wells has vesting is to allow:

a mix of high-density residential, office and retail uses with public and community facilities and pedestrian connections located within one-half mile of existing or planned stops or stations for high capacity transit routes such as light rail or commuter rail lines, regional express bus routes, or transit corridors that contain multiple bus routes or which otherwise provide access to such transportation as set forth in SCC 30.34A.085. (SCC 30.21.025(1)(e))

The Point Wells proposal provides for high-density housing along with some office and retail uses as well as substantial public and pedestrian access to Puget Sound. It is also required to provide access to transportation as discussed under the review of the applicable SCC 30.34A.085 (2010) on page 85.

Uses Allowed In Zones (Chapter 30.22 SCC)

Urban Center zoning permits all of the uses proposed for Point Wells. It should be noted, however, that certain uses involving residential occupancy are restricted outside of Chapter 30.22 SCC.

General Development Standards – Bulk Regulations (Chapter 30.23 SCC)

Specific requirements elsewhere supersede many of the general provisions in Chapter 30.23 SCC. See review of SCC 30.34A.040 (2010) Building Height and Setbacks on page 81 for a discussion of building height in general and setbacks from adjacent low-density residential areas. For setbacks from Puget Sound, see the review of the
Shoreline Management Program (Located today in Chapter 30.67 SCC) that begins on page 170.

**SCC 30.23.020 Minimum Net Density for Residential Development in UGAs**
See review of minimum net density for short subdivisions under SCC 30.41B.120 on page 106.

**General Development Standards – Access and Road Network (Chapter 30.24 SCC)**

Point Well has vesting to former Chapter 30.24 SCC as adopted by Ordinance 08-101. This former chapter was in effect from April 21, 2009 to December 31, 2012.

Former Chapter 30.24 SCC, effective 2009 to 2012, shall apply to Point Wells.

Overall approval authority for the road network and associated drainage facilities rests with the County Engineer, with some powers delegated to the Planning Department.

The County Engineer, in consultation with the Fire Marshal, has authority to establish the location, width, and manner of approach of vehicular access, ingress or egress to Point Wells.

After consulting with the International Fire Code (IFC), the County Engineer and Fire Marshal have determined that the April 17, 2017, Urban Center Submittal requires revision in order for it to be in the interest of public safety and general welfare. See the following memos:

- From Lori Burke regarding fire review, dated June 15, 2017
- From Mark Brown regarding internal circulation, dated June 23, 2017
- From Allan Murray and Randy Sleight dated June 15, 2017, relating to the second access road

*The applicant must revise their submittal to (1) provide additional information regarding the secondary access to the site and (2) provide adequate internal circulation in order for Snohomish County to be able to recommend approval of the project.*

**SCC 30.24.040 (2009) Access Requirements for Pre-Existing Lots**
Does not apply to Point Wells

The applicant must demonstrate that Burlington Northern Santa Fe (BNSF) has granted a crossing permit (license) for the proposed development. The applicant shall record said permit (license) with Snohomish County Auditor and present the recorded document to the planning department prior to issuance of development permits. The recorded permit (license) shall include the name of the current property owner or contract purchaser.

While recording of railroad crossing permit (license) is not necessary until after a site plan is approved for Point Wells (because it is not necessary until before development permits, which are issued after the site plan approval), Snohomish County recommends that the applicant confirm with BNSF the number and locations of permits (licenses) early. At present, there are two existing crossings. Both of the existing crossings are proposed to be replaced on the April 17, 2017, Urban Center submittal. One of the two proposed new crossings proposed is described a boulevard bridge that would actually be two parallel bridges, see Figure 7 below. We recommend confirming with BNSF whether they would permit (license) this as one crossing or as two crossings, and then include revisions, if necessary, along with the anticipated resubmittal of the project.

![Figure 7 – Bridge at Boulevard Section Adapted from Sheet C-500](image)


By default, most roads in new development are public roads and this section gives the criteria for deciding whether to allow private roads. All of the roads in the April 17, 2017, Urban Center submittal would be private roads.

Private roads could be allowed at Point Wells due to “unique circumstances of the site, such as topography, the road network of the surrounding area […] or maintenance requirements” per
SCC 30.24.060(1)(c) (2009). At this time, the County Engineer is withholding a decision on the public versus private roads matter, in part because no formal request to allow private roads has been received.

To authorize access by a private road system serving more than 90 average daily trips, the private road system the County Engineer may require the “potential for future conversion to a public road and reconstruction to public road standards” (SCC 30.24.060(3) (2009)). As proposed, the private road system could not convert to a public road system for several reasons. This is in part because it does not meet Fire Code requirements (see fire review memo from Lori Burke dated June 15, 2017.) Another hinderance from meeting public road standards is lack of adequate internal circulation, see memo from Mark Brown dated June 12, 2017. Additionally, the proposed private road system would require a number of deviations from the Engineering Design and Development Standards (EDDS) that would need approval before the County Engineer could approve a private road system.

In order to receive approval for either a private or a public road system, the applicant must revise the urban center application to include a road network that meets fire code and internal circulation requirements.

As stated previously, the April 17, 2017, revisions to the application would require several deviations from EDDS. See detailed comments under the heading Consistency with EDDS on page 178.

This section does not apply to the April 17, 2017, version of the Point Wells project.

Pedestrian facilities are required and shall include sidewalks, curb ramps, traffic control devices and other features called for in this section. Pedestrian facilities are part of the required transportation demand management (TDM) system (see review of SCC 30.34A.080 (2010) Circulation and Access on page 84, and memo from Erik Olson regarding TDM dated May 23, 2017).

It is possible to defer some details of the proposed pedestrian facilities to the construction drawing stage; however, the pedestrian facilities shown on the April 17, 2017, Urban Center

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24 This memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44891.
25 This memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44892.
26 This memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/45381.
submittal are inadequate for the project to meet TDM requirements. The applicant must revise the site plan to show the necessary pedestrian features.

PDS is not providing full markups on the April 17, 2017, site plan with this review. It was clear from a September 6, 2017 meeting between PDS staff and representatives of BSRE that revisions to the site plan in response to other issues such the need to provide fire access to all sides of all buildings will moot many of the would-be markups on the current version of the plans. By mooting, we mean that many minor adjustments on the site plan will need review once more after the next resubmittal. Instead, we are providing limited comments on the April 17, 2017, version that illustrate what we will look for in the next iteration of the project.

Figure 8, below, depicts a portion of the South Village where a typical crosswalk is shown at an appropriate location; however, other crosswalks in the general vicinity will also be necessary on the site plan. In addition to providing more crosswalks, the figure below also shows two areas on the site plan where additional sidewalks are necessary. Revisions to the Point Wells site plan must show an internal network of pedestrian facilities that connect buildings, parking areas, and on-site recreation (SCC 30.24.080(1)(b) (2009)).

Figure 8 – Crosswalks Shown, Crosswalks Needed and Sidewalks Needed
(Adapted from Sheet A-052)

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27 Attendees of this meeting included Dan Seng (Perkins-Will), Mark Davies (MIG/SVR), and Lori Burke, Ryan Countryman and Paul MacCready (Snohomish County).
The internal pedestrian facilities must include accessible routes of travel (SCC 30.24.080(1)(d) (2009)). Sheet A-052 depicts five accessible routes between the village phases of the site and the esplanade. Of these, only the route shown on the south end of this site would meet accessibility requirements as it follows an emergency access road to the esplanade (see Figure 9, next page). The other four routes all have conflicts with other aspects of the project that require revision or clarification.

Figure 9 – Accessible Path that Works (Adapted from Sheet A-052)

Figure 10, next page, shows two depictions of the next accessible route to the north. Per Sheet A-052, it would appear to go through building SV-L3. Yet, as Sheet A-103 more clearly depicts, there is no route connecting building SV-L3 to the esplanade, nor does the floorplan facilitate
such a connection. Rather, it appears that the proposal would include a partial path from the esplanade to the area between buildings SV-L3 and L4. This partial path would terminate where “descending landscape terraces” appear between these two buildings.

![Figure 10 – Accessible Route Issue at Buildings SV-L3 and –L4](image)

Similar to the design issues described above, the next accessible path on Sheet A-052 would go through building SV-T1 (see Figure 11, next page), including a restaurant area depicted for this building on Sheet A-103 (see Figure 12, page 44). Moreover, if the accessible route here were adjusted to skirt the outside of building SV-T1, then it would need to cross a series of steeply descending stairs and terraces as depicted on Sheet G-000 (Figure 13, page 44). The revised application will need to show an accessible route through this area.

In addition to showing the accessible route through the area, we revisit Figure 12 and note that the restaurant at the base of building SV-T1 has no pedestrian entry, accessible or otherwise, nor is the building entrance identified. The revised site plan must address access to this restaurant.

While revising access to the restaurant in SV-T1, please also address some other errata related this use. The proposed restaurant would be far from the loading area behind building SV-T5. As shown on Figure 12, the floor plan precludes loading via the elevator because there is no connection from the elevator to the restaurant because of the layout of the residential units in the building. How will loading work? Since there is no proposed elevator access to the garage, where would the parking, including handicapped parking, be located? Further, there is no accounting for the square footage of this restaurant area in the South Village data appearing on Sheet A-202. The next revision must address this SEPA consistency issue.
Figure 11 – Accessible Route Conflict with Building SV-T1 (Adapted from Sheet A-052)
Figure 12 – Accessible Route to Amphitheater Question (Adapted from Sheet A-103)

Figure 13 – Amphitheater Illustration from Sheet G-000, Depicting Accessibility Challenge
The next accessible path identified on Sheet A-052 would go through building CV-L3. Similar to the path discussed above that Sheet A-052 shows going through SV-L3, there is no connection from this building to the esplanade. There is, however, more detail on Sheet A-102 that depict a path from the esplanade that terminates between buildings CV-L3 and –L4 at a location described as “descending landscape terraces.” The next version of the site plan must address this accessibility issue.

It appears that Sheet A-052 intends to include a final accessible path in the North Village, see Figure 14 below. One possible route suggested by the symbology on Sheet A-052 crosses a feature described elsewhere as “descending landscape terraces.” Another possible route might be steps down the terraces; however, these possible steps terminate without a connection to the esplanade and, in any event, steps alone are not an accessible route of travel. A third option might simply be to use the proposed sidewalk along the road from the roundabout to the esplanade, but this option would also be problematic (see next page).

**Figure 14 – Accessible Path Issues at North Village Adapted from Sheet A-052**
This section of sidewalk would from a finished elevation on top of the parking garage of 28.6’ rapidly to the 15.5’ elevation of the esplanade. Based on the finished grade elevations and distances shown on Sheet C-301, the drop from the garage to the proposed 20’ contour would be 8.6’ in a distance of roughly 23’. This means that the average sidewalk slope here would be approximately 37%, greatly exceeding ADA requirements. The Point Wells project has vesting to the 2009 version of EDDS and there is no specific guidance in EDDS (2009) with respect to maximum sidewalk slope. However, there is clear requirement in EDDS (2009) to comply with ADA requirements. EDDS (2016) includes language that to “ensure ADA compliance in construction, it is recommended that running slopes be designed at 4.5% for a 5% maximum” (EDDS 4-05.A.3 [2016]). Snohomish County will be using this standard from EDDS (2016) to evaluate sidewalk slopes for accessibility requirements when the applicant revises the plans to address accessibility issues.

Figure 15 – Sidewalk Accessibility and Proposed Finished Grade Issue at North Village (Adapted from Sheet C-301)
There must be a physical barrier such as a raised curb or landscaping between pedestrian facilities and roadways (SCC 30.24.080(4) (2009)). The April 17, 2017, submittal only partially provides for these requirements. Figure 16, below, illustrates one example of this concern.

![Figure 16 – Example of Missing Physical Barrier (Sheet C-501)](image)

The Draft Environmental Impact Statement for the project assumes that the project meets the pedestrian facility requirements in order to take credit for transportation demand management (TDM) steps, including internal capture (people walking to dinner at onsite restaurants) and high levels of bus ridership (people walking to the transit center in the Urban Plaza from other phases). The April 17, 2017, second submittal does not provide the required TDM steps (in addition to the comments here, see June 23, 2017, memo from Mark Brown, “Additional detail is needed so that it is clear that all of the structures will be connected by adequate pedestrian facilities” (page 2)). Note that while sidewalks along the private road network must be at least 7 feet wide (absent an approved EDDS deviation request), it is acceptable for walkways from sidewalks to building entrances to be 5 feet wide. In summary, the DEIS assumption presupposes a revised submittal that meets pedestrian facility requirements.

SCC 30.24.090 (2009) Drive Aisles
This section does not apply to the April 17, 2017, permit applications.

SCC 30.24.100 (2009) Fire Lanes

SCC 30.24.120 (2009) Alleys
These sections do not apply to the April 17, 2017, permit applications.

The April 17, 2017, site plan shows a bus facility in the parking area below the Urban Plaza phase and a possible platform for Sounder commuter rail in the Burlington Northern right-of-way as part of either phase III or IV of the project. One purpose of this section is to ensure direct sidewalks or walkways to such facilities.

Since the bus facility would be in the first floor of a parking garage, the parking plans need to designate a walkway to the bus area through the garage.

The would-be sounder platform appears to propose elevator access from the sidewalk on the bridge crossing the railroad tracks. If this platform is to count toward meeting requirements of SCC 30.66B.430, then the applicant must provide documentation from both BNSF and Sound Transit agreeing to consideration of this proposal.

Detailed review of this section occurs during review of construction plans. However, Snohomish County advises the applicant to provide additional early detail on two types of utility: (1) the proposed ENVAC pneumatic garbage system and (2) drainage facilities, especially those conveying existing streams or major drainages. Because some elements of the project design fit many uses into tight areas, the dimensional specifications of piping for both uses may result in differences between the site plan and future construction plans. Two examples:

1. Where parking garages have lower ceilings to provide soil for trees above, will ENVAC piping (and other utilities) create an issue for overhead clearance above parking? The applicant should provide a detail showing this scenario in the site plans.
2. The proposed sediment basin where Chevron Creek would enter a new stormwater conveyance system straddles the parcel line with the property to the east. Is this the applicant’s intent?
General Development Standards – Landscaping (Chapter 30.25 SCC)

Point Wells has vesting to the 2011 version of Chapter 30.25 SCC (see Appendix D: Sections of Chapter 30.25 General Development Standards – Landscaping used for Review on page 195). Additional landscaping requirements apply from the 2011 version of Urban Center Development (Chapter 30.34A SCC), which begins on page 79. This review is for Chapter 30.25 SCC.

**Overall Comments:** The landscaping plans submitted on April 17, 2017, improve on the plans submitted in 2011 in several ways. Most importantly, the plans now show only native plants are in the shoreline area (addressing a previous SEPA concern about the introduction of invasive species near Puget Sound). However, the general level of detail shown is not enough to meet Snohomish County requirements for an approvable landscape plan. There are also conflicts between the landscape plan and the site plan. For instance, Sheet L-101 does not depict the restaurant that would extend beyond the base of building SV-T1; instead, Sheet L-101 includes woodland accent plantings and a tree where the restaurant would be.

Detailed landscaping plans will be required before consideration of the project by the Design Review Board (DRB). Since the 2017 plans removed the non-native plants that the 2011 plans proposed in the shoreline area, landscaping is no longer a SEPA-level concern. PDS recommends that the applicant revise the landscaping plans to provide the full level-of-detail required at the next resubmittal. This is because there are many details to review in the landscaping plans. These may require several iterations of review. However, the applicant may choose to continue with the current level-of-detail during preparation of the DEIS, but must provide the level-of-detail required by code before presenting plans to the DRB.

A number of the proposed plant materials indicated on the landscape plan are not appropriate and the landscape plans will require revision to show other plant materials due to proposed locations. Examples include large tree species in small-enclosed planters, large tree species next to fire lanes, and plant species that do not comply with shoreline environment and critical area plant material requirements. Additionally, some proposed plant materials create conflicts with other non-landscape code requirements. For example, large tree species placed close to roads interfere with emergency vehicle height clearance requirements (See Fire Review Comments letter by Lori Burke, Senior Fire Inspector dated June 15, 2017).

Except for large trees that could interfere with emergency vehicle clearance and access and could create a significant public safety impact, the above landscaping issues do not rise to the level of potential significant environmental impacts. However, comments by other urban center plan reviewers [Fire, Drainage & Geotechnical, Flood Hazard, Traffic, Public Works (Transportation Division) and Shoreline & Critical Areas], will require corrections and/or significant plan revisions and corrections to comply with local and state codes and regulations. Specifically, codes and regulations adopted to mitigate potential significant adverse environmental impacts including but not limited to noise, drainage traffic volume, land stability, public

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safety/emergency access, flooding and air quality. Additionally, making plan revisions and corrections to address comments by one reviewer, could result in creating new code conflicts with other codes and regulations. For example, increasing fire lane width and radii to meet minimum code requirements, and redesigning the second access road that connects with the Town of Woodway to meet maximum fire lane grades could create conflicts with shoreline, critical area and landslide hazard regulations and requirements. In addition, significant revisions to the site plan, for example road and fire lane re-alignment and basic building and parking garage redesign affecting location, height, width, length and other basic development elements would also result in the need for additional environmental review to evaluate if revisions have resulted in unintended additional or increased environmental impacts.

**Level of Review:** Since landscaping plans change in response to other changes in project design and since other changes are expected, this review is not exhaustive. Snohomish County will need to re-review the landscaping plans when the applicant revises the project for other reasons and resubmits the new plans with updated landscaping design.

**SCC 30.25.010 Purpose (2009) and SCC 30.25.012 Applicability (2009)**
This chapter applies to Point Wells. Because there is virtually no vegetation currently on site, the main purpose of landscaping is to enhance neighborhood livability and to mitigate potential land use incompatibility (SCC 30.25.010(1)(a) (2009)). On the uphill side of the Urban Plaza, this chapter also serves to reduce tree loss during land development (SCC 30.25.010(1)(b) (2009)) and to mitigate for this tree loss by providing for tree replacement (SCC 30.25.010(1)(c) (2009)).

**SCC 30.25.015 General Landscaping Requirements (2009)**
This section has nine subsections.

**Subsection (1)** Point Wells is required to landscape a minimum of 10 percent of the total gross site area to the standards in this chapter unless exempted otherwise. The landscaping plans do not include figures for the total amount of landscaping provided. While Snohomish County staff can visually determine that more than 10% of the site would have landscaping, the applicant should revise the plans to include the missing information so that future findings related to the project can state the amount of landscaping provided relative to this requirement.

**Subsection (2)** Allows PDS to withhold building permits until there is an approved landscaping plan for the project. Sub-subsections (a) to (i) describe some of the requirements for the landscaping plan.
Sub-subsection (2)(a) establishes that landscaping plan requirements are defined in a submittal checklist. The comments in this section help establish what remaining information is required for the landscaping plans to be approvable.

Sub-subsection (2)(b) requires the landscape plan to be prepared by a qualified landscape designer. The application meets this requirement because Doug Findlay, a licensed landscape architect, prepared the landscape plans (Sheet L-100 and L-101).

Sub-subsection (2)(c) requires an assessment of “whether temporary or permanent irrigation is required to maintain the proposed landscaping”. There is no such assessment in the landscaping plans and it must be included in a revised application. We note that the plans do not currently show any irrigation system.

Sub-subsection (2)(d) stipulates, “street trees and other right-of-way planting shall be shown on the approved landscaping plan” (emphasis added). Sheets L-100 and L-101 show a number of street trees, but they do not show other right-of-way plantings as required. When the applicant revises the landscaping plan, it should include this level of detail.

Sub-subsection (2)(e) requires that the landscaping plan include the location, caliper and species of all significant trees on the site that are proposed to be removed. The landscaping plan does not include this information. The revised application must include it in order to be approvable. SCC 30.91S.320 defines significant tree as a tree with a caliper of at least 10 inches except dogwoods and vine maples are significant trees if they have a caliper of at least seven inches, and alders are not significant trees. For multiple stem trees such as vine maples, the caliper of the individual stems are added together to determine if a tree meets the minimum caliper for a significant tree.

Figure 17, next page, shows the area that revised landscaping plan must evaluate for significant trees.

Sub-sections (2)(f) and (2)(g) would apply only if the evaluation per (2)(e) determines that significant trees are proposed for removal. (2)(f) says that the landscaping plan shall include the location, caliper or height, and species of all replacement trees. (2)(g) requires a description of why significant trees cannot or should not be retained.

Sub-subsection (2)(h) stipulates, “the landscaping plan shall include a description and approximate location of any trees on adjoining property that may be affected by any proposed activities” (emphasis added). For the purpose of the revised landscaping plan, “any trees” shall mean any significant trees and “any proposed activities” shall mean changes for grading, drainage or second access to the Point Wells site that would affect the health of said trees. Figure 17 illustrates the area where the proposed action may affect trees on adjoining property. Other
changes such as a proposed second access route could expand this area, and the landscaping plan to accompany a revised submittal must meet the requirements of this sub-subsection.

Subsubsection (2)(i) says that the landscaping plan, which is part of the Urban Center application (11 101457 LU), must show the clearing limits of the proposed land disturbing activities (11 101008 LDA). At present, the landscaping plans do not show the clearing limits. In the revised application, they must.

![Figure 17 –Trees to Evaluate per SCC 30.25.015(2)(e), (2)(g), and (2)(h) (2009)](image)

Subsection (3) allows for planting areas outside the right-of-way to include landscape features such as decorative paving, sculptures, fountains and other amenities, provided the area devoted to such features is less than 20 percent of the total required perimeter landscaping.

Subsection (4) relates to providing accessible routes crossing required perimeter landscaping areas. Since the only required perimeter landscaping is on the east side of the Urban Plaza where a steep hill descends to the site, this subsection does not apply (the sidewalk shown for the second access road would not meet accessibility standards due to its grade and would require a deviation). There is related discussion of accessible routes crossing landscaping areas internal to
the site under the review heading for *SCC 30.24.080 (2009) Pedestrian Facility Requirements* that begins on page 39.

**Subsection (5)** states that street trees shall comply with the planting standards in the EDDS. It is worth noting that the applicable version of (5)(a) requires street trees to be at least eight feet in height. The present-day version of (5)(a) has a six-foot requirement; however, Point Wells has vesting to the eight-foot requirement.

Some of the proposed trees and locations do not comply with EDDS and would need EDDS deviations. An example would be the big leaf maple trees that the landscaping plans propose as street trees in the Central Village. Big leaf maples are not an approved street tree.29

**Subsection (6)** sets forth certain landscaping requirements, most of which cannot be evaluated at this time due to lack of detail.

**Subsection (7)** sets forth certain landscaping requirements, most of which cannot be evaluated at this time due to lack of detail.

**Subsection (8)** establishes the requirement for street trees and refers to EDDS for where to find specific standards. The April 17, 2017, landscaping plans (Sheet L-100 and L-101) depict many street trees but do not have sufficient detail to evaluate street tree requirements fully. Specific questions that plans do not answer is which specific species are proposed and where? These questions matter because EDDS describes the average tree spacing expected for small, medium, or large trees. Certain species also wider planter areas than the site plan depicts.

**Subsection (9)** addresses street tree maintenance. This subsection does not apply at the current review stage. It will apply as conditions that the eventual homeowners association documents must address.

**SCC 30.25.016 (2009) General Tree Retention and Replacement Requirements**
Snohomish County cannot evaluate this section until the applicant provides the information required for SCC 30.25.015(2)(i) (2009) above.

**SCC 30.25.017 Type A and Type B Landscaping**
Snohomish County cannot evaluate this section until the landscaping plans provide greater detail.

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Snohomish County cannot evaluate this section until the landscaping plans provide greater detail. These requirements would apply where the Point Wells site abuts lower-density zoning, including the upper bluff property and single-family residences near the Urban Plaza.

SCC 30.25.022 Parking Lot Landscaping
The April 17, 2017, site plan shows most of the parking in underground garages. The parallel parking areas along several roads appear to all have adequate landscaping, although more detail is necessary to confirm the appropriateness of the proposed landscaping. The beach parking area at the south end of the project site is the main concern here. The applicant must revise this parking area to include landscaping per SCC 30.25.022.

SCC 30.25.023 (2010) Stormwater Flow Control or Treatment Facility Landscaping
The April 17, 2017, site plan proposes three types of stormwater flow control or treatment that would require landscaping according to this section. Comments below are general in nature because the landscaping plans lack sufficient detail for a full review.

Bioretention Cells, Type I. Per the civil plans, many of the storm drain systems would terminate at several Type I biotretention cells near the esplanade. Water in these cells would either infiltrate or exit to an existing outfall. The landscaping plans show biofiltration plantings in these general locations; however, there are some differences between the civil plans and the plantings regarding specific locations. The applicant must revise the plans to make them consistent.

Bioretention Cells, Type 2. Type II biotention cells appear on the civil and landscaping plans as areas between on-street parking along the roads on top of the parking garages. See detailed comments under the heading Trees on Parking Garages on page 180.

Biofiltration Between Central and North Villages. The landscaping and civil plans show a large biofiltration area between the Central and North Villages. Several stormdrain systems would convey water to this location where it would enter a stream-like channel that would have riparian edge plantings along it. This feature would offer many of the habitat functions and values of a stream, but it would be classified as a drainage feature because it would not be of natural origin. See review of prior Urban Center Comment (u) regarding contaminants on page 25.
SCC 30.25.024 Outside Storage and Waste Areas
This sections addresses screening of dumpster and recycling areas. The site plans do not show any such areas, nor does Snohomish County expect to see many garbage dumpsters because most of the trash would be handled by the ENVAC disposal system. However, it is not clear if the ENVAC system would also handle recycling. Also, if the amphitheater area is to have permanent dumpster areas rather than just garbage cans available, then these dumper areas show appear on the plans.

SCC 30.24.040 Landscaping Modifications
This section sets for the mechanism where the applicant may request modifications to certain landscaping requirements. The April 17, 2017, landscaping plans lack sufficient detail to determine what, if any, parts of the proposal would require landscape modifications. Note that per SCC 30.24.040(1), the issue of planter strip width along private roads (discussed elsewhere) would require an EDDS deviation rather than a modification (4-foot wide planters are shown rather than the 5 feet required.)

30.25.043 Landscaping Installation
This section does not apply at this time. Any future approval for the project will include conditions to ensure compliance with this section.
General Development Standards – Parking (Chapter 30.26 SCC)

Most of the requirements relating to parking are in Chapter 30.26 SCC. Additional parking requirements are in Chapters 30.25 and 30.34A SCC and in EDDS. Point Wells has vesting to the parking requirement that were in effect in 2011.

Parking Variance: As part of the April 17, 2017, resubmittal package, the applicant requested a variance (11-101457 VAR) related to parking. This request would allow parking at distances greater than typically required under SCC 30.26.020 (2007). Discussion of the variance request occurs in that section and in other relevant sections, including at pages 31 and 111.

Parking Demand Study: Sheet A-053 includes a note that reads, “The project intends to reduce the above parking requirements as allowed through a shared parking study.” Snohomish County cannot consider a reduction in the parking requirements until the applicant has not provides the promised parking study. When revising the site plan to respond to other parking comments, the applicant may also prepare a parking study for consideration by Snohomish County during the next review. If the applicant no longer wishes to provide a shared parking study, then please remove the note on Sheet A-053 and from other documents.

Parking Summary: The plans do not adequately depict parking areas. The site plan application must fully depict all parking areas, per the Urban Center submittal checklist.

1. General Parking Comments. Most of the parking is in garages beneath the buildings. The site plan includes only a small amount of surface parking and a limited number of loading areas for commercial uses.
   a. Missing plans. Parking plans are missing for three parking areas. The applicant must add new sheets or details depicting floors P2 for the South, Central, and North villages.
   b. Accessible parking. All buildings types are required to have access to accessible parking stalls. One in six accessible stalls must be for vans. The applicant must revise the parking plans to provide accessible parking. See comments on accessible parking in the June 27, 2017, review memo from Vic McKinney.31
   c. Commercial parking. The plans do not show adequate parking for commercial uses. The applicant may address this in a parking study or they may revise the plans to propose the required parking for commercial uses.
   d. Garage Access. As proposed, 23 buildings would lack accessible access to parking. The applicant must address this when revising the plans again. See discussion of accessibility issues on page 63.

30 The variance request is available at http://snohomishcountywa.gov/DocumentCenter/Home/View/43173.
31 This memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44895.
e. **Other garage considerations.** Construction plans for the garages will require areas set aside for non-parking uses including columns to support the buildings above and mechanical areas for the required ventilation. The site plan does not depict any such non-parking areas in the garages. The next revision to the site plan should include revisions to the parking plans to anticipate non-parking uses and areas; otherwise, the applicant risks approval for a site plan that cannot receive approval at the construction plan stage without requesting and receiving approval for modifications to the site plan.

2. **Urban Plaza.** Per Sheet A-200, there would be 58,562 square feet of commercial uses plus 256 residential units in the Urban Plaza. The site plan proposes seven parking spaces for commercial uses\(^{32}\) plus one loading space and 317 spaces for residential uses (Sheet A-053).

   a. **Surface.** All seven surface parking spaces are for commercial uses. There are no spaces for commercial uses in the garage levels below. 58,562 square feet of commercial uses requires far more than seven parking stalls. Parking for commercial uses must comply with the parking ratios set forth in SCC 30.34A.050 (2010). The requirements of SCC 30.34A.050 (2010) have been moved to be SCC 30.26.032, see page 69.

   b. **Parking Level 1.** The first floor of the parking garage is at 35’ elevation and includes a bus drop off area (Sheet A-100) with 111 residential stalls (Sheet A-053). It proposes a loading area under building UP-T2 for the commercial uses above the garage (Sheet A-100). This loading area does not provide adequate access for two reasons. First, trucks using it would need to stop in the middle of traffic and then back up against the flow of traffic to get into the loading area. Second, the turning radius at the north end of the garage (under building UP-T1) is too tight for large delivery trucks to navigate. Parking Level 1 also includes areas for the ENVAC system and an area for fire/police services. The revised plans must address these issues.

   c. **Parking Level 2.** This parking floor is at 25’ elevation and has 206 residential spaces (Sheet A-053). The floor design shown on Sheet A-053 suggests that this parking area has the same footprint as Parking Level 1 above. However, Detail 3 on Sheet A-310 appears to show this parking level extending below the fire/police service area in Parking Level 1. The revised plans must fully depict this parking floor.

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32 Terminology on the application varies. In some places, it refers separately to retail uses and commercial uses where ‘commercial’ means office. In other places, ‘commercial’ means retail plus office. For simplicity, this review uses commercial in the broader sense (retail + office) except for where it specifically discusses land use categories and their specific parking requirements or traffic generation rates.
d. **Phasing.** The phasing plan shows the Urban Plaza developing two phases (Sheet A-056). Two retail buildings totaling 26,300 square feet\(^3\) are in Phase 1 per Sheet A-056 but the traffic study accounts for this square footage in project Phase 2.\(^4\) Please clarify.

3. **South Village.** The site plan proposed 652 residential units and 35,791 square feet of commercial uses in the South Village (Sheet A-202). Various sheets do not agree on how much parking the site plan provides. Per Sheet A-053, the total stalls provided in the South Village would be 651. Sheet A-202 gives this number as 713 parking stalls. The revised plans must clarify this difference.

   a. **Surface.** The site plan provides 61 surface parking stalls and one shared loading area for the non-residential uses in this phase (Sheet A-202). Fourteen of the non-residential stalls are parking for beach access (Sheet A-103), leaving 47 parking stalls for 35,791 square feet of commercial uses. This falls short of the required parking for non-residential uses. The revised plans must address these issues.\(^5\)

   b. **Parking Level 1.** The plans must include a new detail or sheet that focuses on this parking level. The only place depicting this parking floor is Sheet A-054, which also includes the first parking floors for the Central and North Villages. Per Sheet A-103, access to Parking Level 1 appears to be via a ramp under the south part of building SV-T2. This ramp appears on Sheet A-054. Sheet A-054 is the only place depicting this parking level. It does not include information on the number of proposed stalls. At least two of the proposed stalls do not appear to meet dimensional requirements, see Figure 18 below.

![Figure 18 – Examples of Questionable Parking Stalls in P1 of the South Village](image)

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\(^3\) Applicant must revised plans to depict square footage of each building. It is possible that this 26,300 sq ft refers to another location.


\(^5\) See also page 249 for specific concerns regarding access to parking and loading for the restaurant at the base of building SV-T1.
c. **Parking Level 2.** Add a sheet or diagram showing parking level 2. Include a detail or details providing information on the ramp between Level 2 and Level 1 (Sheet A-054 only partially depicts this ramp).

d. **Access.** How do buildings SV-L1 to -L5 get access to the garage? The absence direct access implies residents would take an elevator in a different building up to the ground level and then talk to their own building.

4. **Central Village.** Per Sheet A-201, the Central Village would have 1,269 residential units and 44,000 square feet of commercial uses. There would be 1,275 parking stalls for residential use, 75 stalls for commercial uses. See comments below regarding loading areas.

   a. **Surface.** Sheet A-053 proposes 26 commercial and 61 residential parking spaces on the surface level. Some commercial stalls are closer to residential and vice-versa. The site plan depicts several commercial suites as having back door (typically employee) access directly to parking that the plans depict as residential. How does one turnaround in the parking lane that terminates under building CV-T1? Figure 19, below, illustrates a conflict with SCC Table 30.26.065(13) which establishes a minimum drive aisle width adjacent to perpendicular parking stalls of 25 feet, but the plans show only 24 feet (see related evaluation of response to Urban Center Comment (o) on page 22). The applicant must revise the plans to address these issues.

![Figure 19 – Drive Aisle Width Issue Adapted from Sheet A-102](image)
b. **Parking Level 1.** Add a detail or details showing ramps, grades, turning radii and elevations as necessary. The energy center (Sheet A-054 (2017)) appears to have truck parking. Is this interpretation correct? If so, what route, including, turning movements, would trucks take to access this area?

c. **Parking Level 2.** Add a sheet or diagram showing parking level 2 at the Central Village (6’ elevation). Provide details showing ramps between parking levels, include grades, turning radii, and elevations as necessary. Sheet A-054 says that the parking plan for Level 2 is similar to what the sheet shows for Level 1; yet, Level 1 has 59 shared parking stalls near the Energy Center and Sheet A-311 detail 2 shows that Level 2 does not extend below the Energy Center. If this is the case, how can Level 2 have the same number of stalls as Level 1? A detail or sheet depicting parking for Level 2 is required.

d. **Garage Elevations.** Sheet A-311 gives the elevation for garage Level 1 as 13’ and does not give an elevation for Level 2. Sheet A-054 says that Level 1 would be at 16’ and that Level 2 would be at 6’. Please clarify these differences.

e. **Loading.** The table on Sheet A-201 says that there are 3 loading spaces in the Central Village, yet it appears that none of the drawings for this phase actually show loading areas (e.g. Sheet A-102 is where we would expect depiction of loading.) Please clarify.

5. **North Village.** Per Sheet A-200, the North Village would include 903 residential units. Sheet A-053 says that there would be 655 parking stalls provided. There are no commercial uses shown in this phase.
   a. **Surface.** Sheet A-053 identifies the 13 surface stalls as being for “retail/commercial” parking (see Figure 20, next page). Please clarify.
   b. **Parking Level 1.** Sheet A-054 shows 322 parking stalls (based on adding the numbers shown on Sheet A-054). This does not agree with the note on Sheet A-053 saying that there are 321 stalls (see Figure 20). Please clarify.
c. **Parking Level 2.** The site plan implies that this level would have either 321 or 322 stalls, similar to Parking Level 1. The revised plans must add a sheet or detail depicting this parking area so that we can confirm the count.

d. **Ramps.** Add slope information to the ramps and details as necessary to depict. We have two specific questions based on the information provided, illustrated by Figure 21, next page.

   i. Is there sufficient overhead clearance for the drive aisle below the ramp into Parking Level 1?

   ii. What are the slopes and turning radii for the ramp from Parking Level 1 to Parking Level 2?
Accessibility: The parking areas on the site plan do not adequately show that the site is accessible. Compliance needs to be fully demonstrated when the project reaches the construction drawing stage. However, without revisions, aspects of the proposed site plan would preclude meeting accessibility requirements. If the applicant chooses to defer revisions to the construction plan stage, changes to meet accessibility requirements may result in undisclosed environmental impacts unless the applicant performs supplemental environmental analysis.

The International Building Code (2015) (IBC) stipulates that, “Buildings and facilities shall be designed and constructed to be accessible” (IBC 1101.2, italics original). To be accessible, all

36 https://up.codes/viewer/general/int_building_code_2015/chapter/11#11
buildings must comply with IBC Chapter 11.37 The site plan should provide at least one accessible route between each building and the location of accessible parking (IBC 1104.1 Site Arrival Points). The following 23 buildings do not have accessible connections between parking and the building:

1. Urban Plaza: South Retail Building
2. South Village: SV-L1 to L5
3. Central Village: CV-L1 to L13
4. North Village: NV-L1 to L3

The site plan does not include any accessible parking for any of the commercial uses. Revised parking plans must address this.

The site plan includes accessible residential parking for 10 buildings (Sheet A-054). This means 33 residential buildings do not have any accessible residential parking spaces. Revised parking plans must address this.

The site plan shall designate and design one of every six barrier free stalls as a “VAN” accessible barrier free parking stall per IBC 1106.5. The site plan designates zero van accessible stalls. Revised parking plans must address this.

The site plan does not depict garage areas in enough detail to determine whether it provides the required vertical clearance requirement for accessibility. Per ICC A1171 Section 502.8, a vertical clearance of 98” minimum is required at the following locations:

- Parking spaces for vans.
- The access aisles serving parking spaces for vans.
- The vehicular routes serving parking spaces for vans.

Sheet A-311 includes sectional details for garage areas. Please revise these details or add new details showing dimensions as necessary to determine whether the site plan provides sufficient vertical clearance. See Figure 22, next page.

37 See ICC 202 Definitions, specifically for Accessible.
https://up.codes/viewer/general/int_building_code_2015/chapter/2#2
**Conventional vs Compact:** The parking plans do not identify which stalls are conventional and which are compact. Revised plans should identify stall type and include dimensions for parking areas (only some parking areas have dimensions shown). This information is necessary on the plans to determine whether the plans provide an appropriate ratio of conventional vs compact stalls.

**SCC 30.26.010 Applicability**
The parking requirements of Chapter 30.26 SCC shall apply to Point Wells.

**SCC 30.26.015 Maneuvering and Queuing**
PDS has the authority to require changes in proposed parking layout to meet the requirements of Chapter 30.26 SCC and to ensure that maneuvering or queuing vehicles does not block pedestrian routes.

This code section requires that parking at Point Wells shall be “within 300 feet of and on the same lot or building site with the building it serves.” Given that most of the parking will be in four garages under each major phase, Snohomish County interprets this code section as meaning that that the parking for each phase shall be located in the same phase. The applicant has requested a variance from this requirement.
In 11-101457 VAR, the applicant argues that a surplus of parking in the Central Village means that the total project meets the overall parking requirements. The applicant also intends to reduce the total parking required as allowed through a shared parking study.

Snohomish County notes that it has yet to receive such shared parking study from the applicant even though the 2011 application referred to a shared parking study as well.

The revised application proposes parking for each of the four phases plus some additional parking for the public beach access. It does not include any parking for the proposed rail platform or the amphitheater on the beach.

For further discussion of parking, see the review of the urban center parking requirements in SCC 30.34A.050 (2010) that takes place on the next page under SCC 30.26.032, which is the new location of SCC 30.34A.050 (2010).

**Urban Plaza Parking Distance:** The Urban Plaza proposes six buildings. Four tower buildings, UP-T1 to T4 all have direct access to the parking garage below via elevators and therefore meet the requirements of this section. Two retail buildings have access by walking from drop-off area or by riding up one of the tower elevators, presumably in building UP-T4 because it is the closest, and then walking from the elevator. The entrance to the North Retail building appears to be about 300’ from the elevator in UP-T4, so it likely complies with this section.

The South Retail building does not meet the requirements of this section; see Figure 23 below.

![Figure 23 – Parking Access Issue to South Retail Building](Adapted from Sheet A-100 [2017])

Files: 11-101457 LU / 11-101461 SM / 11-101464 RC / 11-101008 LDA / 11-101007 SP / 11-101457 VAR
Author: Snohomish County Planning and Development Services
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Adding a hallway in UP-T4 as suggested by Figure 23, previous page, will not be enough to address access to the southern retail building because the sidewalk and building entrance cannot possibly be at the same elevation. As shown on Figure 24, below, the Plaza floor elevation is 55’, including the elevation in front of the North Retail building. The elevation at Richmond Beach Drive is 35’. The sidewalk will need to ramp up from Richmond Beach Drive to the Plaza Level. Because the South retail building sits adjacent to this ramping sidewalk, there is no way to enter the building directly from the sidewalk and no elevator to enter to the building either.

![Image of Figure 24: Sidewalk and Retail Entrance Elevation Issue](Adapted from Sheet A-100 [2017])

While the parking variance request (11-101457 VAR) partially involves the distance issue from the elevators to the south retail building, the issue of access from the sidewalk remains (see discussion of this variance request under review of Variances (Chapter 30.43B SCC) on page 111). Although PDS will not be recommending an exception to the 300-foot rule in general as requested by 11-101457 VAR, we may consider supporting a more narrowly constructed variance request. Having the South Retail entrance more than 300’ from the nearest elevator may be acceptable if (a) there is a redesign to shorten the distance to the nearest elevator in a manner similar to the suggestion in Figure 23, previous page, and (b) the redesign allows adequate pedestrian access to the building entrance. Alternatively, the design team may wish to consider connecting the retail areas together so that the main entrance(s) are within 300 feet of the elevator. The applicant may propose other options for the County to consider as well.

Please also note that any resubmittal to address the retail access issue above should be coordinated with a response to review of SCC 30.34A.120(1) on page 87 because the location (and exit options) for the elevator may need revision due to building setback requirements.
**Central Village Parking Distance:** It is unclear how some of the buildings in the Central Village will access the parking in the garage. Per Sheet A-102, all of the buildings will have elevators and stairwells (Figure 25, below), yet per Sheet A-054 (Figure 26), only the tower buildings will have direct access to the parking garage.

![Figure 25 – Central Village Area Plan with Elevators and Stairwells Highlighted](image1)

![Figure 26 – Central Village Parking Plan with Elevators and Stairs Highlighted and Approximate Location of Missing Access Points](image2)
This section does not apply to the Point Wells proposal.

This section describes the number of spaces required by use for all zones except Urban Center. Since Point Wells has vesting to Urban Center zoning, which has a separate table showing the number of spaces required by use, this section of code does not apply to Point Wells. See below.

SCC 30.26.032 Additional Parking Requirements for the UC Zone / SCC 30.34A.050 (2010)
Parking ratios, parking locations and parking lot and structure design

Point Wells has vesting to the parking ratios in SCC 30.34A.050 (2010) which were a part of the chapter on Urban Center Development. This former code section was revised slightly and moved into this part of the parking Chapter 30.26 SCC where it made logical sense. The following review is for consistency with former SCC 30.34A.050, but it takes place here (at present-day SCC 30.26.032) because this places the review in context.

SCC 30.34A.050 (2010) gives the required minimum and maximum number of required parking spaces for uses in Urban Center zoning. When combined with the location of parking requirements in SCC 30.26.020 (2007), it is clear that each phase of Point Wells must be able to demonstrate that the phase provides sufficient parking for the proposed uses within the same phase.

There are six subsections in former SCC 30.34A.050 (2010).

(1) Parking Ratios: Point Wells must provide parking consistent with the minimum and maximum ratios in Table 30.34A.050(1) SCC (2010), which are restated in Table 4, below. As determined in the review of SCC 30.26.020 (2007) Location of Parking Spaces, each phase must meet these requirements.

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum</th>
<th>Maximum</th>
<th>Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurants</td>
<td>2 stalls/1000 nsf</td>
<td>8 stalls/1000 nsf</td>
<td>2 spaces minimum</td>
</tr>
<tr>
<td>Retail</td>
<td>2 stalls/1000 nsf</td>
<td>4 stalls/1000 nsf</td>
<td>2 spaces minimum</td>
</tr>
<tr>
<td>Office</td>
<td>2 stalls/1000 nsf</td>
<td>4 stalls/1000 nsf</td>
<td>2 spaces minimum</td>
</tr>
<tr>
<td>Residential (units &gt;1000 sq ft each)</td>
<td>1.5 stalls per unit</td>
<td>2.5 stalls per unit</td>
<td>2 spaces minimum</td>
</tr>
<tr>
<td>Residential (units &lt;1000 sq ft each)</td>
<td>1 stall per unit</td>
<td>1.5 stalls per unit</td>
<td>2 spaces minimum</td>
</tr>
<tr>
<td>Senior Housing</td>
<td>0.5 stalls per unit</td>
<td>1 stall per unit</td>
<td>2 spaces minimum</td>
</tr>
<tr>
<td>All other uses</td>
<td>See SCC 30.34A.050(5)</td>
<td>2 spaces minimum</td>
<td></td>
</tr>
</tbody>
</table>

Table 4 – Parking Ratios from Table 30.34A.050(1) SCC
It is common for an applicant to reconfigure parking to increase efficiency between preliminary and final design. In this case, however, the amount of parking remains a concern due to the differences between what is stated, what the submittal drawings show, and the amount of parking required.

While parking is not directly an EIS-level concern, revisions to the site plan to address comments on parking, particularly the need to show adequate parking for all phases, may result in secondary changes that could necessitate supplemental environmental analysis if the necessary revisions take place after publication of the Draft EIS.

**Subsection (2)** says that, “Parking must be located under, behind or to the side of buildings.” The proposal does this.

**Subsection (3)** says that, “Parking lots must be landscaped pursuant to SCC 30.25.022.” Since nearly all of the parking would be in garages below buildings, only the beach parking area would be subject to this requirement. See comments under the review of SCC 30.25.022 on page 55.

**Subsection (4)** begins, “Parking garage entrances must be minimized, and where feasible, located to the side or rear of buildings.” The Urban Center submittal accomplishes the minimizing the visibility of the parking garages.

Evaluation of the remaining guidance in the subsection relating to lighting and architectural detailing will take place after submittal of building and garage elevations. Garage elevations are not necessary for the Draft EIS, but they will be required before the Design Review Board meeting on the project.

**Subsection (5)** begins, “Uses not listed in Table 30.34A.050(1) must undergo a parking demand analysis by an independent consultant with expertise in parking demand analysis to ensure no more than the necessary amount of parking is provided.” The Point Wells proposal includes three uses not listed in Table 30.34A.050(1) and we do not have enough information about these uses to determine how much parking is required. A revised submittal must include information on the following uses, including independent consultant analysis if necessary:

1. Public access to the beach and pier;
2. Sound Transit station;
3. Police/fire station; and
4. ENVAC loading requirements.
Subsection (6) gives the requirements for requesting a reduction in the parking space requirements of SCC Table 30.34A.050(1). The April 17, 2017, submittal suggests that such a request would be forthcoming with a note on Sheet A-053 (Figure 27, below). Snohomish County observes that the March 4, 2011, version of the plans had the same note, yet Snohomish County has yet to receive the parking demand study. It is also important to state that the plan markups for this portion of Sheet A-053 include other comments that Figure 27 does not depict here.

![Figure 27 – Note Regarding Parking Study (Adapted from Sheet A-053)](image_url)
When a project proposes uses that do not have defined parking requirements, the planning
department may determine how much parking is required. No determination is being made
regarding parking at unspecified uses at this time, rather a request for more information from the
applicant appears under the review of SCC 30.34A.050(5) (2010) on page 70.

This section allows the planning department to approve a reduction in the number of required
parking spaces, subject to certain conditions. Under subsection (3), this reduction can be up to
40% of the required spaces. It is important to note that this only happens “when an applicant
demonstrates that effective alternatives to automobile use, including but not limited to van
pooling, ride matching for carpools, and provision of subscription bus service will be
implemented and will provide an effective and permanent reduction in parking demand.”

The applicant has not provided information to demonstrate a justification for reduced parking. If
the applicant provides the promised parking demand study that this is the subject of several
references in this review letter and on the application itself, then this section would authorize a
reduction in parking required if Snohomish County agrees with the study.

SCC 30.26.045 Mixed Occupancies
SCC 30.26.050 Joint Uses
SCC 30.26.055 Conditions for Joint Uses

Base parking requirements are additive. This means, for example, that commercial parking
requirements are in addition to residential parking requirements. These sections allow for shared
parking if the applicant can demonstrate satisfaction of certain criteria. Snohomish County
encourages the applicant to review these sections and consider citing them in a parking demand
study. Please note that some of the conditions in SCC 30.26.055 would become requirements for
inclusion in a future condominium owners association if the applicant choses to request a
reduction in parking based on these sections.

Loading spaces for trucks and vans are required for certain non-residential uses involving the receipt of material and merchandise. Per SCC 30.26.020 (2007), the location of loading spaces shall be within 300 feet of the building that it serves. This means that evaluation of loading spaces is by phase and for locations within each phase.

Given the number of residential units, it is advisable that the project parking and access plan include consideration of moving vans, but this is not strictly required. Uses proposed at North Village are entirely residential, so no loading spaces are required. The Central Village has retail and restaurant spaces; it is advisable but not required to provide loading space for these businesses. The South Village has retail and restaurant spaces plus one loading space behind building SV-T5. This satisfies the code requirement, but may not meet the practical needs of loading for the restaurant under building SV-T1. (Note that restaurants are not required to having loading within 300 feet per SCC 30.26.060 (2003), only that providing loading access is a good practice. See related comments about building SV-T1 on page 176.)

The Urban Plaza phase does not have enough information on the proposed uses to determine loading requirements (see review of response to 2013 Urban Center Comment (e) on page 16.) The following assumes that the 26,300 square feet of supermarket space in this phase is the only use for which loading is required. However, the issue of loading space at the Urban Plaza will need re-review when the applicant submits revised plans. Per SCC 30.26.060(3) (2003), the number of spaces shall be one “for every 20,000 square feet, or fraction thereof, of gross building area” for supermarket uses. Two loading spaces are required for the market and two are proposed. It is not clear, however, whether adequate space for standing, loading, and unloading has been provided (SCC 30.26.060 (2003)) or whether it is possible that “no part of a truck or van using the loading space will project into the public right-of-way” (SCC 30.26.060(4) (2003)).

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**Figure 28 – Urban Plaza Loading (Adapted from Sheet A-100)**

As proposed, the rights-of-way at Point Wells would be *private*, but Snohomish County takes the position that SCC 30.26.060(4) still applies.

Files: 11-101457 LU / 11-101461 SM / 11-101464 RC / 11-101008 LDA / 11-101007 SP / 11-101457 VAR

Author: Snohomish County Planning and Development Services

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The application also proposes ENVAC (garbage collection/compaction) and fire/police areas in the Urban Plaza. Loading areas for these are proposed, consistent with SCC 30.26.060(m) and the proposed spaces appear to meet the basic dimensional requirements of county code. However, we cannot assume standard dimensional loading to be adequate for these users. Snohomish County recommends that the applicant request letters from the proposed service providers stating that the proposed loading areas are adequate.

Finally, we note that the proposal for the service drive includes 25’ width at the ENVAC and fire/police area but it would then constrict to just 20’ wide in the area of the service loading for the market. The portion with 25’ is consistent with the perpendicular car parking at the police/fire area (see related discussion of former SCC 30.26.065 Parking Lot Development Standards below). However, at the service loading for the market, the application will need to show how “continuous, unrestricted vehicular movement” will be provided if trucks accessing the loading area need to stop, block traffic, and back up to access the loading spaces (former SCC 30.26.065(2)). The same concern exists, to a lesser extent, at the loading for ENVAC and fire/police.

**SCC 30.26.065 Parking Lot Development Standards**

SCC 30.26.065 describes many of the parking lot standards within its 19 subsections. In the context of reviewing the Urban Center submittal, the most important issue from this section is an error on Sheets A-053 and A-054. This error states that drive aisles in parking lots can be 22’ clear for compact parking stalls. Per Tables 30.26.065(14) and (16), drive aisles can be 22’ only when there is:

1. Parking includes conventional parking and angle parking of 70 degrees or less; or
2. All of the parking is compact, the drive aisle is one-way, and the angle parking is 60 degrees or less.

![Figure 29 – Incorrect Reading of SCC 30.26.065 found on Sheets A-053 and A-054](image-url)
Since the design of the parking garages will undergo revisions to comply with Snohomish County parking standards and in response to other design changes on the project, Snohomish County will need to re-review the entire parking design for compliance with SCC 30.26.065. However, we note with respect to the drive aisle issue described above, that 2013 review completion letter on the 2011 applications already addressed the issue. See evaluation of response to 2013 Urban Center Review Comment (o) on page 22. When further refining the parking plans, the applicant should respond to the scenarios such as that shown on Figure 30, below, where the drive aisle width is not sufficient to allow two-way traffic.

![Figure 30 – Drive Aisle Width & Direction of Traffic Issue (Adapted from Sheet A-054)](image)

These 24' wide drive aisles would need to be one-way. Two-way traffic requires drive aisles of at least 25'. SCC 30.26.065.

Up to 40% of the stalls may be compact and the compact stalls must be individually marked on the site plan (SCC 30.26.065(10)). Unless the applicant revises the plans to identify which stalls will be compact, Snohomish County cannot review the parking plans using the sometimes more generous compact parking dimensional requirements.

Files: 11-101457 LU / 11-101461 SM / 11-101464 RC / 11-101008 LDA / 11-101007 SP / 11-101457 VAR
Author: Snohomish County Planning and Development Services
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SCC 30.26.070 Parking Lot Surfacing Requirements
This section does not apply until after construction and before certificate of occupancy.

SCC 30.26.075 Illumination
This section does not apply until review of construction plans.

SCC 30.26.080 Landscaping Requirement for Regulated Parking Areas
This section gives a cross-reference to Chapter 30.25 SCC General Development Standards – Landscaping. See especially review of SCC 30.25.022 Parking Lot Landscaping, which is included below.

SCC 30.25.022 Parking Lot Landscaping
Review of this section from Chapter 30.25 SCC is included here because it fits logically with the review of parking. There are eight (9) subsections.

Subsection (1) requires parking lot landscaping for all [surface] parking areas with more than three parking stalls. Parking lot landscaping is required in addition to any perimeter landscaping required by SCC 30.25.020.

Since most of the parking is in underground garages, only the surface parking stalls need landscaping. Snohomish County interprets the biofiltration swales as intended to provide most of the required parking lot landscaping. The plans appear to depict landscaping for the beach and Urban Plaza parking by other means.

Subsection (2) includes five sub-subsections with specific parking lot landscaping requirements.

(2)(a) Requires landscaping on at least 10% of the parking lot area. Visually, this appears to be the case, but the next revision to the landscaping plans should include additional information to verify.

(2)(b) Requires at least one tree for every seven parking stalls or one per landscaping area or island, whichever is greater. Sheets L-100 and L-101 specifically call out trees in the biofiltration swale areas. Sheet L-101 shows several areas of “Urban Plaza Plantings,” which include trees, near the plaza parking. Sheet L-101 also shows “Woodland Plantings,” which include trees, near the beach parking area.

Other subsections also apply to the Beach Parking area. Snohomish County will re-review this section after the applicant revises the plans.
General Development Standards – Signs (Chapter 30.27 SCC)

This chapter addresses general standards for signage, including requirements for permitting signs in certain locations, types of signs, and examples that illustrate sections of code relating to signage. Many of the sections in this chapter relate to requirements in individual zones and therefore do not apply to Point Wells (because it has vesting to Urban Center zoning). Additional sign requirements applicable to Point Wells are found in former SCC 30.34A.090 which spelled out requirements specific to signs in Urban Center zoning when the Point Wells application was submitted. Review of former SCC 30.34A.090 identifies some issues that relate to both sign and the landscaping plan, see page 86. Former SCC 30.34A.090 was revised and moved to Chapter 30.27 SCC in 2013, where it is now SCC 30.27.047; however, Point Wells is vested to the former version of the code.

Former SCC 30.27.010 Signs: General Requirements
The general signage requirements of this this section shall apply to revision(s) of the Urban Center submittal to include information on proposed signage. When signage information is proposed, the applicant should take special care regarding subsections (6) and (7).

Subsection (6) states that artificial lighting, “shall be hooded or shaded so that direct light of lamps will not result in glare when viewed from the surrounding property or rights-of-way”.

Subsection (7) relates to road crossings of railroad rights-of-way. As written, this subsection applies to all crossings, even bridge crossings as proposed at Point Wells, and precludes signs within 100 feet of rail crossings.

Former SCC 30.27.060 Signs for Particular Uses
This section gives special signage requirements for a number of uses that mostly do not apply to Point Wells. However, signage for the amphitheater, public beach access, and pier would be subject to subsection (3) as signage for “public structure/buildings” unless the applicant specifically requests and receives approval for use of different standards.

SCC 30.27.090 Sign Area Examples
The area of wall, window and monument signs at Point Wells shall conform the examples in SCC 30.27.090. These illustrate the “area” of signs discussed in former SCC 30.27.010, former SCC 30.27.060, and former SCC 30.34A.090.
Historic and Archeological Resources (Chapter 30.32D SCC)

This chapter serves to help identify, evaluate, and protect archaeological and historic resources. While several of the buildings and other structures at Point Wells are old enough for consideration as historic, no building is on any historic preservation list. Therefore, there is no requirement to apply historic preservation standards to the site. This is in contrast to archaeological resources. Sources identify at least two federally recognized tribes, the Muckleshoot and the Tulalip Tribes, as having made prior use of the site. The Muckleshoot Tribe is the successor to the Duwamish Tribe and the Tulalip Tribes are the successors to the Snohomish Tribe. It is likely that both groups used Point Wells at different times in the past. The concern with respect to Chapter 30.32D SCC is the potential to discover previously unknown archaeological evidence of prior use by Native American groups during the cleanup or construction phases at Point Wells.

Urban Center Development (Chapter 30.34A SCC)

Review of Chapter 30.34A SCC refers to the Land Use permit for an urban center site plan, 11-101457 LU, unless otherwise noted. The review is per the code in effect when 11-101457 LU was submitted, i.e. the March 4, 2011, version of code, unless explicitly identified otherwise.

Some of the requirements in Chapter 30.34A SCC are measurable such as building heights. Other requirements involve subjective design judgments. When possible to measure, this review evaluates whether the proposal meets the requirements. On issues of subjective design, this review discusses each requirement and whether the application includes sufficient information to reach a conclusion. It refers recommendations on subjective matters to a Design Review Board (or DRB) that this chapter establishes.

Former Section 30.34A.010 Purpose and Applicability
The version of Chapter 30.34A SCC in effect on March 4, 2011 shall apply for review of Point Wells, unless specifically noted otherwise.

Section 30.34A.030 Permitted Uses
Snohomish County Code allows all of the uses proposed at Point Wells.

Section 30.34A.030 [2010] Floor Area Ratio
The Point Wells proposal is a “mixed-use development” under this section. Mixed-use developments have a minimum FAR of 1.0 and a maximum FAR of 2.0, unless modified by bonuses. The application does not propose to use any FAR bonuses, so the FAR must be within the range of 1.0 and 2.0.

Vesting of Point Wells is to a former definition of FAR which said that FAR was the:

the total building square footage (building area), measured to the inside face of exterior walls, excluding areas below finished grade, space dedicated to parking, mechanical spaces, elevator and stair shafts, lobbies and commons spaces including atriums and space used for any bonus features, divided by the site size square footage (site area).

Floor Area Ratio = (Building area) / (Site area)
(30.91F.445 [2010] “Floor Area Ratio”)
**Numerator:** The building area is the numerator for the FAR equation. Sheet A-050 of the April 17, 2017, Urban Center submittal give the total building area as 3,350,311 square feet. However, the definition in use says that the building area for FAR excludes “mechanical spaces, elevator and stair shafts, lobbies and commons spaces” among other things. The calculation on Sheet A-050 does not exclude these areas, but it should. At the present stage of review, the absence of detailed floor plans makes it impossible to perform a precise calculation of building area. If the applicant includes information requested on the site plan and in the data tables on Sheets A-200 to A-202, then it will be possible to confirm the building area for purposes of this calculation.

**Denominator:** The site area is the denominator for the FAR equation. At the time of application, there was no definition for site area; however, “site” is (and was) defined as “a lot or parcel of land or contiguous combination thereof under the same ownership or control; where a development activity is performed or permitted or on which development is regulated”. Snohomish County issued a code interpretation that concluded that the “use of the phrase ‘site area’ does not include a reduction in the gross site area”.

This means that the entire site, including tidelands, is part of the FAR calculation.

The gross site area on Sheet A-050 is 2,630,110 square feet.

**Calculation:** The April 17, 2017, site plan calculates the FAR for Point Wells as approximately 1.27. However, as described above, this is a rough estimate per code because the application materials do not provide all of the required information.

**Relation to prior review comments:** PDS has commented on the issue of FAR calculations in a Review Completion Letter dated April 12, 2013 and in a request for clarifications to the submittal drawings dated July 29, 2015. In both letters, PDS asked BSRE to provide missing information on building square footages. In the absence of the required information, PDS cannot perform final FAR calculations necessary to confirm consistency with SCC 30.34A.030 [2010].

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40 See page 3 of Code Interpretation 10 106077 CI dated October 5, 2010.
41 Sheet 1 of the April 17, 2017, Short Plat application gives the Total Site Area as 2,653,620 square feet. The revised applications must reconcile or explain why the two figures differ.

Building height and setback issues for the Point Wells project have generated a great deal of public comment. Review of this section of code will therefore receive scrutiny. SCC 30.34A.040 (2010) has three subsections. With emphasis added, the first reads:

(1) The maximum building height in the UC zone shall be 90 feet. A building height increase up to an additional 90 feet may be approved under SCC 30.34A.180 when the additional height is documented to be necessary or desirable when the project is located near a high capacity transit route or station and the applicant prepares an environmental impact statement pursuant to chapter 30.61 SCC that includes an analysis of the environmental impacts of the additional height on, at a minimum:

(a) aesthetics;
(b) light and glare;
(c) noise;
(d) air quality; and
(e) transportation.

The project submittal includes buildings greater than 90 feet and an Environmental Impact Statement (EIS) is underway that includes analysis of (a) through (e). Therefore, the requirement to perform an environmental analysis of the additional height (which implies that a measure to mitigate the impacts of the additional height could in fact be a restriction on additional height) is underway. A common refrain related to this requirement in the public comments is that the proposed private transit service does not meet the “located near a high capacity transit route or station” part of the requirement for having buildings over 90 feet.

The second subsection of former SCC 30.34A.040 addresses the potential placement of tall buildings next to lower density zones in both (2)(a) and (b) and the potential to repurpose first floor residential units to commercial uses in (2)(b). With emphasis added, this subsection reads:

(2)

(a) Buildings or portions of buildings that are located within 180 feet of adjacent R-9600, R-8400, R-7200, T or LDMR zoning must be scaled down and limited in building height to a height that represents half the distance the building or that portion of the building is located from the adjacent R-9600, R-8400, R-7200, T or LDMR zoning line (e.g.-a building or portion of a building that is 90 feet from R-9600, R-8400, R-7200, T or LDMR zoning may not exceed 45 feet in height).

(b) Where the UC zoning line abuts a critical area protection area and buffer or utility, railroad, public or private road right-of-way, building heights shall not be subject the limitation in section (2)(a) if the critical area protection area and buffer or utility, railroad, public or private road right-of-way provides an equal or greater distance between the building(s) and the zoning line than would be provided in this subsection (2)(a). All ground floor residential units facing a public street must maintain a minimum structural ceiling height of 13 feet to provide the opportunity for future conversion to nonresidential use.
Buildings adjacent to lower density residential zones may only be half as tall as the distance to the lower density residential zoning unless another type of setback such as a critical area or railroad right-of-way creates an equal or greater distance. Most of the Point Wells site is separated by both rail right-of-way and critical areas from the lower density zoning to the east and north. On the south side of the Urban Plaza area, however, the site abuts the Town of Woodway. Woodway has two different single-family zones adjacent to Point Wells, R-14,500 and Urban Residential.

While SCC 30.34A.040 (2010) is silent on the matter of zoning in incorporated areas, Snohomish County finds that it is appropriate to treat the Town of Woodway areas with R-14,500 or UR zoning as equivalent to the lower density zones listed in (2)(a). Regarding the application of SCC 30.34A.040(2)(b) (2010) to the area abutting R-9600 zoning, it is unclear whether the landslide hazard area (a type of critical area) and stream setbacks provides sufficient buffering because the information on both provided by the applicant requires further revision. Details on the information required appears on the marked plans for the Short Plat application.

Table 5, below, summarizes information on the proposed Urban Plaza buildings and gives a rough estimate on the distances of these buildings to adjacent lower density zones. It then gives the approximate maximum heights of these buildings, unless revised by either (1) additional information on critical areas, and/or (2) the urban center application is supplemented by a request for variance from SCC 30.34A.040(2)(b) (2010). This table comes with two important caveats:

1. Hypothetical variances would need approval before Snohomish County would allow buildings of the proposed heights at these locations. The requirements and process for variances are in Chapter 30.43B SCC.
2. The distances in the table are approximate because they rely on a process to merge with submittal drawings with GIS data that distorts the data. It is the responsibility of the applicant to provide a revised submittal with the required information at an appropriate and consistent scale.

<table>
<thead>
<tr>
<th>Building</th>
<th>Proposed Height</th>
<th>Approximate Distance to R-14,500</th>
<th>Approximate Distance to UR</th>
<th>Approximate Maximum Height Without Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>UP-T1</td>
<td>175’</td>
<td>422’</td>
<td>112’</td>
<td>61’ or as revised by critical area</td>
</tr>
<tr>
<td>UP-T2</td>
<td>155’</td>
<td>291’</td>
<td>80’</td>
<td>40’ or as revised by critical area</td>
</tr>
<tr>
<td>UP-T3</td>
<td>135’</td>
<td>145’</td>
<td>82’</td>
<td>41’ or as revised by critical area</td>
</tr>
<tr>
<td>UP-T4</td>
<td>125’</td>
<td>36’</td>
<td>129’</td>
<td>18’</td>
</tr>
<tr>
<td>Retail-1</td>
<td>20’</td>
<td>30’</td>
<td>194’</td>
<td>15’</td>
</tr>
<tr>
<td>Retail-2</td>
<td>20’</td>
<td>30’</td>
<td>233’</td>
<td>15’</td>
</tr>
</tbody>
</table>

Table 5 – Approximate Evaluation of SCC 30.34A.040 (2010)

This final issue in SCC 30.34A.040(2)(b) (2010) is the requirement for first floor ceiling heights of at least 13 feet for units facing a public street. As the Point Wells proposal includes only...
private roads, this provision would not apply. Only ground floor residential units facing a public street must maintain a minimum structural ceiling height of 13 feet to provide the opportunity for future conversion to nonresidential use.

Additional setback conditions in former SCC 30.34A.040(3) do not affect the Point Wells proposal.

**Former 30.34A.060 Landscaping**

This section includes landscaping requirements that are specific to Urban Center zoning and in addition to the general landscaping requirements in Chapter 30.26 SCC. It contains six subsections.

(1) **Landscaping next to lower density zones.** Point Wells abuts two lower density zones, R-9600 in unincorporated Snohomish County jurisdiction and R-14,500 in Town of Woodway jurisdiction. As discussed in the review of former SCC 30.34A.040(2), Snohomish County considers the R-14,500 zoning in the Town of Woodway to be synonymous with the intent of buffering lower density zones, therefore, former 30.34A.060(1) shall also apply where Point Wells abuts R-14,500 zoning in Woodway.

(2) through (5) The Landscaping Plan (Sheets L-100 and L-101) appear to meet these requirements, but Snohomish County notes that some aspects of the landscaping plan will need revision after changes are made for circulation and other issues. Detailed review of these subsections will occur on the next submittal.

(6) **Railroad-right-of ways** do not require landscaping, but the landscaping plan does propose to landscape much of the Point Wells site up to the edge of the railroad right-of-way. Snohomish County notes that this will be an attractive amenity for the site.

**SCC 30.34A.070 (2010) Open Space**

Subsection (1) requires a “coherent integrated open space network that links together the various open spaces within the project.” The proposed action includes a coherent and linked series of open spaces. Some aspects of the open space will need revision from changes for circulation and other issues, but the proposal will likely continue meeting this requirement if it maintains the basic approach to open space shown on original submittal. Additional review will occur after the next submittal.

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43 This statement assumes approval of an EDDS deviation to allow private roads. See review comments regarding SCC 30.24.060 (2008) on page 47.
Subsection (2) provides several quantitative requirements for open space. The Urban Center proposal exceeds the amount of open space required. It also meets the requirement to have at least 50% accessible to the public as an active recreation area. There is a requirement to place at least 25% of the active recreation area in a single tract. The concurrent Short Plat application would meet this requirement by proposing to put a majority of the active open space into a new lot or tract (see Short Plat comments beginning on page 98.

Subsection (3) requires provision of one or more types of active uses and provides an illustrative list of such uses. Before Snohomish County can recommend approval of Point Wells, the applicant must update the plans to show specifically how the project will meet this requirement.

Former SCC 30.34A.080 Circulation and Access
This section includes requirements specific to proposals using Urban Center zoning and cites other authorities common to all developments. Many of the requirements here deal with places such as sidewalks and curb cuts where there is interaction between pedestrians and cars. There are 10 subsections.

Subsection (1) references requirements in Chapter 30.24 SCC and the Engineering and Design and Development Standards (EDDS) as applying to Urban Center projects. Point Wells has vesting to the 2011 versions of Chapter 30.24 SCC and the 2010 version of EDDS. Other authorities cited in this subsection do not apply to Point Wells because they are specific to different parts of Snohomish County.

Subsection (2) requires connections between adjacent Urban Center proposals but does not apply to Point Wells because it is the only proposal at this location.

Subsection (3) says that sidewalks “must be designed to include a minimum clear zone of 7 feet for pedestrian travel and a planting/amenity zone of an addition 5 feet between the curb and the clear zone.” Pedestrian areas therefore require a total of 12 feet, of which at least seven must be for sidewalk while the remaining five may be landscaping, benches, statuary or other amenities. Details are not necessary until submittal of construction drawings, but the site plan must be able to show that it is feasible to meet this requirement. Where meeting the requirement is infeasible, the applicant may request a variance (SCC 30.43B).

Subsection (4) requires pedestrian connections, compliant with Americans with Disabilities Act (ADA) standards, through parking lots to building entrances, sidewalks and transit stops. The site plan should comply with ADA requirements, once revisions to address other pedestrian and circulation issues are included, but this will take additional review to confirm. This is not an EIS-level issue, but rather something likely to become a condition of approval for the site plan. Construction drawings must show ADA connections.
Subsection (5) does not apply to the Point Wells site.

Subsection (6) says that internal roads and drive aisles must comply with EDDS and that the County Engineer may approve deviations from EDDS. This proposal would likely require several deviations.

Subsection (7) allows placement of additional pedestrian circulation requirements on a project under certain circumstances. Snohomish County’s review of this subsection is not yet complete, but it has identified a concern with ADA accessibility to the beach through areas described as “descending landscape terraces”.

Subsection (9) requires applicants to “provide transportation demand management measures for developments pursuant to chapter 30.66B SCC with the potential for removing 15 percent of the development’s peak hour trips from the road system.” See review of Chapter 30.66B SCC beginning on page 162.

Subsection (10) allows the County Engineer to determine appropriate regulations in the event of conflicts between provisions in Title 30 SCC.

*Former SCC 30.34A.085 Access to Public Transportation*

This section requires access to public transportation and gives three options how to meet this requirement.

Subsections (1) and (2) do not apply because there are no existing or planned stops or stations for high capacity transit routes within ½ mile of Point Wells. Sheet A-100 shows potential future Sound Transit platforms for commuter rail, but these are not part of the currently proposed action. The applicant has not provided sufficient evidence of working with Sound Transit and Burlington Northern Santa Fe to rely on these for meeting access to public transportation requirements. Finally, as discussed under the review of Chapter 30.26 SCC Parking, beginning on page 54, there is no parking for the would-be commuter rail. A hypothetical Point Wells-resident-only commuter rail stop would not likely generate enough ridership to support commuter rail service at this location.

Subsection (3) allows for “van pools or other similar means of transporting people on a regular schedule” to meet the requirement for access to public transportation. The applicant has supplemented their application with a proposal for charter bus service from the site to the Sound Transit 185th Street Station, with several stops along the way. This supplement is adequate for the purpose traffic assumptions in ongoing EIS review, but any approval of the project will likely
be conditional on additional documentation demonstrating the frequency, routing, and commitment to private bus service.

**Former SCC 30.34A.090 Design Standard—Signs.**
The March 4, 2011, Urban Center submittal does not include any information on proposed signs or a sign program. As suggested in the April 12, 2013, Review Completion Letter, this is not an issue at this stage in review. Specifics on proposed signs and an overall signage program are not necessary until after the EIS is complete. However, it is worth noting that the “base of any freestanding, pole, ground, or monument sign must be planted with shrubs or seasonal flowers” (*former* SCC 30.34A.090(2)). Thus, Snohomish County cannot give final approval to the landscaping plan (Sheets L-100 and L-101) until the locations and proposed plantings for such signs are determined. As the landscaping plans will need revisions for consistency with other adjustments to the site plan, we recommend including information on the proposed location of signs and associated plantings as required under *former* SCC 30.34A.090(2) in the updates to Sheets L-100 and L-101. This will reduce the likelihood of iterative review before approval of a final landscaping plan. (SCC 30.25).

See also review of Chapter 30.27 SCC (General Development Standards – Signs) beginning on page 77.

**Former SCC 30.34A.100 Design Standard—Screening Trash/Service Areas and Rooftop Mechanical Equipment**

Subsection (1) requires screening of garbage collection and service areas. The urban center submittal proposes an overall pneumatic refuse collection system known as ENVAC that would have centralized facilities in the first parking level of the Urban Plaza phase. This system has the advantage of minimizing the need for collection and service areas and associated screening. However, additional information is necessary for site plan approval (and further information will be necessary for construction plan approval).

1. If the ENVAC system is in the Urban Plaza, how will the pneumatic tube system reach it? Will the tubes be located below on the bottom of proposed bridge(s) over the railroad tracks or is the proposal to drill for the tubes below the tracks? If the proposal is to attach tubes to the bottom of the bridge(s), does the elevation of the proposed bridge(s) provide sufficient clearance for the tracks?
2. How are building-level systems tied into the central ENVAC system? While mainly a construction plan issue, the general answer may affect the site plan and urban center submittal in several ways.
a. Are the “service” areas at the ground floor of the towers for ENVAC? We are unable to determine the use of these areas and therefore are unable to confirm whether the square footage is or is not a traffic generating use from the site.
b. If the tower buildings have ENVAC areas, will the same be true for townhouse and midrise buildings? If yes, where is this space? If no, the site plan must show garbage collection areas before final approval. If garbage collection areas are outside, then the building elevations will need revision to show either architectural treatment (e.g. walls) similar to the adjacent buildings or screening with landscaping.
c. Will garbage collection for the public areas – e.g. the amphitheater, beach, and pier – tie to the ENVAC system or will it be in standard cans screened by walls or landscaping?
d. If there are any outdoor garbage collection areas that will have screening via landscaping, then the landscaping plans need to reflect this. See SCC 30.25.024.

Subsection (2) requires screening of rooftop mechanical equipment. While details for this are an issue for review at the construction drawing stage, we note that the required building elevations must include screening.

**SCC 30.34A.110 Design Standard—Lighting**
This section includes lighting standards that the project must meet. The Overall Lighting Plan provided, Sheet E-050, does not provide enough information to evaluate this section. Confirmation that proposed lighting meets design requirements will take place during the review and approval of construction drawings.

**SCC 30.34A.120 Design Standard—Step Back and Roof Edge**
This section is made of four subsections.

**Subsection (1)** requires “any parts of the building façade over 60 feet high facing a public right-of-way and those portions of buildings facing [lower density residential zones to be] stepped back at least 10 feet from the first floor façade.” The proposed road system would be private roads, so this requirement would only apply to those parts of the Urban Plaza facing lower density zones. Specifically, this would apply to buildings UP-T1 to UP-T4. Sheet A-310 acknowledges this step back but does not actually show the buildings being stepped back, see Figure 31, below.
The required 10-foot step back for the towers on the Urban Plaza creates a problem for where elevators appear within the buildings as shown on Sheet A-100. Options to consider during the preparation of a revised site plan include: (1) Moving the elevators by 10 feet to accommodate the step back on the upper floors, or (2) Applying for and potentially receiving a variance from this requirement as allowed for under Chapter 30.43B SCC (Variances). If the elevators need to move, then the retail and office space would need to be redesigned, possibly altering the useable square footage of each. Similarly, the location of elevators within the parking garage would affect the parking garage design. The design determines the number of stalls provided.

Finally, we note that upper floor step backs would reduce the floor plate of these upper floors. This means that the tables on sheets A-200 to A-202 summarizing square footage and number of units would need revision.

Subsection (2) says that façades of “floors that are stepped back must be distinguished by a change in elements [followed by a list of possible elements] so that the result is a rich and
organized combination of features that face the street.” In the context of Point Wells, this subjective requirement only applies to the towers in the Urban Plaza discussed in Subsection (1) above. These are the only buildings that may be required to have setbacks. For the purpose of this subsection, the “rich and organized combination of features” would face the adjacent lower density zones rather a street.45 Because this is an admittedly subjective measure, Snohomish County will refer Subsection (2) to the Design Review Board for them to address in their recommendation to the Hearing Examiner.

It is important to note that no building elevations for the towers in the Urban Plaza have been provided, despite having been requested in the April 12, 2013, Review Completion Letter. The absence of these required elevations makes completing review of Subsection (2) impossible. The applicant must submit these building elevations as part of the revised submittal package.

**Subsection (3)** requires that buildings with pitched roofs must have a minimum slope of 4:12. The April 4, 2011 Urban Center submittal did not include all of the required building elevations, so it is impossible review this requirement adequately. However, the elevations provided suggest that the townhouse and mid-rise buildings would have flat roofs and therefore be exempt from this subsection. The Central Village tower elevations, on the other hand, show a questionable amount of roof pitch as shown on Figure 32, below.

![Figure 32 – Central Village Roof Pitch Elevations Adapted from Sheet A-300](image)

45 That is unless these buildings end up facing a second access street that is required for the project but not shown on the site plan.
Snohomish County will refer the issue of roof pitches to the Design Review Board for a recommendation. The applicant may also need to request a variance to allow this design.

**Subsection (4)** would allow alternative stepbacks per *former* SCC 30.34A.180. The first option in the section cited involves development agreements, which is an approach that the Point Wells project has not taken. The second option involves Design Review Board recommendations and a decision by the Hearing Examiner. This is the basis for referring stepbacks and roof pitches to the DRB. DRB referral is an interim step before a decision by the Hearing Examiner.

**SCC 30.34A.130 Design Standard – Massing and Articulation**

This section has four subsections addressing the base, middle, and top of building as well as offering a route for alternative standards.

The April 17, 2017, urban center submittal does not include enough information to evaluate this section. The April 12, 2013 Review Completion Letter requests elevations for the other types of buildings (comment (k) on page 2), but the applicant has not responded to this request. Absence of this level of building detail does not affect the EIS process, but it is necessary as part of final site plan approval and it is unclear whether the Design Review Board will be able to make recommendations on this section.

**Subsection (1)** requires buildings over 30 feet in height to have a distinguishable base at ground level using “articulation and materials such as stone, masonry, or decorative concrete.” The townhouse units along the beach and the freestanding retail buildings in the Urban Plaza will be less than 30 feet in height. The midrise buildings and tower buildings will all be over 30 feet.

For the tower buildings, more detail on materials at the base of the building will be necessary for final design. At the Design Review Board stage, the lack of detailing is problematic because it makes it difficult for the DRB to provide meaningful input and recommendations. Review of these base areas overlaps with the ground-level detail and transparency requirements in SCC 30.34A.140.

Regarding articulation, the site plan uses curves and protruding façades to meet this requirement as illustrated by Figure 33, next page.
Subsection (2) requires the top of buildings\(^\text{46}\) to emphasize a “distinct profile or outline with elements such as projecting parapet, cornice, upper-level setback or pitched roof line” (emphasis added).

Some of the character sketches suggest elements such as described in this subsection, but substantially more design of the buildings is necessary before PDS or the DRB will be able to complete their evaluations. The potential design options suggested by the character sketches would require adjustments to other aspects of the project, such as square footage and number of units. Figure 34 on the next page highlights a tower building in the Central Village that appears from the character sketch to have cantilevered upper floors. This would create a distinct profile. It would also increase square footage of these upper floors, contrary to the data table on Sheet A-102 and the typical floor plans on Sheet A-300. Similarly, there are elements from the character sketch for the South Village appear to meet requirements of this subsection but would reduce the overall square footage of these buildings. Smaller square footages would be in contradiction of the data tables on Sheets A-200 to A-202.

\(^{46}\) While the code language is ambiguous about when this subsection applies, it is the practice of PDS to apply it to buildings greater than 30 feet, similar to Subsection (1), rather than to all buildings.
Figure 34 – Retail in Central Village Adapted from Sheet G-002

Is this a "distinct profile" created by a cantilevered upper floor?

Figure 35 – South Village Questions Relating to SCC 30.34A.130(2)

Note that each floor on the left half (north side) of the building steps back. Is this an "upper-level setback" per SCC 30.34A.130(2)?

All towers shown have one side that is shorter than the other side. Is this because of large clerestory walls or windows (see next figure) or because one side is a story or two shorter? Does this meet the "distinct profile" requirement? If there is a difference in upper floors, the typical floor plans must reflect this.
When revising the building elevations and floor plans for a revised submittal, the information provided must have enough detail to show County staff and the Design Review Board if the shorter building sides pointed to on the previous page are indeed a story or two shorter, or just clerestory rooflines.

**Subsection (3)** recommends that the middle of buildings over 60 feet tall may be “distinguished from the top and the base by a change in materials or color, windows, balconies, step backs and signage.” This would only apply to the tower buildings, but as Figure 36, shows below, the only tower elevation does not include this type of detailing.

![Figure 36 – Central Village Tower Elevations Adapted from Sheet A-300 (2011)](image)

Subsection (4) provides that an “alternate design for massing and articulation may be approved under [former] SCC 30.34A.180 provided the design reduces the apparent bulk of multi-story buildings and maintains pedestrian scale.” It is therefore possible that the Hearing Examiner could approve massing and articulation designs different than called for in this section. However, the part of the basis for the Hearing Examiner decision would be recommendations from the Design Review Board. The sparse level of the detail in the April 17, 2017, Urban Center submittal is insufficient for the DRB to make anything other than preliminary recommendations.
SCC 30.34A.140 Design Standard—Ground Level Detail and Transparency
This section provides design requirements for the first floor of the commercial and mixed-use buildings. The submittal drawings do not show enough detail for Snohomish County or the DRB to make any recommendations other than the proposed design needs to show more detail.

Former SCC 30.34A.150 Design Standard—Weather Protection
Weather protection is required for street-facing façades intended for pedestrian activity and connectivity within Point Wells. The submittal drawings do not have enough information to fully review this section, but we note that the elevations for the towers in the Central Village include canopies and that the character sketch for this same area also seems to include weather protection.

SCC 30.34A.160 Design Standard—Blank Walls
This section provides design options to meet a requirement that blank walls longer than 20 feet have visual interest. While we expect that most of the buildings will have enough windows and articulation to avoid the potential for blank walls exceeding 20 feet, the submittal drawings do not have enough building elevations to allow evaluation of this section. Blank wall treatment is a subject that will be part of the discussion of the Design Review Board for guiding recommendations.

Former SCC 30.34A.165 Pre-Application Neighborhood Meeting
A pre-application neighborhood meeting would need to be held meeting the requirements of this section before the DRB could convene.

Former SCC 30.34A.170 Submittal Requirements
The Urban Center submittal on April 17, 2017, provided the types of material required for submittal. After initial review, this submittal was determined to be complete for further processing the application. As noted elsewhere in this letter, several changes to the proposal are necessary before Snohomish County can recommend approval to the Hearing Examiner. Many of the submittal requirements in this section also apply to any resubmittal to address issues identified elsewhere.

SCC 30.34A.175 Design Review Board
This section establishes the Design Review Board that is responsible for holding an open public meeting discussed in the next section.

Former SCC 30.34A.180 Review Process and Decision Criteria
This section includes three subsections. Subsection (1) allows for a process leading to a Development Agreement, which would create standards specific to the site and where processing of the application would occur under Chapter 30.75 SCC. The period for a Development
Agreement has passed and processing of Point Wells will be per Subsection (2). Subsection (3) describes some additional requirements that apply to Point Wells.

**Subsection (2)** requires the Design Review Board to hold an open public meeting that will form the basis for recommendations from the DRB to the Hearing Examiner. Since Point Wells abuts both the Town of Woodway and the City of Shoreline, Snohomish County shall invite these jurisdictions to provide their own recommendations to the Hearing Examiner, per former SCC 30.34A.180(2)(d). Snohomish County shall respond to the comments and recommendations from other jurisdictions in its own recommendations to the Hearing Examiner (former SCC 30.34A.180(2)(c)). The Hearing Examiner will then hold an open record hearing\(^{47}\) to consider the recommendations from the DRB, adjacent jurisdictions, Snohomish County and other information such as the Environmental Impact Statement for the project as well as any other information provided by the public during the hearing. After closing the open record hearing, the Hearing Examiner will issue a decision – e.g. approve, deny, approve with conditions, or remand – on the Point Wells proposal. This decision shall follow the process in Chapter 30.72 SCC.

**Subsection (2)(a)** requires the DRB to hold “one open public meeting with urban center project applicants, county staff, neighbors to the project, members of the public, and any city or town whose municipal boundaries are within one mile of the proposed urban center development or whose urban growth area includes the subject site or whose public utilities or services would be used by the proposed urban center development to review and discuss proposed site plans and project design.” Based on this, parties invited to the DRB meeting shall include:

- The Applicant (or representatives);
- Snohomish County Staff;
- Neighbors to the project;\(^{48}\)
- Members of the public;\(^{49}\)
- Town of Woodway;\(^{50}\)

\(^{47}\) This section discusses both “open public hearings” and “open record hearings”. Open public hearings as held by the DRB are open to the public, meaning that the Snohomish County and the DRB will encourage the public to attend. Open record hearings, such as those held by the Hearing Examiner, are also open to the public and the “record” part means that there will be opportunities for the public or other parties to submit new information or testimony into the project record. The Hearing Examiner must then include this information in the decision on the project (unless, as occurs in rare instances, the information is determined inadmissible by the Hearing Examiner and struck from the record).

\(^{48}\) Snohomish County generally sends postcard invitations to owners of property within 500 feet of a site. For this DRB meeting, Snohomish County may choose to send invites to a wider area as allowed under SCC 30.70.045(5). No decision has been made regarding how to define “neighbors to the project” in this instance.

\(^{49}\) In this context, members of the public means parties of record, i.e. people who already commented on the project, as well as anyone else who chooses to attend.

\(^{50}\) Woodway abuts the Point Wells site and Snohomish County considers the site to be within the Town’s Municipal Urban Growth Area (MUGA), per Snohomish County Countywide Planning Policy.
- City of Shoreline;\textsuperscript{51} and
- City of Edmonds.\textsuperscript{52}

The agenda for the DRB meeting shall include the site plan and project design. “Site plan” might refer to the March 4, 2011, Urban Center Submittal or, depending on timing, the site plan could be a revised project submittal that Snohomish County expects from the applicant after issuance of the Draft EIS. The code is flexible regarding the timing of the DRB open public meeting and, as of the date of this letter, the timing is uncertain.

Likewise, the project design portion of the agenda may address the April 17, 2017, Urban Center submittal or it might address a revised project application. Discussion of design will include, but not be limited to, the following areas discussed in the review elsewhere in this document as shown in Table 6 below.

<table>
<thead>
<tr>
<th>Item Number\textsuperscript{53}</th>
<th>Subject</th>
<th>Code Section</th>
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<tbody>
<tr>
<td>1</td>
<td>Site Plan (in general)</td>
<td>Former SCC 30.34A.180(2)(a)</td>
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<tr>
<td>2</td>
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<td>3</td>
<td>Screening Trash / Service Areas and Rooftop Mechanical Equipment</td>
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<td>4</td>
<td>Lighting</td>
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</tr>
<tr>
<td>5</td>
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<tr>
<td>6</td>
<td>Building Massing and Articulation</td>
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<tr>
<td>11</td>
<td>Possible Deviations</td>
<td>EDDS</td>
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Table 6 – Design-Related Agenda Items for Design Review Board Consideration

\textsuperscript{51} The southern tideland portion of Point Wells abuts the City of Shoreline, which is in King County, and Shoreline may be the ultimate provider of services such as police and fire protection. Shoreline considers Point Wells to be in its Potential Annexation Area (PAA). In King County, PAAs are generally equivalent to MUGAs in Snohomish County. However, Snohomish County does not recognize King County PAAs per Snohomish County CPP.

\textsuperscript{52} While Edmonds is less than one mile from the Point Wells site, it is not possible for Edmonds to annex because Woodway and Shoreline (and Puget Sound) surround the site. Edmonds has provided some comments on Point Well previously. Snohomish County will invite Edmonds to the DRB meeting because it meets the distance requirement and has previously commented on the project.

\textsuperscript{53} This item number is to keep track of agenda items, but does not to indicate what order discussion should follow.
**Subsection (2)(b)** instructs the DRB to provide written recommendations to PDS and the applicant on potential modifications to the project. The recommendations become part of the project application. The staff recommendation to the Hearing Examiner must address the recommendations from the DRB. This typically happens by a combination of the following:

1. The Staff Recommendation can describe which aspects of application comply with the DRB recommendations (including, possibly, those things that changed on the application in response to the DRB);
2. The Staff Recommendation may use the DRB recommendations as a basis for recommending that the Hearing Examiner require conditions to enforce the DRB recommendations; or
3. If staff disagrees with recommendations from the DRB or sees them as infeasible, staff must include findings in the Staff Recommendation to document the reasons why the Hearing Examiner should exclude the DRB recommendations from the project approval.

**Subsection (2)(c)** provides conditions that the Hearing Examiner must consider when making a decision on the project. These conditions include:

- (2)(c)(i). Lists three chapters that the project must comply with. These are Urban Center Development requirements in this chapter (Chapter 30.34A SCC which begins on page 79); compliance with the Access and Road Network requirements in Chapter 30.24 SCC (beginning on page 37); and the Landscaping requirements of Chapter 30.25 SCC which begins on page 50).
- (2)(c)(ii). Requires consistency with the comprehensive plan.
- (2)(c)(iii). Requires that the “proposal will not be materially detrimental to uses or property in the immediate vicinity.” Evaluation of this broad requirement will take place in an environmental impact statement for the project.
- (2)(c)(iv). Includes several design features that the proposal must demonstrate and which will be addressed by the Design Review Board in their recommendations on the project as well as in review under this chapter.
- (2)(c)(v). Requires that the project provide high-density residential and/or non-residential uses.
- (2)(c)(vi). Includes requirements for pedestrian access and transit linkages.
- (2)(c)(vii). Requires that Point Wells provide public access to the water and shoreline consistent with the Snohomish County Shoreline Management Master Program, see discussion beginning on page 170.

**Subsection (2)(d)** provides for involvement of adjacent cities and requires Snohomish County to respond to city comments in its Staff Recommendation to the Hearing Examiner. The Town of
Woodway and the City of Shoreline have been involved in the project and Snohomish County will include responses to their comments as appropriate.

**Subsection (2)(c)** allows a concomitant agreement to enforce conditions of approval if the Hearing Examiner approves the project. This supplemental review completion letter and the Environmental Impact Statement for the project will preview likely conditions. The staff recommendation to the Hearing Examiner will include a list of recommended conditions and, if approved, the Hearing Examiner decision will include the final list of conditions.

**Subsection (2)(f)** allows the Hearing Examiner to deny the project without prejudice and, if this happens, allows the applicant to reactivate the project.

**Section (3)** has three subsections.

**Subsection (3)(a)** establishes additional noticing requirements for Urban Center projects such as Point Wells.

**Subsection (3)(b)** addresses revisions to Urban Center submittals and will likely be revisited when the applicant proposes the expected revisions to the April 17, 2017, Urban Center Submittal.

**SCC 30.34A.190 Public Spaces and Amenities.**
This section requires on-site recreation (*former* SCC 30.34A.070) and pedestrian circulation (*former* SCC 30.34.080) to be installed “with completion of the first building or first phase of the development if the overall development is to be phased.” Given the scale of and phasing of the Point Wells proposal, installation of recreation and pedestrian amenities will be on a phase-by-phase basis. Much of the beach access will be completed in the first phase. Other recreation and pedestrian circulation elements within each phase must be complete before issuance of occupancy for the first building\(^5\) in that phase.

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\(^5\) In this context, first building refers to residential or commercial buildings. Construction and occupancy for the parking garages, including the energy center, ENVAC, and police/fire areas within them, must be complete before recreation and circulation elements on the top of the garages are finished.
Short Subdivisions (Chapter 30.41B SCC)

The following comments are mainly in response to the Point Wells short subdivision submittal documents received on April 17, 2017 (11-101007 SP). In places, they also refer to the Urban Center Site Plan revisions submitted on the same day (11-101457 LU). The principal scope of these comments is to review for consistency with Chapter 30.41B SCC Short Subdivisions (aka short plats).

**Background:** BSRE first submitted a short plat application and supporting documents on February 14, 2011 (file 11-101007 SP). This version proposed nine lots for future phasing of the Urban Center Site Plan application submitted on March 4, 2011 (file 11-101457 LU). Snohomish County provided comments on these applications in a review completion letter dated April 12, 2013. BSRE responded to the review letter on April 17, 2017, with revisions to both the short plat and urban center applications.

The April 17, 2017, resubmittal of the short plat shows eight lots and one tract for future phasing (see Figure 37, next page). Review of this chapter refers to the short plat permit except as specifically noted otherwise.

A brief narrative describing the purpose of the short plat was part of the first submittal on February 14, 2011. The April 17, 2017, resubmittal did not update this narrative. While updating the narrative is not a formal requirement, some of the other technical review memos refer to out-of-date information in the narrative when discussing the April 17, 2017, resubmittal. Because the narrative will eventually become an exhibit in the hearing for the project, and because the version on file has created confusion among staff, we should request the applicant to submit a revised narrative when they respond to our other review comments on the April 17, 2017, short plat materials.

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Figure 37 – Overall Plan for Preliminary Short Plat (from Short Plat Sheet 1 of 3)
Prior Comments and Responses:

PDS provided seven general comments, identified as (a) through (g) regarding the short plat proposal in 2013. See pages 5-6 of the April 12, 2013, Review Completion Letter: https://snohomishcountywa.gov/DocumentCenter/Home/View/31057. These comments and PDS’ evaluation of the response is below.

Short Plat Comment (a): “Please revise project plans sheet 2 to indicate more detailed explanation of use of all existing structures within 25 feet of external property lines pursuant to SCC 30.41B.040 (submittal requirements)”

Evaluation of response to (a): The short plat drawings now show that there are no structures within 25’ of the external property lines. The revisions to the short plat drawings fully address this issue.

Short Plat Comment (b): “Please revise plans to show all recorded easements & easement language, if not already shown.”

Evaluation of response to (b): Most of the recorded easements now appear and include easement language. A few easements that lack enough information to plot (i.e. draw on the plans) are identified as such. While the revised plans fully address the strict reading of this comment, implicit in the original comments and clearly stated on the short plat submittal checklist is a requirement to show proposed or modified easements too. Additional comments regarding proposed easements (or lack thereof) appear below and on the marked up drawings.

Short Plat Comment (c): “Please revise short plat site plan to more clearly indicate proposed vehicle access to all proposed lots.”

Evaluation of response to (c): The revised plans show an updated “Public Access Easement.” However, this easement does not include all proposed legal access to lots and buildings as required by EDDS 3-05 (see markups). It also conflicts with the Urban Center Site Plan by proposing a route for the Public Access Easement that follows a slightly different alignment than what appears on the site plan. This discrepancy is near where the second access crosses the railroad tracks and identified on the markups. Applicant is required to revise the plans to include all required access easements and to make the easements on the short plat application consistent with the access routes on the Urban Center Site Plan.
**Short Plat Comment (d):** “Nine subject property tax parcels are indicated on the master application and short plat plans cover sheet. However, only five legal parcels are indicated on short plat site plan. Please revise plans and application accordingly to indicate correct number of legal parcels for the subject property.”

Evaluation of response to (d): Applicant did not address. See further elaboration by PDS under Issue 1: Legal Descriptions below. Applicant still must address this issue.

**Short Plat Comment (e):** “Environmental checklist submitted with the short subdivision application is missing Attachment “C” (visual analysis).”

Evaluation of response to (e): An Environmental Impact Statement (EIS), which is to include a section on visual impact analysis, began subsequent to the 2013 request for this information. The applicant and PDS are working on refining the Urban Center alternative for this EIS (these comments are part of that process). Visual analysis will appear in the Draft EIS (DEIS) and is therefore no longer required explicitly for the Short Plat application because it will be completed by the Final EIS.

**Short Plat Comment (f):** “The proposed short plat will need to comply with applicable vehicle and pedestrian access and roadway design requirements of SCC Chapter 30.41B (Short subdivisions) and the applicable road frontage landscaping requirements of SCC Chapter 30.25 (General development standards - landscaping).”

Evaluation of response to (f): These issues are generally outside the scope of this review memo on Chapter 30.41B. However, we note that other review comments (both already completed and forthcoming) highlight ongoing need for additional work by the applicant to respond to these issues.

**Short Plat Comment (g):** “According to SCC 30.41B.200 (Design standards), access to a short plat property and access to all lots shall be provided by a public road designed and constructed in accordance with EDDS if the Average Daily Trip (ADT) generation for the proposed nine lots is more than 90 trips. Based on the projected trip generation for the short plat, the ADT will be more than 90 trips, therefore a public road will be required to provide access to the subject property and to all proposed lots.”

Response to (g): The applicant has not formally responded to this comment. Instead, there have been conversations with Snohomish County staff regarding possible mechanisms to request use of private roads on site. To date, the applicant has not submitted such a request to Snohomish County for consideration. Mechanisms that might allow private roads include: (1) a deviation
according to the Engineering Design and Development Standards (EDDS)\textsuperscript{57} Section 1-05, (2) a development agreement pursuant to Chapter 30.75 SCC, or (3) some other mechanism still to be determined. The public vs. private road issue is not one of significant environmental impact. However, PDS notes that it cannot make a positive recommendation on the proposed preliminary short plat until after the applicant makes a request through some mechanism to allow private roads.

**General Short Plat Comments (based on April 17, 2017, Short Plat Revisions):**

**Issue 1: Legal Descriptions.** PDS Survey has not reviewed the Project Legal Description on Short Plat Sheet 1. PDS Survey will review the legal description during a subsequent iteration of the project. While this is not a SEPA issue, it may become an issue hindering approval of the preliminary plat or preventing recording at the final plat stage. Based on the Project Legal Description, the applicant identifies five (5) parcels (A, D, E, F, and G), but for tax purposes, at present, the applicant identifies eight (8) parcels (not to be confused with the eight proposed in the April 17, 2017, version of the application). Some of the eight present-day parcels may represent segregations by the Assessor for tax purposes only. Hence, it may be that the five parcels shown are the correct legal description; however, the short plat application does not provide enough information for PDS to make this determination.

Please add discussion in the short plat narrative and/or a sheet on the plans that depicts the present-day parcels and clarifies what parcels, if any, the Assessor has segregated for tax purposes only. This will facilitate future review by PDS Survey.

**Issue 2: Conflicts between Short Plat and Urban Center Site Plan.** Wherever possible, the proposed short plat should not create lots or tracts that bisect buildings or other improvements. The attached markups identify several areas on the proposed short plat that would have lot lines that cut through parking garages or ground floor restaurants. While not a SEPA issue, the applicant should adjust the proposed parcel lines to avoid conflicts. Alternatively, the applicant should include information with a revised application explaining how ownership would work if the proposed lot lines were to remain. See also Issue 3, below.

**Issue 3: Lots vs Tracts.** In general, land is either a lot or a tract. Lots must have areas suitable for existing or future building (SCC 30.41B.200(2)). Tracts are for commonly owned areas or for areas owned by others but which are not intended for development. Typical examples of tracts

\textsuperscript{57} See [https://snohomishcountywa.gov/DocumentCenter/View/31198](https://snohomishcountywa.gov/DocumentCenter/View/31198).
include large critical areas, private roads, and drainage facilities. For Point Wells, the specific uses proposed in each area complicate the lots vs tracts issue. See markups and comments below.

The April 17, 2017, version of the short plat application proposed eight lots and one tract.

Lots 1 and 2 make up the Urban Plaza portion of the site plan. As proposed, this area would be two lots; however, the markups raise the question as to whether it should be one lot rather than two. If two, is the lot line in the right location?

Lot 3 would include roads, drainage facilities, the energy center and the public building. These uses would argue for the proposed Lot 3 to be a tract rather than a lot. However, some of the parking garage for the Central Village (Lot 7) would also be in Lot 3. Please address.

Lot 4 would be the South Village. As detailed on the markups, restaurant space and a portion of the parking garage under building SV-T1 would extend beyond Lot 4 onto lots 3 and 5. Please address.

Lot 5 would contain beach area, the amphitheater, and access to the Pier. Putting this area in a tract rather than a lot would allow a smaller shoreline protection buffer per former SCC 30.62A.320(1)(f).

Lot 6 would contain beach area, roads, and drainage features. Putting this area in a tract rather than a lot would allow a smaller shoreline protection buffer per former SCC 30.62A.320(1)(f).

Lot 7 would contain the Central Village, minus part of the parking garage that would be in Lot 3. Additionally, the markups show where part of the restaurant under building CV-T7 would extend from Lot 7 onto Lot 3. Please address.

Lot 8 would contain the North Village. No comments at this time.

Tract 999 is the tidelands and has labeling as a CAPA (Critical Area Protection Area). No comments at this time.

**Issue 4: Easements.** The proposed Short Plat shows many existing and a few proposed easements. In several places, the attached markups identify existing easements that may need modification to implement the Urban Center Site Plan. Part of the proposed public access easement on the Short Plat does not match the Urban Center Site Plan. More information from the applicant is necessary to understand the easements benefiting King County/Brightwater. The short plat plans need to add additional public access easement(s) to the beach, esplanade, pier and related site plan features. The plans must show existing and proposed pier access easements.
across the beach and tideland areas. The portion of the pier that is outside Snohomish County jurisdiction must also appear for reference.

**Issue 5: Critical Areas.** The short plat (and the Urban Center Site Plan) must depict all critical areas and buffers within 300’ of the site as required by the short plat submittal checklist and SCC 30.62A.130 (Wetlands and Fish & Wildlife Habitat Conservation Areas) and SCC 30.62B.130 (Geologically Hazardous Areas). The absence of these features on the plans is inconsistent with Snohomish County SEPA requirements (see SCC 30.62A.030 and SCC 30.62B.030).

Currently, the plans omit three streams and two wetlands that the applicant’s own critical areas report discusses. The markups show the approximate locations of these features and refer to the relevant parts of the Critical Areas Report by David Evans and Associates, dated March 10, 2017.58

A further missing feature on the short plat and Urban Center Site Plan (as well as the Critical Areas Report itself), is a wetland and buffer on the King County Brightwater parcel that is within 300’ of the Point Wells project site. The applicant must revise all three sets of documents to show (or discuss) this wetland on the Brightwater parcel. A Critical Areas Site Plan (CASP) depicting this wetland and buffer appears under Snohomish County Auditor file number 200607030209. This document is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/46253.

The applicant must depict geologically hazardous areas consistently on both the short plat and urban center applications. See markups.

**Review of Chapter 30.41B Short Subdivisions by Section:**

**SCC 30.41B.030 Procedure and Special Notice Requirements**

Processing of the Point Wells short subdivision will include quasi-judicial review and approval by the Hearing Examiner. This is because it has vesting to Urban Center zoning per SCC 30.72.020(11) and is to be processed as a Type 2 quasi-judicial decision process per the applicable version of SCC 30.34A.180.

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SCC 30.41B.040 Submittal Requirements
This section has two subsections.

Subsection (1) requires short subdivision applications to comply with a short subdivision checklist as prepared by PDS.59 The project file includes a checklist, also dated February 14, 2011, for the related land disturbing activity permit (11-101008 LDA), but it appears to be missing the short subdivision checklist.60 No short plat checklist was submitted with the April 17, 2017, resubmittal. A handful of items from the checklist are missing on the application. These are not SEPA-level concerns, but the applicant will need to address them in order for PDS to be able to recommend preliminary approval. See markups.

Subsection (2) requires a preliminary short plat map prepared by and bearing the signature and seal of a registered professional land surveyor. The current preliminary short plat map submission was on April 17, 201761 and it bears the seal and signature of Gilbert J. Laas, a registered professional land surveyor. No changes necessary.

SCC 30.41B.100 Decision Criteria
This section gives the criteria that a short subdivision application must satisfy in order to receive approval. The proposed preliminary short plat generally meets the criteria, but PDS would be required in its staff recommendation to note several deficiencies to the Hearing Examiner. The Hearing Examiner could address these deficiencies by placing conditions on the final short plat, by remanding the short plat for further refinement, or by denying the proposal. PDS recommends that the applicant revise the short plat application to address the deficiencies discussed in this letter and on the markups attached to it before PDS is required to submit its staff recommendation to the Hearing Examiner.

SCC 30.41B.120 Decision Criteria: Minimum Net Density
All short subdivision in urban growth areas must include calculations showing that they meet the minimum net density provisions of four dwelling units per net acre in SCC 30.23.020. Net density is the “density of development excluding roads, drainage detention/retention areas, biofiltration swales, areas required for public use, and critical areas and their required buffers pursuant to chapters 30.62A and 30.62B SCC” (SCC 30.23.020(2)).

59 The appropriate version of the Short Subdivision Checklist is available at: https://snohomishcountywa.gov/DocumentCenter/View/9241
60 The Land Disturbing Activity Permit application and checklist are available at: http://snohomishcountywa.gov/DocumentCenter/Home/View/32675
61 The short plat map is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/43168.

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While Point Wells will comfortably exceed the minimum net density requirement of four dwellings per net acre, the calculation on the short plat application is for gross density rather than net density. Gross density is the density on the entire site area. Net density uses a net area that excludes the items listed in SCC 30.23.020(2). The applicant must update the short plat data and minimum net density calculations per Snohomish County Code and markups on the plans.

SCC 30.41B.200 Design Standards
This section has five subsections. Subsection (1) does not apply. Subsection (4) refers to the roads and access review under Chapter 30.24 SCC that applies more to the Urban Center Site Plan review. Subsection (5) refers to the landscaping requirements of Chapter 30.25 SCC that also applies to the Urban Center Site Plan review rather than the short plat review. Therefore, only Subsections (2) and (3) apply here.

Subsection (2) says that each “new lot shall have an accessible area suitable for construction pursuant to SCC 30.41A.235.” This reference says that:

Each new lot shall have an accessible area suitable for construction of at least 1000 square feet and located outside any required building setback, unbuildable easement, required buffer, or critical area, except that for lots in a planned residential development, there is no minimum construction area.

In other words, the requirement in Subsection (2) is to create lots on which it would be possible to build something. Most often, short subdivisions are to create building lots for houses or duplexes. However, as described in the short plat project description, the purpose of the Point Wells preliminary short plat application is to “establish four legal lots representing the main project phases of the future redevelopment of the site […] Additional lots are proposed for open space, recreational and other common purposes” (emphasis added).62 The short plat description describes four building lots for redevelopment. Based on the April 17, 2017, version of the short plat, this implies an additional four lots and one tract for other purposes. Unfortunately, the lot layout does not match this description. When revising the short plat to address these and other related issues, please also update the short plat narrative.

Subsection (3) says that, “short subdivisions located in special flood hazard areas shall comply with the provisions of SCC 30.65.110(3).” A portion of the Point Wells site is in a special flood

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hazard area. See review of Chapter 30.65 SCC requirements in the memo from Rebecca Samy to Paul MacCready dated June 27, 2017, which includes short plat comments on page 3.\(^63\)

**SCC 30.41B.300 Preliminary Short Subdivision Approval – Term**

**SCC 30.41B.310 Revisions After Preliminary Short Subdivision Approval**

These sections are not applicable until the short plat has received preliminary approval. Please note that there have been amendments to both sections since the short plat application was submitted in 2011. SCC 30.41B.300 and .310 are not land use control ordinances that vest under state law or the County Code. Thus, the term of approval for the preliminary short plat shall be the term in effect at the time of approval and any subsequent amendments thereto. Likewise, if the applicant proposes revisions following preliminary approval, then processing of the revisions shall follow the procedures in effect at the time of the proposed revision.

We note that SCC 30.70.140 sets forth that a short subdivision application generally expires after 48 months. On March 31, 2016, PDS extended the expiration date for the short plat (and other applications) to June 30, 2018 as per SCC 30.70.140(4).\(^64\) The short plat and other applications will almost certainly require further extension by the PDS Director before June 30, 2018, due to the ongoing EIS process. SCC 30.70.140(2) allows such extension. Specifics regarding possible future extensions will be determined when an overall review completion letter for the April 17, 2017, resubmissions is complete.

**SCC 30.41B.400 Installation of Improvements**

This section has three subsections. Subsection (1) will apply after preliminary approval. Subsection (2) relates to water from wells and is not applicable to the proposal.

**Subsection (3)** relates to improvements that are required as part of the preliminary short subdivision approval. This subsection grants the PDS Director authority to require the applicant to take certain steps toward physical improvements necessary to receive preliminary approval of the short plat. Steps may include everything from submitting plans showing how the applicant will accomplish something to actually constructing required improvements.

A partial list of items that PDS will need to be able to recommend approval of the preliminary short plat to the Hearing Examiner will include:

\(^{63}\) This memo is available at: [https://snohomishcountywa.gov/DocumentCenter/Home/View/44894](https://snohomishcountywa.gov/DocumentCenter/Home/View/44894)

\(^{64}\) The letter granting this extension is available at: [https://snohomishcountywa.gov/DocumentCenter/Home/View/32865](https://snohomishcountywa.gov/DocumentCenter/Home/View/32865).
1. Crossing approvals from BNSF since the preliminary short plat configuration proposed two (or three)\(^{65}\) crossings over the railroad.

2. An updated Shoreline Management Permit (11-101461 SM) that is consistent with both the Short Plat application and the Urban Center Site Plan application. This is because boundaries of several of the proposed lots (or tracts) depend on using an approvable replacement seawall as a boundary.

3. Written agreement between King County and BSRE that that the proposed revisions to the Brightwater access are acceptable. This agreement must be clear that King County agrees with both the change in access route and access width (from 25’ to 20’).

SCC 30.41B.600 Final Short Subdivision Application Approval – Timing
SCC 30.41B.605 Final Short Subdivision Application Approval – Form
SCC 30.41B.610 Approval Procedure for Final Short Subdivision
SCC 30.41B.620 Monumentation

These sections do not apply at the current preliminary plat stage. Please note that SCC 30.41B.600 has been amended since the short plat application was submitted in 2011. SCC 30.41B.600 is not a land use control ordinance that vests under state law or County Code. Thus, the term of approval for the final short plat shall be the term in effect at the time of approval and any subsequent amendments thereto.

30.41B.630 Dedications

The Urban Center Site Plan proposes to use private roads. If private roads are approved, then subsections (1) and (2) would not apply because there would be no need to dedicate these roads to the public. Therefore, only subsection (3) applies to the short plat.

Subsection (3) describes standard easements to be shown on all lots created by short plats. The description of easements in this subsection applies to short plats that create lots for single-family development. Hence, some of this subsection does not apply to the Point Wells proposal. For instance, not all utility easements are necessary on the seaward side of parcels and tracts abutting Puget Sound or the tidelands. However, other utility easements must be shown as necessary to construct the project. In addition to addressing easement issues on the attached markups, the applicant must revise the short plat proposal to include the following minimum easements:

1. Drainage easement(s) for the property commonly known as the Upper Bluff;
2. Public access easements along sidewalks, the amphitheater, pier, and beach areas;
3. Any other existing easements on the Point Wells site;

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\(^{65}\) This depends on how BSRE perceives the proposed boulevard bridge. PDS is asking BSRE to confirm with BNSF whether BNSF sees this as one crossing or two. If BNSF considers the boulevard bridge to be two crossings, then BSRE will need to provide three licenses for railroad crossings.

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4. Any existing offsite easements to benefit the owners of Point Wells; and
5. Any other proposed easements necessary for construction, such as for temporary
   construction access.

SCC 30.41B.635 Acceptance of Conveyances
SCC 30.41B.640 File with Auditor

These sections do not apply at the preliminary plat stage.

SCC 30.41B.650 Homeowners Association

This section requires establishment of a Homeowners Association (HOA) for purposes of tract
ownership and maintenance.

The “tracts vs lots” issue identified above and the attached markups call out language on the
preliminary plat that is of concern with respect to future establishment of an HOA. Please
address the tracts vs lots issue and relevant markups. This is a SEPA issue because it relates to
protection and maintenance of the tidelands, beach, and other critical areas onsite.

For future final plat approval, PDS notes that this section also calls for a covenant “that restricts
the use of the tracts to that specified in the approved preliminary plat.” The preliminary plat
narrative submitted in 2011 was not updated with the April 17, 2017, resubmittal. This narrative
discusses uses on the pier that cannot be approved (e.g. small shops and restaurants) unless they
are added to the Urban Center Site Plan. Per prior communications with the applicant, instead of
updating the site plan to add these uses, the applicant intends to remove them from the short plat
application. However, this has not yet happened and PDS will not be able to recommend
approval of the short plat until such uses are dropped from the short plat narrative or added to the
Urban Center Site Plan. This is a potential SEPA issue insofar as adding uses to the Pier in the
Urban Center Site Plan would require updating SEPA documents such as the traffic study to
reflect these additional uses.
Variance requests are the mechanism by which the applicant could ask for adjustments to specific regulations. Variances vest at the time of application for the variance. This means that Point Wells does not have vesting to the March 4, 2011, version of Chapter 30.43B. Rather, the processing of any variance requests will follow the version of this chapter in effect at the time of the request. Variances are different from requests to deviate from Engineering Design and Development Standards (EDDS). Variance and deviation requests have different processes.

Variances may apply to any development standard contained in Subtitle 30.2 SCC, chapters 30.31A through 30.31F SCC, Chapter 30.34A SCC, Chapter 30.42B SCC and Chapter 30.42E SCC. A variance shall not permit uses that Title 30 SCC prohibits (SCC 30.43B.010).

Flood Hazard Permits (Chapter 30.43C)

At least one, and probably at least two, Flood Hazard Permits are necessary for the Point Wells project to receive approval. Depending on project phasing, it may be preferable if the applicant applies for multiple flood hazard permits to reflect various stages of development. However, the applicant will need to provide more information on phasing before PDS can determine or recommend how many flood hazard permits are appropriate (see detailed comments about phasing on page 34). In general, it looks likely that the first step would be a flood hazard permit for remediation (possibly more than one depending on phasing of remediation is phased). The next flood hazard permit would be associated with the Land Disturbing Activity (grading) permit for importing fill material to the site (again, maybe more than one permit needed here depending on phasing).

The project proponent has not yet applied for a flood hazard permit, despite having advice in the April 12, 2013, Review Completion Letter that a flood hazard permit will be required (see comment (bb) on page 5 of the letter). Since the approval of the project depends on the applicant making other revisions to their various permits, we recommend that the applicant make a concurrent request for a flood hazard permit when they submit other permit revisions. Snohomish County cannot approve the Urban Center site plan without also approving a flood hazard permit.

Review of the flood hazard permit will be for consistency with the requirements of Chapter 30.43C SCC that exist at the time of the future application. The following review is consistent with the July 2016 version of Chapter 30.43C SCC and is informational only. It refers to flood hazard permits in the singular for simplicity only. In addition to the standards of this chapter, the
flood hazard permit must also comply with *Chapter 30.65 SCC Special Flood Hazard Areas* (see page 155).

See also Flood Hazard Review Memo from Rebecca Samy, Certified Floodplain Manager, dated June 27, 2017. This memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44894.

**SCC 30.43C.010 Purpose and Applicability**
The lower bench of Point Wells is in a *special flood hazard area*, specifically, floodway fringe zone AE per FEMA FIRM Panels 53061C192E and 53061C1294E, both effective 11/9/1999 (see review of Chapter 30.65 on page 155). Point Wells is therefore subject to the requirement for having a flood hazard permit. We note here that the scope of the flood hazard permit may need to include new structures such as parking garages that are below the base flood elevation of 10-feet. This is in addition to the “removal of the sea wall, grading to remove existing soil and placement of additional sand and gravel with[in] the FEMA 100-Year Flood Plain” cited as reasons for needing a Flood Hazard Permit in the April 12, 2013, Review Completion Letter (ibid).

**SCC 30.43C.020 Flood Hazard Permits**
This section describes process options and authorities for flood hazard permits. Processing of the flood hazard permit for Point Wells could happen administratively (as a stand-alone permit without a hearing) or concurrently with other permits that require a hearing. We recommend the latter option.

Concurrent processing of the flood hazard permit will save time, avoid confusion, and reduce expense in the overall project processing. Project opponents may appeal an administrative permit the Hearing Examiner. Given the longstanding public opposition to the Point Wells proposal, an appeal of the flood hazard permit is almost a certainty. Since both the appeal and the project approval would involve hearings before the Hearing Examiner, concurrent processing would avoid potential delays that could occur by having the flood hazard permit on a separate track with its own timelines (and potential delays) for noticing and appeals. Given the complexity the various permits for Point Wells, concurrent processing simplifies understanding of the project for the applicant, review staff, and the public. While some project opponents may complain that Snohomish County is recommending for consolidation of permits because such consolidation would result in a process with fewer opportunities to appeal and delay the project, we note that Snohomish County may deny a proposal such as an administrative flood hazard permit “in order to avoid incurring needless county and applicant expense” (SCC 30.61.220). Unless the applicant can provide persuasive reasoning for applying separately for their flood hazard permit, we would
see no reason to accept an administrative permit that would likely result in an extra “do loop” for project review.

**SCC 30.43C.030 Additional Submittal Requirements**
This section describes the current submittal requirements for a flood hazard permit. Some of the requirements ask for the same types of information required on the other Point Wells permits, e.g. a site plan showing location of streams, topography, etc. This bolsters the recommendation that a concurrent application would be the most efficient process for permit review. See also review of the requirements of SCC 30.65.150 (page 160) which the submittal for a flood hazard permit must also meet.

**SCC 30.43C.040 No Liability**
This is a general disclaimer.

**SCC 30.43C.050 Time Limitations of Application**

**SCC 30.43C.100 Decision Criteria – Flood Hazard Permit**

**SCC 30.43C.200 Permit Expiration**
Flood hazard permit applications and approved permits expire per SCC 30.70.140. SCC Table 30.70.140(1) gives flood hazard permit applications 18 months before the application expires. Approved permits have 18 months from the date of issuance. In addition, start of construction must commence within 180 days. Modifications to these timelines are possible per SCC 30.70.140(2). Sub-subsection (2)(a) allows suspension of the expiration of application until 18 months after a Final Environmental Impact Statement is issued. Sub-subsection (2)(b) allows the Hearing Examiner to extend applications and approval for longer periods.

For Point Wells, a concurrent application for a Flood Hazard Permit will not expire until at least 18 months after the FEIS issuance. PDS would recommend to the Hearing Examiner that application expiration also be extended for, and made conditional on, an additional period as necessary for the applicant to work the the Washington Department of Ecology on a separate EIS focusing on environmental cleanup of the site per SCC 30.43C.100(2). If the applicant were to request a flood hazard permit with the stand-alone administrative option, the flood hazard permit would surely expire before the applicant could obtain the other necessary approvals.
Shoreline Permits (Chapter 30.44 SCC)

The majority of the Point Wells project site is in the Shoreline Environment and subject to Snohomish County’s requirements in Chapter 30.44 SCC. These requirements respond to the Washington State Shoreline Management Act of 1971 (commonly called the Shoreline Management Act or SMA). Point Wells has vesting to the version of Chapter 30.44 SCC adopted under ordinance 02-064, which was effective from February 1, 2003 to July 26, 2012.

The tidelands and pier west of the Ordinary High Water Mark (OWHM) are in the Conservancy shoreline designation. Most of the proposed development is between the OWHM and the railroad tracks – i.e. the south, central, and north village phases – where the shore designation is Urban. The Urban Plaza phase east of the tracks does not have a Shoreline environmental designation. It is important to note that the courts have held that a project with interrelated effect on both uplands (non-shoreline jurisdictional areas) and shoreline areas cannot be segmented for purposes of complying with the SMA. Therefore, the entire Point Wells site must comply with SMA.

The project, as proposed, requires the issuance of a shoreline substantial development permit by Snohomish County. The proposal is therefore subject to use regulations for the Urban Shoreline Environment as well as environmental management, use element and use activity policies, and natural system consideration listed in the Snohomish County Shoreline Management Master Plan (SCSMMP). The proposal has been reviewed in accordance with the following applicable SCSMMP policies and regulations.

POLICIES: (Applicable Policies)
REGULATIONS: (Applicable Regulations)

Environmental Policies – Urban Shoreline Environment

**Former 30.44.010 Title**
to
**Former 30.44.205 Permits Required**
A Shoreline Substantial Development permit is required for the Point Wells proposal before a substantial development in the shoreline area may take place. None of the possible exemptions from a shoreline permit applies. The request for a shoreline permit associated with Point Wells is file number 11 101461 SM. Unless otherwise noted, the following review of this chapter refers to 11 101461 SM.

**Former 30.44.210 Application for Shoreline Substantial Development, Shoreline Conditional Use, or Shoreline Variance Permits**

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This section lists submittal requirements for shoreline substantial development permits, including 11-101461 SM. The application meets the basic submittal requirements, but there are a few required mapping and other items worth noting:

Subcondition (8)(c) Ordinary High-Water Mark (OHWM): PDS notes that the drawings for the Urban Center Submittal from March 4, 2011, make interchangeable use of the terms OHWM and Mean Higher High Water (MHHW) (underline added by PDS). Some pages show OHWM and others show MHHW. This latter term, appears to be intended to refer to Mean High Higher Tide (MHHT), which is synonymous with OHWM at salt water locations per RCW 90.58.030(2)(c). For clarity, when there are revisions to the application for other reasons, please update the pages that refer to MHHW so that they refer to either MHHT or OHWM.

Subcondition (8)(g) Source, composition, and volume of fill material: More information is necessary before a shoreline substantial development permit can be issued regarding the source and composition of fill material, including information on decontamination and replacement of existing materials on site. The volume of materials to be moved will likely need updating to remain consistent with future revised project submittals. These details do not need to be final until after the Environmental Impact Statement (EIS) for the Urban Center application is complete. However, fuller information on these topics will be necessary for the separate EIS that we anticipate for the environmental remediation requiring authorization from the Washington State Department of Ecology.

Subcondition (8)(i) Location of proposed utilities: Additional information is necessary regarding the ENVAC system and the nearby Brightwater outfall, among other details.

Subcondition (8)(j) Shoreline designation according to the master program: The application is required to show the shoreline designations per the master program. The March 4, 2011, submittal lacks this information. It must be included in the revised submittal.

Subcondition (9)(c) Vicinity map showing general nature of land uses within 1,000 feet in all directions: The April 17, 2017, submittal lacks this information. It must be included in the revised submittal.

Subcondition (10) Total value of all construction and finishing work: The anticipated revised application should update valuation estimates, consistent with the methodology used for the Draft Environmental Impact Statement. Please include subtotals for areas inside shoreline designations and areas outside shoreline designations. The description on the Master Permit Application submitted on March 4, 2011, that the project would total value would be “$10,000,000+” is inadequate to respond to this requirement.
Subcondition (12) Short statement explaining why this project needs a shoreline location and how the proposed development is consistent with the policies of the Shoreline Management Act:

The review of this subcondition relates to a document titled *Point Wells Urban Center – Shoreline Substantial Development Permit Application* dated June 2010 and received by PDS on March 4, 2011. We will refer to it here as the “Shoreline Permit Application.” The Shoreline Permit Application meets many of the objectives of Subcondition (12) by describing the reasons for a shoreline location and responding to the policies found in RCW 90.58.020. It also includes some inconsistencies with other related applications and a few errors. PDS has identified the following issues where revisions to the SPA and/or other documents are necessary.

**Issue 1 (Major Issue): Dock Uses:** The description of the dock renovation states that public “viewing and fishing areas will be added to the dock along with *shops selling fishing tackle, scuba and boating gear, and small restaurants with outdoor eating areas. Storage and rental facilities for kayaks, scuba diving, and small sailboats* will also be added” (Shoreline Permit Application page 1, emphasis added). In other words, the shoreline permit application contemplates a number of uses on the dock that are not identified in the Urban Center submittal or associated analysis underway for the DEIS. Updates to the Shoreline Permit Application and/or the Urban Center submittal must take place and create consistency between the two proposals. If the uses described for the dock on the Shoreline Permit Application were indeed part of the proposal, this would raise a number of questions including:

1. How much commercial space will be on the dock?
2. Where are the parking and loading areas for this space?
3. How much additional traffic will these uses generate?
4. What is the value of the improvements on the dock (calculated in a manner consistent with the DEIS or RCW 90.58.030(3)(e))?  
5. Is there a corresponding reduction in commercial areas (and traffic) elsewhere or will supplemental traffic analysis be performed?

Revisions to the Point Wells applications must address these issues; otherwise, Snohomish County could not approve the dock uses discussed solely in the Shoreline Permit Application. Per former SCC 30.44.310, approvals are limited to uses shown on the official site plan associated with the Urban Center submittal.

**Issue 2 (Minor Error): Shoreline Management Act Jurisdiction:** The second section of the Shoreline Permit Application describes consistency with Shoreline Management Act policies. It erroneously claims on page 2 that the “major residential and commercial elements [of the project] are located entirely outside the SMA jurisdiction area.” The only phase nominally outside the jurisdiction of the Shoreline Management Act is the Urban Plaza;

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however, the South, Central and North Villages are all subject to SMA jurisdiction and are designated as Urban Shoreline Environments.

**Issue 3 (Minor Issue): Critical Areas Report:** On page 2, the Shoreline Permit Application refers to a Critical Areas Report that we take to be the *BSRE Point Wells, LP Redevelopment Project Critical Areas Report* dated January 2011, prepared by David Evans and Associates, Inc. This Critical Areas Report addresses many of the shoreline issues, but there are places where corrections and additional information are necessary.

**Former SCC 30.44.220 Fees**
Fees relating to shoreline permits are in Table SCC 30.86.310.

In its review of this section, PDS notes that *former* SCC 30.44.220 contained an error. It referenced a non-existent table in SCC 30.86.120 (fees for Rural Cluster subdivisions) rather than Table SCC 30.86.610 (underlines added). Correction of this error took place subsequent to the Point Wells project application, but the levying and payment of fees paid associated with the Shoreline Permit (PFN 11-101461 SM) were correct per Table SCC 30.86.310.

**Former SCC 30.44.230 Permit Processing**
The shoreline permits for Point Wells are a Type 2 process, subject to Chapter 30.72 SCC.

**Former SCC 30.44.240 Department Action**
Subsection (1) describes what PDS must consider during its review of the Point Wells Shoreline Substantial Development Permit. In addition to this review of Chapter 30.44 SCC, permit 11-101461 SM must comply with the following subconditions and associated requirements:

- (1)(a)(i): The Shoreline Management Master Program (Chapter 30.67 SCC, beginning on page 170).
- (1)(a)(ii): Other appropriate Snohomish County requirements described throughout this document.
- (1)(a)(iii): Environmental review per Chapter 30.61 SCC (beginning on page 142) in response to the State Environmental Policy Act (Chapter 43.21C RCW).

In addition to the three bulleted items for compliance review, PDS shall consider comments received from interested parties per *former* SCC 30.44.240(1)(b). While PDS shall consider these comments, we note that there is no compliance requirement associated with them.

Subsection (2) describes options available to PDS and what factors the department must consider in its recommendations to the Hearing Examiner. PDS has identified several areas
where it would likely recommend conditions to the Hearing Examiner if the Examiner were to approve the project.

**Subsection (3)** says that the determination by the PDS “shall be final and not subject to an administrative appeal, but only an appeal to the shorelines hearing board pursuant to [former] SCC 30.44.280.” PDS notes that there will be consolidation of any appeal to the shorelines hearing board with the Type 2 hearing process per **former SCC 30.71.020**. In other words, the Hearing Examiner would consider both any shoreline appeal and the underlying urban center proposal.

**Former SCC 30.44.250 County Action on Permit Applications Which Do Not Require Public Hearing.**
Review of Point Wells is per the Type 2 process, which requires a hearing; therefore, this section does not apply.

**Former SCC 30.44.260 County Action On Permit Applications Requiring A Public Hearing**
This section has four subsections.

**Subsection (1):** PDS has notified the applicant that a hearing is necessary for the Shoreline Substantial Development. This will be a combined hearing on the Urban Center application and other associated permits.

**Subsection (2):** Snohomish County shall schedule the hearing on the Shoreline Substantial Development permit after it issues the Final Environmental Impact Statement required by Chapter 30.61 SCC and after the applicant pays the Shoreline Hearing fees per **former SCC 30.44.220** and present-day Table SCC 30.86.310.

**Subsection (3):** PDS shall provide notice at least 15 days prior to the hearing.

**Subsection (4) describes what things the Hearing Examiner must consider regarding the proposed Shoreline Substantial Development. These include the review and recommendation made by PDS as well as public comments and observations from a site inspection.

**Former SCC 30.44.270 Permit – Filing**
This section does not apply until later.

**Former SCC 30.44.280 Appeals to Shorelines Hearing Board**
Any party aggrieved by a decision regarding a Shoreline Substantial Development permit may appeal, but no decisions will take place until later.
Former SCC 30.44.300 Effective Date of Permit
This section describes when a permit would become effective following approval, but no approval is currently pending. PDS anticipates recommending to the Hearing Examiner that approvals from the Hearing Examiner be contingent on completion of a separate review relating to the cleanup process for onsite contamination involving the Department of Ecology. If this ends up being the case, then approvals for the Urban Center site plan and Shoreline Substantial Development Permit would not become final until after the project proponent receives approval from Ecology.

Former SCC 30.44.310 Limitations of Permit
This section describes limitations on the Shoreline Substantial Development Permit. PDS notes that one such limitation relates to the official site plan for the Urban Center part of the Point Wells proposal. This is the source of concern discussed above for former SCC 30.44.210(12) where the Shoreline Permit Application contemplates uses on the dock that are not shown on the Urban Center site plan.
Construction Codes – Administration (Chapter 30.50 SCC)

Snohomish County applies construction codes at the time of building permit. This means that Point Wells does not have vesting to the 2011 version of Chapter 30.50 SCC. Rather, when the Point Wells project reaches the stage of application for permits for individual buildings and structures, the then-contemporary version of Chapter 30.50 shall apply. It is important to note that updates to construction codes take place periodically. Point Wells may therefore be subject to one or more future versions of the construction code during the course of development. With these caveats in mind, it is worth noting several points from the present-day Chapter 30.50 SCC that may affect recommendations relating to the various permits at Point Wells.

SCC 30.50.130 Research Reports
This section allows Snohomish County to require “[s]upporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in the construction codes, [which] shall consist of valid research reports from sources approved by the building official.” The Point Wells proposal includes several unusual features that today’s construction codes do not appear to address fully. Therefore, as part of the ongoing SEPA review and likely future recommendation of conditions to the Hearing Examiner, Snohomish County may need to require additional research reports.

The following list illustrates topics for which Snohomish County may potentially require supplemental reports. This list is not exhaustive:

1. Projections of sea level rise at Point Wells and the construction techniques necessary to protect underground facilities such as parking garages from saltwater corrosion and possible flooding during the expected lifespan of construction;
2. The proposed ENVAC garbage disposal system;
3. Construction of a new closed conveyance to route an existing stream across the railroad tracks; and
4. The proposed Energy Center.

SCC 30.50.132 Tests
This section allows Snohomish County to require tests, at the expense of the applicant, to demonstrate the suitability of proposed construction. For example, additional tests that may be required might include:

1. Additional borings, especially on the upper bluff, to establish construction requirements for retaining walls, stormwater conveyance systems, and second access road construction.
2. Groundwater testing to determine types and levels of onsite contamination, including, potentially, post-clean up contamination to determine appropriate construction requirements for elements such as parking garage ventilation systems and infiltration of stormwater into soils between the garages.
Development in Seismic Hazard Areas (Chapter 30.51A SCC)

Seismic Hazard regulations change periodically to remain current with the International Building Code (IBC) and the American Society of Civil Engineers (ASCE) standards. The applications received for Point Wells in 2011 do not vest the project to the 2011 version of Chapter 30.51A SCC or to what were then contemporary IBC or ASCE standards. Rather, when buildings or other structures such as parking garages and retaining walls are applied for at Point Wells, those building permits must conform to the standards in place at the time of building permit application.

Detailed review for consistency with IBC and ASCE standards takes place during the building permit phase. Applications for building permits are still several years away (assuming that several intermediate steps take place and approvals are given). However, it is important to note that several issues that the Design Review Board (DRB) will make recommendations on overlap with issues that IBC and ASCE standards might affect. The applicant must submit building elevations for all building types for the DRB to make its recommendations. In the context of Chapter 30.51A SCC, the building elevations must show materials that conform to IBC and ASCE standards. For example, Point Wells is in Seismic Design Category F (SDCF) because the site is at risk of liquefaction. ASCE standards do not permit masonry shear walls in SDCF. Therefore, while buildings do not need to reflect full design when elevations go to the DRB for review, the elevations must include enough design consideration to be substantially representative of likely final designs. If the applicant were to submit the example of masonry shear walls to the DRB, it would be necessary to recommend the rejection of that design. The elevations must reflect consideration of IBC and ASCE standards, including standards for SDCF.
**Building Code (Chapter 30.52A SCC)**

See building review comment memo from Vic McKinney, Senior Plans Examiner, dated June 27, 2017. This memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44895.

**Mechanical Code (Chapter 30.52B SCC)**

Snohomish County has adopted the 2012 edition of the International Mechanical Code. Point Wells does **not** have vesting to the 2012 edition. Major review of the Mechanical Code takes place at the building permit stage and review of buildings will be per the Mechanical Code in effect at the time of building permit application. However, more information would be helpful regarding the proposed ENVAC trash collection system and the energy center. What are the requirements for service trucks to access both? What are the diameter requirements of piping to the ENVAC system? Since the Urban Center site plan proposes a large number of uses in a compact area, the mechanical specifications for the garbage and electrical systems may influence the final site design. The applicant should provide responsive information as part of a revised Urban Center submittal. If PDS does not have sufficient information on system requirements, then PDS may require additional supporting data from the applicant per Section 105.2.1 Research Reports in the 2012 edition of the International Mechanical Code.
Automatic Sprinkler Systems (Chapter 30.52G SCC)

Point Wells does **not** have vesting to the 2011 version of the Automatic Sprinkler Systems requirements (Chapter 30.52G SCC). When the Point Wells project reaches the stage of application for permits for individual buildings and structures, the then-contemporary version of Chapter 30.52G shall apply. It is likely that Chapter 30.52G will be relocated to Chapter 30.53A SCC Parts 900-1100 as part of Snohomish County’s adoption of the 2015 International Fire Code.

In the context of site plan review for the Urban Center application, it is worth noting that most, if not all, buildings will require sprinklers. All residential buildings will require sprinklers per SCC 30.52G.230. Garages will require sprinklers per SCC 30.52G.529. Retail and office buildings with fire areas exceeding 10,000 square feet will require sprinklers per SCC 30.52G.210.67 For the purpose of this last citation, retail and office space in lower levels of residential towers are required to have sprinklers. The only buildings that might not meet the 10,000 square foot requirement are the two stand-alone retail buildings on the Urban Plaza, which are smaller than 10,000 square feet each, but a final determination regarding whether these need sprinklers will be made at the building permit stage.

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67 There is an error in the online version of this code as of September 2017. The online version begins correctly with “An automatic sprinkler system shall be provided throughout buildings containing a Group B or M occupancy where one of the following conditions exists:” and then it omits the four conditions that should appear below. The 10,000 square foot requirement appears in Condition (1) in the official version of code.
Fire Code (Chapter 30.53A SCC)

Point Wells does not have vesting to the 2011 version of the fire code (Chapter 30.53A SCC). When the Point Wells project reaches the stage of application for permits for individual buildings and structures, the then-contemporary version of Chapter 30.53A shall apply.

The Snohomish County Fire Marshal is the official responsible for reviewing the Point Wells applications for consistency with fire code. Input from applicable fire departments or districts is advisory to the Fire Marshal.

The following comments related to Chapter 30.53A discuss the Urban Center Site Plan submitted on April 17, 2017 and supplement comments from the Office of the County Fire Marshal in the June 15, 2017 fire review memo.68

SCC 30.53A.170 Technical Assistance
The Fire Marshal may require the applicant to provide technical opinions or reports by qualified engineers or other professionals to determine the acceptability of certain aspects of the Point Wells proposal. In addition to those issues cited in the June 15, 2017 fire review memo, a preliminary list of items that may need further technical assistance includes:

1. The proposed onsite fire station (size, location, and access requirements), and
2. Requirements for firefighting in the parking garage areas in general, and at the energy center and the ENVAC trash compactor in particular.

SCC 30.53A.172 Modifications
The Fire Marshal may approve modifications to the fire code when the strict letter of the code is impractical and the modification complies with the intent and purpose of the code. Such modifications must not lessen health, life and fire safety requirements. When revising the Point Wells applications in response to the comments regarding fire code below, it is the responsibility of the applicant to make changes to comply with the code. If the applicant’s position is that certain provisions are impractical, then the applicant must be explicit in their revised application about where they intend to propose modifications. The applicant must also provide supporting reasons for any proposed modifications, which may include technical assistance reports per SCC 30.53A.170. Such information from the applicant is necessary if the Fire Marshal is to document and grant any modifications.

Snohomish County has currently adopted the 2015 Edition of the International Fire Code (IFC) along with the Washington State Amendments. This edition has been used for the site conditions in regard to fire review of the Urban Center Development as well as information regarding specific fire code requirements for high-rise buildings and marinas. There has not been a lot of fire code details provided in regard to the buildings and buildings construction, but some specific fire code sections have been shared to provide advanced notice of some specific fire code requirements regarding high-rise buildings, piers and marinas.

**SCC 30.53A.512 Fire Apparatus Access Roads**

1. Fire apparatus access shall be provided for every facility, building or portion of a building hereafter constructed within the county. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Fire apparatus access has not been provided to all facilities, buildings or portion of buildings within 150 feet. It is unclear if the service roads are also intended to be fire apparatus access roads, yet it is assume they are not. There are inconsistencies between some of the site plans in regard to the esplanade dimensions and if it is intended to be used for emergency vehicle access. In some locations it is still identified as a boardwalk, in other site plans it indicates it is for “pedestrians only”, yet in other plans it is proposed to be used as a fire lane for fire apparatus. Provide clarification and consistency between all site plans in regard to fire lanes and fire apparatus access.

On page 24 of the project narrative the applicant has proposed to increase the access to 200 feet due to the installation of automatic fire sprinkler systems. Snohomish County Code 30.53A.512 indicates that the fire apparatus access roads requirements MAY be modified by the fire marshal when buildings are completely protect with approved automatic sprinkler systems. Due to all of the factors of this development, including density, topography, height of the buildings, mixed uses, and circulations routes, our office will not approve an increase in access to all buildings or portions of buildings. Access along an approved route of travel shall be provided to all facilities, buildings, and portions of buildings to within 150 feet.

Piers and wharves shall be provided with fire apparatus access roads pursuant to IFC 3604.3. Currently the pier is provided with vehicle access, as proposed there is no fire apparatus access to the pier. Refer to Chapter 36 for more information regarding requirements for piers and marinas.

Exhibit B provided for the fire truck turning movements have been reviewed as the proposed fire apparatus access routes. As identified in this exhibit, if the identified turning movements are the only proposed fire lanes, there is significant access issues without provided access to within 150 feet of every portion of every building along an approved route of travel to all portions of the
exterior walls of the first story of the buildings. This exhibit also verifies that the service roads have not been intended to be accessible by fire apparatus.

Provide a detailed fire apparatus access roads plan, hereafter referred to “fire lane”, which clearly identifies the proposed fire lane access to each proposed structure, facility, building, or portion of a building within 150 feet. The fire lane should not be located under any buildings or portions of buildings to which we may need to fight a fire.

Exhibit B has been prepared to show fire truck turning movements for a 43 feet aerial fire truck. The width of this apparatus, per your dimensions, has been identified as 8.50 feet. Mirror to mirror the accurate width is 10 ft. This information was obtained by our office contacting Snohomish County Fire Protection District 1 and obtaining information on their largest aerial apparatus.

Our office also contacted Shoreline Fire Department to obtain dimensions of their largest aerial apparatus. Below please find the Shoreline Fire Department Tiller Ladder Truck specifications. Please note the maximum approach/grade and specification of this apparatus listed below:

**Shoreline Fire Department Tiller Ladder Truck**
- Overall Length: 59 ft. 8 in.
- Front Overhang: 7 ft. 1 in.
- Rear Overhang: 8 ft. 8 in.
- Front Axle (tractor) to Last axle (trailer): 43 ft. 1 in.
- Maximum approach/grade: 8%
- Height: 11 ft. 2 in.

2. More than one fire apparatus road shall be provided when it is determined by the fire marshal that access by a single road might be impaired by vehicle congestion, conditions of terrain, climatic conditions or other factors that could limit access.

For commercial and industrial developments, buildings or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure. Projects having a gross building area of up to 124,000 square feet may have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.

For multiple-family residential projects having more than 200 dwelling units shall be provide with two separate and approved fire apparatus access road regardless if they are equipped with an approved automatic sprinkler system.
Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

The proposal significantly exceeds 250 ADTs (which is a Public Works requirement for a second access) as well as having a gross building area over 124,000 square feet, which this alone requires the second access. The project includes multiple buildings that exceed three stories in height, and multiple buildings that exceed 124,000 square feet, and includes multi-family buildings with more than 200 dwelling units, therefore the second access is required.

The proposed second access, and Exhibit A, which details the proposed second access has been identified with a maximum grade of 15%. Provide verification that this second access meets the remoteness requirements in that the second access is a minimum distance from the primary access. The grade has been identified as 15% in some portions of the second access, which is the maximum grade allowed for fire apparatus pursuant to SCC 30.53A.512. Provide details, including elevation views that verifies no portion of this second access road exceeds the 15%. The maximum approach grade shall not exceed 8%. No exception can be made for this in order for aerial apparatus to access the subject properties.

In addition to the second access to the “development” a second access shall be provided to each building as identified above. There is only one proposed access to the Central Village. There shall be two distinct accesses to all four phases; Urban Plaza, North Village, Central Village, and South Village.

3. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders, in the immediate vicinity of the building or portion thereof. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from each building, and shall be positioned parallel to one entire side of each building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by our office. Currently, there is only one fire apparatus access proposed on one side of the buildings. As noted above, this is not acceptable, and access on both sides of all buildings shall be provided or it shall be verified that all buildings can be accessed by an approved route of travel to within 150 feet of all portions of all buildings.

There is a note on plan sheet C-501 that states the following, “The pedestrian boardwalk and bicycle path shall be designed to withstand fire truck and fire truck outrigger loading and meet applicable fire code requirement.” If the “pedestrian boardwalk” is intended to also be the fire lane for aerial apparatus, it shall be identified as such on all plans, and in order to support and accommodate aerial apparatus with outrigger, it shall be a minimum of 26 feet in width so that other emergency apparatus can pass when aerial apparatus is set up for emergency operations.
The International Fire Code, Section 503.2.2 indicates the fire marshal shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction. Therefore, our office requires that all fire apparatus access meet the requirements for aerial apparatus and 26 feet fire lanes be provided throughout. (See comments below regarding the boulevard.)

The access areas identified as the “boulevard” has split access roads that are less than 20 feet in width. All split access roads shall be a minimum of 20 feet in width. If at any portion of the boulevard it is proposed to be the fire lane that provides access within 150 feet of a building or portion of the building, it shall be a minimum of 26 feet in width so that if an aerial apparatus with outriggers is set up, other apparatus can still pass.

4. There shall be no overhead utility, power lines, or other obstructions over the aerial fire apparatus access roads or between the aerial fire apparatus roads and the building. There are overhead obstructions and vegetation proposed to be located over some of the identified fire lanes. There shall be no overhead obstructions located over, or near the fire lane in order for emergency services to set up aerial apparatus.

5. Due to the requirement of aerial apparatus access, increased turning radii shall be required on all fire apparatus access roads. The minimum turning radii shall be a 25 ft. inside turning radius and a 50 ft. outside turning radius. No deviation can be obtained for less than these minimum requirements for turning radii. All turns, bends or sweeps shall meet this minimum requirement. All fire lanes shall be provided with turns, bends or sweeps that fire apparatus can access from any direction. Exhibit B, turning movement exhibit, proposes fire access in only one direction and does not include access to all phases from all directions. Modifications shall be made to the fire lanes so that emergency apparatus, including aerial apparatus, can access each phase/village from any direction along the fire lane.

6. There shall be a minimum vertical clearance on all fire lanes of 13 ft. 6 inches. This is a minimum and future improvements and maintenance of driving surfaces shall be taken into consideration. The vertical clearance of the fire lane shall include overhead obstructions of awnings, utilities, other buildings, landscaping, etc. There are multiple locations where the proposed landscaping plan is proposing vegetation that appear it will encroach significantly in the vertical clearance of the fire lane. When planning what vegetation is to be planted in the planters and landscaped areas that are located within or adjacent to the fire lane, consideration shall be made for the required unobstructed fire lane widths, 20 – 26 feet and the vertical clearance of 13 feet 6 inches.

Provide detailed elevation views that verify all overhead obstructions along the required fire lane meet the minimum vertical clearance. This shall include landscaping vegetation, awnings, buildings, bridges, etc. that are proposed above or over a required fire lane.
7. Planters or openings may be installed in cul-de-sacs when the outside turning radius of the cul-de-sac is a minimum of 50 feet and the inside radius is a minimum of 25 feet. This sized cul-de-sac is required for all turnarounds due to the aerial apparatus access needs. Cul-de-sac grades shall not exceed six percent (6%).

There are two cul-de-sac turnarounds in the North Village that do not meet this minimum requirement. They shall be redesigned so that there is a minimum 100 feet cul-de-sac in these locations. All fire apparatus shall be able to use the cul-de-sac as a turnaround and not just a pass through as shown on Exhibit B.

8. Exhibit B has provided turning movement for a 43 ft. aerial ladder truck. This apparatus dimension does not accommodate all aerial apparatus. Again, refer to the Shoreline Fire Department Tiller Ladder Truck specifications provided above. The minimum turning radii on the submitted plans have indicated that the minimum 20 ft. inside turning radius and 40 ft. outside turning radius has been provided. However, as previously noted, due to aerial apparatus requirements, a minimum 25 ft. inside turning radius and 50 ft. outside turning radius shall be provided along all fire lanes.

As noted above, the turning movement exhibit does not show fire apparatus navigating the cul-de-sac turnarounds located in the North Village, but rather shows a drive through to the board walk. All fire lanes shall be accessible from any direction. All turns, bends, or sweeps, shall meet the minimum turning radii. This has not been demonstrated.

It is recommended that the developers also contact the responding agencies to obtain specifications on all of their apparatus within their fleet. The information on the Shoreline Fire Department Tiller Ladder Truck was obtained by our office, and at this time appears to be the largest apparatus within the Shoreline Fire Department fleet. However, it is the applicant’s responsibility to make sure the fire apparatus access can be met for all apparatus and that unobstructed access can be provided in any direction along all fire lanes.

9. The grade of the fire apparatus access roads/fire lanes shall not exceed 15% in any location. The angles of approach and departure for fire apparatus access roads shall not exceed 8%.

10. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds.

11. Fire lanes shall be unobstructed at all times, including the parking of vehicles. All fire lanes shall be clearly identified and include pavement striping stating, “No Parking Fire Lane” on both sides of each fire lane, at a minimum distance of 50 ft. The pavement striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
12. Where bridges or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are not designed for such use, approved barriers, approved signs or both shall be installed and maintained.

13. As part of the Phase 1 development, it is proposed to provide a police and fire station. As designed it is unclear how access to this fire station is to be obtained, with no access meeting the above requirements. Additionally, it is unclear the extent of the fire station. The building appears to only accommodate motor vehicles, with less than 20 feet parking stalls. There are no accommodations for fire apparatus. Provide details about the proposed police and fire station.

SCC 30.53A.513 Address Identification

1. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. Address numbers shall contrast with their background; be Arabic numerals or alphabetical letters; be a minimum of 6 inches; have a minimum stroke width of 0.5 inches.

2. Streets and roads shall be identified with approved signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs. (IFC 505.2)

SCC 30.53A.514 Fire Protection Water Supply

Water mains and fire hydrants shall meet the required minimum standards for water mains and fire hydrants. These requirements shall apply to land use and construction permit actions subject to this title, or to any other existing or future code provision in which compliance with the fire code is specifically required.

All land upon which buildings or portions of buildings are or may be constructed, erected, enlarged, altered, repaired, moved into the jurisdiction, or improved, shall be served by a water supply designed to meet the required fire flow for fire protection as set out in Appendix B of the International Fire Code (IFC).

SCC 30.53A.516 Fire Hydrant Spacing
Fire hydrant locations shall be determined by the fire marshal, in coordination with the water purveyor, and pursuant to the requirements of Appendix C of the IFC subject to the following:

1. Fire hydrants service single family dwellings or duplexes shall have a maximum lateral spacing of 600 feet with no lot or parcel in excess of 300 feet from a fire hydrant.
2. Where the buildings are protected by an approved automatic sprinkler system, the spacing requirements may be modified, if in the opinion of the fire marshal, the level of fire protection is not reduced.
3. For dead-end streets or roads the fire marshal may make adjustments to the lateral spacing requirements to facilitate locating the hydrant at or near the street intersections.
4. All hydrants shall be accessible to the fire department by roadways or accesses meeting the requirements of SCC 30.53A.512.
5. When fire hydrants cannot be installed in conformance with the spacing requirements of this chapter, the fire marshal shall confer with the water purveyor and provide for alternate locations as allowed by the fire code.

SCC 30.53A.518 Hydrant systems

Where a portion of the facility or building hereafter constructed or moved into the jurisdiction is more than 150 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site hydrants and mains shall be provided. Exception:
1. For Group R-3 and Group U occupancies, the distance requirements shall be 300 feet.
2. For buildings equipped throughout with an approved automatic sprinkler system installed the distance requirement shall be 300 feet.

Fire hydrants shall be so located to be in compliance with Appendix C of the IFC. They shall not be placed greater than 300 feet apart.

SCC 30.53A.520 (Hydrant) Inspection, Testing and Maintenance Requirements

The following requirements shall apply to the installation or replacement of any required hydrant:

1. The installation of all fire hydrants shall be in accordance with sound engineering practices and supplied by mains as prescribed by this chapter. Hydrants shall be installed, tested and charged prior to the start of construction, unless otherwise approved by the fire marshal.
2. Approval of fire hydrant types must be obtained prior to installation from the water purveyor.
3. All elements of fire hydrant installation including water mains, pipes, valves, and related components shall conform to the fire code, National Fire Protection Association (NFPA) Standard 24, and American Water Works Association (AWWAA) Standard C502.94.
4. Four (4) inch Storz type steamer port fittings shall be provided on new hydrants.
5. Hydrants shall stand plumb and be set to the finished grade. The bottom of the least outlet of
the hydrant shall be no less than 18 inches above the grade. There shall be a 36 inch radius
of clear area about the hydrant for the operation of a hydrant wrench on the outlets and the
control valve. The pumper port shall face the street, or where the street cannot be clearly
identified, the port shall face the most likely route of approach of the fire apparatus while
pumping. The hydrant shall be installed within 15 feet of the street or access roadway.
6. Hydrants shall be a minimum of 50 feet from a commercial structure to be served and no
further than 50 feet from a fire department connection (FDC) if present.
7. Hydrants shall not be obstructed by structures, fences, the parking of vehicles, or vegetation.
   Hydrant visibility shall not be impaired within a distance of 75 feet in any direction of
   vehicular approach to the hydrant.
8. The top(s) of the hydrant(s) shall be colored coded to designate the level of service being
   provided by that hydrant. The fire flow will be 1,500 gpm or greater therefore, the tops of the
   hydrants shall be painted light blue.
9. For all new hydrant installations, either public or private, the developer shall install blue
   street reflectors to indicate hydrant locations. Installation of blue street reflectors shall be
   completed prior to final approval of any development or new constructions.
10. Vehicles shall not be parked within 15 feet of a fire hydrant, or fire department connection,
    or a fire protection system control valve.

The above requirements shall be met in regard to the placement of the fire hydrants. It appears
that it will be difficult to place the fire hydrants 50 feet from the buildings. To be placed less
than 50 feet from a commercial structure, it will be necessary to make the request in writing, and
obtain approval from the responding agencies. I have had a conversation with Fire District 1, and
40 feet from the commercial structure is acceptable to them without additional approval. Our
office will accept a fire hydrant 40 feet from the structures but no closer without a formal
request, justification, and approval from both Snohomish County Fire Protection District 1 and
Shoreline Fire Department.

IFC Appendix B Fire-flow Requirements for Buildings

The procedure for determining fire-flow requirements for buildings or portions of buildings shall
be in accordance with this Appendix B of the IFC. The fire-flow calculation area shall be the
total floor area of all floor levels within the exterior walls, and under the horizontal projection of
the roof of a building, except as modified by Section B104.3.

B104.3 Type IA and Type IB construction. The fire-flow calculation area of buildings
constructed of Type IA and Type IB construction shall be the area of the three largest successive
floors. Exception: Fire-flow calculation area for open parking garages shall be determined by
the area of the largest floor.

Table B105.1(2) shall be used to calculate the fire-flow requirements. The calculation is based
upon the type of construction and the square footage of the buildings.
A reduction in required fire flow may be granted due to the required installation of automatic fire sprinkler systems. Our office will not consider a full 75% reduction of required fire flow due to proposed conditions that create susceptibility to group fires or conflagrations.

For buildings equipped with an approved automatic sprinkler system, the water supply shall be capable of providing the greater of:
1. The automatic sprinkler system demand, including hose stream allowance.
2. The required fire-flow.

**IFC Appendix C Fire Hydrant Locations and Distribution**

In addition to the requirements of SCC 30.53A, fire hydrants shall be provided in accordance with Appendix C for the protection of buildings, or portions of buildings, hereafter constructed or moved into the jurisdiction.

The number of hydrants available to a building shall be not less than the minimum specified in Table C102.1.

Fire apparatus access roads and public streets providing required access to buildings in accordance with SCC 30.53A.512 shall be provided with fire hydrants. The distance between required fire hydrants shall be in accordance with Sections C103.2 and C103.3.

**C103.2 Average spacing.** The average spacing between fire hydrants shall be in accordance with Table C102.1.

**C103.3 Maximum spacing.** The maximum spacing between fire hydrants shall be in accordance with Table C102.1, or shall not be greater than 300 feet, whichever is less.

**SCC 30.52G.430 NFPA 13 Sprinkler Systems (IFC and IBC 903.3.1.1)**

Where provisions of the construction codes require that a building or portion thereof be equipped throughout with an automatic sprinkler system, sprinklers shall be installed throughout in accordance with NFPA 13.

**SCC 30.52G.440 NFPA 13R Sprinkler Systems (IFC and IBC 903.3.1.2 and 903.3.1.2.1)**

Automatic sprinkler systems in Group R occupancies, up to and including four stories in height shall be permitted to be installed throughout in accordance with NFPA 13R. Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction, provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of
14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

At this time it appears that NFPA 13 automatic sprinkler system would be required in all buildings. Further review will be conducted at the time of building permit application. The height of the multi-family buildings and the mix used would not allow NFPA 13-R systems.

**IFC 509 Fire Protection and Utility Equipment Identification and access**

Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location shall be constructed of durable materials, permanently installed and readily visible.

Fire protection equipment rooms shall have a direct access from the exterior of the building.

**SCC 30.52G.510 Fire Department Connections (IFC 903.7 and 912)**

The location of the fire department connections (FDC) shall be approved by the fire marshal.

1. Fire department connections shall be installed in accordance with the NFPA standard applicable to the system design and shall comply with Sections 912.2 through 912.7.

2. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus.

3. The location of the FDC shall be remote from the building and shall be a minimum of 50 ft. from the fire hydrant.

4. FDCs shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access or otherwise approved by the fire marshal.

5. Immediate access to FDCs shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or moveable object.

6. A metal sign with raised letters not less than 1 inch in size shall be mounted on all FDCs serving automatic sprinklers, standpipes or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable. Where the FDC does not serve the entire building, a sign shall be provided indicating the portions of the building served.
7. Each FDC shall be identified to what building it serves.

8. The FDC shall be equipped with a 4 inch Storz fitting with a 30° downward deflection.

**SCC 30.52G.520 Sprinkler System Supervision and Alarms (IFC and IBC 903.4)**

All valves controlling the water supply for automatic sprinkler system, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit.

**Exception:**
1. Jockey pump control valves that are sealed or locked in the open position.
2. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
3. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
4. Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed or locked in the open position.

**SCC 30.52G.530 Monitoring (IFC and IBC 903.4.1)**

Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved supervising station or, when approved by the fire marshal, shall sounds an audible signal at a constantly attended location.

**SCC 30.52G.540 Alarms (IFC and IBC 903.4.2)**

An approved audible device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Actuation of the automatic sprinkler system shall actuate the building fire alarm system.

**IFC 907 Fire Alarm and Detection Systems**

An approved fire alarm system installed in accordance with the provisions of the IFC and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 and provide occupant notification in accordance with Section 907.5.

**IFC 907.2.13 High-rise Buildings**
High-rise buildings shall be provided with an automatic smoke detection system in accordance with Section 907.2.13.1, a fire department communication system in accordance with Section 907.2.13.2 and an emergency voice/alarm communication system in accordance with Section 907.5.2.2.

IFC 907.2.13.1 Automatic Smoke Detection

Automatic smoke detection in high-rise buildings shall be in accordance with Sections 907.2.13.1.1 and 907.2.13.1.2.

IFC 907.2.13.2 Fire Department Communication System

Where a wired communication system is approved in lieu of an emergency responder radio coverage system in accordance with Section 510, the wired fire department communication system shall be designed and installed in accordance with NFPA 72 and shall operate between a fire command center complying with Section 508, elevators, elevator lobbies, emergency and standby power rooms, fire pump rooms, areas of refuge and inside interior exit stairways. The fire department communication device shall be provided at each floor level within the interior exit stairway.

IFC 907.5.2.2 Emergency voice/alarm communication systems

Emergency voice/alarm communication systems required by this code shall be designed and installed in accordance with NFPA 72. The operation of any automatic fire detector, sprinkler water flow device or manual fire alarm box shall automatically sound an alert tone followed by voice instructions giving approved information and directions for a general or staged evacuation in accordance with the building’s fire safety and evacuation plans required by Section 404. In high-rise buildings, the system shall operate on at least the alarming floor, the floor above and the floor below. Speakers shall be provided throughout the building by paging zones. At a minimum, paging zones shall be provided as follows:
1. Elevator groups.
2. Interior exit stairways.
3. Each floor.
4. Areas of refuge as defined in Chapter 2.

IFC 913 Fire Pumps

Fire pumps shall be installed in accordance with this section and NFPA 20. Each building shall be provided with an independent fire pump or pumps. The fire pump, driver and controller shall be protected in accordance with NFPA 20 against possible interruption of service through damage caused by explosion, fire, flood, earthquake, rodents, insects, windstorm, freezing, vandalism and other adverse conditions.
IFC 914 Fire Protection Based on Special Detailed Requirements of Use and Occupancy –
914.3 High-rise Buildings

High-rise buildings shall comply with Sections 914.3.1 through 914.3.7.

1. Buildings and structures shall be equipped throughout with an automatic sprinkler system and a secondary water supply.

2. Each sprinkler system zone in buildings that are more than 420 feet in height shall be supplied by no fewer than two risers. Each riser shall supply sprinklers on alternate floors. If more than two risers are provided for a zone, sprinklers on adjacent floors shall not be supplied from the same riser.

3. In buildings that are more than 420 feet in building height, required fire pumps shall be supplied by connections to no fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

4. An automatic secondary on-site water supply having a capacity not less than the hydraulically calculated sprinkler demand, including the hose stream requirement, shall be provided for high-rise buildings assigned to Seismic Design Category C, D, E or F as determined by the IBC. An additional fire pump shall not be required for the secondary water supply unless needed to provide the minimum design intake pressure at the suction side of the fire pump supplying the automatic sprinkler system. The secondary water supply shall have a duration of not less than 30 minutes as determined by the occupancy hazard classification in accordance with NFPA 13.

5. Fire alarm systems shall be provided in accordance with Section 907.2.13.

6. Smoke detection shall be provided in accordance with Section 907.2.13.1.

7. An emergency voice/alarm communication system shall be provided in accordance with Section 907.5.2.2.

8. Emergency responder radio coverage shall be provided in accordance with Section 510.

9. A fire command center complying with Section 508 shall be provided in a location approved by the fire department.

IFC Section 508 Fire Command Centers
All buildings classified as high-rise buildings by the International Building Code (IBC), a fire command center for fire department operations shall be provided in each building and shall comply with Sections 508.1.1 through 508.1.6.

1. The location and accessibility of the fire command center shall be approved by the fire chief. It will be necessary to obtain approval from the fire chief of the responding agencies; Snohomish County Fire Protection District 1 and Shoreline Fire Department.

2. The fire command center shall be separated from the remainder of the building by not less than a 2-hour fire barrier constructed in accordance with Section 707 of the IBC or horizontal assembly constructed in accordance with Section 711 of the IBC or both. (This is a WA State Amendment to 508.1.2 of the IFC.)

3. The fire command center shall not be less than 200 square feet in area with a minimum dimension of 10 feet.

4. A layout of the fire command center and all features required by this section to be contained therein shall be submitted for approval prior to installation.

5. Storage unrelated to operation of the fire command center shall be prohibited.

6. The fire command center shall comply with NFPA 72 and shall contain the following features:

   a. The emergency voice/alarm communication system control unit.
   b. The fire department communication system.
   c. Fire detection and alarm system annunciator.
   d. Annunciator unit visually indicating the location of the elevators and whether they are operational.
   e. Status indicators and controls for air distribution systems.
   f. The fire fighters’ control panel for smoke control systems installed in the building.
   g. Controls for unlocking stairway doors simultaneously.
   h. Sprinkler valve and water-flow detector display panels.
   i. Emergency and standby power status indicators.
   j. A telephone for fire department use with controlled access to the public telephone system.
   k. Fire pump status indicators.
   l. Schematic building plans indicating the typical floor plan and detailing the building core, means of egress, fire protection systems, fire-fighter air replenishment systems, fire-fighting equipment and fire department access, and the location of fire walls, fire barriers, fire partitions, smoke barriers and smoke partitions.
   m. An approved Building Information Card that includes, but is not limited to, all of the following information:
i. General building information that include: property name, address, the number of floors in the building above and below grade, use and occupancy classification (for mixed uses, identify the different types of occupancies on each floor) and estimated building population during the day, night and weekend.

ii. Building emergency contact information that includes: a list of the building’s emergency contacts including but not limited to building manager, building engineer and their respective work phone number, cell phone number and e-mail address.

iii. Building construction information that includes: the type of building construction including but not limited to floors, walls, columns and roof assembly.

iv. Exit access stairway and exit stairway information that includes: number of exit access stairways and exit stairways in building; each exit access stairway and exit stairway designation and floors serve; location where each exit access stairway and exit stairway discharges, interior exit stairways that are pressurized; exit stairways provided with emergency lighting; each exit stairway that allows reentry; exit stairways providing roof access; elevator information that includes: number of elevator banks, elevator bank designation, elevator car numbers and respective floors that they serve; location of elevator machine rooms, control rooms and control spaces; location of sky lobby; and location of freight elevator banks.

v. Building services and system information that includes: location of mechanical rooms, location of building management system, location and capacity of all fuel oil tanks, location of emergency generator and location of natural gas service.

vi. Fire protection system information that includes: location of standpipes, location of fire pump room, location of fire department connect sink floors protected by automatic sprinklers and location of different types of automatic sprinkler systems installed including but not limited to dry, wet and pre-action.

vii. Hazardous material information that includes: location and quantity of hazardous material.

n. Work table.

o. Generator supervision devices, manual start and transfer features.

p. Public address system.

q. Elevator fire recall switch in accordance with ASME A17.1.

r. Elevator emergency or standby power selector switches, where emergency or standby power is provided.

IFC 607.4 Fire Service Access Elevator – IBC 403.6.1 Fire Service Access Elevator

In buildings with an occupied floor more than 120 feet above the lowest level of fire department vehicle access, no fewer than two fire service access elevators, or all elevators, whichever is less, shall be provided in accordance with Section 3007 if the IBC. Each fire service access elevator shall have a capacity of not less than 3,500 pounds and shall comply with Section 3002.4 IBC.

IFC 607.5 Occupant Evacuation Elevator Lobbies
Where occupant evacuation elevators are provided in accordance with Section 3008 of the IBC, occupant evacuation elevator lobbies shall be maintained free of storage and furniture.

Where elevators are to be used for occupant self-evacuation during fires, all passenger elevator for general public use shall comply with Section 3008.1 through 3008.10 of the IBC.

**IFC Chapter 36 Marinas**

Piers, marinas and wharves with facilities for mooring or servicing five or more vessels, and marine motor fuel-dispensing facilities shall be equipped with fire protection equipment in accordance with Sections 3604.2 through 3604.7.

**3604.2 Standpipes.** Marinas shall be equipped throughout with Class I manual, dry standpipe systems in accordance with NFPA 303. Systems shall be provided with outlets located such that no point on the marina pier or float system exceeds 150 feet from a standpipe outlet.

**3604.3 Access and water supply.** Piers and wharves shall be provided with fire apparatus access roads and water supply systems with on-site fire hydrants. At least one fire hydrant capable of providing the required fire flow shall be provided within an approved distance of standpipe supply connections.

**3604.4 Portable fire extinguishers.** One 4A40BC fire extinguisher shall be provided at each standpipe outlet. Additional fire extinguishers, suitable for the hazards involved, shall be provided and maintain in accordance with Section 906.

**3604.5 Communications.** A telephone not requiring a coin to operate or other approved, clearly identified means to notify the fire department shall be provided on the site in a location approved by the fire marshal.

**3604.6 Emergency operations staging areas.** Space shall be provided on all float systems for the staging of emergency equipment. Emergency operation staging areas shall provide a minimum of 4 feet wide by 10 feet long clear area exclusive of walkways and shall be located at each standpipe hose connection. Emergency operation staging areas shall be provided with a curb or barrier having a minimum height of 4 inches and maximum space between the bottom edge and the surface of the staging area of 2 inches on the outboard sides of the staging areas.

An approved sign reading FIRE EQUIPMENT STAGING AREA – KEEP CLEAR shall be provided at each staging area.

**3604.7 Smoke and heat vents.** Approved automatic smoke and heat vents shall be provided in covered boat moorage areas exceeding 2,500 sq. ft. in area, excluding roof overhangs. Exception: Smoke and heat vents are not required in areas protected by automatic sprinklers.
Detailed information regarding the construction and use of the pier is lacking. It appears that there is a small marina proposed but it does appear that it will allow moorage of more than five vessels. Provide more detailed information regarding the marina and pier so that a complete fire review can be done. Will there be fuel-dispensing facilities? Will the marina be covered? It is understood by this office, that a restaurant is proposed on the pier. Provide clarification and more detail of the proposed uses on the pier and marina.
Environmental Review (SEPA) (Chapter 30.61 SCC)

This review completion letter does not specifically address environmental review under SEPA, except that it identifies many issues with the proposal that may have some bearing on the Draft EIS under preparation pursuant to Chapter 30.61 SCC. Changes to the project proposal as a result of this letter will refine the Urban Center alternative being studied in the DEIS.
Chapter 30.62A SCC regulates the designation and protection of wetlands and Fish & Wildlife Habitat conservation areas. Point Wells has vesting to the 2011 version of these Critical Area Regulations, with a few minor exceptions noted below. The intent of comments here is to supplement the June 21, 2017, technical review memo from Randy Middaugh that addresses the requirements of Chapter 30.62A SCC, among other chapters. This memo is available at https://snohomishcountywa.gov/DocumentCenter/Home/View/44893.

SCC 30.62A.030 Relationship to Chapter 30.61 SCC – Environmental Impacts
This section states that:

Critical area protective measures required by this chapter shall also constitute adequate mitigation of adverse or significant adverse environmental impacts on wetlands, fish and wildlife habitat conservation areas and their buffers pursuant to chapter 30.61 SCC [SEPA Environmental Review], to the extent permitted by RCW 43.21C.240.

In general, it is Snohomish County’s position that if a project complies with this chapter, there is no need for additional measures to mitigate impacts. To confirm this, the State Environmental Policy Act (SEPA) calls for a determination by the County if additional environmental review is necessary. For most projects, the determination is that no additional review is necessary. However, due to the size and location of the Point Wells project, Snohomish County determined that additional study is necessary and requested comments on the scope of an Environmental Impact Statement (EIS) for the project. One outcome of the EIS process may be identification of additional measures beyond those in this chapter to protect wetlands and fish & wildlife habitat conservation areas and their buffers.

SCC 30.62A.040 Rulemaking Authority
The Planning Director has authority to adopt rules with detail requirements to implement this chapter of code. Many of these rules are referred to as Best Management Practices, or BMPs, to protect wetlands, fish & wildlife habitat conservation areas and buffers. The applicant has requested use of Innovative Development Design provisions of this chapter, but has not provided sufficient information for Snohomish County to evaluate the proposal relative to BMPs.

SCC 30.62A.120 Critical Area Services Provided by the Department
Planning and Development Services provides technical assistance to proponents of small projects as described in this section. Point Wells is not a small project. Therefore, it is the responsibility

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of the applicant to identify and delineate critical areas and to develop a habitat management plan consistent with this chapter.

**Former SCC 30.62A.130 Submittal Requirements**

This section describes requirements for critical areas information when submitting project applications. The Point Wells applications in 2011 and resubmittal in 2017 provided some, but not all, of the necessary information. For PDS to be able to recommend approval of the project, the applicant must revise the applications to include all of the required critical areas information.

For the Urban Center permit (11-101457 LU), Short Plat (11-101007 SP), and Shoreline Management Permits (11-101461 SM):

1. Add survey and square footage information for the existing pier as well as for the pier after proposed modifications. These additions are necessary for compliance with former SCC 30.62A.130(1)(a), (b), (d), and (e).

2. As requested on Page 9 of the April 12, 2013 Review Completion Letter, add a summary sheet common to all three permits in the civil plan that depicts and classifies all critical areas including buffers that must also appear on the site development plans.
Geologically Hazardous Areas (Chapter 30.62B SCC)

Detailed review of geologically hazardous areas will occur as part of the SEPA projects, including preparation of the Draft EIS. Comments here are limited in scope to issues specifically affecting the project plans.

Former SCC 30.62B.020 Relationship to Snohomish County Shoreline Management Program

The Snohomish County Shoreline Management Program (SMP) exists to protect shorelines of the state. With respect to geologic hazards, this chapter provides compliance with the SMP. Geologic hazards within the SMP portion of Point Wells include erosion hazards and tsunami hazards. The landslide hazard area may be outside the SMP jurisdiction, but the site plan does not adequately depict these areas. There are no known mine or volcanic hazards on the site or in the vicinity. The Draft Subsurface Conditions Report discusses seismic hazards, but these are not specific to the SMP.

SCC 30.62B.030 Relationship to Chapter 30.61 SCC – Environmental Impacts

The combination of protections required by Chapter 30.62B SCC and the SEPA review process from Chapter 30.61 SCC shall constitute adequate mitigation of adverse or significant adverse environmental impacts on geologically hazardous areas.

SCC 30.62B.040 Rulemaking Authority

The PDS director may adopt administrative rules, including best management practices, to implement this chapter.

SCC 30.62B.120 Critical Area Services Provided by the Department

Planning and Development Services provides technical assistance to proponents of small projects as described in this section. Point Wells is not a small project. Therefore, it is the responsibility of the applicant to identify and erosion and landslide hazard areas. PDS is responsible for reviewing information provided by the applicant.

Former SCC 30.62B.130 Submittal Requirements

This section lists eight requirements for submittal of a site plan, which for the purposes here refers to the Urban Center site plan application. The application meets the requirements of subsections (1) to (5).

Subsection (6) requires the site plan to show all geologically hazardous areas on and within 200 feet of the site. The site plan does not show the erosion, liquefaction, or tsunami hazard areas.
Update Sheet A-051 to include these. Revise how landslide hazards appear to include both the hazard areas and buffers.

Subsection (7) requires the site plan to show all other critical areas. See review of Chapter 30.62A, starting on page 143, for a discussion of stream and wetland information that must be added to the site plan.

Subsection (8) requires the site plan to depict all setbacks, including those for landslide hazard areas. Point Wells is vested to former SCC 30.62B.340 which establishes landslide hazard area setbacks for the project. The depiction of landslide hazard areas on sheet A-051 of the urban center application does not comply with former SCC 30.62B.340.

**Former SCC 30.62B.140 Geotechnical Report Requirements**

This section describes the types of information that must be included in a geotechnical report. The applicant has provided two such reports\(^7\), and these will continue to be refined with additional information during the project review process. This review discusses the more recent (June 11, 2015) Draft Subsurface Conditions Report. Snohomish County has separately provided detailed comments on this draft report and expects an updated draft to be the basis for environmental review in the Draft Environmental Impact Statement, or DEIS. After the DEIS is published, and after the applicant revises the project proposal to address a number of issues, the geotechnical report will require updating again.

Subsection (1) describes when a geotechnical report is required and the applicant has provided two drafts of such reports.

Subsection (2) lists detailed topics that a geotechnical report must include before Snohomish County accepts it as complete. The Draft Subsurface Conditions Report addresses most of the required information, but it still needs to do the following:

- Show easements to Brightwater, including both the existing and proposed access as well as the easement(s) for the conveyance tunnel and outfall (former SCC 30.62B.140(2)(d);
- Describe the proposed method of drainage for the second access road once the project application has been revised to include the required road (former SCC 30.62B.140(2)(j);
- Include analysis of erosion rates from wave cutting and recommendation for shoreline stabilization or flood protection in conformance with former SCC 30.62B.320(2), see page 148. The qualitative analysis of wave erosion rates is inadequate to demonstrate compliance with this requirement.
- Provide an analysis of cuts and retaining walls next to the Service Drive in the Urban Plaza, consistent with former 30.63B.130(2). The geotechnical report must evaluate the proposed construction of retaining walls on property lines to ensure that structures and setbacks proposed are appropriate to site conditions.

SCC 30.62B.150 Independent Consultant Review
This section allows Snohomish County to require review by an independent geotechnical consultant, at the applicant’s expense, if necessary.

Former SCC 30.62B.160 Permanent Identification, Development Restrictions, and Recording
This section describes steps to document restrictions on the land. Prior to approval of construction plans, the applicant shall record a critical area site plan showing, among other things, the geologic hazards on site. A disclosure notice for tsunami hazards will also be required. PDS staff will recommend these as conditions on the project to the Hearing Examiner.

SCC 30.62B.170 Security Devices and Insurance Requirements
This section describes when the PDS director requires insurance or other security devices to cover claims for property damage resulting from activities relating to this chapter.

Subsection (1) requires a security device or insurance “when the depth of any proposed excavation will exceed four (4) feet and the bottom elevation of the proposed excavation will be below a one hundred (100) percent slope line originating from the elevation of any adjacent property lines.” Based on finished elevations, several areas on the site plan meet this threshold. Additional areas might also reach the threshold when more details on the site preparation/cleanup phase become available because excavations will be deeper than finished elevations. PDS staff will make recommendations to the Hearing Examiner following completion of a Final Environmental Impact Statement for the project.

Subsection (2) allows the PDS director to require security devices or insurance to cover potential claims related to development in landslide hazard areas, i.e. in the Urban Plaza. Excavation and construction of the Urban Plaza will require coverage for potential claims because it is almost, or entirely, within the landslide hazard area. PDS staff will make recommendations to the Hearing Examiner following completion of a Final Environmental Impact Statement for the project. Additional insurance may be required when details about excavation in the landslide hazard area become available during the Land Disturbing Activity (LDA) permit/site cleanup phase of the project.

Subsection (2) also allows the requirement of insurance when there is risk to fish and wildlife habitat conservation areas or buffers. Accordingly, insurance to protect against claims relating to erosion or spillage of contaminants into Puget Sound during site cleanup is also likely. Details will be determined during the LDA/site cleanup phase.
SCC 30.62B.210 Designation of Geologically Hazardous Areas
This section describes how Snohomish County meets state requirements to designate geologically hazardous areas by way of regulating such hazards on a case-by-case basis in code rather than attempting to map all hazards in advance. Project proponents are responsible for determining where hazards exist. PDS is responsible for verifying information provided by the proponents. The following types of geologic are present at Point Wells:

- Erosion Hazard Areas (both slope and shoreline)
- Landslide Hazard Areas
- Seismic Hazard Areas (potential for liquefaction)
- Tsunami Hazard Areas

Former SCC 30.62B.320 General Standards and Requirements for Erosion and Landslide Hazard Areas
This section includes basic standards for development activity occurring in erosion or landslide hazard areas.

Subsection (1)(a)(i) requires compliance with a geotechnical report pursuant to SCC 30.62B.140. The current draft of a geotechnical report is the Draft Subsurface Conditions Report, dated June 11, 2015, but this draft report will need updating. See page 146.

Subsection (1)(a)(ii) requires use of best management practices (BMPs) and all known and available reasonable technology (AKART) when developing in erosion and landslide hazard areas.

Subsection (1)(a)(iii) prohibits, in most cases, the collection, concentration, or discharge of stormwater or groundwater within erosion or landslide hazard areas. In general, the project application appears to achieve this. However, more information in the Targeted Drainage Report and in the Urban Center Application is necessary to show how the project will convey stormwater and groundwater away from the retaining walls and the parking garage in the Urban Plaza as well as from the second access road. Conveyance of water away from these uses is necessary to reduce erosion and ensure slope stability. Further details will be required for construction drawings.

Subsection (1)(b) establishes several mandatory avoidance criteria. (1)(b)(i) stipulates avoidance of increased risk of property damage, death or injury. Increased erosion and landslide risks are to be avoided per (1)(b)(ii). Development may not exceed pre-development conditions\(^71\) (i.e.

\(^71\) Snohomish County Code defines “pre-development conditions” as “a fully-forested condition (soils and vegetation) to which a Washington State Department of Ecology-approved continuous runoff hydrologic model is calibrated, unless reasonable, historic information is provided that indicates the site was prairie prior to Euro-American settlement” (SCC 30.91P.258).
natural state, not current industrial use) for surface water discharge, sedimentation, slope instability, erosion or landslide potential (1)(b)(iii) or adversely impact wetlands, fish and wildlife habitat conservation areas or their buffers.

The project design must therefore to avoid death and injury from landslides, liquefaction or tsunamis. The same steps would address property damage risks both on-site and off-site landslide and erosion risks. The project would have no meaningful impact to off-site liquefaction risks. Off-site property risks for tsunamis might actually be lower after redevelopment at Point Wells because the risk of waves sweeping toxic chemicals from the present industrial uses to off-site locations would go away.

Compliance with Chapter 30.63A SCC will address risk for surface water discharge exceeding pre-development conditions. Likewise, compliance with this chapter (30.62B SCC) will ensure that landslide risks do not exceed the natural conditions. Indeed, properly designed and constructed retaining walls and drainage may actually lower the likelihood and impact of landslide risks to the site. Compliance with this chapter and with Chapter 30.63B SCC will address erosion hazards from slopes/ Shoreline erosion would return closer to the natural condition by the removal of the existing seawall and restoration of the beach area, see review of Chapter 30.44 SCC Shoreline Permits on page 114.

With respect to sedimentation, the project would comply with (1)(b)(iii) by not exceeding the natural rate of sedimentation into Puget Sound. The stormwater plan, once revised for other reasons, would include things like catch basins that reduce sediment transport to a level below the rate that streams flowing across the site would have formerly moved. In short, the project should try to mimic natural sediment transport that streams across the site would have produced; but the project should also take steps to ensure that contaminated soil are not part of this transport.

Section (2) requires project proponents to “make all reasonable efforts to avoid and minimize impacts to wetlands and fish and wildlife habitat conservation areas and their buffers pursuant to Chapter 30.62A SCC” and gives a list of steps in order of preference. See review of Chapter 30.62A SCC on page 143. Details on the preferred steps follow.

Subsection (2)(a) reads, “Utilize setbacks sufficient to ensure that shoreline stabilization or flood hazard reduction measures will not be necessary to protect development for its projected design life”. Regarding setbacks sufficient to ensure shoreline stabilization, the project proposes to replace the existing seawall that is at the shoreline in some places and move it inland to allow for beach restoration. This may promote shoreline stabilization. The project, however, does not comply with the setback requirements and Snohomish County is recommending that the applicant revise their proposal to include use of provisions such as innovative design that create flexibility regarding setbacks.
Protecting the development from flood hazards for the projected design life is also a requirement of Subsection (2)(a). The proposed elevation for the lower floors of the garages in the North and South Villages is six feet, which puts them below the base flood elevation of 10-feet elevation established by FEMA. See Flood Hazard Review memo from Rebecca Samy dated June 27, 2017.
Drainage and Grading (Chapters 30.63A, 30.63B, and 30.63C SCC)

Previous Geotechnical comments plans (Urban Center Submittal dated 3/3/2011) and reports submitted and reviewed in March, 2011 and updated by Hart Crowser in June 2015 have not fully addressed the significant issues surrounding the extent of the geologic hazards on site. However, more technical information has been provided in the subsurface conditions report by Hart Crowser.

1) CRITICAL AQUIFER RECHARGE AREAS: A hydrogeologic report will be required for any activity or use listed in SCC 30.62C.340 within a critical aquifer recharge area with high or moderate groundwater sensitivity. Please address. See SCC 30.62C.140. What is the significance of having multiple groundwater zones throughout the site and the nature of the existing groundwater quality and potential for groundwater contamination to any wells in the area? Given the near surface elevation of groundwater, the County would consider the potential sensitivity to the aquifer as high.

Second Request. No additional information has been provided.

2) SEISMIC HAZARD AREAS: Development activities within 200 feet of a seismic hazard area may be allowed with an approved geotechnical report that confirms the site is suitable for the proposed development and is capable to meet the current International Building Code and chapter 30.51A SCC. Under SCC 30.62B.350, please have the geotechnical engineer confirm the site is suitable for the proposed development, including placement of the 4-18 story towers within an area of potential liquefaction with a site class of E during the maximum considered earthquake. Please provide a site response analysis to assess the feasibility of the proposal given these soil conditions. Clarify the apparent inconsistency within the Hart Crowser report in assuming a varying maximum considered earthquake value for differing geologic hazards. PGA =0.5 g and a M=7.0 for seismic, but for landslide hazard assessment or steep slope assessment a 0.168 g value was used and the factors of safety indicate that under these seismic conditions that the slopes may likely fail during an earthquake of this lower magnitude. The tsunami hazard was modeled at still a different maximum considered earthquake with a magnitude of M=7.2 to M=7.3 located on the Seattle Fault to the south of the site.

Second Request. No additional information has been provided.

3) LANDSLIDE HAZARD AREAS: Development activities and clearing are not allowed within landslide hazard areas or setbacks unless there is no alternate location on the property. Therefore, the proposal to locate buildings, grading and retaining walls within the setback and the landslide hazard areas east of the railroad tracks appears in violation of SCC 30.62B.340. Please address. Of particular concern is the siting of the emergency response unit/fire and police at the toe of a landslide hazard area where this structure would be first to be hit if a slide were to occur, potentially. The runout distance of a slide event needs to be depicted on the geologic map and site plan given the existing hydrologic and groundwater
regime and the current failing pipes at the a prior fire control dug pond as shown in the geologic report. Repairs to that failing system need to be addressed as a mitigation element to reduce landside risk down gradient of these existing failing pipes.

Second Request. No additional information has been provided. Attached are the current geologic hazard maps for the site.

4) The proposed development in the landslide hazard areas does not appear to fully meet SCC 30.62B.320(1)(a)(iv), (b)(i), (ii) or (iii). Please address. Will the walls proposed on the east side of the development be designed to resist hillside movement and landslides and still meet the minimum setback to structures from this geologic hazard?

Second Request. No additional information has been provided.

The following comments made on plans (Urban Center Submittal dated 3/3/2011) and reports submitted and reviewed in March, 2011 have not been addressed unless noted otherwise below.

5) The grading quantities stated on the grading application are 10,000 CY cut and 300,000 CY fill. However, the site will likely require removal of significant contaminated soils that will also require a grading permit, if not the same permit. Please discuss in the report what grading and grading quantities, or other work will likely be required for site preparation. This was not discussed in the May 28, 2015 Targeted Drainage Report. Grading quantities shown on the previous Urban Center (Now Village) Submittal are 50,000 cubic yards of cut and 540,000 CY.

Applicant has not provided any clarification related to this question.

6) The drainage report needs to be stamped by the engineer. The Targeted Drainage Report dated May 28, 2015 is stamped, but it has not been signed and dated (WAC 196-23-020(1). This comment has been addressed.

7) The proposal to possibly relocate outfall from the southern portion of the site by pumping to the north and discharging at outfall 2 may not be in accordance with SCC 30.63A.520. Please address. Pumping was not discussed in the May 28, 2015 Targeted Drainage Report. It appears that this question is no longer applicable based on current drawing C-303.

8) Please revise the drainage basin maps to clearly show more information about the existing conveyance systems and drainage patterns for upstream drainage through/around the site; include pipe sizes and slopes, structure tops and-inverts, ditch size/configuration and slope, etc. For each upstream drainage basin, please clearly indicate the flow paths, outfall locations and their descriptions or outfall numbers on the maps. Where does existing drainage from the railroad property drain? Provide enough information on the basin maps that clearly demonstrates how the proposed fill and walls will not alter or block existing drainage patterns and courses for drainage from railroad property or other upstream areas. It is unclear if the information in the May 28, 2015 Targeted Drainage Report attempts to
respond to this comment. Exhibit maps are at a very small scale and any notations are impossible to read. Revisions to the Urban Center Submittal are still warranted.  

**Second Request. No additional information has been provided.**

9) Provide more detailed storm drainage information on the drainage plans so it is clear where proposed runoff drains. Show conceptual pipe size, catch basin tops and inverts, and the same for existing. This was not discussed in the May 28, 2015 Targeted Drainage Report.  

**Second Request. No additional information has been provided.**

10) I don’t know of any exemption in SCC 30.63B.070 (Land disturbing permit exemption) for the proposed contaminated soil remediation process. Please address. This was not discussed in the May 28, 2015 Targeted Drainage Report.  

**Second Request. No additional information has been provided.**

The following were new comments on the Targeted Drainage Report dated May 28, 2015, which was reviewed with the idea of it being a supporting document to the Environmental Impact Statement, as well as for a Land Disturbing Activity permit.


**This comment has been addressed.**

12) The incorrect Drainage Information Summary Form is being used (See Attachment B in the Construction/Full Stormwater Site Plan Checklist)  

**Second request. See Attachment B:**  

13) The Targeted Stormwater Site Plan Report is confusing, partially because drawings and exhibits are too small to read the text or they lack information (See No 10, above).  

**Second Request. No additional information has been provided.**

14) The order that information is presented in the Targeted Stormwater Site Plan Report could be improved to first clearly introduce the location and description of the existing drainage conveyances and then describing the proposal.  

**Current Stormwater Site Plan Narrative format appears to be improved.**

15) This project must meet Enhanced Stormwater Treatment Requirements, SCDM Volume I, Chapter 4, Step 5E.  

**Second Request. All stormwater treatment must meet enhanced treatment standards.**

16) The Targeted Stormwater Site Plan Report should follow the outline in the Construction/Full Stormwater Site Plan Checklist and shall address Minimum Requirements 1 through 9.  

Current Stormwater Site Plan narrative does address Minimum Requirements 1 – 9. Some revisions may be required to address other specific comments.

17) Grading and drainage required for any off-site roadway construction should be addressed as either part of the site (SCC 30.91S.351), or if not contiguous, as a separate drainage facility. Second Access Exhibit dated 4/12/17 shows the majority of the second access roadway being constructed in the Town of Woodway. It appears that all of the drainage from the Woodway portion of the road will be conveyed to water quality treatment and conveyance facilities.

18) Since the Targeted Stormwater Site Plan Report is in support of the EIS, the narrative should be expanded and clearly written for the lay reader. The report is better organized and is clearer. Additional editing may be desirable, especially related to water quality treatment and how each of the proposed facilities meets enhanced treatment standards.

19) Within 300 feet of ordinary high water of Puget Sound, it must be shown that Infiltration can be utilized to reduce the impacts to 10 percent effective impervious area. It is our understanding that the applicant has indicated that infiltration will not be feasible.

20) If infiltration is being proposed in fill soils, then Geotech will need to address stability. It appears that infiltration is no longer being considered.

21) Describe proposed Water Quality facilities for the lay reader. Response is adequate.

22) Since this Targeted Stormwater Site Plan Report is in support of the EIS, all impacts and proposed mitigation to the various alternatives should be addressed. This comment would be applicable to the EIS.

23) Report should better describe how retaining walls will impact grades on the site. Second Request. No additional information has been provided.

24) Proposed stormwater mitigation measures should be clearly described. The mitigation measures are described more clearly in general terms in the current Targeted Stormwater Site Plan narrative. A separate mitigation table organized by drainage basin is desirable.

Additional comments on previous Urban Center Submittal drawings:

25) Drawings need to clearly show existing topography in order that proposal can be properly evaluated.
Second Request. No additional information has been provided.

New comments based on the April 17, 2017 submittal:

1) Placement of a secondary access within and across a landslide hazard area must be evaluated to assess foundation support and stability of the overpass structure over the railroad tracks and within cut and fill slopes heading up the slope to the east to tie into the Woodway roadway system.

2) It appears that the applicant is choosing to utilize the drainage and grading codes and standards that were effective on or after January 22, 2016. Project submittal could be vested to the codes and standards effective September 30, 2010. This must be clarified.

3) WWHM analysis is meaningless as presented. The many basins presented are all titled "Basin 1" and only summary information is provided. Clear identification of the basins (basin maps) as well as the identification of the WWHM data together with complete output data is requested.

Special Flood Hazard Areas (Chapter 30.65 SCC)

Chapter 30.65 SCC protects public safety and minimizes property losses from flooding. This chapter applies to Point Wells because the lower bench is a “special flood hazard area” associated with Puget Sound. Several sections of this chapter do not apply to Point Wells because they are for density fringe and floodway fringe areas, which are associated with flood hazards on rivers. Applicable sections of this chapter affect the Urban Center site plan (11-101457 LU), the Shoreline Management Permit (11-101461 SM), the Land Disturbing Activity permit (11-101008 LDA), and the Short Plat permit (11-101007 SP). The retaining walls under 11-101464 RC are all on the Upper Bench area outside the special flood hazard area and are thus not affected by this chapter. New walls will be necessary to protect the lower bench from landslides hazards that are now show, albeit incorrectly.

Point Wells has vesting to the 2011 version of this chapter. However, where this chapter creates requirements outside the chapter, such as for floodproofing measures under the building code, vesting would not extend to the building code.

Point Wells requires one or more Flood Hazard Permits permits; see review of Flood Hazard Permits (Chapter 30.43C) on page 111.

SCC 30.65.010 Purpose and Applicability and SCC 30.65.020 Intent

Chapter 30.65 protections for public safety and for minimizing property losses apply to Point Wells because it is in a special flood hazard area (see review of SCC 30.65.040 below). Some
aspects of this review require steps to implement state and federal flood protection programs that are important in giving notice to the public and insurance providers.

**SCC 30.65.030 National Flood Insurance Program**
Chapter 30.65 SCC incorporated federal floodplain management regulations so that Snohomish County will continue to be eligible for participation in the National Flood Insurance Program.

**SCC 30.65.040 Special Flood Hazard Areas Established**
The Federal Emergency Management Agency (or FEMA) designates Special Flood Hazard Areas on its Flood Insurance Rate Maps (FIRMS). The Point Wells site straddles two FIRMS. Both FIRMS designate their respective parts of the Point Wells shoreline area site as Zone AE, which means that base flood elevations have been determined. The base flood elevation determined by FEMA for Point Wells is 10-feet along the shoreline as shown on Figure 38, next page, which stitches the relevant parts of the two applicable FIRMS together.

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72 The north part of Point Wells is covered by Map Number 53061C1292 E, dated November 8, 1999. This map is available at: [http://snohomishcountywa.gov/DocumentCenter/Home/View/35935](http://snohomishcountywa.gov/DocumentCenter/Home/View/35935).

The south part of Point Wells is covered by Map Number 53061C1294 E, dated November 8, 1999. This map is available at: [http://snohomishcountywa.gov/DocumentCenter/Home/View/35934](http://snohomishcountywa.gov/DocumentCenter/Home/View/35934).

73 Figure 38 includes some obsolete data that does not affect the designation of special flood hazard areas or the base flood elevation shown. Old data includes rail spurs and Heberlein Road, which are no longer there, and out-of-date Town of Woodway corporate limits.
Figure 38 – FEMA Flood Hazard Designations for Point Wells
(Adapted from FEMA Map Numbers 53061C1292 E and 53061C1294 E)

This code section refers to FIRMS dated September 16, 2005, and yet the discussion above is for FIRMS dated November 8, 1999. Snohomish County adopted reference to the 2005 FIRMS in anticipation of FEMA implementing its September 16, 2005, maps for the entirety of Snohomish County. Full implementation has not taken place. Rather, there was implementation of new FIRMS the Snohomish River and the FEMA-implemented FIRMS for the rest of Snohomish County remain the November 8, 1999 maps. Former SCC 30.65.040, which was in effect from February 1, 2003 to September 23, 2005, referred to the 1999 FIRMS. This section changed to refer to the 2005 FIRMS, “or as amended”, effective September 24, 2005. However, this action by Snohomish County that began in anticipation of implementation by FEMA was for not because the schedule for adoption and implementation for newer firms by FEMA for areas other than the Snohomish River is on hold. FEMA did not implement the rest of the 2005 FIRMS. FEMA then released preliminary digital FIRMS in 2010 (or DFIRMS) which were electronic versions of the September 16, 2005 paper maps, but FEMA put their adoption on hold pending FEMA’s resolution of a mapping issue relating to levee analysis. In 2013, FEMA issued a new approach to mapping levees that it is currently testing in 10 pilot areas across the country. This delay by FEMA may not affect data for coastal areas such as Point Wells, but it means that the
1999 FIRMS are the maps that FEMA recognizes during implementation of its programs. Both the former and the present-day versions of this code appear in Appendix O: Sections of Chapter 30.65 Special Flood Hazard Areas Used for Review, beginning on page 325.

Proposed parking garages for the South Village and the North Village would have lower levels at 6-feet in elevation. This would put the garages below the elevation shown by special flood hazard areas. If revisions to the Central Village garage add a lower level, say to correct for parking shortfalls, then any levels below 10-feet in that phase would also be a special flood hazard area. The Urban Plaza phase on the upper bench is outside the special flood hazard area.

SCC 30.65.050 Identification on Official Zoning Maps
For informational purposes only, the official zoning maps depict Special Flood Hazard Areas, as illustrated in Figure 39 below. Verification of flood hazards takes place during project review. For Point Wells, present-day contour and elevation information for areas above 10-feet elevation is the basis for what the zoning maps depict as flood hazard. However, the project will involve rebuilding the existing seawall inland, restoring the beach, and constructing parking garages behind the seawall but below the 10-foot elevation line. Therefore, any part of the project below 10-feet in elevation shall be a special flood hazard area for regulatory review.

Figure 39 – FEMA Flood Hazard Area as Depicted on the Zoning Map for SW 35 T27N R03E (Adapted from the January 17, 2013 Zoning Map)
Regarding Figure 79 above, this is not the official zoning map. The official zoning map is a hardcopy document that includes hand-written notes for Point Wells referring to Amended Ordinance 09-038 and Ordinance 09-080.

**SCC 30.65.100 Floodproofing: Use of Available Data**
Because the portion of the Point Wells site near the shoreline and under 10-feet elevation is a flood hazard area per FEMA, the requirement in subsection (1) has been met to require specific flood hazard protection standards of SCC 30.65.120 and 30.65.230.

**SCC 30.65.110 Floodproofing: General Standards**
Much of this section establishes requirements for construction materials and practices that will be applicable during review of construction plans, but not relevant at the present stage. Sub-subsection (3)(d) requires the addition of the base flood elevation on the preliminary short plat application. This is on the list of required changes beginning on page 106 for the short plat resubmittal requirements and will result in compliance with SCC 30.41B.200(3) which requires (see page 107).

**SCC 30.65.120 Floodproofing: Specific Requirements**
This section includes specific requirements for various types of construction in special flood hazard areas, specifically construction within the base elevation area. Subsections (3) and (8) apply to Point Wells.

Subsection (3) includes floodproofing requirements for non-residential construction applicable to lower floors in the parking garages of the South and North Villages. (3)(a) and (3)(b) include construction requirements that would be recommended by PDS to the Hearing Examiner as conditions for approval of construction plans for any component of the project located less than one foot above the base flood elevation.

Subsection (8) requires fill in flood hazard areas to be “properly compacted, sloped and armored to resist potential flood velocities, scouring and erosion during flooding.” This is primarily an issue for the Land Disturbing Activity (LDA) permit that would require PDS to recommend conditions for approval on the LDA permit. The principal armoring method would be rock revetments. With respect to floodproofing, in its recommendations to the Hearing Examiner, PDS would be recommending that the applicant provide in construction construction plans details on the proposed revetment design and calculations showing that the design is sufficient to resist wave erosion. Construction drawings will also need to show details for beach areas not protected by revetments and sufficient information to determine that these areas have protection against flood hazards.
A final issue regarding revetments and armoring along the esplanade also relates to the landscaping plans. Snohomish County’s Engineering Design and Development Standards (EDDS) defers design of rock revetments to the Federal Highway Administration Hydraulic Engineering Circular No. 11. This circular discusses several methods to construct revetments and notes that for some methods when “exposed to fresh water, vegetation will often grow through the rocks” (FHWA No. 11, page 8) and with other methods “there is not sufficient soil retained … to promote significant vegetative growth” (id., page 13). The landscaping plan proposes mixed beach grasses on top of the revetments. If this is to be the case, then more information regarding the type of proposed revetment is necessary before approval of the landscaping plans is possible. Further, it will be necessary to add a planting detail to Sheet RP-3 showing how planting would take place in revetments; similar to the existing details on that sheet which show tree and shrub plantings. Whatever the landscaping plan proposes in this area should be appropriate to the conditions. For instance, the lyngby sedge (Carex Lyngyei) proposed on the revetment may not flourish here as it “prefers to grow in silty sediment rather than sand and in habitat that has brackish water, such as salt marshes” which are conditions unlikely to be replicated in an imported planting medium placed in between the rocks of the revetments.

SCC 30.65.130 to SCC 30.65.160 [Relating to FEMA Elevation Certificates]
PDS will recommend to the Hearing Examiner that a precondition to site plan approval be that the applicant apply for a Conditional Letter of Map Revision (CLOMR) with FEMA. A precondition is something that the applicant must do and PDS must confirm before an approval from the Hearing Examiner becomes effective. Alternatively, the Applicant may apply with FEMA for the CLOMR in advance of the Point Wells project going to hearing.

As a condition of approval, i.e. a post-approval checkpoint, PDS will recommend that the applicant must obtain a FEMA elevation certification. We note that SCC 30.65.130 refers to FEMA Form 81-31, which appears to have been replaced by Form 086-0-33. Point Wells does not have vesting to FEMA regulations, so it must comply with whatever the appropriate FEMA standards are at the time that it is necessary to apply for FEMA elevation certification.

SCC 30.65.150 includes specific information to be obtained by the applicant and shown on both their Flood Hazard Permit (see review of SCC 30.43C.030 on page 113) and the application to FEMA for the CLOMR.

76 For more information on CLOMR, see: https://www.fema.gov/conditional-letter-map-revision.
SCC 30.65.300 to SCC 30.65.340 [Relating to Nonconforming Uses and Structures]
In a general sense, nonconforming uses are those buildings or structures that do not comply with present-day regulations and that are considered “grandfathered in” to use a vernacular description. The industrial uses at Point Wells are thus “nonconforming.” With the exception of the pier, the project will redevelop all of the existing structures, so this review only needs to address the pier.77 The possible nonconforming status of the pier is only one consideration of this unique feature.

Park and Recreation Impact Mitigation (Chapter 30.66A SCC)

The proposal is within Nakeeta Beach Park Service Area, and is subject to Chapter 30.66A SCC, which requires payment of $1,050.49 per each new multi-family residential unit, to be paid prior to building permit issuance for each unit. Such payment is acceptable mitigation for parks and recreation impacts in accordance with county policies and is included as recommended condition of approval.

77 This statement could change after the applicant provides more information on project phasing if existing industrial uses will remain in operation on the site of later phases while earlier phases are under construction. See comments on phasing issues on page 21.
Concurrency and Road Impact Mitigation (Chapter 30.66B SCC)

State law requires jurisdictions to have transportation plans that are consistent with their land use plans ((RCW 36.70A.070(6)). As part of transportation planning, jurisdictions adopt Level-of-Service (LOS) standards for locally owned arterials and transit routes and LOS standards should be regionally coordinated ((RCW 36.70A.070(6)(a)(iii)(B)). Development approval may include strategies to accommodate the impacts of development concurrent with the development. “Concurrent with the development” means that improvements or strategies are in place at the time of development or that a financial commitment is in place to complete the improvements or strategies within six years (RCW 36.70A.070(6)(a)(iii)(C)). The concept of concurrency, therefore, is that developments have six years make or pay for road improvements that will maintain LOS on local roads. Local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the LOS to fall below standards adopted in the local plan (RCW 36.70A.070(b)).

For Point Wells, determining appropriate concurrency mitigation is challenging because the project is located in unincorporated Snohomish County, yet the major road impacts are in the City of Shoreline (part of King County) and the Town of Woodway (part of Snohomish County). Despite guidance from the State that LOS standards should be regionally coordinated, this ideal is not reflected in actual standards adopted by the three jurisdictions. In practice, this means that mitigation for impacts in Shoreline and Woodway will need to take place through yet-to-be-determined mechanisms that may include development agreement, interlocal agreement, or conditions placed on the project following SEPA review.

The following review of Chapter 30.66B SCC is from the Snohomish County perspective. Where appropriate, there is additional discussion on the relationships between Snohomish County Code and plans and regulations by other jurisdictions and agencies. Discussion of these external relationships is not comprehensive; rather, it identifies some of the regulatory basis for subsequent work with partner jurisdictions and agencies that will eventually result in mechanisms to mitigate transportation impacts on facilities not owned by Snohomish County.

**SCC 30.66B.005 Purpose and Applicability**
Chapter 30.66B shall apply to the Point Wells proposal. The requirements apply to road system as defined in former SCC 30.91R.240, which allows for an adjacent area of another county, i.e., the City of Shoreline, to be part of the road system for review of Chapter 30.66B SCC.

**SCC 30.66B.007 Delegation of Authority by Department of Public Works**
The Director of Public Works delegates some of the work in permit processing and determination of appropriate mitigation to Planning and Development Services in order to expedite permit reviews. However, the Director of Public Works reserves the right to make final decisions.

Files: 11-101457 LU / 11-101461 SM / 11-101464 RC / 11-101008 LDA / 11-101007 SP / 11-101457 VAR
Author: Snohomish County Planning and Development Services
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SCC 30.66B.010 Relationship to Chapter 30.61 SCC [SEPA Environmental Review]
Concurrency mitigation requirements in Chapter 30.66B SCC constitute adequate mitigation of adverse or significant adverse environmental impacts to roads owned by Snohomish County. However, it is important to note that this section does not limit the ability of Snohomish County to impose mitigation requirements for the direct impacts of development on state highways, city streets, or another county’s roads pursuant to SCC 30.66B.710 and .720 (SCC 30.66B.010(3)).

SCC 30.66B.015 Development Mitigation Requirements
Review of the Point Wells proposal will determine mitigation requirements that respond to eight of the nine listed subsections. Subsection 9 relates to large truck traffic generated by mineral mining and does not apply to Point Wells. Much of the process for determining mitigation requirements is still underway as part of a transportation analysis associated with the Environmental Impact Statement (EIS) for the project. The following review is therefore preliminary in nature.

Subsection (1): Impact on Road System Capacity. As described above, road system capacity is not just roads owned by Snohomish County, but also includes city streets and state highways. Point Wells is located in Transportation Service Area F (TSA-F) and mitigation for Snohomish County Roads shall address impacts to County-owned roads in TSA-F.

The Town of Woodway is also located in TSA-F and mitigation for impacts on roads owned by Woodway shall be in addition to mitigation for impacts to Snohomish County roads.

The City of Shoreline is in King County but is adjacent to TSA-F; therefore, City of Shoreline roads are part of the road system per former SCC 30.91R.240. Mitigation for impacts to Shoreline roads shall be in addition to impacts to Snohomish County and Woodway roads.

Several state highways may also experience impacts from Point Wells and mitigation may be required.

Subsection (2): Impact on Specific Level-of-Service Deficiencies. Analysis required to evaluate this subsection will be performed by the transportation analysis in the EIS.

Subsection (3): Impact on Specific Inadequate Road Condition Locations. Analysis required to evaluate this subsection will be performed by the transportation analysis in the EIS.

Subsection (4): Frontage Improvement Requirements. Frontage improvements can be required to Snohomish County-owned roadways abutting a development (see definition of Frontage Improvements in “SCC 30.91F.510 Frontage improvements” on page 385). The Point
Wells site abuts only one Snohomish County road, Richmond Beach Drive. There is only a 10-foot section of Richmond Beach Drive before that road enters the Town of Woodway (see Figure 40 below). The Woodway section of the road is approximately 250 long feet before reaching the City of Shoreline. Only the 10-foot section might be subject to frontage improvements required by Snohomish County. Improvements in Woodway and Shoreline would be subject to mitigation agreements reached with those municipalities.

As of April 2016, more information is necessary regarding the status of the unincorporated 10-foot section of Richmond Beach Road. One some records, including the parcel data used in Figure 40, previous page, this road section appears to be part of a panhandle connected to a residential parcel to the east (and which is otherwise entirely inside the Town of Woodway). Other records show the parcel ending at the Town of Woodway limits and the unincorporated part of Richmond Beach Road as belonging to Snohomish County. The status of this will need to be determined before completion of an evaluation of required frontage improvements.

**Subsection (5): Access and transportation system circulation requirements.** See access discussion starting on page 38 of this report.
Subsection (6) Dedication or deeding of right-of-way requirements. See private road discussion on page 39 of this report.

Subsection (7) Impact on state highways, city streets, and other counties’ roads. See EIS transportation mitigation.

Subsection (8) Transportation demand management measures. TDM is required at the 15% level. It appears that 5% will be met by on-site design features. Additional detail is needed so that it is clear that all of the structures will be connected by adequate pedestrian facilities. All of the pedestrian facilities need to be a minimum of 5 feet wide. The submitted TDM plan does not match the most recent site plan. Please have the applicant identify how the other 10% will be satisfied.

SCC 30.66B.020 Pre-submittal conference.
Pre-submittal conferences help determine if a traffic study is necessary and to ensure that the application is submitted with adequate information for the review process. It is an early screening step to help decide what types of information an applicant will need to supply with their official project proposal.

The Point Wells pre-submittal conference took place on December 16, 2009, under Snohomish County file number 09-108601 PS. This conference looked at a conceptual development with more housing units than were eventually proposed in the permit application submitted in 2011 (3,500 versus 3,081 units) and less commercial and retail space (85,000 square feet versus 126,562 sq ft). The Point Wells was determined to be in Snohomish County’s Transportation Service Area F (TSA-F).

The outcome of the pre-submittal conference was to refer estimates for impact fees to roads owned by Snohomish County to a traffic study. This traffic study is currently underway as part of the EIS process. Impact fee rates were determined to be $230 per Average Daily Trip (ADT) from residential uses and $196/ADT for commercial uses. There was not enough information available at the time to estimate Transportation Demand Management (TDM) requirements, and it was determined to use the forthcoming traffic study for TDM requirement review as well.

SCC 30.66B.025 Completeness Determination
Per this section, development applications are not complete until the applicant provides all traffic studies and related data, unless exempted at the pre-submittal conference. This does not necessarily mean that the studies provided are adequate for use; rather, the requirement is that the

78 The Traffic Presubmittal Review Form for this meeting is available at:
http://snohomishcountywa.gov/DocumentCenter/Home/View/33514
project application include a study. SCC 30.66B.045 allows Snohomish County Public Works to review the study and require additional information if necessary.

The Urban Center application included a traffic study titled *Point Wells Expanded Traffic Impact Analysis*, by David Evans and Associates, Incorporated, dated March 2011. Snohomish County accepted this study in making a completeness determination, but the forthcoming analysis that will accompany the EIS will supersede the 2011 traffic study.

**SCC 30.66B.030 Identification of Other Agencies with Jurisdiction**
The developer is responsible for identifying all agencies that may have jurisdiction and all permits or approvals required for the proposed development. To the extent known by Snohomish County, the following other transportation related permits and approvals are necessary:

1. City of Shoreline: Mitigation agreements for impacts to city roads;
2. Town of Woodway: Agreements for access to, and mitigation of impacts on, town roads;
3. State of Washington: Mitigation agreements for impacts to state highways;
4. Sound Transit: Agreements relating to the proposed Sounder Platform shown in the Urban Center application;
5. Burlington Northern Sante Fe: Permits/licenses for at least two revised railroad crossings and the proposed Sounder Platform which would be in the rail right-of-way;80
6. King County Wastewater Treatment Division: Approval for proposed revisions to the easement providing access to, and parking for, the Brightwater outfall; and
7. King County Metro or other provider TBD: Agreement on contract terms for the provision of supplemental bus service to Point Wells.

**SCC 30.66B.040 Traffic Study – Author’s Qualifications**
This section requires that authors of traffic studies have proper qualifications. The author of the 2011 traffic study was Victor Salemann, a licensed Professional Engineer (PE). The author of the traffic analysis for the EIS is Kirk Harris, PE. Both engineers are properly qualified.

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80 These approvals from BNSF would reflect the post-development state of the Point Wells site. A third type of approval, temporary for during construction, may be for a spur-rail line that would used for loading and unloading materials. Examples of materials might include contaminated soil during remediation and construction materials and debris during build-out. Provisions for such alternative access are outside the scope of this supplemental review letter, but it is likely that a spur rail line will be one of the mitigation measures identified in the EIS to reduce the amount of truck traffic on Richmond Beach Road during construction. Snohomish County recommends that the applicant begin discussion of a hypothetical spur line with BNSF at the same time as conversations about permits/licences from BNSF for the post-development conditions begin. If such a spur line becomes part of the phasing proposal, then the revised submittal must include it in the phasing plan.
SCC 30.66B.045 Review of Traffic Study
Snohomish County will review the EIS traffic study for accuracy and proper methodology and may use the study’s conclusions in arriving at recommendations under SCC 30.66B.050. Snohomish County may request additional information to verify the conclusions or analysis in the study.

This section establishes the Director of Public Works as the authority for the review. The Public Works Director delegates some authority to subordinates as well as to the department of Planning and Development Services. As stated in an October 14, 2015, letter to Kirk Harris (DEA, Inc.) from Ryan Countryman (PDS) regarding assumptions to be used in the traffic study for the EIS, the

“Department of Public Works (DPW) reserves the right to make additional comments on technical issues, likely on the next iteration of this assumptions memo (we expect additional DPW comments to be in conjunction with the peer review comments from our consultant.)”

In other words, the review so far has been under the authority delegated to PDS rather than reflective of final review by DPW. PDS’ review is for adequacy to begin work for the EIS traffic study, not agreement with the assumptions or conclusions of the traffic analysis.

SCC 30.66B.050 Director of Public Works’ Recommendation on Approval of Development
This section describes the criteria that the Director of Public Works follows in making a recommendation on proposed development. For Point Wells, this recommendation will be to the Hearing Examiner. Subsection (1) describes the information necessary to make a recommendation, which for Point Wells, includes completion of an EIS per SEPA. Since the EIS process is still underway, it would be premature to make a recommendation.

SCC 30.66B.055 Imposition of Mitigation Requirements
This section has five subsections.

Subsection (1) reads that Snohomish County shall “impose mitigation required under this chapter as a condition of approval of development.” Chapter 30.66B addresses impacts to both Snohomish County-owned roads as well as road system elements owned by other agencies. Mitigation per Chapter 30.66B is prescriptive with respect to Snohomish County roads and deferential to the SEPA EIS process for impacts to other agencies and jurisdictions.

81 The October 14, 2015, letter is available at: http://snohomishcountywa.gov/DocumentCenter/Home/View/33521
Subsection (2) Mitigation imposed as a condition of approval shall expire on the expiration date of the concurrency determination for a development. Any building permit application submitted after the concurrency expiration date shall be subject to full reinvestigation of traffic impacts under this chapter before the building permit can be issued. Determination of new or additional impact mitigation measures shall take into consideration, and may allow credit for, mitigation measures fully accomplished in connection with the prior approval when those mitigation measures addressed impacts of the current building permit application.

Subsection (3) The Public Works Director (or designee) shall inform the developer in writing of mitigation required by this chapter. On less complex project, this would be in the form of a section in the staff recommendation to the Hearing Examiner on the project. The staff recommendation proposes conditions for mitigation. Staff will write its recommendation after publication of the Final EIS. However, for Point Wells, much of the mitigation will involve neighboring jurisdictions and agencies. Before the staff writes its recommendation, it may be necessary to use the Final EIS as the basis for negotiations involving the developer and neighboring jurisdictions and agencies to determine the required mitigation. The outcome of such negotiations would become the basis for recommendations to the Hearing Examiner on mitigation.

Subsection (4) The applicant must provide a written proposal, or proposals, to Snohomish County Public Works describing measures proposed to manage transportation demand or mitigate effects of traffic on roads and facilities owned by other jurisdictions and agencies. Per this section, “If the developer has not submitted a written proposal by the time the department of public works makes its written recommendation on the case to the department [PDS], the director of public works will recommend denial” (small caps in original). It is therefore necessary that the developer use the EIS process to reach written agreement with neighboring jurisdictions or agencies on mitigation, or else the recommendation from Snohomish County Public Works may be to deny the project.

Subsection (5) says that required mitigation measures shall be binding.

SCC 30.66B.057 Review of Duplex Residential Building Permit Applications
This section does not apply to Point Wells.

SCC 30.66B.060 Authority to Deny Development – Excessive Expenditure of Public Funds
If proposed mitigation measures do not adequately address necessary road improvements, then Snohomish County may deny a permit application or require alteration of the application. The developer would have the option of bearing all or more than the development’s proportionate share of the required road improvement costs.
SCC 30.66B.065 Authority to Withhold or Condition Administrative Permits or Approvals
This section does not apply because Point Wells requires a Type 2 approval (administrative permits are a Type 1 approval).

School Impact Mitigation (Chapter 30.66C SCC)

The Snohomish County Council amended Chapter 30.66C SCC by Amended Ordinance 97-095, adopted November 17, 1997, which became effective January 1, 1999, in accordance with Amended Ordinance 98-126, to provide for collection of school impact mitigation fees at the time of building permit issuance based upon certified amounts in effect at that time. The subject application was determined to be complete after the effective date of amended Chapter 30.66C SCC. Pursuant to Chapter 30.66C SCC, school impact mitigation fees will be determined according to the Base Fee Schedule in effect for the Edmonds School District No. 15, at the time of building permit submittal and collected at the time of building permit issuance for the proposed units. Credit is to be given for the nine existing lots. PDS will include a recommended condition of approval for inclusion within the project decision to comply with the requirements of Chapter 30.66C SCC.
Shoreline Management Program (Located today in Chapter 30.67 SCC)

The Lower Bench of Point Wells is subject to the 2011 version of the Shoreline Management Program or SMP (the full title is the Snohomish County’s Shoreline Management Master Program, also the SMMP). Snohomish County uses this program to comply with Washington State’s Shoreline Management Act (RCW 90.58). The 2011 SMP regulations were outside Title 30 of Snohomish County Code. A major update to the SMP took place in 2012 and many of its components moved to a new Chapter 30.67 SCC. This review is per the 2011 SMP regulations but organizationally puts them at Chapter 30.67 rather than in a stand-alone section.

The components of the Shoreline Management Program apply to the review of Point Wells:
1. Maps showing shoreline environment designations, dated August 1984;
2. A document titled The Snohomish County Shoreline Management Master Program, the effective version of which was amended by Ordinance 93-036 on June 19, 1993, and which contains a shoreline environment compatibility matrix as well as policies and regulations controlling uses in each of the types of shoreline environments;

Shoreline Designation Map
Point Wells has vesting to the Shoreline Management Master Program Map Number 38, dated August 1984.82 This map shows the Lower Bench of Point Wells has having an Urban Environment designation and everything from the seawall westward as having a Conservancy Environment designation. Figure 41 below shows the relevant portion of Map 38.

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82 The full version of Map 38 is available at:

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Shoreline Compatibility Matrix

The applicable Shoreline Management Master Program compatibility matrix was unchanged from 1974 to 2012.\textsuperscript{83} This compatibility matrix has been reproduced below as Table 7 below, with the relevant uses highlighted. Discussion of these uses begins on the next page.

<table>
<thead>
<tr>
<th>Use Activity</th>
<th>Urban</th>
<th>Suburban</th>
<th>Rural</th>
<th>Conservancy</th>
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<td>Agriculture</td>
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<td>*</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Aquaculture</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Beach Enhancement</td>
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<td>0</td>
<td>^</td>
</tr>
<tr>
<td>Boating Facilities (including marinas)</td>
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<td>*</td>
<td>0</td>
<td>*</td>
</tr>
<tr>
<td>Breakwaters</td>
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<td>0</td>
<td>*</td>
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<td>*</td>
</tr>
<tr>
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<td>0</td>
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<tr>
<td>Jetties and Groins</td>
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<td>0</td>
<td>*</td>
</tr>
<tr>
<td>Landfill and Solid Waste Disposal</td>
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<td>*</td>
<td>*</td>
<td>*</td>
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</table>

\textsuperscript{83} Available at: \url{http://www.snohomishcountywa.gov/1382/SMMP-Compatibility-Matrix-Allowable-Uses}

Table 7 – SMMP Compatibility Matrix
(In effect from 1974 to 2012, relevant uses highlighted)
Beach Enhancement is a shoreline activity that includes stream enhancement and which is permitted in both the Urban and Conservancy environments by the compatibility matrix (Table 7 on the previous page). The proposed removal of the existing seawall with associated beach reconstruction qualifies as beach enhancements. There are five policies, four regulations and three general prohibitions that apply to both Urban and Conservancy environments.

Policy 1 requires assurance that aquatic habitats, water quality, flood conveyance and flood storage capacity are not degraded by the proposed actions. Impacts to flood conveyance and storage capacity will be negligible. Habitat and water quality will both improve once the proposed actions are complete. Natural systems will be restored compared to the present condition and a possible point source of hydrocarbon-related pollution will be replaced. The most severe risks to habitat and water quality would take place during construction. Risks during construction and post-construction can be mitigated by conditions placed on the project.

In a revised application, the applicant needs to provide greater detail on their plans for beach reconstruction. This information is necessary for the Draft EIS so that the Final EIS may identify mitigation measures that Snohomish County can recommend to the Hearing Examiner regarding the protection of habitat and water quality. Examples of possible conditions include:

1. Pre-Construction
   a. Incorporating material stockpiling and removal in the phasing plan
   b. Explaining temporary measures to divert Chevron Creek during construction
   c. Use of native plants in the landscaping plan
2. During construction
   a. Using temporary erosion and sediment control measures
   b. Having certified specialist onsite during construction, e.g. those with special knowledge of handling contaminants or erosion control specialists
   c. Limitations on the stockpiling of materials during rainy periods (October to April)
3. Post-Construction (to be included in covenants for the Homeowners Association)
   a. Restrictions against using non-native plants in areas near the shoreline environment
   b. Prohibitions against use of fertilizers, pesticides or other chemicals in the landscaping maintenance plan

Policy 2 requires, where possible, the use of “naturally regenerating systems for prevention and control of beach erosion over bulkheads and other structures” to promote beach restoration and enhancement. As proposed, Point Wells would significantly restore and enhance the beach compared to current conditions.

The 2011 permit applications depicted several beach groins that were dropped from most of the 2017 revisions to the application materials. However, Sheet E-050 of the Urban Center Site Plan...
still shows beach groins. The applicant must remove these from the next set of plans (and from any other documents that still show beach groins).

Policy 3 relates to stream enhancement projects. The applicant has requested special allowance for Innovative Development Design per SCC 30.62A.350 (2010); however, not enough information to evaluate the proposal relative to Policy 3 is available from the applicant. This policy will be re-reviewed when more information is available from the applicant.
Engineering Design and Development Standards (EDDS)

Point Wells has vesting to the 2010 version of EDDS (or EDDS (2010)). The entirety of EDDS 2010 is available at http://snohomishcountywa.gov/2042/EDDS-Previous-Editions. This review of EDDS 2010 is not exhaustive, rather, it focuses on those issues such as road widths and turning radii that that affect the overall site plan. Detailed EDDS review will take place during construction plan review.

Road Classification

Many of the EDDS (2010) standards for things such as lane and sidewalk widths depend on how a road is classified. EDDS (2010) Section 3-02 gives general criteria for road classifications and Section 3-05 discusses private roads and access ways. All of the roads are private non-arterial roads or access ways in the March 4, 2011, Urban Center submittal. The submittal does not include any discussion or identification of how roads and access ways are classified. However, classifications are important because they identify what standards a road must meet, or if deviating from those standards, then classification determines what types of deviations from EDDS 2010 standards are necessary. A resubmittal of the project must include a new sheet identifying proposed classifications for roads and access ways. Each type of road or access way proposed must also have a corresponding drawing of the typical road section (as begun, but not completed, on sheets C-500 and C-501).

Per EDDS (2010) Section 3-02(B), there are three types of non-arterial roads: Collector, Residential, and Local Access. This section describes these as:

1) **Collector** (Rural and Urban)

Collectors promote the flow of vehicles, bicycles and pedestrians from arterial roads to lower-order roads. Secondary functions are to serve abutting land uses and **accommodate public transit**. Typical traffic volumes are usually greater than 2000 ADT and may exceed 10,000 ADT in some jurisdictions.

2) **Subcollector** (Rural) / **Residential** (Urban)

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84 See also the review of former SCC 30.34A.080 Circulation and Access.

85 “Access way” refers to alleys, fire lanes and the like. The March 4, 2011, Urban Center submittal includes some access ways that do not fit any current classification in EDDS (e.g. the “service drive” for the Urban Plaza and the “parking roads” in the Central and South Villages). See text for discussion.

86 As of this writing, there has been discussion of modifications to this submittal to show a second access road. The connection between two public roads (i.e. Richmond Beach Drive and the hypothetical second access road) should be public roads rather than private roads. If the modified submittal includes a private road between two public roads, then a deviation must accompany the resubmittal requesting the change.

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Subcollectors and Residentials convey traffic to collectors. Residentials provide primary pedestrian and bicycle circulation within a neighborhood to residential lots and may carry some through traffic. Typical traffic volumes are usually less than 2000 ADT.

3) Local Access Road (Rural and Urban)

Local access roads are designed to convey vehicles, pedestrians and bicycles between individual land parcels and higher-order roads. Local access roads do not carry through traffic. Traffic volumes of 250 ADT or less are typical. (EDDS (2010) page 33, emphasis added)

The classification system relies partly on traffic volumes measures as Average Daily Trip (ADT) and on other factors such as uses. ADT at Point Wells will vary depending on specific uses in buildings. For example, typical condo units generate around 10 ADT per unit and senior only units tend to generate only around 6 ADT. The transportation study for Point Wells assumes that sizeable portions of trips at Point Wells will be by transit or internally captured (e.g. people walking to restaurants onsite rather than driving elsewhere).

Sidewalks

Sidewalks along roads shall be a minimum of 7 feet wide per Section 4-05(B)(2) of EDDS (2010), unless a deviation is applied for and approved authorizing narrower sidewalks. Sidewalks greater than 7 feet wide are authorized without needing a deviation.

List of Possible EDDS Deviations Required for the Proposed Plans

1. Use of private roads rather than public roads onsite
2. Tree planting details for trees above garages
3. Sidewalk width for sidewalks proposed to be less than 7-feet wide
4. Landscaping planter width between sidewalks and private roads (where the plans show 4-foot wide planters rather than the standard 5-foot minimum)
5. ADA exemption for the sidewalk on the second access road due to the proposed 15% grade Trees on Parking Garages (see discussion on page 180).
6. Pavement materials and depth if the Boardwalk is to be used as a Fire Apparatus Access Road (see Fire Code review starting on page 137).
7. Use of the shoulder of the Boulevard Bridge (the pedestrian/bicycle lane) as part of the 20-feet of required width for fire lanes (see Fire Code review starting on page 137).
8. Use of the “inbound” ramp to the site as an “outbound” fire lane, despite the obstruction of oncoming traffic (see Fire Code review starting on page 137).
MISCELLANEOUS ERRORS AND INCONSISTENCIES AND OTHER ISSUES

Building SV-T1

South Village Tower 1 would be a residential tower with a restaurant at the base. To have an approvable site plan, the applicant must address several aspects of this building. Sheet A-103 gives the overall floorplan. Sheet A-202 agrees with Sheet A-103 that the ground floor would have seven residential units. The unlabeled lobby at the building entrance would be an eighth unit on the upper floors per Sheet A-202. Note that Sheet A-202 does not indicate any square footage for where Sheet A-103 depicts a restaurant extending beyond the building base. Both sheets fail to provide the proposed square footage for the restaurant.

Figure 42 below, illustrates some of the design issues with this building. Where is the walkway to the building entrance? Why does Sheet A-103 show the west part of the restaurant with diagonal lines indicating that it is also part of the esplanade area? Why does part of the north end of the restaurant cover steps down to the Amphitheater? Where is the restaurant entrance? Assuming the restaurant entrance is where the space would be only 14’ 3” wide, where would the kitchen location be? Ground floor units 3-5 would have no windows because the restaurant would block them. Ground floor unit 6 would have no view of Puget Sound. Depending on the location of the kitchen and type of vent system used, units above the restaurant may be subject to noise and fumes from the restaurant. The sidewalk shown near the restaurant is 5’ wide when 7’ is the minimum required. How would loading of restaurant supplies happen? The floor plan on Sheet A-103 would preclude loading from the garage via elevator because there is no direct garage access. The nearest loading area would be behind building SV-T5, more than 600’ for a delivery person to push a cart. Loading from the roadway in front of the restaurant would block one lane of the only non-emergency access to the entire phase.

Figure 42 – Building SV-T1 from Sheet A-103
Building NV-T1

North Village Tower 1 is proposed to be either 16 or 17 stories (there is a discrepancy in the data table on Sheet A-200 that makes this unclear). Snohomish County’s main concern with this building relates to the lower units and the proposed acoustical wall separating the building from the nearby railroad tracks.

Figure 43, below, compares information from Sheets A-101 and C-301 with respect to building NV-T1. It appears that the building would be approximately 5-feet from the acoustical wall. The finished floor elevation for the building is proposed to be 28.6’. The top of the acoustical wall is proposed to be 55’ next to the building. This means that unit 9 on floors 1 and 2 would be entirely facing the wall. Unit 1 on the levels would only have a small degree of view elsewhere. Units 1 and 9 on the third floor would have limited peak-a-boo views other than of the wall.

Snohomish County will need more information regarding landslide hazards and the proposed wall design before determining whether this arrangement meets code. Is this the intended design for these units?

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Figure 43 – Building NV-T1 Acoustical Wall Concern

87 The plans themselves do not give dimensions; the slight differences in Figure 43 – 4’ 10” vs 5’ 8” – come from a scaling tool in Snohomish County’s software rather than from the plans themselves.
Comments and errors on Sheets A-200 to A-202.

The data tables on Sheets A-200 to A-202 includes a number of errors and inconsistencies with other plan sheets. See markups. The markups also identify some additional information that should be included on these sheets (or at an alternate location) for the plans to demonstrate compliance with certain requirements identified on the markups.

Consistency with EDDS

Snohomish County’s Engineering Design and Development Standards (EDDS) establish the design standards for transportation facilities, storm drainage infrastructure, utilities and similar aspects of all new construction. Projects in the site-planning phase, such as Point Wells, must be able to demonstrate that the project can comply with all EDDS requirements. Therefore, a general review for EDDS consistency occurs during the review of the site plan and related applications. Further detailed EDDS review will occur after site plan approval, i.e., during the review of construction drawings. Point Wells has vesting to the 2010 version of EDDS.88

The process for obtaining approval to vary from EDDS is a “deviation.” Deviations are granted or denied by the by County Engineer after review and recommendation by appropriate staff to the County Engineer. Each deviation requires its own review process and Snohomish County assigns each deviation request its own permit number for tracking purposes.

A typical large apartment project of say 300 units might include 2-4 deviations. At 10x that size, the list of design features at Point Wells that would require deviations becomes quite large. For this reason, and because County staff understands that the site plan will be adjusted in many small ways that will affect the list, this review of the April 17, 2017, version of the project does not attempt to identify all potential areas that may require deviations. Instead, our review identifies a preliminary list and attempts to organize that list by themes. We recommend that the applicant consider this list while working on revisions to the site plan. Before finalizing the next revisions to the plans, we suggest meeting with County staff to discuss known areas where EDDS deviations may be necessary.

An alternative to applying for many individual EDDS deviations might be to apply for deviations in groups as is allowed under EDDS 1-05. You would still need to provide written documentation supporting each deviation and pay for each deviation, but this would allow for a more efficient processing of the deviations.

Consistency with EDDS is not by itself a SEPA-level issue. For example, the use of private rather than public roads on site will require an approval from Snohomish County but would have

88 Links to the text and standard drawings for EDDS 2010 are available at [https://snohomishcountywa.gov/2042/EDDS-Previous-Editions](https://snohomishcountywa.gov/2042/EDDS-Previous-Editions).
no discernable environmental impact. However, bringing the site design into compliance with EDDS may have secondary environmental impacts, depending on the issue. To illustrate, EDDS requires a sidewalk width of 7’ for mixed-use projects such as Point Wells (EDDS 2009 4-05.B.2). Many of the sidewalks shown on the site plan are 5’ and thus do not comply with EDDS. In areas likely to have lower foot traffic volumes such as sidewalks near low-rise residential buildings, Snohomish County would entertain a request to allow 5’ sidewalks. However, the 5’ sidewalks shown on the site plan at the two restaurants under tower buildings CV-T7 and SV-T1 where the site converges on the Amphitheater and pier access must be at least 7’ wide (Figure 44 illustrates this below). Widening these sidewalks may have secondary SEPA effects such as altering the amount of commercial space in the traffic model or requiring adjustment to drainage plans. While the SEPA importance of each individual EDDS compliance issue is likely small, the cumulative effect is difficult to anticipate and cannot be evaluated until the overall site plan is revised for these (and other) issues.

Figure 44 – Illustration of Sidewalk Considerations

89 The discussion here refers to building CV-T7 but the figure does not include the Central Village. Sheet A-102, which depicts the Central Village, should include the relevant sidewalk details as Sheet A-103 does; however, no sidewalks appear on Sheet A-102. The applicant must revise Sheet A-102 to include sidewalks. (Sidewalks for the Central Village do appear on Sheet A-052, albeit at a larger scale.)
**Trees on Parking Garages**

The project design would include many trees on the top of parking garages. Figure 45, below, depicts this for the Central Village with a birds-eye view. All of the buildings and trees between them would be on top of the parking garage below. Trees provide obvious visual amenities and:

1. Help meet landscaping requirements, including provision of the required street trees; and
2. Assist with the functioning of bioretention planters (Figure 46, below) and water conveyance runnels by intercepting and evaporating rain.

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**Figure 45 – Trees at the Central Village (from Sheet G-003)**

**Figure 46 – Bioretention Planter (Adapted from Sheet C-501)**

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Note that Figure 46 is to illustrate bioretention planters. This detail from Sheet C-501 has several markups that do not appear here, including a comment relating to the bioretention planter itself. See markups.
**Planting Depth:** Trees need soil for roots. The cross sections for the garages were revised in the 2017 plans to show some depth for soil as illustrated in Figure 47 below. However, this figure and Figure 46, previous page, do not include enough information for Snohomish County to determine whether the proposed soil depth is adequate.

![Figure 47 – Parking Section Showing Trees Above Garage (Adapted from Sheet A-311)](image)

Guidance for soil depth appears in EDDS. However, the standard drawings in EDDS all presume native soil below the planting medium (24” of Type B topsoil for street trees). Since there will be no native soil below trees on top of garages, more planting medium will be required than is shown in EDDS. The applicant must have their landscape designer provide a written recommendation for suitable soil depth for the proposed configuration and plantings. Details on the plans must then be revised to reflect this recommendation. Snohomish County will then review the issue for conformance with landscaping, drainage, EDDS, and parking compliance when the plans are revised and resubmitted.

![Figure 48 – EDDS (2010) Standard Drawing 4-050](image)
APPENDICES TO THE REVIEW COMPLETION LETTER

These are the sections of code in effect on at the time of project application on March 4, 2011.

Appendix A: General Provisions (Chapter 30.10 SCC)

30.10.040 Compliance with other laws.
Nothing in this title shall be construed to excuse compliance with other applicable federal, state, or local laws or regulations.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Former (2003) 30.10.080 GMA development regulations.
The UDC is adopted as a development regulation under RCW 36.70A.040, except subtitle 30.5 SCC (construction codes), chapter 30.61 SCC (SEPA); chapter 30.86 SCC (fees).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Former (2012) 30.10.080 GMA development regulations.
The UDC is adopted as a development regulation under RCW 36.70A.040, except subtitle 30.5 SCC (construction codes); chapter 30.61 SCC (SEPA); chapter 30.86 SCC (fees); and chapter 30.44 SCC (shoreline management).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 12-018, May 2, 2012 Eff date May 21, 2012)

30.10.080 GMA development regulations.
The UDC is adopted as a development regulation under RCW 36.70A.040, except for the following: subtitle 30.5 SCC (construction codes); chapter 30.61 SCC (SEPA); chapter 30.86 SCC (fees); chapter 30.44 SCC (shoreline permits); and chapter 30.67 (shoreline management program).

Appendix B: Sections of Chapter 30.23 SCC General Development Standards – Bulk Regulations Used in Review

SCC 30.23.020 Minimum net density for residential development in UGAs.

1. A minimum net density of four dwelling units per acre shall be required in all UGAs for:
   (a) New subdivisions, short subdivisions, PRDs, and mobile home parks; and
   (b) New residential development in the LDMR, MR, and Townhouse zones.

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

3. Minimum net density is determined by rounding up to the next whole unit or lot when a fraction of a unit or lot is 0.5 or greater.

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

5. The minimum net density requirement of this section shall not apply:
   (a) In the Darrington, Index, and Gold Bar UGAs; and
   (b) Where regulations on development of steep slopes, SCC 30.41A.250, or sewerage regulations, SCC 30.29.100, require a lesser density.


Former SCC 30.23.050 Height requirements, exceptions and measuring height.

1. The maximum height of buildings and structures shall be pursuant to the height standards in SCC Table 30.23.030(1) and Table 30.23.030(2), except as provided in SCC 30.23.050(2) and SCC 30.23.050(3).

2. The following shall be exempt from the maximum height standards:
   (a) Tanks and bunkers, turrets, church spires, belfries, domes, monuments, chimneys, water towers, fire and hose towers, observation towers, stadiums, smokestacks, flag poles, towers and masts used to support commercial radio and television antennae, bulkheads, water tanks, scenery lofts, cooling towers, grain elevators, gravel and cement tanks and bunkers, and drive-in theater projection screens, provided they are set back at least 50 feet from any adjoining lot line;
   (b) Towers and masts used to support private antennas, provided they meet the minimum setback of the zoning district in which they are located, and the horizontal array of the antennae does not intersect the vertical plane of the property line;
   (c) Towers, masts or poles supporting electric utility, telephone or other communication lines;

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(d) Schools and educational institutions provided that:
   (i) The use was approved as part of a conditional use permit;
   (ii) A maximum building height of 45 feet is not exceeded; and
   (iii) Any portion of any building exceeding the underlying zoning maximum height standard is set back at least 50 feet from all of the site's perimeter lot lines; and
   (e) Aircraft hangars located within any industrial zone provided that the hanger is set back at least 100 feet from any non-industrial zone.

(3) Applicants proposing height modifications pursuant to SCC 30.63C.040(1)(a) to incorporate low impact development techniques into site design and planning, may exceed the maximum height of the underlying zoning district provided that:
   (a) The maximum height is not increased if the property is located in R-9600, R-8400, R-7200, T, LDMR, and MR zones; and the maximum height is not increased by more than 14 feet if the property is located in FS, NB, PCB, CB, GC, IP, BP, LI and HI zones;
   (b) The property is located within an urban growth area;
   (c) The maximum lot coverage is reduced by one percentage point for each foot of additional height (example: one foot of additional height means a 35 percent maximum lot coverage will be reduced to 34 percent); and
   (d) If the zone does not have a maximum lot coverage requirement then at least 40 percent of the site shall contain pervious surfaces.

(4) Building height shall be measured as the vertical distance from the average final grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

(5) Calculation of the average final grade shall be made by drawing the smallest rectangle possible that encompasses the entire building area as shown in Figure 30.23.050(1) and averaging the elevations at the midpoint of each side of the rectangle.

(6) Fill shall not be used to raise the average final grade more than five feet above the existing grade of any dwelling located within 50 feet on adjoining properties. (Figure 30.23.050(2)).

**Figure 30.23.050(1)**

Calculating average final grade and determining height:
(7) The measurement of height under this section does not apply to buildings regulated by the Snohomish County Shoreline Management Master Program, nor does it replace the definitions of height in the construction codes, which are specific to the provisions in those chapters.

(8) Rooftop heating, ventilation and air conditioning (HVAC) and similar systems, when located on commercial, industrial or multifamily structures. The systems shall not exceed the maximum building height of the underlying zone by more than 30 percent or 15 feet, whichever is less. Sight-obscuring screening shall be required unless otherwise approved by the director of the department.

Appendix C: Former Chapter 30.24 SCC General Development Standards – Roads and Access

[Former] Chapter 30.24
GENERAL DEVELOPMENT STANDARDS - ROADS AND ACCESS

30.24.010 Applicability of roads and access standards.
30.24.020 General provisions.
30.24.030 Establishing vehicular ingress and egress.
30.24.040 Access requirements for certain pre-existing lots.
30.24.050 Access across railroad right-of-way or county-owned trail.
30.24.060 Public and private roads.
30.24.070 Dedication of right-of-way.
30.24.080 Pedestrian facilities.
30.24.090 Drive aisles.
30.24.100 Fire lanes.
30.24.110 Auto courts and woonerf.
30.24.120 Alleys.
30.24.130 Shared and common driveways.
30.24.140 Planned residential developments.
30.24.150 Single family detached units.
30.24.160 Transit facilities.
30.24.170 Utilities.
30.24.180 Public access to publicly-owned or controlled water bodies.
30.24.190 Alternative access.
30.24.200 Deviations from road and pedestrian requirements.

Former SCC 30.24.010 Applicability of roads and access standards.
Development shall include adequate provisions for roads, vehicular and pedestrian access, transportation network circulation, transit facilities, and traffic demand management (when in an urban growth area) in accordance with the general and specific standards and review criteria set forth in Title 30 SCC, Title 13 SCC, the EDDS, and any other applicable local, state and federal requirements.

Former SCC 30.24.020 General provisions.
(1) The overall road network and access and associated stormwater drainage facilities shall be subject to approval of the county engineer, except as these powers are delegated to the department pursuant to SCC 13.01.020(3) and 13.01.020(4).
(2) Development shall:

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(a) Be designed to provide adequate road and right-of-way access and circulation to promote safety and minimize traffic congestion consistent with adopted levels of service;
(b) Provide emergency vehicle access consistent with the access requirements of chapter 30.53A SCC;
(c) Provide a connected road system and adequate rights-of-way based on consideration of existing and future development; and
(d) Provide access and transportation circulation pursuant to SCC 30.66B.420.
(3) The configuration and design of all roads, rights-of-way, access and drainage facilities shall be provided pursuant to the EDDS and chapters 30.63A, 30.66B and 30.53A SCC.
(4) The overall road network and access needs of lands in the area of new development shall be considered in determining the road location and access within a development and any requirements to connect the road system to existing road stubs.
(5) Lots shall be designed to minimize individual access to the public or private roads serving the property.

Former SCC 30.24.030 Establishing vehicular ingress and egress.
The county engineer, in consultation with the fire marshal, shall have authority to:
(1) Establish the location, width, and manner of approach of vehicular access, ingress or egress to a lot or development from a public road; and
(2) Alter existing access as required to control traffic in the interest of public safety and general welfare.

Former SCC 30.24.040 Access requirements for certain pre-existing lots and lots created outside of the subdivision and short subdivision processes.
Access to certain pre-existing lots created outside of the subdivision or short subdivision processes is required pursuant to this section.
(1) Lots whose access was created prior to April 15, 1957, shall abut a public road or be served by a private road or access easement of any width.
(2) Lots whose access was created on or after April 15, 1957, but prior to August 9, 1969, shall abut by not less than 15 feet upon and have direct access to a public road or be served by a private road or access easement having a minimum right-of-way width of 15 feet.
(3) Except as set forth in SCC 30.24.040(4), lots whose access was created on or after August 9, 1969, shall abut by not less than 20 feet upon and have direct access to:
   (a) An opened, constructed, and maintained public road;
   (b) A private road in a subdivision, short subdivision, large tract segregation, or binding site plan with record of survey approved by Snohomish County; or
   (c) An exclusive, unshared, unobstructed, permanent access easement at least 20 feet wide where a division of land into new lots is not required.
(4) A lot 1/128th of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, may abut by not less than 60 feet and have direct access to a private road having:
(a) A right-of-way width of at least 60 feet;
(b) Sufficient improvements for automotive travel from the nearest opened, constructed and maintained county road to the parcel; and
(c) A design that would permit reasonable and safe construction of a county road meeting county standards.

No parcel qualifying as a lot under this subsection will continue to so qualify for lot status if the parcel is re-divided creating any parcel less than five acres in size, or less than 1/128th section if described as a fraction of a section of land, unless the parcel qualifies as a lot under SCC 30.24.040(3).

Former SCC 30.24.050 Access across railroad right-of-way or county-owned trail.

(1) Lots whose legal access crosses or is proposed to cross either a railroad company right-of-way or county-owned trail must demonstrate to the department that a crossing permit (license) has been granted by the railroad company or by the Snohomish County Department of Parks and Recreation in the case of a county-owned trail. Such permit (license), along with the name of the current property owner or contract purchaser, shall be recorded with the county auditor and presented to the department prior to the issuance of development permits.

(2) An owner of aggregations of lots whose legal access is provided across a railroad company right-of-way or county-owned trail may collectively enter into an incorporated homeowners association for a single crossing permit (license) to benefit the aggregation of said lots. The articles of incorporation, bylaws, and permits (license) shall be recorded with the county auditor. Prior to the issuance of development permits, evidence of the arrangements with the railroad company or the Snohomish County Department of Parks and Recreation must be presented to the department. However, restrictions in this subsection shall not apply where the railroad or county-owned trail crossing is a maintained county road or county right-of-way.

Former SCC 30.24.060 Public and private roads.

Development shall be served by open, constructed and maintained public or private roads and rights-of-way pursuant to this section.

(1) Access to the boundary of the development shall be provided by a public road, except private roads may be approved for any of the following:
   (a) The division of land into new lots where each lot contains five acres or more of area, or 1/128th of a section when described as a fraction of a section, and where a record of survey is recorded;
   (b) Where there is an existing private road when:
      (i) The road adequately accommodates the anticipated traffic generated by the proposed development and the existing development;
      (ii) The road is constructed to the appropriate EDDS standard;
      (iii) The applicant obtains a recorded access easement from the owners of record for use of the private road as access to the new development; and
(iv) The arrangement for maintenance of the private road is approved by the director; and

(c) Where other unique circumstances of the site, such as topography, the road network of the surrounding area, soils, hydrology or maintenance requirements make the extension of the public road system impractical or infeasible, as determined by the county engineer.

(2) Vehicle access to individual lots within the boundaries of a development shall be provided by a public road, except private roads or private vehicle access may be approved for any of the following:

(a) Roads located in a division of land creating new lots where each lot contains five acres or more of area, or 1/128th of a section when described as a fraction of a section, and where a record of survey is recorded;

(b) Roads located in a planned residential development when the following criteria are met:

(i) Physical limitations of the site or adjacent property preclude the possibility of linking the site with a public road either planned or projected in the foreseeable future;

(ii) The proposed design of the private road, pedestrian facilities, and layout meets the objectives for planned residential developments described in SCC 30.42B.140 and will adequately serve the development pursuant to chapter 30.66B; and

(iii) The development is not otherwise required to provide a public road under the Snohomish County Code;

(c) Drive aisles pursuant to SCC 30.24.090;

(d) Roads located within a rural cluster subdivision or rural cluster short subdivision pursuant to chapter 30.41C SCC;

(e) Roads that serve a maximum of nine lots or 90 average daily trips, whichever is less; and

(f) Where other unique circumstances of the site, such as topography, the road network of the surrounding area, soils, hydrology or maintenance requirements make the extension of the public road system impractical or infeasible, as determined by the county engineer.

(3) Where access by a private road is permitted and the private road has the potential for serving more than nine lots or 90 average daily trips, the county engineer may require such roads to have the potential for future conversion to a public road and reconstruction to public road standards.

(4) A registered professional engineer shall certify that stormwater drainage facilities for private roads and drive aisle systems, including cross culverts, and other site improvements have been constructed in accordance with the requirements of SCC 30.24.020(3) and sound engineering practices.

**Former SCC 30.24.070 Dedication of right-of-way.**

(1) Where existing abutting public right-of-way to proposed development does not meet county width requirements, the county may require dedication of additional right-of-way that is...
determined to be reasonably necessary as a result of impacts created by the proposed development to make appropriate provisions for public roads.

(2) Where dedication of right-of-way is not required based on the impacts created by proposed development, but where right-of-way is required for future expansion of the public road system, the director may require a reserve area be set aside for such future right-of-way expansion subject to the following:

(a) The property owner may voluntarily dedicate or deed the reserve area to the county or the reserve area may be purchased by the county as part of a future road project;

(b) Building setbacks and other zoning code requirements shall be measured from the reserve area boundary located on the furthest side from the public right-of-way; and

(c) The director or county engineer may require a notice to be recorded on the title of the subject property notifying future property owners of the reserve area.

(3) If dedication of right-of-way results in loss of a lot, the provisions of SCC 30.23.230(3) may apply.

**Former SCC 30.24.080 Pedestrian facilities.**

Pedestrian facilities shall be required for development pursuant to this section.

(1) Pedestrian facilities shall include infrastructure and equipment to accommodate or encourage walking, including sidewalks, curb ramps, traffic control devices, trails, walkways, crosswalks, paved shoulders, and other design features intended for pedestrian travel consistent with the following:

(a) Pedestrian facilities shall be constructed as frontage improvements in any abutting city, county, or state road right-of-way located within urban growth areas as a condition of development approval in accordance with chapter 30.66B SCC;

(b) Development located within urban growth areas shall provide an internal network of pedestrian facilities that connects dwelling units to community facilities, such as central mailboxes, parking areas, open spaces, on-site recreation spaces and pedestrian facilities in abutting road right-of-way;

(c) Public places shall provide an accessible pedestrian route of travel from the public right(s)-of-way to the principal entrance of each building or to a use; and

(d) Public places which contain more than one building or use shall provide an accessible route of travel between the principal entrance to each building and use.

(2) Pedestrian facilities such as sidewalks and walkways shall be designed and constructed in accordance with the EDDS and any applicable standards for accessibility set forth in chapter 30.52A SCC.

(3) Pedestrian facilities are not required along:

(a) Alleys;

(b) Permanent dead-end sections of roadways that are 150 feet or less in length and serve 90 average daily trips or less;

(c) Fire lanes, except as provided for in SCC 30.24.100; and

(d) Auto courts that are 150 feet or less in length and serve 90 average daily trips or less.
(4) Where a pedestrian facility is parallel and adjacent to a roadway, it shall be raised or separated from the vehicle surface by a raised curb (rolled or vertical), bollards, landscaping or other physical barrier. If a raised facility is used, it shall be pursuant to the EDDS standards, or if there is no EDDS standard it shall be at least four inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing shall be no further apart than five feet on center.

Former SCC 30.24.090 Drive aisles.

(1) Drive aisles are an internal vehicle circulation system of private access ways that are owned in common by the property owners of a development and that are not located in an access easement, tract or right-of-way.

(2) Drive aisles are permitted in single family detached units developments, multifamily developments and in other single or common ownership types of developments, subject to the limitations of SCC 30.24.060 and construction according to EDDS specifications.

(3) When a drive aisle system is permitted, the vehicle circulation system may include any combination of the following types of vehicle access:
   (a) Fire lanes pursuant to SCC 30.24.100;
   (b) Auto courts and woonerfs pursuant to SCC 30.24.110;
   (c) Alleys pursuant to SCC 30.24.120;
   (d) Common driveways pursuant to SCC 30.24.130; and
   (e) Roads and turnarounds built to the EDDS standards.

Former SCC 30.24.100 Fire lanes.

(1) Fire lanes shall be designed to provide fire apparatus access to buildings and facilities within development pursuant to SCC 30.53A.512.

(2) Minimum width of fire lanes:
   (a) Minimum width shall be 20 feet without parking on either side of the fire lane;
   (b) Minimum width shall be 28 feet with a parking lane on one side of the fire lane;
   (c) Minimum width shall be 24 feet with a parking lane on one side of the fire lane and a pedestrian facility meeting emergency vehicle load specifications with rolled curb on the opposite side from the parking lane; or
   (d) Minimum width shall be 32 feet with parking lanes on both sides of the fire lane.

(3) Where a parking lane is provided on one side of the fire lane, the fire hydrants shall be located on the opposite side.

(4) Fire lanes shall be constructed consistent with a public pavement section (pavement plus road base) specified in the EDDS for public roads.

Former SCC 30.24.110 Auto courts and woonerfs.
(1) Auto courts and woonerfs may be elements of drive aisles and public and private roads that provide internal vehicle circulation within a development. They are permitted in single family detached units developments pursuant to chapter 30.41F SCC and may be permitted in other developments if planned and constructed according to the standards in the EDDS and are determined by the county engineer to be an appropriate means for access and circulation within the development, based on the particular characteristics of the development proposal.

(2) Auto courts shall be designed for joint use by pedestrians and vehicles. In designing an auto court, the following standards shall apply:
   (a) Special paving and other street elements shall be used to encourage slow vehicle speeds and traffic calming. This can include scored concrete, paving blocks or bricks, ornamental pavers, or similar alternative materials.
   (b) Auto court length shall be no longer than 150 feet, unless the auto court is designated as a fire lane and meets the width, load rating and turnaround requirements of SCC 30.53A.512, or dwelling units served by the auto court have sprinkler systems installed pursuant to chapter 30.52G SCC.
   (c) If no garage doors face the auto court, the minimum width of the auto court shall be 12 feet, except auto courts that are designated as a fire lane shall be a minimum width of 20 feet.
   (d) If any garage doors face the auto court, the minimum separation between garage doors shall be 28 feet, or 24 feet between a garage door and the far side of the driving surface not abutting a garage door to allow vehicles to exit garages.
   (e) A turnaround area shall be provided at the end of the auto court, with a minimum 24-foot backup distance from the end of any driveway apron or parking area.

(3) Woonerfs are joint vehicle-pedestrian access ways similar to auto courts, except woonerfs create a through connection between two sections of the road or vehicle access system. In designing a woonerf, the following standards shall apply:
   (a) The width shall be a minimum of 12 feet, except that a woonerf designated as a fire lane shall be a minimum width of 20 feet.
   (b) The minimum separation between opposing garage doors on a woonerf shall be 28 feet, or 24 feet between a garage door and the far side of the driving surface not abutting a garage door to allow vehicles to exit garages.
   (c) Woonerfs are allowed to serve a maximum of 150 average daily trips. This limitation shall not apply to private woonerfs that serve entirely non-residential development.
   (d) Woonerfs shall be surfaced with scored concrete, paving blocks or bricks, ornamental pavers, or other similar alternative materials other than asphalt.

Former SCC 30.24.120 Alleys.
Alleys may be allowed to provide vehicle access pursuant to this section.
   (1) An alley must connect at two points to the primary internal vehicle circulation system so that neither a turnaround nor backing out of the alley is required, except an alley may connect at only one point to the internal vehicle circulation system if the alley is 150 feet or less in length.
   (2) An alley may not be used as a joint-use pedestrian facility.
(3) The minimum width of an alley is 12 feet, except the minimum width is 20 feet if the alley is designated a fire lane, or the width may be increased to meet the requirement in SCC 30.24.120(4).

(4) The minimum separation between opposing garage doors accessed by an alley shall be 28 feet, or 24 feet between a garage door and the far side of the driving surface not abutting a garage door to allow vehicles to exit garages.

(5) Parking is not permitted in an alley.

(6) Alleys may provide the primary access for residential development if the alley meets the standards for a fire lane pursuant to SCC 30.24.100(2)(a) and pedestrian facilities are provided separate from the alley.

Former SCC 30.24.130 Shared and common driveways.
Driveways serve to provide vehicle passage from road and drive aisle systems to parking areas and structures.

(1) The purpose of shared driveways is to reduce impervious surface areas and to reduce the number of driveway access points entering a road. Shared driveways shall:
   (a) Abut a public or private roadway or fire lane;
   (b) Not have a driveway area less than 10 feet in width;
   (c) Be limited to not more than two lots; and
   (d) Have a shared access easement including a maintenance requirement, which shall be the responsibility of the shared users, recorded with the Snohomish County Auditor.

(2) Common driveways may be elements of road and drive aisle systems that can provide vehicle access for up to four residential dwellings on a single lot. Common driveways shall:
   (a) Abut a public or private roadway or fire lane;
   (b) Not have a driveway area less than 10 feet in width; and
   (c) Have maintenance be the responsibility of the shared users.

(3) Shared driveways and common driveways shall not be combined.

(4) The access point for shared driveways and common driveways shall be constructed in accordance with the EDDS.

Former SCC 30.24.140 Planned residential developments.
The following are supplemental access requirements for planned residential developments permitted pursuant to chapter 30.42B SCC:

(1) A connected network of internal roads shall be provided rather than long, irregular loops with dead-ends and cul-de-sacs; and

(2) Access connections shall be made to all public rights-of-way or easement stubs abutting the boundaries of the project.
Former SCC 30.24.150 Single family detached units.
   (1) As an alternative to providing internal public or private road, unless public or private road connections are required, single family detached units development may provide internal vehicular circulation by a drive aisle system pursuant to SCC 30.24.090.
   (2) Pedestrian facilities shall be provided in accordance with SCC 30.24.080, except:
       (a) Pedestrian facilities are required on only one side of the driving lanes, except for public roads where pedestrian facilities are required on both sides; and
       (b) Separated walkways and pathways such as trails may be counted towards meeting pedestrian facility requirements.

Former SCC 30.24.160 Transit facilities.
Public transit stop facilities shall be provided as required by SCC 30.66B.430 and may include covered shelters and other improvements. Where such transit stop facilities are required, a direct sidewalk or walkway route shall provide accessibility.

Former SCC 30.24.170 Utilities.
   (1) Utilities located within a public road right-of-way shall be placed in accordance with the specifications in the EDDS, unless the county engineer grants a deviation to the specification.
   (2) Utility easements meeting the requirements of the applicable utility district may be required as a condition for approving development.

Former SCC 30.24.180 Public access to publicly-owned or controlled water bodies.
Public access to publicly-owned or controlled water bodies shall be pursuant to the Snohomish County Shoreline Management Master Program.

Former SCC 30.24.190 Alternative access.
   (1) Binding site plan lots which are created pursuant to chapter 30.41D SCC with no direct public road access may establish access rights through the recording of a common access agreement in lieu of the requirements of SCC 30.24.060.
   (2) The county engineer may approve other appropriate alternatives for vehicle access from the following texts and their amendments:
       (a) Residential Streets, 3rd Edition (ASCE, 2001); and

Former SCC 30.24.200 Deviations from road and pedestrian facilities requirements.
An applicant may request a deviation from the EDDS pursuant to the EDDS.
Appendix D: Sections of Chapter 30.25 General Development Standards – Landscaping used for Review

Former SCC 30.25.010 Purpose.

(1) The purpose of this chapter is to establish standards for landscaping, tree retention and tree replacement to implement the policies of the comprehensive plan and to achieve the following objectives:

(a) Enhance neighborhood livability and mitigate potential land use incompatibility through landscaping and screening;
(b) Reduce tree loss during land development and construction; and
(c) Mitigate tree loss by providing for tree replacement.

(2) The provisions of this chapter should enhance compatibility between uses and zones and build continuity within neighborhoods while reducing the impacts of new development and minimizing the visual impact of parking areas and detention facilities and other special uses that require screening from residential uses.


Former SCC 30.25.012 Applicability.

(1) The landscaping provisions of this chapter shall apply to all development permits, unless specifically exempted in SCC 30.25.012(3) or elsewhere in this chapter.

(2) The tree retention and replacement provisions of this chapter shall apply to all new residential development activity within urban growth areas and as required in SCC 30.25.025, 30.25.030 and 30.25.032, including any activity requiring a grading or other land-disturbing activity permit, unless specifically exempted.

(3) This chapter shall not apply to:

(a) Farms and accessory uses associated with farming;
(b) Changes in occupancy where the use would generate a need for five or less additional parking spaces over the number of existing spaces; and
(c) Remodels of multiple family, commercial, industrial, public facilities and private institutional uses representing less than 50 percent of the valuation of the structure as determined by using the most recent ICBO construction tables, or adding less than 20 percent of gross floor area.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)
Former SCC 30.25.015 General landscaping requirements.

1. All residential developments located within urban growth areas are required to landscape a minimum of 10 percent of the total gross area of the site to the standards set forth in this chapter unless exempted otherwise. The 10 percent requirement may include perimeter landscaping, parking lot and detention facility landscaping, tree retention areas and street trees not in a public right-of-way.

2. No building permit shall be issued when landscaping is required until a landscaping plan has been submitted and approved by the department, if applicable.
   (a) Landscaping plan requirements shall be defined by the department in a submittal requirements checklist, as authorized by SCC 30.70.030.
   (b) The landscaping plan shall be prepared by a qualified landscape designer.
   (c) The landscaping plan shall include an assessment of whether temporary or permanent irrigation is required to maintain the proposed landscaping in a healthy condition.
   (d) Street trees and other right-of-way planting shall be shown on the approved landscaping plan.
   (e) The landscaping plan shall include the location, caliper and species of all significant trees located on the site that are proposed to be removed.
   (f) The landscaping plan shall include the location, caliper or height, and species of all replacement trees to be planted.
   (g) The landscaping plan shall include a description of why significant trees cannot or should not be retained.
   (h) The landscaping plan shall include a description and approximate location of any trees on adjoining properties that may be directly affected by any proposed activities.
   (i) The landscaping plan shall show the clearing limits on the site of land disturbing activities.

3. Planting areas outside of the right-of-way may include landscape features such as decorative paving, sculptures, fountains, rock features, benches, picnic tables, and other amenities; provided that the area devoted to such features may count toward no more than 20 percent of the total required perimeter and parking lot landscaping area. Use of bark, mulch, gravel, and similar non-vegetative material shall be minimized and used only to assist plant growth and maintenance or to visually complement plant material.

4. An accessible route of travel meeting construction code barrier free requirements may cross a required landscape area at a 90 degree angle or as close to a 90 degree angle to the road right-of-way as conditions allow. The area devoted to an accessible route of travel in a required perimeter area may be included to satisfy the requirements of SCC 30.25.020.

5. The following minimum planting standards apply, except that street trees required pursuant to SCC 30.25.015(8) shall comply with planting standards in the EDDS:
   (a) Evergreen and deciduous trees shall be at least eight feet high at the time of planting;
   (b) Deciduous trees shall have a minimum diameter of one and one-half inches caliper at the time of planting; provided that the combined diameter measurements of groupings of understory trees, such as vine maples, may be used to meet this requirement;
(c) Evergreen and deciduous shrubs shall be at least 18 inches high at the time of planting;

(d) Trees shall be of a size and type projected to reach a height of at least 20 feet in 10 years, except where under-story or low-growing trees are specifically approved or required by the director; and

(e) Trees shall be planted at least five feet from adjoining property lines, except as may be approved for landscaping along road frontages pursuant to the EDDS and road frontage requirements.

(6) All landscape materials shall meet or exceed current United States standards for nursery stock published by the American Nursery and Landscape Association and consist of native species. The applicant shall use a list of acceptable species prepared by the director or may substitute a species with similar characteristics not on the list with the director’s approval.

(7) To promote stabilization and continued healthy growth of the landscape areas required by this section, a qualified landscape designer shall determine the need for irrigation. An irrigation plan shall be submitted together with the required landscape plan.

(8) Street trees are required to be planted along public and private roads and drive aisles within urban growth areas on land developed for residential use according to the road cross section and general landscaping standards of the EDDS. Street trees are not required around turnarounds at the end of roads less than 150 feet in length.

(9) Street tree maintenance shall be as follows:

(a) Property owners shall be responsible for the maintenance (including pruning) and liability of street trees on their property, or where responsibility has been assumed by the owner through a recorded agreement with the county; and

(b) Utility work affecting street trees shall be limited to the actual necessities of the services of the company and such work shall be done in a neat and professional manner.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

Former SCC 30.25.016 General tree retention and replacement requirements.

(1) No person, corporation, or other entity engaged in residential land development or construction within unincorporated urban growth areas shall remove a significant tree without first obtaining county approval, except as provided in SCC 30.25.016(2). County approval shall be integrated into the permit review process for any activity requiring a county permit on a site where any significant trees are present.

(2) The following are exempt from the general tree and replacement requirements of SCC 30.25.016:

(a) Removal of any hazardous, dead or diseased trees, and as necessary to remedy an immediate threat to person or property as determined by a letter from a qualified arborist;
(b) Removal of trees within or adjacent to existing public rights-of-way or easements, at the direction of the county or public or private utility for the protection of the public safety, such as obstructions inhibiting visibility at intersections;

(c) Removal of trees for construction of a single-family dwelling, duplex, accessory or non-accessory storage structure on an individual lot created prior to April 21, 2009;

(d) Removal of trees that have been grown for the purpose of sales of Christmas trees or commercial landscaping materials by commercial nurseries and tree farms; and

(e) Any forest practices occurring on forest land as those terms are defined in RCW 76.09.020 of the Forest Practices Act, chapter 76.09 RCW.

(3) Certain types of applications are subject to special requirements so that neighborhoods are not adversely affected by increased density on sites where significant trees were removed prior to the application.

(a) These special requirements are applicable to all applications for the following:

(i) Single family detached unit development pursuant to chapter 30.41F SCC;

(ii) Planned residential development pursuant to chapter 30.42B SCC;

(iii) Subdivision or short subdivision using lot size averaging pursuant to SCC 30.23.210; and

(iv) Rezones pursuant to chapter 30.42A SCC, but only if the requested zoning designation allows a greater number of dwelling units per acre than the current zoning designation.

(b) The applicant shall attest in writing, to be acknowledged by a notary public, that no significant trees other than hazardous trees were removed from the site after January 7, 2009, and within six years prior to the date of the submission of the application.

(c) If any significant trees other than hazardous trees were removed after January 7, 2009, and within six years prior to the date of the submission of the application, then the application shall not be approved; provided that the application may be approved if:

(i) The removal of trees was authorized by a forest practices permit issued by the State Department of Natural Resources;

(ii) The public is notified of the prior removal of trees consistent with the posting, publication, and mailing requirements of SCC 30.70.045, and this notice may be combined with the notice for the underlying application;

(iii) A tree survey of all significant trees is completed and significant trees are replaced as required in Table 30.25.016(3);

(iv) All significant trees within any perimeter landscaping required under SCC 30.25.020 and all significant trees within critical area protection areas and required buffers are retained;

(v) All significant trees on site are retained on 5% of the site in addition to those retained as required in SCC 30.25.016(3)(c)(iv); and

(vi) The owner of the property at the time of tree removal is not a person, corporation, or other entity engaged in residential land development or construction within unincorporated urban growth areas.
(4) All significant trees within any perimeter landscaping required pursuant to SCC 30.25.020, on-site recreation space pursuant to SCC 30.23A.080, or critical area protection areas and required buffers shall be retained, except for trees exempted by SCC 30.25.016(2). All other significant trees that are removed shall be replaced by a number of new trees as set forth in SCC Table 30.25.016(3), except as may be modified by the provisions of SCC 30.25.016(5) and (6). The director may allow the removal of significant trees from the active on-site recreation space when it is determined to be necessary to allow for recreational facilities provided that all such trees are replaced in accordance with SCC Table 30.25.016(3).

Table 30.25.016(3) - Tree Replacement Schedule

<table>
<thead>
<tr>
<th>Caliper of Tree Removed</th>
<th>Number of Replacement Trees Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 - 16 inches</td>
<td>1</td>
</tr>
<tr>
<td>16.1 – 24 inches</td>
<td>2</td>
</tr>
<tr>
<td>Over 24 inches</td>
<td>3</td>
</tr>
</tbody>
</table>

Notes: Multiple stem trees shall be counted as one significant tree.

(6) The number of required replacement trees shall be reduced by 30% if an additional buffer of 15 feet is provided around the edge of a subdivision and all significant trees and native understory in the buffer are retained. This buffer must be in addition to all buffer and landscaping requirements in the code, and it must be provided around the entire subdivision except where roads and other required infrastructure enter the subdivision.

(7) To assist in the preservation and retention of significant trees, the director may apply one of the following incentives:

(a) The on-site recreation space required by SCC 30.23A.080 may be reduced by up to 10 percent when at least 10 percent of site’s significant trees (outside of any required perimeter landscaping or critical area protection areas and required buffers) are retained;

(b) The lot width or size may be reduced by up to 20 percent of that required by the underlying zone when at least 10 percent of the site’s significant trees (outside of any required perimeter landscaping or critical area protection areas and required buffers) are retained;

(c) The overall landscape requirements may be reduced by up to 10 percent when at least 10 percent of site’s significant trees (outside of any required perimeter landscaping or critical area protection areas and required buffers) are retained.

(6) Replacement trees must meet the following criteria:

(a) Replacement trees shall be planted on the site from which significant trees are removed, provided that replacement trees may be planted on another site in the immediate area...
approved by the director when a certified arborist finds, and the director concurs, that replacing those trees on the original site will result in increased likelihood of the trees not surviving;

(b) Replacement trees shall be planted in locations appropriate to the species’ growth habit and horticultural requirements;

(c) Replacement trees shall be located in such a manner to minimize damage to trees or dwellings on properties adjoining the project site; and

(d) Significant evergreen trees proposed for removal must be replaced with a comparable evergreen native species as determined by the director.

(8) The following tree protection measures shall be taken during clearing or construction:

(a) Tree protective fencing shall be installed along the outer edge of the drip line surrounding the significant trees in order to protect the trees during any land disturbance activities, and fencing shall not be moved to facilitate grading or other construction activity within the protected area;

(b) Tree protective fencing shall be a minimum height of three feet, visible and of durable construction; orange polyethylene laminar fencing is acceptable; and

(c) Signs must be posted on the fence reading “Tree Protection Area.”

(9) The director may allow a modification to the design of required frontage improvements to retain significant trees as street trees.

(10) A fine shall be imposed pursuant to SCC 30.85.090 for the removal of each significant tree in violation of SCC 30.25.016(1), unless the tree is replaced with a tree of the same size and type within the time period specified in a warning notice issued pursuant to SCC 30.85.080.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

**SCC 30.25.017 Type A and Type B landscaping.**

Where Type A or Type B landscaping is required, the following table containing the corresponding minimum standards per landscaping type shall apply:

**Table 30.25.017**

<table>
<thead>
<tr>
<th>Category of Landscaping Performance Standard:</th>
<th>Type A</th>
<th>Type B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Create a dense sight barrier between uses and zones</td>
<td>Create a filtered screen between uses</td>
<td></td>
</tr>
</tbody>
</table>

**Planting Standards:**

| 1. Tree mixture[^1,^3] | At least 75 percent evergreen with a variety of species required and up to 25 percent deciduous | Approximately 50 percent evergreen with a variety of species required and 50 percent deciduous |

[^1]: Evergreen
[^3]: Deciduous
Table 30.25.017
LANDSCAPING TYPES AND MINIMUM STANDARDS

<table>
<thead>
<tr>
<th>Category of Landscaping</th>
<th>Type A</th>
<th>Type B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Performance Standard:</td>
<td>Create a dense sight barrier between uses and zones</td>
<td>Create a filtered screen between uses</td>
</tr>
<tr>
<td>2. Tree planting pattern</td>
<td>Approximately 20 feet on center in triangular or offset pattern</td>
<td>Approximately 30 feet on center in triangular or offset pattern</td>
</tr>
<tr>
<td>3. Shrub mixture²</td>
<td>At least 75 percent evergreen with a variety of species required and up to 25 percent deciduous</td>
<td>Approximately 50 percent evergreen with a variety of species required and 50 percent deciduous</td>
</tr>
<tr>
<td>4. Shrub planting pattern²</td>
<td>Approximately three feet on center in triangular or offset pattern</td>
<td>Approximately five feet on center in triangular or offset pattern</td>
</tr>
<tr>
<td>5. Groundcover</td>
<td>Evergreen planted 12 inches on center in a triangular or offset pattern</td>
<td>Evergreen planted 12 inches on center in a triangular or offset pattern</td>
</tr>
<tr>
<td>6. Individual planting standards</td>
<td>Pursuant to SCC 30.25.015</td>
<td></td>
</tr>
</tbody>
</table>

Notes:

1. The number of evergreen and deciduous trees and the spacing of the trees may be reduced by up to 50% within Type A or B landscaping when existing vegetation and significant trees are retained. The amount of permitted reduction shall be double the percentage of existing vegetation and significant trees retained.

2. As an alternative to shrubs, or in combination with shrubs, smaller deciduous and evergreen trees may be incorporated into the landscaping plan at a rate of not less than one tree per eight lineal feet with not more than 10 feet on center separation.

3. The director may modify the mix of evergreen and deciduous trees and the spacing of the trees and reduce by up to 50% the number of trees required within a Type A or B landscape area inside or outside a stormwater facility perimeter fence for safety and security purposes.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)
SCC 30.25.020 Perimeter landscaping requirements.

(1) To reduce incompatible characteristics of abutting properties with different zoning classifications, the minimum designated landscape width and type shall be required as a buffer between uses pursuant to SCC Table 30.25.020(1) or as required in SCC 30.25.030(3), unless exempted pursuant to SCC 30.25.020(4). For properties within urban zones that are separated from properties in rural zones only by public or private roads or road right-of-way, the minimum landscape requirements of SCC Table 30.25.020(1) shall also be required unless exempted pursuant to SCC 30.25.020(4). When a development proposal has multiple uses or dwelling types, the most intensive use or dwelling type within 100 feet of the property line shall determine which perimeter landscaping requirements shall apply.


Table 30.25.020(1)
Perimeter Landscaping Requirement

<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>R-9600, R-8400</th>
<th>R-7200</th>
<th>T, LDMR, MR</th>
<th>FS, NB, CB, PCB</th>
<th>GC</th>
<th>LI, HI</th>
<th>BP, IP</th>
<th>RB, RFS, RI</th>
<th>CRC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conditional Uses⁴</td>
<td>20 A</td>
<td>20 A</td>
<td>20 A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail/Office and other Commercial uses</td>
<td>15 A</td>
<td>15 A</td>
<td>15 B</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Park</td>
<td>25 A</td>
<td>25 A</td>
<td>15 B</td>
<td>10 B</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Light Industrial¹</td>
<td>25 A</td>
<td>25 A</td>
<td>15 B</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heavy Industrial²</td>
<td>25 A</td>
<td>25 A</td>
<td>25 A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family/Duplex/Single Family Attached⁵</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cottage Housing⁵</td>
<td>10 B</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Family/Townhouse⁵</td>
<td>15 B</td>
<td>10 B</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Lot</td>
<td>10 A</td>
<td>10 A</td>
<td>10 A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cell Towers³</td>
<td>20 A</td>
<td>20 A</td>
<td>20 A</td>
<td>20 A</td>
<td>20 A</td>
<td>20 A</td>
<td>20 A</td>
<td>20 A</td>
<td>20 A</td>
</tr>
</tbody>
</table>
### Table 30.25.020(1)

**Perimeter Landscaping Requirement**

<table>
<thead>
<tr>
<th>Zoning Classification of Adjacent Property</th>
<th>Width (in feet)</th>
<th>Type</th>
<th>Width (in feet)</th>
<th>Type</th>
<th>Width (in feet)</th>
<th>Type</th>
<th>Width (in feet)</th>
<th>Type</th>
<th>Width (in feet)</th>
<th>Type</th>
<th>Width (in feet)</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stormwater Detention Facility</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Outside Storage and Waste Areas</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Large Detached Garages and Storage Structures</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Minerals Excavation and Processing</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Apartments and Temporary Dwellings</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Footnote 1: As defined by the Light Industrial zone in SCC 30.22.100.

Footnote 2: As defined by the Heavy Industrial zone in SCC 30.22.100.

Footnote 3: Cell towers means personal wireless telecommunications services facilities.

Footnote 4: Conditional uses located in a residential zone according to SCC 30.22.100, SCC 30.22.110 and SCC 30.22.120.

Footnote 5: Where residential development locates adjacent to existing commercial or industrial development and where no existing perimeter landscaping or buffer is located on adjacent commercial or industrial properties, the residential development shall provide a 10 foot wide Type A perimeter landscape area adjacent to the commercial or industrial properties.

(3) If a property abuts more than one zoning classification, the standards of that portion which abuts each zone of the property shall be utilized.

(4) Exceptions to SCC Table 30.25.020(1) shall be as follows:

(a) Where a development abuts a public road that is not on the boundary between a rural zone and an urban zone, the perimeter landscaping along the road frontage shall be 10 feet in width and contain Type B landscaping, except no perimeter landscaping is required in areas for required driveways, storm drainage facility maintenance roads, pedestrian trail connections, or where encumbered by utility crossings or other easements subject to permanent access and maintenance;
(b) When any portion of a project site is developed as usable open space or used as a permanently protected resource protection area, critical area protection area, or equivalent, the perimeter landscaping shall consist of Type B landscaping; and

(c) Where a perimeter lot abuts a utility or drainage easement greater than 15 feet in width that is not on the boundary between a rural zone and an urban zone, no perimeter landscaping will be required.

(5) All perimeter landscape areas shall be located within private easements to be maintained pursuant to SCC 30.25.045.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 10-011, Mar. 24, 2010, Eff date April 11, 2010)

SCC 30.25.022 Parking Lot Landscaping

(1) Parking lot landscaping is required for all parking areas with more than three parking stalls, except for individual single-family or duplex residences. Parking lot landscaping is required in addition to any perimeter landscaping required by SCC 30.25.020.

(2) Parking lot landscaping shall be installed as follows to provide visual relief and shade in parking areas, to decrease reflected heat and glare, and to mitigate aesthetic impacts:

(a) An area equal to at least 10 percent of the parking lot area shall be landscaped;

(b) Trees shall be included in parking lot landscaping at the rate of one tree for every seven parking stalls or one per landscaping area or island, whichever is greater;

(c) Low growing evergreen shrubs and groundcover, not to exceed a mature height of approximately 30 inches shall be planted in each parking lot landscaping area or island. Shrubs shall be planted approximately three feet on center and groundcover shall be planted approximately 12 inches on center;

(d) Lawn may be allowed as a substitute for shrubs and groundcover in parking lot landscaping if an applicant demonstrates that the areas proposed for lawn can and will be easily maintained; and
(e) Coniferous evergreen trees shall not be planted in parking lot landscaping islands or in any other location where they could obstruct lines of sight or create a safety hazard.

(3) No passenger vehicle parking stall shall be more than 50 feet from a landscaped area or island.

(4) Parking lot landscaping areas or islands shall be at least 80 square feet in size and shall have a minimum horizontal dimension of four feet in every portion of the island.

(5) All landscaping areas or islands shall be protected from vehicle damage by six-inch protective curbing, and, if necessary, wheel blocks. Vehicle overhang into landscaping areas is prohibited unless the required landscape area adjacent to any parking stall overhang area is increased in width by a minimum of two feet.

(6) A landscaping island shall be located at the end of each row of passenger vehicle parking, and in mid-row or other locations as needed to meet the requirements of this section; provided that parking lots containing fewer than 20 parking stalls may satisfy the 10 percent landscaping requirement with plantings in any area.

(7) When a parking area abuts residentially-zoned property or a property developed for residential use, a solid fence (gaps no greater than 1/4 inch) at least 48 inches high shall be required to block headlight glare; provided that the department may modify or waive this requirement when the abutting property or existing or likely future development is separated topographically from the parking area or otherwise protected from headlight glare.

(8) For calculating the 10 percent landscaping requirement, parking lot area shall include all areas devoted to parking spaces, driveways, and aisles accessing passenger vehicle parking spaces, accessible routes of travel across a parking area, and landscape islands within a parking area. Truck loading areas and truck turnarounds, if not in the passenger vehicle parking areas, and outdoor storage and outdoor display areas are not included in the calculation of parking lot area for landscaping purposes.

(9) Parking lot landscaping may include landscape areas adjacent to property lines, critical areas buffers, buildings, recreation areas, and roads. These areas may not be double counted as fulfilling the requirements for perimeter landscaping or for open space or other required landscape buffers unless specifically so provided.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

SCC 30.25.023 Stormwater flow control or treatment facility landscaping.

(1) Vegetation and landscaping requirements for the functional components and areas of stormwater flow control or treatment facilities are regulated by chapter 30.63A SCC. These functional components and areas include, but are not limited to, earthen berms, infiltration and detention pond bottoms, filter beds, bioretention facilities, vegetated slopes and swales used for stormwater treatment or flow control, access roads for these facilities, and any other components

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or areas used for or required for proper function, inspection, maintenance, or repair of these facilities, as described in chapter 30.63A SCC, the EDDS, or the Drainage Manual.

(2) Landscaping in tracts or easements containing stormwater flow control or treatment facilities, excluding those areas described in SCC 30.25.023(1), shall meet or exceed the standards set forth in this section except:

(a) In the LI and HI zones, landscaping shall only be required around flow control or treatment facilities located between a public road and building; and

(b) When critical areas or their buffers are used for stormwater flow control or treatment as allowed pursuant to chapters 30.62A and 30.63A SCC, the landscaping provisions of chapters 30.62A and 30.63A SCC shall apply instead of SCC 30.25.023.

(3) The department shall review proposed landscaping plans and may require revisions and upgrades to the proposed landscaping to ensure that landscaping provides an effective visual screen for fenced facilities without compromising safety, security and maintenance access, is able to endure expected inundation, and enhances the overall appearance of a stormwater flow control or treatment facility.

(4) Where perimeter fencing of a stormwater flow control or treatment facility is required pursuant to chapter 30.63A SCC, Type A landscaping at least six feet in height and six feet in width shall be installed. The landscaping shall be placed at least five feet from the fence in order to create a maintenance access pathway unless the director makes a determination based on documentation provided by the applicant that site characteristics render this setback infeasible and the proposal documents that maintenance may be otherwise provided. This decision shall be processed as a landscape modification pursuant to SCC 30.25.040. To maintain sight triangles, fenced facilities that abut public rights-of-way, shall comply with setbacks and height restrictions pursuant to SCC 30.23.100(3).

(5) Where fencing is not required for landscaping within a stormwater flow control or treatment facility, the landscaping guidelines contained in volume III, section 3.2.1 of the Drainage Manual shall be considered during the design of the facility.

(6) Where fencing is not required and the unfenced stormwater flow control or treatment facility is not completely screened pursuant to subsection (3) above, the facility shall be landscaped to improve its appearance as follows:

(a) If the stormwater flow control or treatment facility is located in, adjacent to or near a lake, wetland, or fish and wildlife habitat conservation area, or their buffers, the areas between the facilities and these critical areas shall be left in natural or near-natural conditions; and

(b) If the stormwater flow control or treatment facility features terraces or steps, landscaping in accordance with the standards set forth in volume III, section 3.2.1 of the Drainage Manual shall be used to complement the terraced edge condition.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)
SCC 30.25.024 Outside storage and waste areas.
Outside storage areas and waste, dumpster, or recycling areas shall be screened with a six-foot high sight obscuring fence (gaps no greater than 1/4 inch), or by five feet of site-obscuring landscaping, or by a living fence at least three feet in height which will grow to at least six feet in height within three years. The director shall provide a listing of acceptable plant species and planting requirements to be used for a living fence.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

SCC 30.25.040 Landscaping modifications.
(1) An applicant may request modification of landscaping requirements as part of project review, except modifications to landscaping in planter strips located in a public right-of-way shall be processed as deviation from the EDDS.
(2) The decision maker (either the department or the hearing examiner) may approve a request for modification when:
   (a) The proposed landscaping represents an equal or better result than would be achieved by strictly following the requirements of the code; and
   (b) The proposed landscaping fulfills the purpose of this chapter set forth in SCC 30.25.010(1).
(3) Notice of the department decision or recommendation on a landscaping modification shall be provided:
   (a) Pursuant to SCC 30.70.050 and 30.72.030 if the project is a Type 2 application; or
   (b) Pursuant to SCC 30.70.050 and 30.71.040, if the project is a Type 1 application or is a project not subject to administrative appeal.
(4) In considering requests for modification of perimeter landscaping requirements, the following alternative screening and buffering strategies shall be favored:
   (a) Preservation of existing vegetation, particularly significant trees or other groupings of natural vegetation in consolidated locations;
   (b) Better accommodation of existing physical conditions on site, including incorporation of elements to provide for wind protection or improve solar access;
   (c) Incorporation of elements to protect or improve upon water quality;
   (d) Increased landscaping width adjacent to residential uses or zones or in other strategic locations;
   (e) Provision of a unique focal point of interest or better useable open space; and
   (f) Increased protection of wetlands and fish and wildlife habitat conservation areas and their buffers beyond.
(5) A modification is not required to provide more than the minimum width, density, or quality of landscaping.
SCC 30.25.043 Landscaping installation.

(1) All required landscaping shall be installed and a qualified landscape designer shall certify to the department that the installation complies with the code and the approved plans prior to issuance of a certificate of occupancy or final approval of the building permit.

(2) The department may authorize up to a 180-day delay when a qualified landscape designer certifies that planting season conflicts could produce a high probability of plant loss.

(3) A performance security in accordance with SCC 30.84.105 shall be required by the department if a planting delay is authorized.

SCC 30.25.045 Landscaping maintenance.

(1) The property owner shall maintain all approved landscaping after installation. Dead or significantly damaged plants and/or other landscaping material shall be replaced within three months of the death or damage; provided that the department may authorize up to a 180-day delay in replacement when plant death or damage occurs outside the normal planting season.

(2) The department may require a maintenance security device in accordance with SCC 30.84.150(2).
Appendix E: Versions of Chapter 30.26 General Development Standards – Parking Used for Review

30.26.010 Applicability.
(1) Every new use and every building erected, moved, reconstructed, expanded, or structurally altered shall provide parking areas as provided in this chapter.
(2) Parking area shall be permanent and shall be permanently maintained for parking purposes.
(3) This chapter applies to any lot or parcel of land used as a public or private parking area and having a capacity of three or more vehicles, including any vehicle sales area. This chapter shall not apply to permit applications for individual single family or duplex residences.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.26.015 Maneuvering and queuing.
The department shall have authority to require sufficient queuing, backing, turning, and maneuvering space within a parking area to meet the requirements of this chapter and to ensure that pedestrian routes are not blocked by maneuvering or queuing vehicles.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Former 30.26.020 Location of parking spaces.
Off-street parking spaces shall be located as specified in this section. Where a distance is specified, the distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building which it serves.
(1) Parking for single and multifamily dwellings shall be within 300 feet of and on the same lot or building site with the building it serves.
(2) Parking for uses not specified above shall not be over 300 feet from the building it serves. Parking spaces for uses on land subject to a binding site plan (BSP) with record of survey shall be located on land within the BSP area per recorded covenants, conditions, and restrictions (CCRs) or declaration.
(3) All off-street parking spaces shall be located on land zoned in a manner which would allow the particular use the parking will serve.
(4) Parking shall be set back from lakes, streams, wetlands, and other bodies of water as necessary to comply with the shoreline management and/or critical areas regulations. See chapters 30.44 and 30.62A SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)
Former 30.26.025 Tandem parking

Tandem or stacked parking spaces may be allowed for residential and commercial uses as follows:

1. Each tandem space shall be at least eight and one-half feet wide and twice the depth required for a standard space.

2. A maximum of 30 percent of the required parking may be provided through tandem spaces;

3. For residential uses, tandem parking may only be used when it can be documented that parking spaces will be assigned to specific units and tandem spaces will not be shared between units; and

4. Commercial uses with no retail or customer service components may use tandem parking only when it can be documented that the proposed parking will be managed to accommodate employee access to vehicles and vehicle ingress and egress at all times.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Former 30.26.030 Number of spaces required.

1. The required number of off-street parking spaces shall be as set forth in SCC Table 30.26.030(1) subject to provisions, where applicable, regarding:

   a. Effective alternatives to automobile access (SCC 30.26.040);
   b. Joint uses (SCC 30.26.050 and 30.26.055); and
   c. Accessible routes of travel (SCC 30.26.065(7)).

2. The abbreviations in the table have the following meanings:

   a. "gfa" means gross floor area;
   b. "GLA" means gross leasable area; and
   c. "sf" means square feet.
<table>
<thead>
<tr>
<th>USE</th>
<th>NO. OF SPACES REQUIRED</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family, duplex, attached single-family, mobile home, multifamily, townhouse</td>
<td>2 per dwelling; see note</td>
<td>Driveways at least 19’ long between garage doors and roads, private roads, or designated fire lanes or access aisles may be counted as one parking space. Garages shall have a minimum interior length of 19 feet.</td>
</tr>
<tr>
<td>Single family detached units (pursuant to chapter 30.41F SCC)</td>
<td>2 per dwelling plus guest parking at 1 per 4 dwellings where driveway aprons meeting the minimum dimension requirements for 2 cars are provided (driveway aprons meeting minimum dimension standards may be counted toward meeting this requirement), or 1 unrestricted guest parking spot per 2 dwellings for either (i) dwellings where no driveways are provided or (ii) dwellings that provide a driveway apron meeting the minimum dimension requirements for parking of only 1 car; see note.</td>
<td>A driveway apron must be at least 19’ long and 8.5’ wide between garage doors and designated fire lanes, drive aisles or pedestrian facility to be counted as a parking space (and a driveway apron that is at least 19’ long and 17’ wide may be counted as two parking spaces). An “unrestricted” guest parking spot is one provided either within the drive aisle parking or designated guest parking areas outside of individual units; garage parking spaces or parking spaces on driveway aprons of an individual unit are not “unrestricted” parking spaces. All applicable provisions of chapter 30.26.SCC shall be followed. See SCC 30.41F.100.</td>
</tr>
<tr>
<td>Cottage Housing</td>
<td>2 spaces per dwelling unit plus quest</td>
<td></td>
</tr>
<tr>
<td>USE</td>
<td>NO. OF SPACES REQUIRED</td>
<td>NOTES</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Mobile home parks</td>
<td>2 per dwelling plus guest parking at 1 per 4 dwellings</td>
<td>See chapter 30.42E SCC.</td>
</tr>
<tr>
<td>Retirement apartments</td>
<td>1 per dwelling plus guest parking at 1 per 4 dwellings</td>
<td>See SCC 30.26.040(1).</td>
</tr>
<tr>
<td>Retirement housing</td>
<td>1 per dwelling or 1/3 per dwelling</td>
<td>See SCC 30.26.040(2).</td>
</tr>
<tr>
<td>Bed and breakfast guesthouses and inns</td>
<td>2 plus 1 per guest room</td>
<td></td>
</tr>
<tr>
<td>Motels and hotels</td>
<td>1 per unit or room; see note</td>
<td>Additional parking required in accordance with this schedule for restaurants, conference or convention facilities and other businesses, facilities, or uses associated with the motel or hotel.</td>
</tr>
<tr>
<td>Boarding houses, including fraternities and sororities</td>
<td>1 per sleeping room</td>
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</tr>
<tr>
<td>Correctional institutions</td>
<td>Determined by the department on a case by case basis</td>
<td>See SCC 30.26.035.</td>
</tr>
<tr>
<td>Day care centers</td>
<td>1 per employee plus load/unload space; see note</td>
<td>An off street load and unload area equivalent to one space for each 10 children is also required.</td>
</tr>
<tr>
<td>Health and social service facilities, Level II and Level III</td>
<td>Determined by the department on a case by case basis</td>
<td>See SCC 30.26.035.</td>
</tr>
<tr>
<td>Auto repair, machinery repair</td>
<td>5 : 1,000 sf gfa; see note</td>
<td>Note: service bays and work areas inside repair facilities do not count as parking spaces.</td>
</tr>
<tr>
<td>Financial institutions, office buildings, public utility and governmental buildings, real estate offices, excluding health and social service facilities</td>
<td>3 : 1,000 sf gfa; see note</td>
<td>A minimum of 5 spaces required for all sites. Drive-up windows at financial institutions must have clear queuing space, not interfering with parking areas, for at least three vehicles per drive up window.</td>
</tr>
<tr>
<td>Medical and dental clinics</td>
<td>5 : 1,000 sf gfa</td>
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<tr>
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<td>NOTES</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Personal service shops or uses</td>
<td>4.5 : 1,000 sf GLA</td>
<td></td>
</tr>
<tr>
<td>Drive-in restaurants and similar uses primarily for auto-borne customers</td>
<td>13.3 : 1,000 sf gfa; see note</td>
<td>Clear queuing space, not interfering with the parking areas, for at least five vehicles is required in front of any drive up window.</td>
</tr>
<tr>
<td>Mobile home and RV sales</td>
<td>1 : 3,000 sf of outdoor display area</td>
<td></td>
</tr>
<tr>
<td>Motor vehicle sales or sales and service</td>
<td>1 : 1,000 sf gfa plus 1 : 1,500 sf of outdoor display area</td>
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</tr>
<tr>
<td>Restaurants, taverns or bars for on-premises consumption</td>
<td>10 : 1,000 sf gfa; see note</td>
<td>Minimum of five spaces required.</td>
</tr>
<tr>
<td>Retail stores</td>
<td>4.5 : 1,000 sf GLA</td>
<td></td>
</tr>
<tr>
<td>Shopping centers</td>
<td>4.5 : 1,000 sf GLA; see note</td>
<td>Where two or more permitted tenant uses share employee and customer parking.</td>
</tr>
<tr>
<td>Athletic clubs, gymnasiums, health clubs</td>
<td>4 : 1,000 sf gfa</td>
<td></td>
</tr>
<tr>
<td>Bowling alleys</td>
<td>5 per lane</td>
<td></td>
</tr>
<tr>
<td>Churches, clubs, and lodges</td>
<td>Determined by the department on a case by case basis</td>
<td>See SCC 30.26.035.</td>
</tr>
<tr>
<td>Colleges, commercial or technical schools for adults</td>
<td>Determined by the department on a case by case basis</td>
<td>See SCC 30.26.035.</td>
</tr>
<tr>
<td>Equestrian centers and mini-equestrian centers</td>
<td>1 : 4 seats or 8 feet of bench; see note</td>
<td>One space accommodating a vehicle and horse trailer for every two horses expected at equestrian or mini-equestrian center events.</td>
</tr>
<tr>
<td>Funeral parlors, mortuaries, cemeteries</td>
<td>1 : 4 seats or 8 feet of bench, or 25 : 1,000 sf of assembly room with no fixed seats</td>
<td></td>
</tr>
<tr>
<td>Libraries, art galleries, museums</td>
<td>4 : 1,000 sf gfa</td>
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</tr>
<tr>
<td>USE</td>
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<td>NOTES</td>
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<tr>
<td>--------------------------------------------------------------------</td>
<td>----------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Passenger terminals (bus, rail, air)</td>
<td>10 : 1,000 sf gfa of waiting areas</td>
<td></td>
</tr>
<tr>
<td>Schools, elementary and junior high, public and private</td>
<td>1 space for each 12 seats in the auditorium or assembly room; see note.</td>
<td>Sufficient off-street space for safe loading and unloading of students from school buses and cars is also required.</td>
</tr>
<tr>
<td>Schools, senior high, public and private</td>
<td>Determined by the department on a case by case basis; see note</td>
<td>See SCC 30.26.035. Sufficient off-street space for safe loading and unloading of students from school buses and cars is also required.</td>
</tr>
<tr>
<td>Stadiums, sports arenas, auditoriums, and other assembly areas with fixed seats</td>
<td>1 : 4 seats or 8 feet of bench</td>
<td></td>
</tr>
<tr>
<td>Swimming pools, indoor and outdoor</td>
<td>1 : 10 swimmers, based on pool capacity as defined by the State Dept. of Health.</td>
<td></td>
</tr>
<tr>
<td>Tennis courts, racquet or handball clubs, and similar commercial recreation</td>
<td>25 : 1,000 sf assembly area plus 2 per court</td>
<td></td>
</tr>
<tr>
<td>Theaters, cinemas</td>
<td>1 : 4 seats or 8 feet of bench</td>
<td></td>
</tr>
<tr>
<td>All other places of assembly without fixed seats including dance halls and skating rinks.</td>
<td>13.3 : 1,000 sf gfa</td>
<td></td>
</tr>
<tr>
<td>Wholesale distribution facilities</td>
<td>1 : 1,000 sf gfa</td>
<td></td>
</tr>
<tr>
<td>Manufacturing uses</td>
<td>3 : 1,000 sf gfa</td>
<td>May also be determined by the department on a case-by-case basis per SCC 30.26.035 when the employee to sf gfa ratio for the proposed use is less than 3 : 1,000</td>
</tr>
<tr>
<td>Industrial uses except warehousing and storage</td>
<td>1 : 1,000 sf gfa</td>
<td></td>
</tr>
<tr>
<td>USE</td>
<td>NO. OF SPACES REQUIRED</td>
<td>NOTES</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>---------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Warehouse and storage except mini-self-storage</td>
<td>.5 : 1,000 sf gfa</td>
<td></td>
</tr>
<tr>
<td>Mini-self-storage</td>
<td>2 : 50 storage units; see note</td>
<td>Half the spaces to be distributed equally around the site, half to be located at the project office.</td>
</tr>
<tr>
<td>Utility and communication uses without regular employment</td>
<td>1 space</td>
<td></td>
</tr>
<tr>
<td>Auto wrecking yards</td>
<td>15 spaces for yards less than 10 acres in size; 25 spaces for yards 10 acres or larger</td>
<td></td>
</tr>
<tr>
<td>Community Facilities for Juveniles</td>
<td>1 per employee to accommodate the maximum number of employees for any given work shift plus 1 visitor space per every 6 residential beds. A loading area must also be provided for those facilities that receive regular commercial deliveries</td>
<td>The approval authority may reduce the number of required spaces when the applicant can demonstrate that the reduction of spaces will be adequate</td>
</tr>
</tbody>
</table>


**SCC 30.26.032 Additional Parking Requirements for the UC Zone**
See *Former* SCC 30.34A.050 Parking ratios, parking locations and parking lot and structure design.

(Added by Amended Ord. 13-007, Sep. 11, 2013, Eff date Oct. 3, 2013)
30.26.035 Parking for specified and unlisted uses.
Where the parking requirements for a use are not specifically defined, the parking requirements for the use shall be determined by the department. The determination shall be based upon parking requirements for comparable uses and comparative data as may be available to staff. The department may require the applicant to submit or fund a parking study prepared by an independent consultant with expertise in parking demand analysis. Such studies may be required to review or provide estimates of peak parking hours, parking space demand, parking space turnover, and to relate or distinguish the proposed use from the uses selected as comparable in the parking analysis.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

The department may reduce the parking requirements otherwise prescribed for any use or combination of uses as set forth below:

(1) Retirement apartments. Approved building plans shall show one parking space per dwelling unit. Installation of up to 50 percent of the required spaces may be deferred by the department and held in reserve as landscaped area. Installation of the deferred parking spaces and any required parking lot landscaping will be required at such time as the building is no longer used as a retirement apartment. A performance security may be required in accordance with SCC 30.84.020, for the cost of the deferred improvements to assure installation at a future date;

(2) Retirement housing. The requirement of one space per dwelling unit may be reduced to no less than one space for every three dwelling units as determined by the department. The determination shall be based on the following:
   (a) Demonstrated availability of private, convenient, regular transportation services to meet the needs of the retirement apartment occupant;
   (b) Accessibility to and frequency of public transportation; or
   (c) Direct pedestrian access to health, medical, and shopping facilities; and

(3) All other uses. The department may reduce, by not more than 40 percent, the number of required parking spaces when an applicant demonstrates that effective alternatives to automobile use, including but not limited to van pooling, ride matching for carpools, and provision of subscription bus service will be implemented and will provide an effective and permanent reduction in parking demand.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)
In the case of mixed occupancies in a building or on a lot, the total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities of a particular use shall not be considered as providing required parking facilities for any other use except as specified for joint use.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.26.050 Joint uses.
The department may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified below:

(1) Up to 50 percent of the parking facilities required by this chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use or vice versa; provided that the reciprocal parking area shall be subject to the conditions set forth in SCC 30.26.055;

(2) Up to 100 percent of the Sunday and/or nighttime parking facilities required for a church or auditorium incidental to a public or private school may be supplied by parking facilities required for the school use; provided that the reciprocal parking area shall be subject to the conditions set forth in SCC 30.26.055; and

(3) For purposes of this section, the following uses typically are daytime uses: business offices, barber and beauty shops, manufacturing or wholesale buildings, park-and-pool or park-and-ride lots. The following typically are nighttime and/or Sunday uses: auditoriums incidental to a public or private school, churches, dance halls, theaters, and taverns.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)


(1) The building or use seeking to share off-street parking facilities shall be located within 300 feet of or on the same lot as the parking facilities.

(2) The applicant shall show that there is not substantial overlap in the hours of peak parking demand for the buildings or uses for which a joint use parking agreement is proposed.

(3) The parties shall submit a proper legal instrument, which may be a long-term lease, covenant, or other agreement defining the conditions of the joint use for review and approval by the department and the prosecuting attorney. The instrument shall be recorded with the Snohomish County Auditor under all property addresses prior to issuance of permits for the new use or building.
(4) The department shall be notified in writing at least 30 days prior to termination or amendment of the joint use instrument. In the event of termination, all existing and new uses shall comply with all parking and landscaping requirements of the Snohomish County Code.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.26.060 Loading space.

(1) Loading spaces are required for the following uses:

(a) Manufacturing;
(b) Storage;
(c) Warehouse;
(d) Goods display;
(e) Department store;
(f) Wholesale store;
(g) Market;
(h) Hotel;
(i) Hospital;
(j) Mortuary;
(k) Laundry;
(l) Dry cleaning; or
(m) Other use involving the receipt or distribution of vehicles, material, or merchandise.

(2) The loading space shall provide adequate space for standing, loading, and unloading services in order to avoid undue interference with the public uses of the streets or alleys.

(3) The space, unless otherwise adequately provided for, shall include a 10-foot by 25-foot loading space, with 14-foot height clearance for every 20,000 square feet, or fraction thereof, of gross building area used or land used for the above purposes.

(4) The space shall be situated so that no part of a truck or van using the loading space will project into the public right-of-way.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.26.065 Parking lot development standards.

(1) No building permit shall be issued until plans or other documentation showing provisions for the required off-street parking have been submitted and approved as conforming to the standards of this chapter.

(2) Interior site access lanes shall be designed to provide continuous, unrestricted vehicular movement and shall connect to public streets or private roads which provide legal access to the site.
(3) Access lanes and emergency vehicle lanes shall not be less than 20 feet in width, and emergency access shall be provided pursuant to the provisions of chapter 30.53A SCC.

(4) Parking in emergency vehicle lanes shall be prohibited, and indicated as being unlawful by signs and/or painting on the lane/parking lot surface.

(5) Emergency access shall be provided to within 50 feet of any multifamily building.

(6) Parking lot area (square footage) devoted to accessible routes of travel may be credited toward reducing the number of required off-street parking stalls at the ratio of one parking stall per each 160 square feet of accessible route of travel within parking areas.

(7) Accessible routes of travel may cross driveways, access lanes, and emergency vehicle lanes, but not loading spaces.

(8) If any of the requirements of this section are impractical due to the peculiarities of the site and building, other provisions for emergency access may be approved by the fire marshal.

(9) All parking stalls and aisles shall be designed according to SCC Table 30.26.065(13) or SCC Table 30.26.065(16), "Off-Street Parking," unless all parking is to be done by parking attendants on duty at all times that the parking lot is in use for the storage of automobiles.

(10) When parking standards require 10 or more parking spaces, up to 40 percent of the off-street parking spaces required by this chapter may be designed for compact cars in accordance with SCC Table 30.26.065(15), "Compact Car Stall and Aisle Specifications" or SCC Table 30.26.065(18), "Interlocking - Compact Cars." Such parking stalls shall be individually marked on the site plan and on each constructed parking stall as being for compact cars only.

(11) Parking at any angle other than those shown is permitted, providing the width of the stalls and aisles is adjusted by interpolation between the specified standards.

(12) Parking shall be so designed that automobiles shall not back out into public streets.

(13) Electric Vehicle Charging.

(a) Infrastructure for the charging of electric vehicles shall not intrude into nor diminish the dimensions of the aisle or parking stall(s) it is intended to serve.

(b) Where electric vehicle infrastructure is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the infrastructure shall be located as to not interfere with accessibility requirements of WAC 51-50-005.

### Table 30.26.065(14)
Off-Street Parking
Conventional Car Stall and Aisle Specifications

<table>
<thead>
<tr>
<th>Parking Layout</th>
<th>Angle</th>
<th>Dimensions</th>
<th>One Way</th>
<th>Two Way</th>
</tr>
</thead>
<tbody>
<tr>
<td>See Figure 30.26.065(15)</td>
<td>Parking Angle</td>
<td>Stall Width</td>
<td>Curb Length</td>
<td>Stall Depth</td>
</tr>
</tbody>
</table>

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Author: Snohomish County Planning and Development Services
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<table>
<thead>
<tr>
<th></th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
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</table>

Figure 30.26.065(15)

Table 30.26.065(16)

Compact Car Stall and Aisle Specifications

<table>
<thead>
<tr>
<th>Parking Layout</th>
<th>Angle Dimensions</th>
<th>One Way</th>
<th>Two Way</th>
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</thead>
<tbody>
<tr>
<td>See Figure 30.26.065(15) Parking Angle</td>
<td>Stall Width B</td>
<td>Curb Length C</td>
<td>Stall Depth D</td>
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<td>30.26.065(15)</td>
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Author: Snohomish County Planning and Development Services
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<table>
<thead>
<tr>
<th>Parallel</th>
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<th>20'</th>
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</table>

Table 30.26.065(17)
Off-Street Parking
Interlocking - Conventional Cars

<table>
<thead>
<tr>
<th>Parking Layout</th>
<th>Angle</th>
<th>Dimensions</th>
<th>One Way</th>
<th>Two Way</th>
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</thead>
<tbody>
<tr>
<td>Parking</td>
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<td>Aisle</td>
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</tr>
<tr>
<td>Layout</td>
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<td>See Figure 30.26.065(18)</td>
<td>Parking Angle</td>
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<td>Stall Depth D</td>
</tr>
<tr>
<td>Parallel</td>
<td>0°</td>
<td>8'</td>
<td>21'</td>
<td>8'</td>
</tr>
<tr>
<td>Angular</td>
<td>20</td>
<td>8.5</td>
<td>24.9</td>
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<td></td>
<td>30</td>
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<tr>
<td>Perpendicular</td>
<td>90</td>
<td>8.5</td>
<td>8.5</td>
<td>19</td>
</tr>
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Figure 30.26.065(18)
Table 30.26.065(19)
Interlocking - Compact Cars

<table>
<thead>
<tr>
<th>Parking Layout</th>
<th>Angle</th>
<th>Dimensions</th>
<th>One Way</th>
<th>Two Way</th>
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<tbody>
<tr>
<td>See Figure 30.26.065(18)</td>
<td>Parking Angle A</td>
<td>Stall Width B</td>
<td>Curb Length C</td>
<td>Stall Depth D</td>
</tr>
<tr>
<td>Parallel</td>
<td>0°</td>
<td>8'</td>
<td>20'</td>
<td>8'</td>
</tr>
<tr>
<td>Angular</td>
<td>45</td>
<td>8</td>
<td>11.3</td>
<td>14.1</td>
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<td></td>
<td>60</td>
<td>8</td>
<td>9.2</td>
<td>15.9</td>
</tr>
<tr>
<td>Perpendicular</td>
<td>90</td>
<td>8</td>
<td>8</td>
<td>16</td>
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</tbody>
</table>

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011)

30.26.070 Parking lot surfacing requirements.
The following requirements shall be complete prior to issuance of a certificate of occupancy:
(1) All off-street parking areas shall be graded and surfaced to standards for asphaltic concrete or other surfacing sufficient to:
   (a) Eliminate dust and mud;

Files: 11-101457 LU / 11-101461 SM / 11-101464 RC / 11-101008 LDA / 11-101007 SP / 11-101457 VAR
Author: Snohomish County Planning and Development Services
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(b) Provide for proper storm drainage; and
(c) Allow for marking of stalls, and installation of other traffic control devices as set forth by the director of the department of public works and this chapter;
(2) Any required accessible parking spaces shall be linked to an accessible route of travel on site, and both shall be paved;
(3) All traffic control devices such as parking strips designating car stalls, directional arrows or signs, curbs, and other developments shall be installed and completed as shown on the approved plans; and
(4) Hard-surfaced parking areas shall use paint or similar devices to delineate parking stalls and directional arrows.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.26.075 Illumination.
Any lights provided to illuminate any public parking area, any semi-public parking area, or vehicle sales area shall be arranged so as to reflect the light away from any dwelling unit and the public right-of-way. Approval shall be obtained from the state department of transportation and/or the director of the department of public works, for any lights that flash, blink, or simulate traffic signals.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.26.080 Landscaping requirement for regulated parking areas.
Landscaping requirements for all parking areas subject to this chapter are contained in chapter 30.25 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Accessible parking spaces for persons with disabilities shall be installed in accordance with the International Building Code, Chapter 11 - Accessibility.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)
Appendix F: Sections of Chapter 30.27 Used for Review

**Former 30.27.010 Signs: general requirements.**
The following regulations shall pertain to signs in all zones where signs are allowed unless modified by more specific regulations within this chapter:

1. Signs not exceeding 15 square feet in area for each building site may be displayed for the purpose of advertising the sale or lease of the real property upon which displayed;
2. For signs or displays that involve moving parts or flashing or blinking lights simulating traffic signals, three copies of drawings or sketches showing the proposed size, lettering, and location on the ground shall be filed with the department for the approval of the state highway department and/or the director of the department of public works;
3. No sign or advertising display is permitted that obstructs in any way the vision of motorists entering or leaving public or private rights-of-way;
4. At street intersections, signs or advertising displays shall be so located that they permit an unobstructed sight distance of at least 300 feet along the intersecting rights-of-way. Supports for signs or advertising displays do not constitute an obstruction;
5. Signs shall observe the height regulations of the zone in which they are located;
6. Artificial lighting shall be hooded or shaded so that direct light of lamps will not result in glare when viewed from the surrounding property or rights-of-way;
7. All signs must be a distance of 100 feet or more from all road crossings of railroad rights-of-way. They must be placed in a manner that they do not block the view of the crossing by operating personnel aboard the trains or by motorists approaching the crossing from either direction; and
8. No sign or advertising display is permitted in a critical area or required buffers designated pursuant to chapter 30.62A SCC except as provided in 30.62A.160(5).


**Former 30.27.060 Signs for particular uses.**
(1) The department may approve on-site signs for identifying residential subdivisions provided the following criteria are met:
   (a) The subdivision identification sign message does not exceed six feet in height from adjacent finished grade nor have a surface area greater than 40 square feet. Surface area is measured as the smallest rectangle or circle that encloses the total message;
   (b) There are a maximum of two such identification signs for each road entrance to the subdivision;
   (c) Signs are located so they permit an unobstructed sight distance along road rights-of-way in accordance with the EDDS;
(d) SCC 30.23.100(3) provisions are met;
(e) Signs are stationary; and
(f) Any lighting for the sign must be indirect and may not be flashing, blinking, or of variable intensity.

(2) The hearing examiner may approve on-site or off-site subdivision identification signs in conjunction with preliminary plat approval. The hearing examiner may approve signs that do not meet the criteria in SCC 30.27.060(1) only when such sign(s) are compatible with the immediate neighborhood and surrounding property values are not adversely affected.

(3) Schools, churches, community clubs, and public structures/buildings, shall display two single- or double-faced signs for identification purposes subject to the following conditions:
   (a) The signs shall not exceed 20 square feet per face and total signage shall not exceed 60 square feet of surface area;
   (b) Freestanding signs shall not be more than eight feet in height and are to be stationary;
   (c) Lighting which is flashing, blinking, or of variable intensity is prohibited; and
   (d) A portion of the identification sign allotment may be used for activity reader boards. Reader boards shall not result in glare when viewed from surrounding properties or road rights-of-way. In no case shall a reader board or illuminated identification sign be located within 50 feet of an urban residential zone and the R-5 zone.

(4) A sign for a bed and breakfast guesthouse or inn may be allowed in conjunction with a conditional use permit if the sign is stationary and if illuminated, is lit with indirect lighting. Lighting which is flashing, blinking, or of variable intensity is prohibited.
   (a) In the MR, LDMR, R-20,000, R-12,500, R-9,600, R-8,400, and R-7,200 zones, the sign shall be a single-faced sign with dimensions not exceeding four square feet in area.
   (b) In the F, F&R, A-10, R-5, RC, RD, and SA-1 zones, the sign may be single- or double-faced with dimensions not exceeding 15 square feet per face. The applicant shall submit, as part of the application for a conditional use permit, sign designs and elevations that are compatible with the bed and breakfast structure and the surrounding rural character and neighborhood in which the guesthouse or inn is located.

(5) Off-road vehicle use areas and motocross racetracks shall be permitted to display two single or double-faced signs for identification purposes subject to the following conditions:
   (a) The signs shall not exceed 20 square feet per face and total signage shall not exceed 60 square feet of surface area;
   (b) Freestanding signs shall be no more than eight feet in height and are to be stationary;
   (c) Lighting which is flashing, blinking, or of variable intensity is prohibited; and
   (d) Internal boundary, interpretive, regulatory, safety and directional signage shall be permitted if approved in conjunction with a conditional use permit.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-146, Jan. 18 2006, Eff date Feb. 12, 2006; Amended Ord. 06-137, December 13, 2006, Eff date Jan. 1, 2007)
30.27.090 Sign area examples.

Figure 30.27.090(1)

WALL SIGNS (AREA)

<table>
<thead>
<tr>
<th>AL'S DELI</th>
<th>A-1 TOYS</th>
<th>Sue's</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOX (PANEL)</td>
<td>BOXED LETTERS</td>
<td>SCRIPT / NEON</td>
</tr>
</tbody>
</table>

FIGURE 30.27.090(2)

BILLBOARD SIGN

CARL'S CAFE

TURN RIGHT - 1 BLK.

Figure 30.27.090(3)
MONUMENT SIGN AREA

(Abbreviated Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)
Appendix G: Sections of Chapter 30.32D Historic and Archaeological Resources Used for Review

30.32D.010 Purpose and applicability.

(1) The purpose of this chapter is to identify, evaluate, and protect archaeological and historic resources within Snohomish county and to preserve and rehabilitate eligible historic properties for future generations, in order to

(a) Safeguard the heritage of the county as represented by those buildings, sites, structures, objects and districts which reflect significant elements of county history;
(b) Foster civic pride in the beauty and accomplishments of the past, and a sense of identity with county history;
(c) Assist, encourage and provide incentives to private owners for preservation, restoration, rehabilitation and use of outstanding historic buildings, sites, structures, objects, and districts;
(d) Promote and facilitate the early identification and resolution of conflicts between preservation of archaeological and historic resources and land uses; and
(e) Stabilize and improve the aesthetic and economic vitality and values of such sites improvements and objects.

(2) In Washington State, archaeology sites and Native American grave sites are protected by both federal and state laws. This chapter does not repeal, modify, or waive any provision of federal or state law currently enacted, or as enacted in the future, that regulates archaeological sites including, but not limited to: the Archaeological Resource Protection Act of 1979 (16 U.S.C. 470aa-mm); the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); the National Historic Preservation Act (16 U.S.C. 470 et seq.); Chapter 27.44 RCW titled "Indian Graves and Records"; and Chapter 27.53 RCW titled "Archaeological Sites and Resources."

(3) This chapter applies to:
(a) Properties eligible for and on the Snohomish county Register of Historic Places established pursuant to SCC 30.32D.020; and
(b) Properties listed on the Washington State Archaeological Site Inventory.

(4) Regulations concerning the Snohomish County Historic Preservation Commission are in chapter 2.96 SCC; regulations concerning the state tax incentive program for qualifying historic properties are located in chapter 4.31 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-037, December 13, 2006, Eff date Jan. 5, 2007)
Former 30.32D.200 Archaeology site report.

(1) Known archaeological sites are recorded on the Washington State Department of Archaeology and Historic Preservation’s Geographic Information System.

(2) An archaeological site may cover only a portion of a property, parcel, or lot and may be located on more than one property, parcel, or lot.

(3) Any construction, earth movement, clearing, or other site disturbance of a known archaeological site shall require either:
   (a) relocation of the project to avoid the known archaeological site; or
   (b) completion of an archaeological site report. The written report must be submitted to the department by the property owner or project proponent and the location, condition, and extent of the archaeological resources located on site, and any recommendations with respect to conditioning the activity to avoid or minimize impacts on the known archaeological site.

(4) The archaeological site report shall be written by a professional archaeologist as defined in WAC 25-48-020, and include the results of consultation with any affected Indian tribe on proposed actions to avoid, protect, or mitigate impacts of the proposed project.

(5) The department shall provide a copy of the archaeological site report to any affected Indian tribe and the state office of archaeology and historic preservation, at the applicant's expense.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-037, December 13, 2006, Eff date Jan. 5, 2007)

30.32D.210 Project or permit approval for property on state register as an archaeological resource.

(1) The county approving authority shall not issue a permit for any development activity or project approval requiring an archeology site report pursuant to SCC 30.32D.200 without considering the archeology site report and any comments on the report submitted by an affected Indian tribe.

(2) If an applicant requests comments regarding mitigation from a potentially affected Indian tribe and the tribe fails to respond within 30 days of the request, the department may proceed with permit issuance based on the archaeology site report if the applicant provides documentation of the request for tribal comments to the department.

(3) Based on the information contained in the archeology site report and any comments submitted by the affected Indian tribe(s) obtained during the consultation process, the county approving authority will condition the permit or project approval in a manner that will avoid or minimize impacts to the archaeological resource consistent with federal and state law.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-037, December 13, 2006, Eff date Jan. 5, 2007)
30.32D.220 Human remains or archaeological resources found on a site.

(1) If, during the course of construction, earth movement, clearing, or other site disturbance, human remains or archaeological resources are encountered, all work shall cease immediately. Under these circumstances, the department may issue a stop work order pursuant to chapter 30.85 SCC.

(2) The applicant shall immediately notify the director and promptly notify any affected Indian tribe and the state office of archaeology and historic preservation.

(3) After consultation with any affected Indian tribe and the state office of archaeology and historic preservation, the state shall determine whether the site contains archaeological resources that should be preserved. The department will designate the appropriate area within the site as a preservation area. No ground disturbance is permitted within a preservation area. This designation shall not affect underlying zoning.

(4) The preservation area designation shall remain on the appropriate area within a site until

   (a) The human remains or archaeological resources have been completely removed from the site; or

   (b) The department and the applicant have otherwise reached an agreement, in consultation with the state and any affected Indian tribe, that provides for the preservation of the human remains or archaeological resources.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32D.300 Appeals.
Any building permit issued with conditions imposed pursuant to this chapter may be appealed as a Type 1 decision pursuant to chapter 30.71 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)
Appendix H: Versions of Chapter 30.34A Urban Center Development Used for Review

Former 30.34A.010  Purpose and applicability.
This chapter regulates development in the Urban Center (UC) zone. This chapter sets forth procedures and standards to be followed in applying for any required permits and for building in this zone. The standards outlined in this chapter are meant to encourage higher density transit- and pedestrian-oriented development that provides a mix of uses and encourages high quality design. The standards outlined in this chapter shall not apply to the following:

1. Interior alterations that do not alter the exterior appearance of a structure or modify an existing site condition;
2. Site and exterior alterations that do not exceed 75 percent of the assessed valuation (building or land) according to the most recent county assessor records;
3. Building additions that are less than 10 percent of the existing floor area of the existing building(s). Any cumulative floor area increase (after the adoption date of this chapter) that totals more than 10 percent shall not be exempt unless approved pursuant to SCC 30.34A.180;
4. Normal or routine building and site maintenance or repair that is exempt from permit requirements;
5. Any remodeling or expansion of existing single-family residences with no change in use or addition of dwelling units involved;
6. Reconstruction of a single-family residence if it is destroyed due to fire or natural disaster.

30.34A.020  Permitted Uses.
Permitted uses in the UC zone are governed by the matrix in SCC 30.22.100 and reference notes in SCC 30.22.130.

Former 30.34A.030  Floor area ratio.
(1) Floor to area ratios (FAR) in the UC zone are established in accordance with SCC Table 30.34A.030(1). Additional FAR is allowed in accordance with the bonuses as set forth in SCC Table 30.34A.030(2) and SCC Table 30.34A.030(3);

<table>
<thead>
<tr>
<th>Table 30.34A.030(1)</th>
<th>Floor to Area Ratios</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum</td>
<td>Maximum</td>
</tr>
</tbody>
</table>

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Author: Snohomish County Planning and Development Services
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<table>
<thead>
<tr>
<th>Feature</th>
<th>Additional Floor Area for Each Feature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Level Commercial</td>
<td>• 250 sf of floor area for each linear foot of retail frontage</td>
</tr>
<tr>
<td>Green roof (not to be combined with district energy bonus)</td>
<td>• 5 sf of floor area for each sf of green roof</td>
</tr>
<tr>
<td>Daycare</td>
<td>• 5 sf of floor area for each sf of daycare</td>
</tr>
<tr>
<td>Rooftop Solar Panels (not to be combined with district energy bonus)</td>
<td>• 10 sf of floor area for each sf of solar panel</td>
</tr>
<tr>
<td>Community gardens for use by residents</td>
<td>• 10 sf of floor area for each sf of community garden</td>
</tr>
<tr>
<td>Structured Parking that is set back from the street by 100 feet or more or is appropriately screened from the streetscape</td>
<td>• .5 FAR for 80% or greater of required parking contained in a structure</td>
</tr>
<tr>
<td>Affordable housing pursuant to subsection 3 of this section.</td>
<td>• Affordable housing area up to 15% of the entire project area shall not be included in the calculation of FAR and shall be used to calculate a bonus of 5 sf for each square foot of affordable housing</td>
</tr>
</tbody>
</table>

Notes:
1. Allowable FAR for non-residential and residential uses may be added together within a development for a combined total.
2. Hotels are considered residential for the purpose of this chart.
3. “Mixed-use” means residential and non-residential uses located within the same building unless, for purposes of this section, the development proposal includes more than three buildings. To be eligible for the FAR for “mixed use” in development proposals that consist of three buildings or less the entire first floor of a proposed building must be devoted to retail use; or at least one-half of the first floor must be devoted to retail use and double the non-retail area of the first floor must be assigned to retail use on other floors within the building. In order to be eligible for the FAR for “mixed use for development proposals that consist of more than three buildings, the proposed development may include buildings that are devoted to a single use as long as there is a mixture of uses in the development as a whole (e.g. two residential use buildings and two non-residential buildings).
4. It is the intention of the Council that an applicant may utilize the FAR super bonus for a feature listed in Table 30.34A.030(3) only after using one of the features listed in Table 30.34A.030(2).
• One Transfer of Development Rights (TDR) credit. In the alternative, this bonus would be available upon payment in lieu of TDR credit. The bonus shall be determined pursuant to subsection 2 of this section.

• 2,000 square feet

<table>
<thead>
<tr>
<th>Feature</th>
<th>Additional Floor Area for Each Feature</th>
</tr>
</thead>
<tbody>
<tr>
<td>• One percent of total construction cost for public art</td>
<td>• .2 FAR</td>
</tr>
<tr>
<td>• One Transfer of Development Rights (TDR) credit. In the alternative, this bonus would be available upon payment in lieu of TDR credit. The bonus shall be determined pursuant to subsection 2 of this section.</td>
<td>• 2,000 square feet</td>
</tr>
<tr>
<td>• District Energy System</td>
<td>• 1 FAR</td>
</tr>
</tbody>
</table>

Table 30.34A.030(3)
Floor Area Ratio Super Bonuses

Notes:
1. Public art is a fountain, sculpture, painting, mural, or similar object that is sited within a planned development as a focal point and is intended for the enjoyment of the general public. It does not contain characteristics of an advertising sign or identify or draw attention to a business.
2. A district energy system is a central facility that produces energy for the district or urban center and supplies it to a group of buildings or facilities, typically in the form of hot water, steam or chilled water. Forms of renewable energy that could be used include biomass (such as wood waste), geothermal power, and waste heat from industrial facilities.

(2)
(a) Credits used for the TDR density bonus offered in urban centers must be certified through the Snohomish County Transfer of Development Rights program as authorized in Chapters 30.35A and 30.35B of the SCC.
(b) To receive the additional floor area bonus with the use of TDR credit, the applicant must submit proof of the TDR credit purchase or the appropriate payment in lieu of TDR credit with the application.
(c) If the applicant chooses to pay in lieu of using a TDR credit, the amount of the payment shall be $21 per square foot of bonus floor area. This payment shall be reviewed at least once every two years and may be adjusted by ordinance.

(3)
(a) For purposes of this section, affordable housing is leased, rental or owner-occupied housing that has gross housing costs which do not exceed 30 percent of the gross income of individuals or families with household income not to exceed 80 percent of the county median income.

(b) Gross housing costs for owner-occupied housing include mortgages, amortization, taxes, insurance and condominium or association fees, if any. Gross housing costs for leased and rental units include rent and utilities.

(c) To be eligible for the affordable housing FAR bonus, the applicant shall record with the Snohomish County Auditor an agreement in a form approved by the county requiring affordable housing square footage that is provided under this section to remain affordable housing for the life of the project. This agreement shall be a covenant running with the land, binding on the assigns, heirs, and successors of the applicant.

Former 30.34A.040 Building height and setbacks.

(1) The maximum building height in the UC zone shall be 90 feet. A building height increase up to an additional 90 feet may be approved under SCC 30.34A.180 when the additional height is documented to be necessary or desirable when the project is located near a high capacity transit route or station and the applicant prepares an environmental impact statement pursuant to chapter 30.61 SCC that includes an analysis of the environmental impacts of the additional height on, at a minimum:

(a) aesthetics;
(b) light and glare;
(c) noise;
(d) air quality; and
(e) transportation.

(2)

(a) Buildings or portions of buildings that are located within 180 feet of adjacent R-9600, R-8400, R-7200, T or LDMR zoning must be scaled down and limited in building height to a height that represents half the distance the building or that portion of the building is located from the adjacent R-9600, R-8400, R-7200, T or LDMR zoning line (e.g.-a building or portion of a building that is 90 feet from R-9600, R-8400, R-7200, T or LDMR zoning may not exceed 45 feet in height).

(b) Where the UC zoning line abuts a critical area protection area and buffer or utility, railroad, public or private road right-of-way, building heights shall not be subject the limitation in section (2)(a) if the critical area protection area and buffer or utility, railroad, public or private road right-of-way provides an equal or greater distance between the building(s) and the zoning line than would be provided in this subsection (2)(a). All ground floor residential units facing a public street must maintain a minimum structural ceiling height of 13 feet to provide the opportunity for future conversion to nonresidential use.

(3) Excluding weather protection required in SCC 30.34A.150, buildings must be setback pursuant to SCC Table 30.34A.040(4).
Table 30.34A.040(4)
Setbacks

<table>
<thead>
<tr>
<th>Front</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side</td>
<td>None</td>
</tr>
<tr>
<td>Rear</td>
<td>None</td>
</tr>
</tbody>
</table>

Former 30.34A.050 Parking ratios, parking locations and parking lot and structure design

(1) Development in the UC zone must comply with the parking ratios established in SCC Table 30.34A.050(1).

Table 30.34A.050(1)
Parking Ratios

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum</th>
<th>Maximum</th>
<th>Bicycle Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurants</td>
<td>2 stalls/1000 nsf</td>
<td>8 stalls/1000 nsf</td>
<td>2 spaces minimum</td>
</tr>
<tr>
<td>Retail</td>
<td>2 stalls/1000 nsf</td>
<td>4 stalls/1000 nsf</td>
<td>2 spaces minimum</td>
</tr>
<tr>
<td>Office</td>
<td>2 stalls/1000 nsf</td>
<td>4 stalls/1000 nsf</td>
<td>2 spaces minimum</td>
</tr>
<tr>
<td>Residential (units &gt;1000 sq ft each)</td>
<td>1.5 stalls per unit</td>
<td>2.5 stalls per unit</td>
<td>2 spaces minimum</td>
</tr>
<tr>
<td>Residential (units &lt;1000 sq ft each)</td>
<td>1 stall per unit</td>
<td>1.5 stalls per unit</td>
<td>2 spaces minimum</td>
</tr>
<tr>
<td>Senior Housing</td>
<td>.5 stalls per unit</td>
<td>1 stall per unit</td>
<td>2 spaces minimum</td>
</tr>
<tr>
<td>All other uses</td>
<td>See SCC 30.34A.050(5)</td>
<td></td>
<td>2 spaces minimum</td>
</tr>
</tbody>
</table>

(2) Parking must be located under, behind or to the side of buildings.
(3) Parking lots must be landscaped pursuant to SCC 30.25.022.
(4) Parking garage entrances must be minimized, and where feasible, located to the side or rear of buildings. Lighting fixtures within garages must be screened from view from the street. Exterior architectural treatments must complement or integrate with the architecture of the building through the provision of architectural details such as:
   (a) window openings;
   (b) plantings designed to grow on the façade;
   (c) louvers;
   (d) expanded metal panels;
   (e) decorative metal grills;
   (f) spandrel (opaque) glass; and
   (g) any other architectural detail approved under SCC 30.34A.180 that reduces and softens the presence of above ground parking structures.
(5) Uses not listed in Table 30.34A.050(1) must undergo a parking demand analysis by an independent consultant with expertise in parking demand analysis to ensure no more than the necessary amount of parking is provided. An increase of up to 20 percent above the estimated parking demand may be approved under SCC 30.34A.180 when historical data of a particular use indicate additional parking is necessary to properly serve a use or uses at a site.

(6) A reduction from the parking space requirements as specified in SCC Table 30.34A.050(1) may be approved under SCC 30.34A.180 if a shared parking study based on the either the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved procedures is prepared by an independent consultant with expertise in performing shared parking studies. The study must demonstrate that the development will result in a more efficient use of parking provided the combined peak parking demand is less than that required in SCC Table 30.34A.050(1). The number of spaces required for an approved shared parking plan shall be based on the number of spaces estimated to be the combined use peak parking demand.

**Former 30.34A.060 Landscaping.**

In addition to the landscaping requirements contained in SCC 30.25.015, 30.25.017, 30.25.023, 30.25.043 and 30.25.045, requirements for developments in the UC zone are as follows:

(1) Where a development abuts an R-9600, R-8400, R-7200, T or LDMR zone, a Type A landscaping buffer pursuant to SCC 30.25.017 averaging 25 feet, but not less than 15 feet must be provided. Where appropriate, existing vegetation and significant trees must be retained within the landscaping buffer.

(2) Areas of a site not occupied by buildings, parking lots, other improvements or textured paving must be intensively planted with trees, shrubs, hedges, ground covers, and/or grasses, unless such area consists of attractive existing vegetation and significant trees to be retained. Perennials and annuals are encouraged.

(3) Landscaping must be integrated with other functional and ornamental site design elements, where appropriate, such as recreational facilities, ground paving materials, paths and walkways, fountains or other water features, trellises, pergolas, gazebos, fences, walls, street furniture, art, and sculpture.

(4) The landscape design must reinforce and support the open space design, pedestrian circulation and building architecture.

(5) Street trees must be planted along public and private roads and drive aisles according to the road cross section and general landscaping standards of the EDDS. Street trees are not required around turnarounds at the end of roads less than 150 feet in length. Maintenance of street trees must be provided pursuant to SCC 30.25.015(9).

(6) No landscape buffer is required along or from a developed railroad right-of-way.

**Former 30.34A.070 Open space.**

(1) All developments in the UC zone must have a coherent integrated open space network that links together the various open spaces within the project.
(2) All developments must provide open space at a rate of 150 square feet per residential unit and 2 percent of the floor area of non-residential development (excluding parking), at least 50 percent of which must be accessible to the public as an active recreation area. At least 25 percent of the required active recreation area must be located on a single tract. Those portions of required sidewalks that abut an active recreation area may be counted toward the 50 percent active recreation open space requirement.

(3) On-site recreational open space for residential and non-residential developments must be designed and improved to allow one or more active uses. Active uses include:
   (a) Playgrounds developed with children’s play equipment;
   (b) Outdoor sports courts (such as volleyball, basketball or tennis courts), swimming pools, and similar facilities;
   (c) Picnic areas with permanent tables, benches or gazebos;
   (d) Community gardens for use by residents;
   (e) Improved trails or paths not otherwise required to provide pedestrian connections;
   (f) Plaza;
   (g) Courtyard;
   (h) Forecourt; or
   (i) Rooftop garden; and
   (j) Other active recreational uses approved by the director.

Former 30.34A.080  Circulation and access.

(1) The vehicular and pedestrian circulation system must be designed to be consistent with this chapter, chapter 30.24 SCC, the EDDS and the provisions described in the following design reports available at the department:
   (a) Southwest Snohomish County Urban Centers Phase 1 Report, February 2001, Appendix E, Street Design, pp. 9-13; and
   (b) Specific road designs for public roads in urban centers that have been approved by the Department of Public Works, including but not limited to Ash Way Design for the Transit/Pedestrian Village, August 2003.

(2) Pedestrian connections must be provided to existing or previously approved walkways on adjacent urban center projects to provide for inter-project pedestrian circulation. The design of such connections must match or be consistent with the design of existing or previously approved walkways on adjacent urban center projects.

(3) Sidewalks must be designed to include a minimum clear zone of 7 feet for pedestrian travel and a planting/amenity zone of an additional 5 feet between the curb and the clear zone.

(4) A minimum 5-foot wide pedestrian connection, which complies with standards established by the Americans with Disabilities Act (ADA), must be provided through parking lots to building entrances, sidewalks and transit stops.

(5) Curb cuts for driveway entrances:
   (a) may not be located closer than 100 feet apart; and
   (b) may not exceed 35 feet in width for combined entry and exits.
(6) Internal public and private roads, drive aisles, woonerfs and auto courts must comply with the EDDS. The county engineer may approve a design that varies from the EDDS.

(7) Additional circulation requirements may be required as approved under SCC 30.34A.180, if needed, to ensure pedestrian safety or based on pedestrian connectivity pursuant to chapter 30.24 SCC, title 13 SCC and the EDDS.

(8) As a condition of site development approval, a property owner may be required to provide for joint access to and/or from adjacent parcels. This must be accomplished through easements or joint use agreements on forms approved by the county. Curb cuts from a public right-of-way allowed at the time of development may be temporary and subject to closure when more suitable access is developed on adjacent sites. Specifically, when a site plan is approved the owner may, at the county engineer’s discretion, be allowed to develop either permanent or temporary curb cuts for site access. When adjacent sites are developed, the property owner may be required to close temporary curb cuts and provide access through one of the adjacent sites. Alternatively, one or more of the adjacent sites may be required to provide its access through a permanent curb cut granted to the first site. This shared access scheme is intended to provide greater traffic safety.

(9) Applicants must provide transportation demand management measures for developments pursuant to chapter 30.66B SCC with the potential for removing a minimum of 15 percent of the development’s peak hour trips from the road system.

(10) If there is a conflict between the provisions of this chapter and other chapters within title 30 SCC, the county engineer shall determine the appropriate regulation.

Former 30.34A.085 Access to public transportation.
Business or residential buildings within an urban center either:

1. Shall be constructed within one-half mile of existing or planned stops or stations for high capacity transit routes such as light rail or commuter rail lines or regional express bus routes or transit corridors that contain multiple bus routes;

2. Shall provide for new stops or stations for such high capacity transit routes or transit corridors within one-half mile of any business or residence and coordinate with transit providers to assure use of the new stops or stations; or

3. Shall provide a mechanism such as van pools or other similar means of transporting people on a regular schedule in high occupancy vehicles to operational stops or stations for high occupancy transit.

Former 30.34A.090 Design standard-signs.
In addition to the sign requirements contained in chapter 30.27 SCC, requirements for development in the UC zone are as follows:

1. Signs must fit with the overall architectural character, proportions, and details of the development;
(2) The base of any freestanding, pole, ground or monument sign must be planted with shrubs or seasonal flowers;

(3) Electronic reader boards and signs which include flashing, chasing, moving or animation are prohibited.

(4) Freestanding or pole signs located along non-arterials may be permitted if they are approved under SCC 30.34A.180 and if they meet the following criteria:
   (a) No more than 15 feet in height;
   (b) Designed with two poles placed at the outermost sides of the sign face;
   (c) No more than 45 square feet in sign area per face; and
   (d) Constructed of materials matching one or more buildings located on the site.

(5) Freestanding or pole signs located along freeways or principal arterials may be permitted if they are approved by the director and if they meet the following criteria:
   (a) No more than 35 feet in height;
   (b) Designed with two poles places at the outermost sides of the sign face; and
   (c) No more than 150 square feet in sign area per face.

(6) Signs for business identification or advertising of products must conform to the following:
   (a) Each business establishment may have no more than one business identification sign per building face and in no event more than two identification signs per establishment;
   (b) No business identification sign may have a surface area greater than 90 square feet per face;
   (c) Business identification signs must be attached to the principal building unless otherwise approved by the county in the sign design scheme. The uppermost portion of the sign may not extend more than five feet higher than the principal building at its highest point, subject further to the overall height regulations of this zone.
   (d) Signs which are an integral part of a window may occupy no more than 25 percent of the total window area.
   (e) Projecting signs or graphics, and their supportive members, may not project more than four feet outward from a building and may not be lower than eight feet above ground level.

Former 30.34A.100 Design standard-screening trash/service areas and rooftop mechanical equipment.

(1) Garbage collection and service areas must be placed away from public right-of-way and screened from view on all sides with solid evergreen plant material or architectural treatments similar to those used in the design of the adjacent building.

(2) Rooftop mechanical equipment must be screened by an extended parapet wall or other roof forms that are integrated with the architecture of the building.

30.34A.110 Design standard-lighting
(1) All lighting fixtures must be equipped with a “cut-off,” which is either an external housing or internal optics that directs light downward.
(2) Flashing lights are prohibited, except for low wattage holiday and special occasion accent lights.
(3) Lighting directed upwards above the horizontal plane (up-lighting) is prohibited.

30.34A.120 Design standard-step back and roof edge
(1) Any parts of the building façade over 60 feet high facing a public right-of-way and those portions of buildings facing R-9600, R-8400, R-7200, T or LDMR zoning must be stepped back at least 10 feet from the first floor façade.
(2) Façades of floors that are stepped back must be distinguished by a change in elements such as window design, railings, trellises, details, materials and/or color so that the result is a rich and organized combination of features that face the street. Balconies may extend into the step back areas.
(3) Buildings with pitched roofs must have a minimum slope of 4:12.
(4) An alternative step back may be approved under SCC 30.34A.180 provided the effect is that the upper floor(s) appears to recede from view.

30.34A.130 Design standard-massing and articulation
(1) Buildings over 30 feet in height must distinguish a “base” at ground level using articulation and materials such as stone, masonry, or decorative concrete.
(2) The “top” of the building must emphasize a distinct profile or outline with elements such as projecting parapet, cornice, upper-level setback or pitched roof line.
(3) For buildings over 60 feet in height, the “middle” of the building may be distinguished from the top and base by a change in materials or color, windows, balconies, step backs and signage.
(4) An alternate design for massing and articulation may be approved under SCC 30.34A.180 provided the design reduces the apparent bulk of multi-story buildings and maintains pedestrian scale.

30.34A.140 Design standard-ground level detail and transparency
(1) Façades of commercial and mixed-use buildings that face the streets must be designed to be pedestrian-friendly through the inclusion of at least three of the following elements:
   (a) kickplates for storefront windows;
   (b) projecting window sills;
   (c) pedestrian scale signs;
   (d) canopies or awnings;
   (e) plinth;
   (f) containers for seasonal plantings;
   (g) ornamental tilework;
(h) pilasters;
(i) cornice;
(j) medallions; or
(k) an element not listed above that is approved by the director, if it reinforces the character of the streetscape and encourages active and engaging design of the pedestrian edge of the streetscape.

(2) Street-facing, ground-floor façades of commercial and mixed-use buildings must incorporate glass in storefront-like windows in sufficient type and quantity to produce the following quality and dimensions: clear, transparent glass must be incorporated in at least 40 percent of the ground level façade length and the bottom of such glass must be located no higher than 2 feet above grade and top of such glass must be located up to at least 10 feet above grade.

**Former 30.34A.150 Design standard-weather protection.**

(1) Overhead weather protection elements such as canopies must be installed on street-facing façades along county arterials and streets intended for pedestrian activity and connectivity within the urban center. Canopies or awnings must be a minimum of 5 feet in width.

(2) Canopies or awnings must be at least 10 feet, but not more than 13 feet, above the sidewalk.

**30.34A.160 Design standard-blank walls.**

Blank walls longer than 20 feet must incorporate two or more of the following:

(1) vegetation, such as trees, shrubs, ground cover and/or vines adjacent to the wall surface;
(2) artwork, such as bas-relief sculpture, murals, or trellis structures;
(3) seating area with special paving, lighting fixtures and seasonal plantings; and/or
(4) architectural detailing, reveals, contrasting materials or other techniques that provide visual interest.

**Former 30.34A.165 Pre-Application Neighborhood Meeting.**

(1) The applicant shall conduct a neighborhood meeting to discuss the proposed urban center development. The meeting must be held at least 30 days before submitting an urban center development application.

(2) The purpose of the neighborhood meeting is to:

(a) Ensure that an applicant pursues early and effective public participation in conjunction with the application, giving the applicant an opportunity to understand and mitigate any real or perceived impacts that the proposed development might have to residents in the neighborhood or neighboring cities;

(b) Ensure that neighborhood residents and business owners have an opportunity at an early stage to learn about how the proposed development might affect them and to work with the applicant to resolve concerns prior to submittal.
(c) Ensure that any nearby cities have an opportunity at an early stage to learn about how the proposed development might affect them and to work with the applicant to resolve concerns prior to submittal.

(3) The applicant is responsible for notifying, facilitating and summarizing the neighborhood meeting pursuant to the following requirements:

(a) Public notice for the neighborhood meeting must include:
   (i) Date, start time, and location of the meeting;
   (ii) Proposed development name;
   (iii) Map showing the location of the proposed development and the location of the neighborhood meeting;
   (iv) Description of proposed development; and
   (v) Name, address and phone number of the applicant or representative of the applicant to contact for additional information.

(b) Public notice must be mailed to the department at least 10 days prior to the neighborhood meeting and must, at a minimum, be mailed to:
   (i) Each taxpayer of record and each known site address within 500 feet of any portion of the boundary of the subject property and contiguous property owned by the applicant; and
   (ii) Any city or town whose municipal boundaries are within one mile of the subject property and contiguous property owned by the applicant.

(c) The department, upon request, shall provide the applicant with necessary names and addresses or mailing labels. The applicant shall reimburse the department for any costs associated with this request consistent with department procedures.

(d) The neighborhood meeting shall be held at a location accessible to the public and within a reasonable distance from the boundary of the proposed development.

(e) At a minimum the applicant shall provide at the neighborhood meeting:
   (i) Conceptual graphic presentation depicting the layout and design of the proposed development;
   (ii) Size of the proposed development;
   (iii) Proposed mix of land uses including the number of dwelling units and the amount of non-residential square footage;
   (iv) Proposed building heights and FAR;
   (v) Number of parking spaces; and
   (vi) Location and amount of open space.

(f) The applicant shall prepare a written summary of meeting to be included with the urban center development application, including:
   (i) A copy of the notice of the neighborhood meeting along with a list of persons to whom it was mailed;
   (ii) A signed affidavit listing the persons who attended the meeting and their addresses; and
   (iii) A signed affidavit listing the summary of concerns, issues, and problems expressed during the meeting.

(4) County staff is not required to attend the meeting.
(5) If no one attends the meeting within 30 minutes of the start time indicated on the notice provided per this section, the applicant shall have satisfied the requirements of this section.

Former 30.34A.170 Submittal requirements.

(1) An urban center development plan must contain, at a minimum, the following:

(a) A graphic presentation depicting:
   (i) Conceptual graphic presentation depicting the layout and design of the proposed development;
   (ii) Size of the proposed development;
   (iii) Proposed mix of land uses including the number of dwelling units and the amount of non-residential square footage;
   (iv) Proposed building heights and FAR;
   (v) Number of parking spaces; and
   (vi) Location and amount of open space;
   (vii) The location of existing structures to be retained, proposed structures, parking, internal circulation required pursuant to chapter 30.24 SCC, landscape areas required pursuant to chapter 30.25 SCC, recreation open space, pedestrian facilities, and other applicable design components required by this chapter, including any design standards selected by the applicant for compliance with the provisions of chapter 30.34A SCC;

(b) A detailed description of the design intent, architectural character and spatial qualities and relationships of and between the major structures and physical amenities and attributes within the Urban Center;

(c) A preliminary LEED checklist or other similar means of demonstrating sustainable design goals;

(d) A narrative description, together with either architectural drawings or photographs that will adequately demonstrate compliance with any required architectural design standard of chapter 30.34A SCC, where applicable;

(e) The location of building envelopes of all structures, and points of egress;

(f) Existing and proposed topography at contour intervals of five or less feet;

(g) The names and addresses of the developer, land surveyor, engineer, architect, planner, and other professionals involved;

(h) Calculations showing acreage of the site and recreational open space, number of dwelling units proposed, zoning, FAR, number of parking spaces and site density;

(i) Scale and north arrow;

(j) Vicinity sketch (drawn to approximately 1” = 2,000’ scale) showing sufficient area and detail to clearly locate the development in relation to arterial streets, natural features, landmarks, and municipal boundaries;

(k) Natural drainage courses and probable alterations which will be necessary to handle the expected drainage from the proposal, and the general method proposed to comply with chapter 30.63A SCC;
(l) A description of intended type of uses including timing of development, if phased, and management control;

(m) A document satisfactorily assuring unified control through the final urban center development plan approval;

(n) A provision for removing existing structures or incorporating them into the overall development scheme; and

(o) A signed affidavit that includes a written summary of the pre-application neighborhood meeting pursuant to SCC 30.34A.165(3)(f).

(2) The applicant for a proposed development in a UC zone must certify that, in addition to the direct involvement of an architect licensed in the state of Washington, one of the following has been involved with the preparation of the urban center development plan:

(a) A landscape architect licensed in the state of Washington;

(b) A registered civil engineer licensed in the state of Washington; or

(c) A registered land surveyor licensed in the state of Washington.

(3) A circulation, landscape and open space plan must be submitted which includes the following requirements:

(a) A narrative containing:
   (i) A list of the types of plants to be incorporated in a final landscape plan;
   (ii) Assessment of whether temporary or permanent irrigation is required;
   (iii) How potential off-site pedestrian connections relate to the development and all abutting properties; and
   (iv) How potential off-site public and private road right-of-way connections relate to the development and all abutting properties;
   (v) How potential critical areas and/or designated open space tracts on abutting properties will be integrated into the development.

(b) A site plan containing:
   (i) Location of parking lot landscaping;
   (ii) Location of proposed and existing landscaping areas;
   (iii) Information indicating the size of required landscape buffers and whether such buffers use Type A or B landscaping;
   (iv) Critical areas and their buffers including any extending into abutting properties;
   (v) Active recreation space including plazas and public realm elements;
   (vi) All internal roads and drive aisles;
   (vii) All internal pedestrian walkways, sidewalks and trails;
   (viii) Designation of all potential off-site pedestrian connections; and
   (ix) Designation of all potential off-site public and private road right-of-way connections.

(4) Illustrations representing the design intent and architectural character for the urban center, including:

(a) Overall massing;

(b) General architectural character of buildings indicating color and material range;

(c) General character of open spaces, including exterior site lighting.
(5) A shared parking allocation plan showing all the shared parking must be submitted when shared parking is proposed.

(6) A complete application for urban center approval meeting requirements of this section is deemed to have vested to the zoning code, development standards and regulations as of the date of submittal.

(7) A plan for the phasing, if any, of the on-site recreation required in SCC 30.34A.070 and pedestrian circulation required in SCC 30.34A.080. Such recreation and pedestrian circulation facilities shall be installed with the completion of the first building or first phase of the development if the overall development is to be phased unless the applicant demonstrates that site characteristics or constraints make compliance impractical in which case such improvements shall be installed in compliance with any timing requirements set forth in the terms and conditions of the urban center approval.

30.34A.175 Design Review Board

(1) A design review board shall be convened for the purpose of reviewing urban center developments. The design review board shall be comprised of five persons nominated by the Snohomish County Executive and appointed by the Snohomish County Council. Members of the design review board:

(a) shall reside in Snohomish County;

(b) shall possess experience in neighborhood land use issues and demonstrate by their experience sensitivity in understanding the effect of design decisions on neighborhoods and the development process; and

(c) should possess familiarity with land use processes and standards as applied in Snohomish County.

(2) No member of the design review board shall have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in a project under review by the design review board on which that member sits.

Former 30.34A.180 Review process and decision criteria.

(1) Development Agreement Process: Approval under this subsection shall be as follows:

(a) Upon submittal of a complete application meeting the requirements of SCC 30.34A.170, the applicant shall immediately initiate negotiations of one agreement with the city or town in whose urban growth area or MUGA the proposed development will be located and any city or town whose municipal boundaries border the proposed urban center development site.

(i) The parties shall have forty-five (45) days to reach an agreement on elements of the urban center development such as design, location, density or other aspects of the proposed development. The agreement must be consistent with Snohomish County development regulations.

(ii) If the parties cannot reach agreement within forty-five (45) days, the parties may mutually agree in writing to extend the deadline.
(iii) If the parties cannot reach agreement and do not agree to an extension, the applicant shall notify the department in writing and the application shall be reviewed as a Type 2 process under subsection (2) of this section.

(iv) Any party may withdraw from negotiations at any time and any party may decide that an agreement is not possible, the applicant shall notify the department in writing of the withdrawal and the application shall be reviewed as a Type 2 process under subsection (2) of this section.

(v) If the parties reach agreement, the agreement shall be memorialized in writing and submitted to the department. The department shall review the agreement for consistency with the Snohomish County Code.

(b) Following review of the agreement reached under subsection (1)(a) of this section, the department shall negotiate a development agreement with the applicant and process the application under chapter 30.75 SCC. If the department and the applicant cannot reach agreement on a development agreement, the applicant may choose to have the application reviewed under subsection (2) of this section.

(2) Type 2 Permit Decision Process: If any party withdraws from the negotiation of an agreement under subsection (1)(a) above, the forty-five (45) day period expires without the parties agreeing to an extension, or if the department and applicant cannot reach agreement for a development agreement, the application shall be reviewed as follows:

(a) The design review board established by SCC 30.34A.175 shall hold one open public meeting with urban center project applicants, county staff, neighbors to the project, members of the public, and any city or town whose municipal boundaries are within one mile of the proposed urban center development or whose urban growth area includes the subject site or whose public utilities or services would be used by the proposed urban center development to review and discuss proposed site plans and project design.

(b) Following the public meeting held pursuant to subsection (2)(a) of this section, the design review board shall provide written recommendations to the department and the applicant on potential modifications regarding the project, such as: scale, density, design, building mass and proposed uses of the project. The recommendations shall become part of the project application and they should:

   (i) Synthesize community input on design concerns and provide early design guidance to the development team and community; and

   (ii) Ensure fair and consistent application of the design standards of this chapter and any neighborhood-specific design guidelines.

(c) The urban center development application shall then be processed as a Type 2 application as described in chapter 30.72 SCC and the hearing examiner may approve or approve with conditions the proposed development when all the following are met:

   (i) The development complies with the requirements in this chapter, chapters 30.24 and 30.25 SCC, and requirements of other applicable county code provisions;

   (ii) The proposal is consistent with the comprehensive plan;

   (iii) The proposal will not be materially detrimental to uses or property in the immediate vicinity; and
(iv) The development demonstrates high quality design by incorporating elements such as:

(A) Superior pedestrian- and transit-oriented architecture;
(B) Building massing or orientation that responds to site conditions;
(C) Use of structural articulation to reduce bulk and scale impacts of the development;
(D) Use of complementary materials; and
(E) Use of lighting, landscaping, street furniture, public art, and open space to achieve an integrated design;

(v) The development features high density residential and/or non-residential uses;

(vi) Buildings and site features are arranged, designed, and oriented to facilitate pedestrian access, to limit conflict between pedestrians and vehicles, and to provide transit linkages; and

(vii) Any urban center development abutting a shoreline of the State as defined in RCW 90.58.030(2)(c) and SCC 30.91S.250 shall provide for public access to the water and shoreline consistent with the goals, policies and regulations of the Snohomish County Shoreline Management Master Program.

(d) Whenever an urban center development application is reviewed as a Type 2 permit decision process under subsection (2) of this section, the county shall involve the cities or towns in the review of urban center development permit applications proposed within their urban growth area or MUGA or whose municipal boundaries border the proposed urban center development site using the following procedures:

(i) The county shall notify any such city or town and provide contact information for the applicant;

(ii) Following notice the relevant city(ies) or town(s) shall contact the county on their need for level of involvement and issues of particular concern;

(iii) The county shall invite a staff representative from any city or town who contacts the county pursuant to subsection (2)(d)(ii) of this section to attend pre-application, submittal and re-submittal meetings;

(iv) The city’s or town’s recommendation shall:

(A) Contain the name, mailing address, and daytime telephone number of the city’s or town’s representative;

(B) Identify proposed changes to the application, specific requirements, actions, and/or conditions that are recommended in response to impacts identified by the city or town;

(C) State the specific grounds upon which the recommendation is made; and

(D) Where applicable, identify and provide documentation of the newly-discovered information material to the decision.

(v) The county shall respond to a city’s or town’s comments and recommendations in its final decision reached pursuant to this section.

(e) An applicant may sign a concomitant agreement in a form approved by the county. The concomitant agreement shall reference the required conditions of approval, including the site plan, design elements and all other conditions of project approval. The concomitant agreement
shall be recorded, run with the land, and shall be binding on the owners, heirs, assigns, or successors of the property.

(f) The hearing examiner may deny an urban center development application without prejudice pursuant to SCC 30.72.060. If denied without prejudice, the application may be reactivated under the original project number and without additional filing fees or loss of project vesting if a revised application is submitted within six months of the date of the hearing examiner's decision. In all other cases a new application shall be required.

(3) All urban center development applications shall be subject to the following requirements:

(a) In addition to the notice required by chapter 30.70 SCC and subsection (2)(d)(i) of this section, the department shall distribute copies of the urban center development application to each of the following agencies and shall allow 21 days from the date of published notice for the agencies to submit comments on the proposal:

(i) Snohomish Health District;
(ii) Department of public works;
(iii) Washington State Department of Transportation; and
(iv) Any other federal, state, or local agencies as may be relevant.

(b) Any revision which substantially alters the approved site plan is no longer vested and re-submittal of a complete application is required pursuant to SCC 30.34A.170. Revisions not requiring re-submittal are vested to the regulations in place as of the date the original application was submitted. Revisions after approval of the development which cause an increase in traffic generated by the proposed development shall be reviewed pursuant to SCC 30.66B.075.

(c) Urban center project approval expires after six years from the date of approval unless a complete application for construction of a project or for installation of the main roads and utilities has been submitted to the department.

30.34A.190 Public spaces and amenities.

On-site recreation required in SCC 30.34A.070 and pedestrian circulation required in SCC 30.34A.080 must be installed with completion of the first building or first phase of the development if the overall development is to be phased.

30.34A.200 Priority permit processing.

Applications that include public or nonprofit housing will receive priority for expedited site plan review as authorized in chapter 30.76 SCC.

30.34A.210 City or town review

(1) Within 60 days of the adoption of this ordinance, the county shall contact any city or town whose municipal boundaries are within one mile of the proposed urban center development or whose urban growth area includes the subject site or whose public utilities or services would be used by the proposed urban center development for the purpose of determining if the city or
town wishes to consult with the county regarding the preparation of generalized design principles and development review procedures for the urban center.

(2) If the city or town responds affirmatively in writing within 60 days of receiving such notice, the county and city or town shall consult and may negotiate the terms and provisions of an interlocal agreement to define the terms related to the preparation of general design guidance for development of the urban center, development review procedures and other issues of mutual interest. The owner(s) of any property located within the urban center shall be invited to attend and participate in all such meetings and negotiations. The interlocal agreement, if any, is intended to provide general design guidance for development of the urban center, as appropriate.

(3) The county and city or town are encouraged to enter into an interlocal agreement to formalize a cooperative process.

Former Section 30.34A.220. Urban Centers as TDR Receiving Areas.
Areas zoned UC are designated as Transfer of Development Receiving Areas, consistent with GPP Policy LU 14.A.6 and chapter 30.35A SCC. Credits used for the TDR density bonus offered in urban centers must be certified through the Snohomish County Transfer of Development Rights program as authorized in chapters 30.35A and 30.35B SCC.
Appendix I: Sections of Chapter 30.41B Short Subdivisions Used for Review

30.41B.030 Procedure and special notice requirements.
   (1) Short subdivisions shall be processed as a Type 1 administrative decision except that if a
dedication of right-of-way for a new public road is proposed or required, a Type 2 process
decision by the hearing examiner shall be used. The decision maker may approve, approve with
conditions, deny, or deny without prejudice a proposed short subdivision application.
   (2) A preliminary short subdivision application which has been denied without prejudice may
be reactivated under the original project file number and without additional filing fees if a
revised application is submitted within six months of the date of the denial without prejudice.
   (3) The department shall distribute copies of the preliminary short subdivision application to
each reviewing section within the department and to each of the following and shall allow 21
days from the dated published notice for the agencies to submit comments on the proposal:
   (a) Snohomish Health District;
   (b) Department of public works;
   (c) Washington State Department of Transportation;
   (d) Any city or town whose municipal boundaries are within one mile of the proposed
short subdivision or whose urban growth area includes the subject site or whose public utilities
would be used by the proposed short subdivision; and
   (e) Any other federal, state, or local agencies as may be relevant.
   (4) Public notice of application shall be provided as set forth in SCC 30.70.050.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.040 Submittal requirements.
   (1) Preliminary short subdivision applications shall comply with the requirements set out in
the short subdivision application checklist as provided by the department pursuant to
SCC 30.70.030.
   (2) Preliminary short subdivision applications shall include a preliminary short plat prepared
by and bearing the signature and seal of a registered professional land surveyor.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.100 Decision criteria.
The preliminary short subdivision application shall be approved only if the department or the
hearing examiner finds that
   (1) The proposal makes appropriate provisions for, but not limited to, the public health,
safety, and general welfare; for open spaces, drainage ways, streets, alleys, other public ways;
transit stops; potable water supplies; sanitary wastes; parks and recreation; playgrounds, sites for

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schools and school grounds; fire protection; and other public facilities. The decision maker shall consider all other relevant facts, including the physical characteristics of the site and sidewalks and other planning features that assure safe walking conditions for students who walk to and from school to determine whether the public interest will be served by the short subdivision.

(2) If the decision maker finds that the proposed preliminary short subdivision makes appropriate provisions for the matters listed in SCC 30.41B.100(1) and enters written findings that the short subdivision conforms to all applicable development regulations and construction codes, then it shall be approved. If the decision maker finds that the proposed short subdivision does not make such appropriate provisions or that development regulations requirements are not met, or the public use and interest will not be served, then the decision maker may deny the proposed preliminary short subdivision.

(3) Dedication of land or payment of fees to any public body may be required as a condition of preliminary subdivision approval. Evidence of such dedication and/or payment shall accompany final subdivision approval.

(4) The hearing examiner shall not, as a condition of preliminary subdivision approval, require the applicant to obtain a release from damages from other property owners.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.120 Decision criteria: minimum net density.
All residential short subdivisions located in an urban growth area as designated on the comprehensive plan shall maintain a minimum net density of four dwelling units per net acre consistent with the minimum net density provisions of SCC 30.23.020.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.200 Design standards.
The following design standards shall be met, unless a modification is specifically provided for:

(1) Each lot shall contain sufficient square footage to meet minimum zoning and health requirements, provided that the minimum lot size within a short subdivision may be reduced below the size required by applicable zoning through the lot size averaging provisions of SCC 30.23.210, or through the planned residential development or rural cluster subdivision provisions of this title;

(2) Each new lot shall have an accessible area suitable for construction pursuant to SCC 30.41A.235;

(3) Short subdivisions located in special flood hazard areas shall comply with the provisions of SCC 30.65.110(3);

(4) Roads and access shall be provided in accordance with the requirements in chapter 30.24 SCC; and
(5) All short subdivisions shall meet the applicable tree retention and landscaping requirements of chapter 30.25 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

Former 30.41B.300 Preliminary short subdivision approval - term.

(1) The standard term of approval for a preliminary subdivision is five years. An applicant must file for and complete final subdivision approval within the five year period, running from the date of preliminary subdivision approval, or the approval will expire. An applicant or his or her successors may request, in writing, up to a one-year extension of preliminary approval. Such request must be received by the director at least 30 days prior to the expiration of the preliminary subdivision approval. The department may grant an extension if the applicant can demonstrate that a good faith effort was exerted to complete the final subdivision within the initial five-year approval period in accordance with the terms of the preliminary approval. The total time period that any preliminary subdivision approval may be extended by the department shall not exceed one year. The applicant shall pay an extension fee pursuant to SCC 30.86.100. In addition to any extension granted by the department, preliminary subdivision approval may be further extended for a period not to exceed four months by the county council concurrent with the council's consideration of final subdivision approval.

(2) The department shall grant an extension in cases where a preliminary approval has been appealed to court, not to exceed the period of time the approval is under judicial review.

(3) The applicant may request final subdivision approval in phases, subject to the time restrictions in 30.41A.300(1) and the terms of the preliminary subdivision approval. Open space, amenities, and other requirements of the preliminary approval shall be completed coincident with each phase of the final subdivision on a prorata basis unless otherwise required in the preliminary approval. A revision to the preliminary approval, pursuant to SCC 30.41A.330, must be applied for with the request to complete the final subdivision improvements in phases.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 09-018, June 3, 2009, Eff date June 25, 2009)

Former 30.41B.310 Revisions after preliminary short subdivision approval.

Approved preliminary short subdivisions may be revised prior to installation of improvements and recording of the final short subdivision. Revisions that are generally consistent with the approved preliminary short subdivision, which do not alter conditions of preliminary approval and do not adversely affect public health, safety, and welfare may be administratively approved by the department. Any other change shall require processing as a new preliminary short subdivision application. Relevant county departments and agencies shall be notified of any
administrative revision. A revision does not extend the life or term of the preliminary subdivision approval, which shall run from the original date of preliminary approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.400 Installation of improvements.
(1) Any improvements required within a short subdivision shall be installed, or installation assured, in accordance with chapter 30.84 SCC, within the period or term of approval of the preliminary short subdivision approval, as set forth in SCC 30.41B.300.
(2) Any water supply from community or public wells to serve the development shall be installed and shall produce the supply required prior to the recording of the final short subdivision.
(3) Where improvements are required as part of the preliminary short subdivision approval, the director shall require the applicant to comply with SCC 30.41A.400 - 30.41A.430 related to submittal and review of construction drawings, submittal of as-built plans, and security devices in accordance with chapter 30.84 SCC for installation and maintenance of improvements.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

Former 30.41B.600 Final short subdivision application approval - timing.
A final short subdivision application shall be approved within the five year time period for preliminary approval unless an extension of time is granted pursuant to SCC 30.41B.300.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.605 Final short subdivision application approval - form.
An application for a final short subdivision approval shall meet the submittal requirements established by the department pursuant to SCC 30.70.030, and shall include declarations, dedications, acknowledgments, certificates, and easements in the form prescribed by the department.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.610 Approval procedure for final short subdivision.
(1) The department shall examine the final short subdivision for adequacy of any required road improvements and right-of-way dedications, the mathematical closure of all lots and
boundaries and any other conditions required for compliance with the provisions of this code and the conditions of preliminary approval. The department may require additional information from an applicant where necessary to review the final short subdivision application.

(2) The final short subdivision shall be approved or disapproved by the department within 30 days from the date of submittal unless the applicant consents in writing to an extension. The department shall base its decision on the following:

(a) The recommendations of the Snohomish Health District and/or purveyors with jurisdiction as to the adequacy of the sewage disposal and potable water supply;
(b) The recommendation of the department of public works;
(c) The recommendations of other relevant federal, state, and local agencies;
(d) The requirements of state law, the county code, and all other applicable codes;
(e) The submittal of a current short subdivision certificate prepared by a title insurance company which must confirm that the ownership interest in the land to be divided is in the name(s) of the person(s) whose signature(s) appear(s) on the short plat;
(f) Any evidence of ownership interests not shown of record; and
(g) Compliance with all conditions imposed in the granting of the preliminary short subdivision.

(3) The department shall approve the final short subdivision only upon finding that all required improvements have been completed or arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that all conditions of preliminary approval have been met and when the short plat is in proper form for recording as established by the submittal requirements.

(4) When all parties known to the county to have an ownership interest in the real property have signed the final short plat and the requirements of SCC 30.41B.610(3) have been satisfied, the department shall grant its approval by signing the final short plat.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.620 Monumentation.

(1) Monumentation complying with the current EDDS shall be placed at all public road intersections, boundary angle points, points of curves in public roads, or at such intermediate points as may be required by the department.

(2) If any land in a short subdivision is contiguous to a body of water, river, or stream, monuments shall be set along a meander line which shall be established along the shore at such distance back from the ordinary high-water mark as to reasonably ensure against damage and destruction by flooding or erosion. Property lying beyond the meander line shall be defined by distance along the side property lines extended from the meander line.

(3) All lot and block corners or witness corners shall be set with an iron pipe or steel reinforcing bar at least 24 inches in length, or alternate materials as approved by the department,
before recording of the short plat. All lot corners shall be identified with the land surveyors registration number.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.630 Dedications.

(1) All highways, public roads or portions thereof, and parcels of land shown on the final short plat and intended for any public use shall be offered for dedication for public use except where the provisions of chapter 30.24 SCC provide otherwise.

(2) Public roads, or portions thereof, may be reserved by the county for future dedication where the immediate opening and improvement is not required, but where it is necessary to ensure that the county can later accept dedication when the public roads become needed due to traffic impacts of the short subdivision, together with expected impacts of reasonably foreseeable future development of the area or adjacent areas.

(3) Easements shall be dedicated and indicated on the face of the short plat in a form acceptable to the department. Easements for the purpose of serving the short subdivision and other property with utility services and granting the right to enter upon the lots, tracts and common areas at all times to install, lay, construct, renew, operate, and maintain underground conduit, cables, pipe, and wires with necessary facilities and other equipment shall be reserved for and granted to all utilities and to their respective successors and assigns, under and upon the exterior 10 feet parallel with and adjoining the street frontage of all lots, tracts and common areas. Easements for storm drainage sewers and other purposes shall be dedicated as appropriate. The department shall establish standard language for the establishment of such easements and shall make the standard language available with the submittal requirements checklists for final short subdivision approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.41B.635 Acceptance of conveyances

Where real property interests are to be conveyed to the public, such real property, conveyances shall be made in conformance with adopted engineering standards or land use and development standards, and subject to approval and acceptance of the director of public works, the county engineer or the director of PDS pursuant to SCC 2.68.035 or 2.01.040 respectively.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.640 File with auditor.

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(1) A final short subdivision approved by the department shall be filed as a short plat and recorded with the county auditor within 30 working days of the date of approval by the department or the approval shall lapse. A final short subdivision shall not be deemed approved until so filed. In the case of a lapsed final approval, SCC 30.41B.300 shall govern the expiration of the preliminary approval.

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

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.650 Homeowners association.
A homeowners association established for purposes of tract ownership and maintenance pursuant to this chapter shall be incorporated as a profit or non-profit corporation and shall remain the owner unless tract ownership by all lots within the short subdivision is authorized pursuant to the final short plat alteration process. In the event that a homeowners association established pursuant to this chapter should be dissolved, then each lot shall have an equal and undivided ownership interest in the tracts previously owned by the association as well as responsibility for maintaining the tracts. A covenant that requires maintenance of the tracts consistent with county code, that restricts use of the tracts to that specified in the approved preliminary short plat, and that requires compliance with those county regulations and conditions of final short subdivision approval specified on the short plat, must be approved by the county and recorded with the Snohomish County Auditor. Said covenant shall be binding upon and inure to the benefit of the homeowners association, the owners of all lots within the short subdivision and all others having any interest in the tracts or lots. Prior to the recording of the final short plat, the department shall receive evidence that the articles of incorporation for the homeowners association have been filed. In any short subdivision containing a homeowners association approved pursuant to this chapter, membership in the homeowners association, and payment of dues or other assessments for maintenance purposes shall be a requirement of lot ownership, and shall remain an appurtenance to and inseparable from each lot.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)
Appendix J: Sections of Chapter 30.43C Flood Hazard Permits used in Review

SCC 30.43C.010 Purpose and applicability.
The purpose of this chapter is to set forth the procedures and decision criteria for flood hazard permits. This chapter applies to all development in a special flood hazard area as provided in chapter 30.65 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

SCC 30.43C.020 Flood hazard permit.
Prior to any development within a special flood hazard area, a flood hazard permit shall be obtained. The department shall have the authority to approve, approve with conditions, or deny a flood hazard permit using a Type 1 administrative decision. The flood hazard permit is exempt from the notice provisions set forth in SCC 30.70.050 and SCC 30.70.060(2) except that the notice shall be provided in compliance with 30.70.045(4)(d) when applicable. If the permit is accompanied by a concurrent Type 2 application, the flood hazard permit application may, at the applicant’s request, be processed concurrently with the Type 2 permit application. In order to be considered concurrent, the Type 2 application must be submitted to the county at the same time as the flood hazard permit application.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-005, February 21, 2007, Eff date March 4, 2007)

SCC 30.43C.030 Additional submittal requirements.
All persons applying for a flood hazard permit shall make application to and shall meet the submittal requirements established by the department pursuant to SCC 30.70.030. Additional submittal requirements shall include the following:

(1) Name of the stream or body of water associated with the floodplain in which the development is proposed;
(2) General location of the proposed development, including direction and distance from the nearest town or intersection;
(3) Site plan map showing:
   (a) Site boundaries;
   (b) Location and dimensions of the proposed development or structure;
   (c) Location and volume of any proposed fill material; and
   (d) Location of existing structures;
(4) Topographic, engineering, and construction information necessary to evaluate the proposed project that may be requested by the department through the preapplication process or during the initial review for completeness of the application; and

(5) Additional information when required pursuant to chapter 30.65 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

SCC 30.43C.040 No liability.
The granting of a permit for any development or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the county, or any official or employee thereof, of the practicality or safety of any structure or use proposed and shall create no liability upon, or cause of action against, such public body, official, or employee for any damage that may result thereto.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

SCC 30.43C.050 Time limitation of application.
An application for a flood hazard permit shall expire pursuant to SCC 30.70.140.

(Added by Amended Ord. 16-004, Mar. 16, 2016, Eff date Apr. 1, 2016)

SCC 30.43C.100 Decision criteria - flood hazard permit.
The department may approve or approve with conditions a flood hazard permit when the following is met:

1. The requirements of chapter 30.65 SCC are met, including, but not limited to
   a. Floodproofing requirements;
   b. Floodway encroachment provisions;
   c. Density fringe area provisions; and
   d. Requirements relating to the alteration or relocation of a watercourse; and

2. Permits from those agencies for which prior approval is required have been issued; and

3. The permit is in accordance with this code and other applicable local, state, and federal regulations; and

4. Development authorized by the permit will not:
   a. Significantly increase the level of flooding on any lands;
   b. Threaten the preservation of those natural conditions which are conducive to the maintenance of constant rates of water flow throughout the year by:
      i. Creating or exacerbating rapid water runoff conditions which contribute to increased downstream flooding; and
(ii) eliminating natural groundwater absorption areas essential for reducing surface flood flows downstream. In-kind on-site mitigation may be used to achieve this requirement; and
(c) Materially pollute or contribute to the turbidity of flood waters.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-005, February 21, 2007, Eff date March 4, 2007)

SCC 30.43C.200 Permit expiration.
The flood hazard permit shall expire pursuant to SCC 30.70.140.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005; Amended by Amended Ord. 16-004, Mar. 16, 2016, Eff date Apr. 1, 2016)
Appendix K: [Former] CHAPTER 30.44 SHORELINE MANAGEMENT

Sections:
30.44.010 Title.
30.44.020 Authority and purpose.
30.44.030 Shoreline Management Act guidelines - adoption by reference.
30.44.040 Compliance with other laws.
30.44.100 Applicability.
30.44.110 Development exempted from the shoreline substantial development permit requirement.
30.44.120 Requirements for exempted developments.
30.44.130 Application of the permit system to shoreline substantial developments undertaken prior to the act.
30.44.140 Letter of exemption for developments subject to U.S. Corps of Engineers permits.
30.44.150 Applicability of permit system to federal agencies.
30.44.200 Administration.
30.44.205 Permits required.
30.44.210 Application for shoreline substantial development, shoreline conditional use or shoreline variance permits.
30.44.220 Fees.
30.44.230 Permit processing.
30.44.240 Department action.
30.44.250 County action on permit applications which do not require public hearing.
30.44.260 County action on permit applications requiring public hearing.
30.44.270 Permit - filing.
30.44.280 Appeals to shorelines hearings board.
30.44.300 Effective date of permit.
30.44.310 Limitations of permit.
30.44.320 Time requirements of permit.
30.44.330 Revisions to shoreline substantial development, shoreline conditional use, and shoreline variance permits.
30.44.340 Reapplication.
30.44.400 Shoreline substantial development permits.
30.44.410 Shoreline conditional use permits.
30.44.420 Shoreline variance permits.
30.44.430 Nonconforming development standards.
30.44.500 Enforcement director's authority.
30.44.505 Chapter 30.85 SCC - applicable.
30.44.510 Order to cease violation.
30.44.520 Notice of violation - penalty - abatement.

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30.44.010 Title
This chapter constitutes and may be cited as the Snohomish County shoreline management permit ordinance.

30.44.020 Authority and purpose.
The Snohomish County shoreline management permit ordinance is promulgated pursuant to the authority and mandate of RCW 90.58.140(3), for the purpose of establishing a procedure for the administration and enforcement of the permit system for shoreline management established.
therein. It is the intent of the council that compliance with this chapter shall constitute compliance with the Shoreline Management Act (chapter 90.58 RCW) and its implementing guidelines for permits on shorelines of the state.

30.44.030 Shoreline Management Act guidelines - adoption by reference.
Certain sections of the Shoreline Management Act guidelines are specifically referenced in this chapter. Those sections, as now or hereafter amended, are adopted by such reference.

30.44.040 Compliance with other laws.
Nothing in this chapter shall be construed as excusing a person from compliance with any other local, state, or federal statute, ordinance, or regulation applicable to a proposed development.

30.44.100 Applicability.
The requirements of this chapter are applicable to all actions of the county and its departments, officers, boards, and commissions.

30.44.110 Development exempted from the shoreline substantial development permit requirement.
The following types of development shall not be considered shoreline substantial developments for purposes of this chapter and shall not be required to obtain a shoreline substantial development permit:
(1) Any development of which the total cost or fair market value, whichever is higher, does not exceed $5,000, if such development does not materially interfere with the normal public use of the water or shorelines of the state;
(2) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;
(3) Construction of the normal protective bulkhead common to single family residences;
(4) Emergency construction necessary to protect property from damage by the elements;
(5) Construction of a barn or similar agricultural structure on wetlands. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including, but not limited to, head gates, pumping facilities, and irrigation channels; provided that a feedlot of any size, all processing plants, all other activities of a commercial nature, or alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary for farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;
(6) Construction or modification of navigational aids, such as channel markers and anchor buoys;

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(7) Construction on wetlands by an owner, lessee, or contract purchaser, of a single family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level, and which meets all requirements of the state and local agencies having jurisdiction thereof, other than requirements imposed pursuant to this title. Construction of a single family residence and appurtenances as defined in this title and for purposes of this exemption shall be located landward of the ordinary high water mark;

(8) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit;

(9) Construction of a dock, including a community dock designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, for which the cost or fair market value, whichever is higher, does not exceed:
   (a) $2,500 in salt waters; or
   (b) $10,000 in fresh waters, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this title;

(10) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater from the irrigation of lands;

(11) The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(12) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on the effective date of the 1975 amendatory Shoreline Management Act which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system; provided that any new development associated with said diking or drainage systems, which would (1) reclaim lands which are not being used for agricultural purposes at the time the development is proposed, (2) increase the level of protection provided, or (3) enlarge the land area for which protection is provided, shall not be considered operation and maintenance under this exemption.

30.44.120 Requirements for exempted developments.
Any development or shoreline substantial development exempted from obtaining a shoreline substantial development permit by SCC 30.44.210 shall be required to be consistent with the policy and intent of the Shoreline Management Act of 1971, this chapter, and the master program.

30.44.130 Application of the permit system to shoreline substantial developments undertaken prior to the act.
Shoreline substantial development undertaken on shorelines of the state prior to the effective date of the Shoreline Management Act (June 1, 1971), and continuing thereafter, shall not require a permit, except under the following circumstances:

1. Where the activity was unlawful prior to the effective date of the act;
2. Where there has been an unreasonable period of dormancy in the project between its inception and the effective date of the act;
3. Where the development is not completed within two years of the effective date of the act;
4. Where shoreline substantial development occurred prior to the effective date of the act, and continued on to a different shoreline of the state after the effective date of the act; and
5. Where a shoreline substantial development occurred prior to the effective date of the act, and continued into other phases that were not part of the plan being followed at the time construction commenced.

The exemptions cited in this section shall not apply to any aspect of a shoreline substantial development occurring after the effective date of the act, which the developer had not specifically contemplated and committed himself to prior to the effective date of the Shoreline Management Act.

30.44.140 Letter of exemption for developments Subject to U.S. Corps of Engineers permits.
Whenever a development falls within the exemptions stated in SCC 30.44.110 or 30.44.130, and the development is subject to a U.S. Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899, or a Section 404 permit under the federal Water Pollution Control Act of 1972, the department shall prepare a letter addressed to the applicant and the regional office of the department of ecology, exempting the development from the shoreline substantial development permit requirements of chapter 90.58 RCW.

30.44.150 Applicability of permit system to federal agencies.
The permit system shall be applied in the following manner to federal agencies on shorelines of the state:

1. Federal agencies shall not be required to obtain permits for developments undertaken by the federal government on lands owned in fee by the federal government, unless the federal government grants or reserves to the state or the county, substantial jurisdiction over activities on those lands;
2. The permit system shall apply to nonfederal developments undertaken on lands subject to nonfederal ownership, lease, or easement, even though such lands may fall within the external boundaries of a federal ownership;
3. The permit system shall apply to developments undertaken on lands not federally owned, but under lease, easement, license, or other similar federal property rights short of fee simple ownership, to the federal government; and other similar federal property rights short of fee simple ownership, to the federal government;
(4) The permit system shall apply to nonfederal developments undertaken on lands owned in fee by the federal government, but under lease, easement, license, or other usage agreement to nonfederal entities; and

(5) Federal agency actions shall be consistent with the approved Washington state coastal zone management program, subject to certain limitations set forth in the federal Coastal Zone Management Act, 16 U.S.C. 1451 et seq., and regulations adopted pursuant thereto.

30.44.200 Administration.
The department is vested with the duty of administering the rules and regulations relating to shoreline management in accordance with the provisions of this title, and may prepare and require the use of such forms as are essential to such administration.

30.44.205 Permits required.
Prior to any shoreline substantial development within a shoreline of the state, a shoreline substantial development permit shall be obtained.

30.44.210 Application for shoreline substantial development, shoreline conditional use, or shoreline variance permits.
Any person desiring to apply for a shoreline substantial development, shoreline conditional use, or shoreline variance permit on any part of the shorelines of the state within the county, shall apply to the department, using forms supplied by that office. The application shall not be considered complete until the following minimum information is provided:

(1) Name, address, and telephone number of applicant;
(2) Relation of applicant to property owner;
(3) Name, address, and telephone number of property owner;
(4) General location and legal description of the proposed development;
(5) Current use of property;
(6) Proposed use of property;
(7) Name of water area and/or wetlands within which development is proposed;
(8) Site plan map, showing:
   (a) Site boundary;
   (b) Properly dimensions in vicinity of project;
   (c) Ordinary high-water mark;
   (d) Typical cross section or sections, showing existing ground elevations, proposed ground elevations, height of existing structures, and height of proposed structures;
   (e) Existing and proposed land contours using five-foot intervals in water areas and 10-foot intervals in areas landward of the ordinary high-water mark;
   (f) Dimensions and locations of existing structures which will be maintained, and of proposed structures;
   (g) Source, composition, and volume of fill material;
   (h) Composition and volume of any extracted materials, and proposed disposal areas;
(i) Location of proposed utilities, such as water, sewer, electricity, gas, septic tanks, and drainfields;
(j) Shoreline designation according to the master program; and
(k) Shorelines of statewide significance;
(9) Vicinity map, showing
   (a) Site location using natural points of reference (roads, prominent landmarks, etc.),
   (b) Proposed disposal areas, and
   (c) The general nature of land uses within 1,000 feet in all directions from the
development site (e.g., residential to south, commercial to north, etc.);
(10) Total value of all construction and finishing work for which the permit will be issued,
including all permanent equipment to be installed on the premises;
(11) Approximate dates of construction, initiation, and completion;
(12) Short statement explaining why this project needs a shoreline location, and how the
proposed development is consistent with the policies of the Shoreline Management Act of 1971;
(13) Listing of any other permits for the project from state, federal, or local governmental
agencies for which the applicant has applied or will apply;
(14) Any additional materials which are required to ascertain compliance with the applicable
provisions of the master program and county code; and
(15) For permits that are subject to chapter 30.70 SCC, the submittal requirements of this
chapter and other applicable code sections (e.g., SCC 30.70.030) shall be used to determine
whether an application is complete pursuant to SCC 30.70.040.

30.44.220 Fees.
Filing fees for requests/actions covered by this chapter shall be paid to the department to cover
cost of administration at the time an application is submitted. Applicable fees are shown in SCC
Table 30.86.120.\[91\]

30.44.230 Permit processing.
Shoreline substantial development, shoreline conditional use, and shoreline variance applications
shall be subject to all the provisions of chapter 30.70 SCC and, depending on whether the
application requires a Type 1 or Type 2 process, chapter 30.71 or 30.72 SCC, including notice of
application, completeness determination, consistency determination, time periods for permit
processing, and notice of decision.

30.44.240 Department action.
   (1) The department shall consider and review the complete shoreline substantial
development, shoreline conditional use, and/or shoreline variance permit application(s) with
respect to:

91 This citation was adopted in error and has since been corrected. It should have been, and now is, a reference to
SCC Table 30.86.310.
(a) Compliance with:
   (i) the policies and regulations of this title and the shoreline management master program;
   (ii) the appropriate county subarea comprehensive plan, and other adopted county regulations, policies, and ordinances;
   (iii) the provisions of chapter 30.61 SCC and the State Environmental Policy Act (chapter 43.21C RCW);
   (iv) the provisions of SCC 30.70.100, consistency determination; and
(b) Comments received from interested persons.

(2) The department may:
   (a) Approve the shoreline substantial development, shoreline conditional use, or shoreline variance permit application with or without conditions; or
   (b) Submit the shoreline substantial development, shoreline conditional use, or shoreline variance permit application to the hearing examiner for consideration together with the department's recommendation in order to allow interested persons to present their views. Applications to be considered by the hearing examiner subsequent to a predecision hearing shall be processed in accordance with the provisions of chapter 30.72 SCC.

(i) any recommendation for permit application denial shall require hearing examiner consideration.

(ii) factors weighed in determining the need for hearing examiner consideration include the presence of significant economic, health, safety, environmental and land use issues, and/or conflicts with the county's adopted plans, policies or regulations.

(3) The determination of the department pursuant to SCC 30.44.240(2)(a) shall be final and not subject to an administrative appeal, but only an appeal to the shorelines hearings board pursuant to SCC 30.44.280.

30.44.250 County action on permit applications which do not require public hearing.

(1) The department is authorized to grant shoreline substantial development, shoreline conditional use, or shoreline variance permits for those applications which do not require a public hearing, pursuant to SCC 30.44.240. The department shall review and process as expeditiously as possible all applications filed in conformance with this chapter.

(2) The decision of the department shall be based on information from the complete application, written comments from interested persons, and observations from a site inspection, and shall contain findings based upon the record and conclusions therefrom which support the decision. Such findings and conclusions shall also set forth the manner by which the decision would carry out and conform to the comprehensive plan, and other official policies, objectives, and land use regulatory enactments. The decision shall contain a statement that the decision is final and that review of the decision is available pursuant to the appeal procedure prescribed in SCC 30.44.280. Said decision shall be mailed within five calendar days to the applicant and all persons who notified the department of their desire to receive a copy of the final county decision.
(3) In authorizing a shoreline substantial development, shoreline conditional use, or shoreline variance permit, the department may impose special conditions to prevent undesirable effects of the proposed use. Such conditions shall be attached to the permit, and shall be binding upon the applicant and successors or assigns, appealable under SCC 30.44.280, and enforceable under SCC 30.44.500 - 30.44.560.

30.44.260 County action on permit applications requiring public hearing.

(1) The department shall notify the applicant, in writing, of the requirement for a hearing as soon as possible following the receipt of a complete and proper application for a shoreline substantial development, shoreline conditional use, or shoreline variance permit and, in no case, later than 30 days following the publication of the notice described in SCC 30.44.230, unless a longer period is agreed to, in writing, by the applicant.

(2) Within a reasonable time following the determination of the department that a public hearing should precede the issuance or denial of a shoreline substantial development, shoreline conditional use, or shoreline variance permit, the department shall schedule the application for public hearing before the hearing examiner. Said hearing shall not be scheduled until the requirements of the State Environmental Policy Act and chapter 30.61 SCC have been fulfilled, and fees according to SCC 30.44.220 have been paid.

(3) The department shall provide notice of public hearing as provided in SCC 30.72.030 at least 15 days prior to the hearing.

(4) The hearing examiner shall consider the proposed shoreline substantial development, shoreline conditional use, or shoreline variance permit based on information from the application; observations from a site inspection; written comments from interested persons; the advice of the various county departments; and views expressed during a public hearing. The hearing examiner may request that an applicant furnish information concerning a proposed shoreline substantial development, shoreline conditional use, or shoreline variance permit, in addition to information required in an application. The decision of the hearing examiner shall be final and conclusive. Review of the hearing examiner's decision shall be provided by SCC 30.44.280.

30.44.270 Permit - filing.
Any ruling by the county on an application for shoreline substantial development, shoreline conditional use, or shoreline variance permit, whether it be by the department, hearing examiner, or the county council, shall be filed with the department of ecology and attorney general. Copies of the original application; affidavit of public notice; vicinity map; permit; final order; and where applicable, the environmental checklist, threshold determination and/or environmental impact statement pursuant to chapter 43.21C RCW; shall be filed with the regional office of the department of ecology and attorney general within eight days of the county's final decision.

30.44.280 Appeals to shorelines hearings board.
(1) Any person aggrieved by the granting or denying of a shoreline substantial development permit by the county may seek review by filing a request for review with the shorelines hearings board, the department of ecology, and the attorney general within 21 days of the receipt of the county's final order by the department of ecology; provided that where the reconsideration process of SCC 30.71.120 or 30.72.065 has been utilized, no appeal may be filed under this section until the reconsideration process has been completed; provided further that only the petitioner for reconsideration may appeal from the denial of a petition for reconsideration.

(2) Any person aggrieved by the final action of the department of ecology on a shoreline conditional use permit may seek review by filing a request for review with the shorelines hearings board, the department of ecology, and the attorney general within 21 days of the date that the department of ecology's final decision is transmitted to the county and the applicant.

(3) All requests for review of final permit decisions are governed by the procedures established in RCW 90.58.180, WAC 173-27-220, and chapter 461-08 WAC (the rules of practice and procedure of the shorelines hearings board).

30.44.300 Effective date of permit.

(1) Action on a shoreline substantial development permit shall not be considered final until 3 days from the date the required documents have been received by the regional offices of the department of ecology and attorney general, or until properly initiated appeal proceedings have been terminated.

(2) Action on a shoreline conditional use or shoreline variance permit shall not be considered final until 21 days from the date the department of ecology has acted on the permit in accordance with the provisions of WAC 173-27-200, or until properly initiated appeal proceedings have been terminated.

30.44.310 Limitations of permit.
Development undertaken pursuant to the issuance of a permit shall be limited to that specifically delineated on the official site plan submitted pursuant to SCC 30.44.210, and shall be in compliance with any and all conditions imposed upon such permit at its issuance, and/or impact mitigating measures identified in documents submitted in support of the application.

30.44.320 Time requirements of permit.
The following time requirements shall apply to all shoreline substantial development, shoreline conditional use, and shoreline variance permits:

(1) Construction or substantial progress toward construction of a project for which a permit has been granted pursuant to the Shoreline Management Act must be undertaken within two years after the approval of the permit. Substantial progress towards construction shall include, but not be limited to the letting of bids, making of contracts, purchase of materials involved in development, but shall not include development or uses which are inconsistent with the policies and regulations of the Shoreline Management Act and master program. In determining the running of the two-year period, there shall not be included the time during which a development
was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue; provided that the county may, at its discretion, extend the two-year time period for a reasonable time based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction. The department is authorized to act upon requests for extension of the two-year time period.

(2) If a project for which a permit has been granted pursuant to the Shoreline Management Act has not been completed within five years after the approval of the permit by the county, the department shall, at the expiration of the five-year period, review the permit, and upon a showing of good cause, either extend the permit for one year, or terminate the permit. The running of the five-year period shall not include the time during which a development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue. Nothing herein shall preclude the county from issuing permits with a fixed termination date of less than five years.

30.44.330 Revisions to shoreline substantial development, shoreline conditional use, and shoreline variance permits.

(1) An applicant seeking to revise a shoreline substantial development, shoreline conditional use, or shoreline variance permit shall submit detailed plans and text describing the proposed changes in the permit to the department. If the department determines that the proposed changes are within the scope and intent of the original permit, the department is authorized to approve a revision.

(2) "Within the scope and intent of the original permit" means all of the following:

(a) No additional over water construction will be involved except that pier, dock, or float construction may be increased by 500 square feet or 10 percent from the provisions of the original permit, whichever is less;

(b) Ground area coverage and height and height of each structure may be increased a maximum of 10 percent from the provisions of the original permit;

(c) The use authorized pursuant to the original permit is not changed;

(d) No substantial adverse environmental impact will be caused by the project revision;

(e) Additional separate structures may not exceed a total of 250 square feet;

(f) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the master program except as authorized under the original permit; and

(g) Additional landscaping is consistent with conditions if any attached to the original permit and the master program.

(3) If the revision to the original permit involves a shoreline conditional use or variance which was conditioned by the department of ecology, the county shall submit the revision to the department of ecology for that agency's approval, approval with conditions, or denial. The revision shall indicate that it is being submitted under the requirements of WAC 173-27-100.
The department of ecology shall transmit to the county and the applicant its final decision within 15 days of its receipt of the submittal from the county.

(4) The revised permit shall become effective immediately upon final action by local government or when appropriate under circumstances described in SCC 30.44.330(3), by the department of ecology. Within eight days of the date of final county action, the revised official site plan, text, final ruling on consistency with WAC 173-27-100, and the approved revision shall be sent to the regional office of the department of ecology and the attorney general to complete their files. In addition, the department shall submit a notice of revision approval to persons who have notified the county of their desire to receive a copy of the action on a permit.

(5) If the revision, or the sum of the revision and any previously approved revisions, is not determined to be within the "scope and intent of the original permit," the applicant must apply for a new shoreline substantial development, shoreline conditional use, or shoreline variance permit, as appropriate, in the manner provided for herein.

(6) Appeals concerning decisions on revisions shall be in accordance with RCW 90.58.180, and shall be filed within 21 days from the date of receipt of the county's action by the department of ecology regional office or when appropriate under circumstances described in SCC 30.44.330(3), the date the department of ecology's final decision is transmitted to the county and the applicant. Appeals shall be based only upon contentions of noncompliance with one or more of the provisions of SCC 30.44.330(2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit shall be at the applicant's own risk until the expiration of the appeal deadline. If an appeal is successful in proving that a revision was not "within the scope and intent of the original permit," the decision shall have no bearing on the original permit.

**30.44.340 Reapplication.**

After the final action regarding the denial of a shoreline substantial development, shoreline conditional use, or shoreline variance permit, reapplication for a permit involving substantially the same development on the property shall not be accepted for consideration for a period of six months.

**30.44.400 Shoreline substantial development permits.**

A shoreline substantial development permit may be granted only when the development proposed is consistent with the policies and procedures of the Shoreline Management Act, the master program, the provisions of the State Environmental Policy Act, and other county plans, policies, objectives, and land use regulations.

**30.44.410 Shoreline conditional use permits.**

The purpose of a shoreline conditional use permit is to allow more flexibility for implementing the use regulations of the master program in a manner consistent with the policies of the Shoreline Management Act. In authorizing a shoreline conditional use, special conditions may be
attached to the permit by local government or the department of ecology to prevent undesirable effects of the proposed use.

(1) A shoreline conditional use permit should be granted in a circumstance when denial of the permit would result in a thwarting of the policies of the Shoreline Management Act.

(2) Uses which are identified in the master program as shoreline conditional uses may be authorized only when the applicant can demonstrate all of the following:

(a) That the proposed use will be consistent with the policies of the Shoreline Management Act and the policies of the master program;
(b) That the proposed use will not interfere with the normal public use of public shorelines;
(c) That the proposed use of the site and design of the project will be compatible with other permitted uses within the area;
(d) That the proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located; and
(e) That the public interest suffers no substantial detrimental effect.

(3) Other uses which are not classified or identified in the master program may be authorized as shoreline conditional uses; provided that the applicant can demonstrate, in addition to the criteria set forth in SCC 30.44.410(2), that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.

(4) Uses which are specifically prohibited by the master program may not be authorized.

(5) In the granting of shoreline conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if shoreline conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the shoreline conditional uses should also remain consistent with the policies of the Shoreline Management Act, and should not produce substantial adverse effects to the shoreline environment.

(6) All applications for shoreline conditional use permits shall be forwarded to the department of ecology pursuant to WAC 173-27-200 for final approval or disapproval. No approval or disapproval shall be final until same has been acted upon by the department of ecology. The department shall notify those interested persons having requested notification of the department's final decision, pursuant to SCC 30.44.330.

30.44.420 Shoreline variance permits.
The purpose of a shoreline variance permit is strictly limited to granting relief to specific bulk dimensional or performance standards set forth in the master program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the master program would impose unnecessary hardships on the applicant or thwart the policies set forth in the Shoreline Management Act.

(1) Shoreline variance permits should be granted in a circumstance where denial of the permit would result in a thwarting of the policies of the Shoreline Management Act. In all
instances extraordinary circumstances should be shown, and the public interest shall suffer no substantial detrimental effect.

(2) In the granting of all shoreline variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments in the area where similar circumstances exist, the total of the variances should also remain consistent with the policies of the Shoreline Management Act, and should not produce substantial adverse effects to the shoreline environment.

(3) Shoreline variance permits for development that will be located landward of the ordinary high-water mark, except within those areas designated as marshes, bogs, or swamps, pursuant to WAC 173-22, shall be authorized only if the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional, or performance standards set forth in the master program precludes or significantly interferes with a reasonable permitted use of the property;

(b) That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features, and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

(c) That the design of the project will be compatible with other permitted activities in the area, and will not cause adverse effects to adjacent properties or the shoreline environment designation;

(d) That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief; and

(e) That the public interest will suffer no substantial detrimental effect.

(4) Shoreline variance permits for development that will be located either waterward of the ordinary high-water mark, or within marshes, bogs, or swamps designated pursuant to chapter 173-22 WAC, shall be authorized only if the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional, or performance standards set forth in the master program precludes a reasonable permitted use of the property;

(b) That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features, and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

(c) That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation;

(d) That the requested variance will not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief;

(e) That the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance; and

(f) That the public interest will suffer no substantial detrimental effect.
(5) All applications for shoreline variance permits shall be forwarded to the department of ecology pursuant to WAC 173-27-200, as amended, for final approval or disapproval. No approval or disapproval shall be final until same has been acted upon by the department of ecology. The department shall notify those interested persons having requested notification of the department's final decision.

30.44.430 Nonconforming development standards.
The purpose of this section is to describe standards to apply to shoreline uses or structures which were lawfully constructed or established prior to the effective date of the Shoreline Management Act or the Snohomish County Shoreline Management Master Program (SMMP), or amendments thereto, but which do not conform to present regulations or standards of the program or policies of the act. The following standards apply:

(1) Nonconforming development may be continued; provided that it is not enlarged, intensified, increased, or altered in any way which increases its nonconformity;

(2) A nonconforming development which is moved any distance must be brought into conformance with the SMMP and the act;

(3) If a nonconforming development is damaged to an extent not exceeding 75 percent replacement cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage;

(4) If a nonconforming use is discontinued for 12 consecutive months or for 12 months during any two-year period, any subsequent use shall be conforming. It shall not be necessary to show that the owner of the properly intends to abandon such nonconforming use in order for the nonconforming rights to expire;

(5) A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it is housed; and

(6) An undeveloped lot, tract, parcel, site, or division which was established prior to the effective date of the act or the SMMP but which does not conform to the present lot size or density standards may be developed so long as such development conforms to other requirements of the SMMP and the act.

30.44.500 Enforcement director's authority.
Whenever the director determines that any condition or development or shoreline substantial development exists in violation of this title, or the Shoreline Management Act, or master program, or any code or standard required to be adhered to thereby or by this title, the director is authorized to enforce the provisions of this title, the act, program, or codes or standards, pertaining to such condition, development or shoreline substantial development existing in violation thereof.

30.44.505 Chapter 30.85 SCC - applicable.
All violations of this chapter, the Shoreline Management Act, master program, codes and standards aforementioned, are made subject to the provisions of chapter 30.85 SCC.

30.44.510 Order to cease violation.
Whenever any condition is found to be in violation of this chapter, or the Shoreline Management Act or master program or codes or standards required to be adhered to thereunder, and pending commencement and completion of the notice and order procedure of SCC 30.44.520, the director may order the cessation of activity causing the violative condition by notice in writing served on the person(s) engaged in or causing such condition. The effect of such order shall be to require immediate cessation of activity causing the violative condition. Said order shall not be affected by any right of appeal afforded by this or any other chapter of this title.

30.44.520 Notice of violation - penalty - abatement.
The director is authorized to order correction and discontinuance of any violative condition of the provisions of this chapter under the procedures of chapter 30.85 SCC, which provide for notice of violation and assessment of penalty and order to abate.

30.44.530 Public nuisance.
All violations of this chapter, and codes and standards required thereby, are determined to be detrimental to the public health, safety, and welfare and are public nuisances. All conditions which are determined by the director to be in violation of this chapter, or codes and standards required thereby, shall be subject to the provisions of this chapter and shall be corrected by any reasonable and lawful means, as provided in this chapter and chapter 30.85 SCC.

30.44.540 Alternative remedies.
As an alternative to any other judicial or administrative remedy provided in this title-or by law or other ordinance, any person who willfully or knowingly violates any provision of this title or any order issued pursuant to this title, or by each act of commission or omission procures, aids or abets such violation, is guilty of a misdemeanor and upon conviction shall be punished as provided in SCC 1.01.100. Each day such violation continues shall be considered an additional misdemeanor offense.

30.44.550 Administrative jurisdiction - nonexclusive.
The authority of the director to enforce the provisions of this chapter is not in derogation of the authority of any other officer charged with the enforcement of law but is concurrent therewith. The authority of the director to enforce the provisions of this chapter includes without limitation the requirement that the director request the assistance of the prosecuting attorney's office for judicial enforcement as may be deemed appropriate by the prosecuting attorney.

30.44.560 Permit rescission.
Whenever any development or shoreline substantial development is in violation of a permit issued pursuant to this chapter, the department may, concurrent with or as an alternative to any other remedy provided by this title or other law or ordinance, initiate permit rescission proceedings by scheduling a public hearing before the hearing examiner and serving the permittee with written notice thereof. Said notice shall contain a general description of the alleged noncompliance and date, time, and place of public hearing. It shall be served by registered mail at least 15 calendar days prior to such hearing. In addition, the department shall provide notice in accordance with SCC 30.70.050. The permit rescission request shall be processed as a Type 2 decision in accordance with the procedures established in chapter 30.72 SCC. Any person aggrieved by the action taken by the county on a rescission request may seek review by filing a request for review with the shorelines hearings board, pursuant to RCW 90.58.181 (1) and chapter 461-08 WAC, within 21 days of the county's action.

30.44.600 Definitions - generally.
Definitions contained in the Washington State Shoreline Management Act of 1971 (chapter 90.58 RCW) and its implementing administrative rules shall apply to all terms and concepts used in this chapter; provided that definitions contained in this chapter shall be applicable where not in conflict with chapter 90.58 RCW and implementing administrative rules.

30.44.605 "Appurtenance" means necessarily connected to the use and enjoyment of a single family residence and is located landward of the perimeter of a marsh, bog, swamp and landward of the ordinary high water mark. Normal appurtenances include a garage; deck; driveway; utilities solely servicing the subject single family residence; fences; and grading which does not exceed 250 cubic yards (except to construct a conventional drainfield).

30.44.610 "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this title.

30.44.615 "Emergency" ("Shoreline emergency") means a situation of a serious nature which has developed suddenly, constitutes an imminent threat, and demands immediate action to protect property from damage by the elements or to protect members of the public from a serious and imminent threat to health or safety. A declaration of emergency for shoreline stabilization measures shall only be used to protect existing development or prime farmland, or to prevent impairment of channel function, and only when one of the following exists:

(1) Imminent danger is existent as a result of high water, and damage is expected due to flooding conditions for which appropriate flood warnings have been issued;
(2) Damage is occurring as a result of flood waters at or exceeding flood stage defined by the appropriate authority;

(3) Property has been damaged and rendered unstable by previous flooding and is in such condition that future flooding will cause additional damage if protective measures are not taken; provided the county engineer has issued written approval of the emergency protective measures sought, such approval being based upon the following findings:

(a) Any protective measures do not exceed $5,000 in value as measured by the total cost or fair market value of the improvements whichever is greater;

(b) Insufficient time exists to obtain a shoreline development permit prior to the likelihood of future flooding and/or seasonal deadlines for construction in streamway channels; and

(c) The person seeking to undertake emergency protective measures has applied to the county engineer for approval of such emergency protective measures within 30 days of the occurrence of damage by previous flooding.

30.44.620 "Floodplain" means a land area adjoining a river, stream, watercourse, ocean, bay, or lake which is likely to be flooded. The extent of the floodplain may vary with the frequency of flooding being considered. The floodplain consists of the floodway and the floodway fringe.

30.44.625 "Floodway" means the regular channel of a river, stream, or other watercourse, plus the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

30.44.630 "Floodway fringe" means that portion of a floodplain which is inundated by floodwaters but is not within a defined floodway. Floodway fringes serve as temporary storage areas for floodwaters.

30.44.635 "Master program" means the Snohomish County Shoreline Management Master Program, together with maps, diagrams, charts, or other descriptive material and text, developed in accordance with the policies of chapter 90.58 RCW.

30.44.640 "Ordinary high-water mark, shoreline" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on the effective date of the Shoreline Management Act or as it may naturally change thereafter; provided that in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining salt water shall be the line of mean higher high tide, and the ordinary high-water mark adjoining fresh water shall be the line of mean high water.
30.44.645 "Permit, shoreline" means any shoreline substantial development, shoreline variance, shoreline conditional use, or revision thereto authorized under the provisions of the master program subject to review by the department of ecology.

30.44.650 "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit, however designated.

30.44.655 "Shoreline conditional use" means a use or development which is classified by the master program as a shoreline conditional use in certain shoreline environments or is not classified by the master program. Shoreline conditional uses can be permitted only by meeting performance standards that make the use compatible with other permitted uses within that area.

30.44.660 "Shoreline substantial development" means any development of which the total cost, or fair market value, whichever is higher, exceeds $2,500, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the types of development defined in SCC 30.44.110 shall not be considered shoreline substantial developments for the purpose of this chapter.

30.44.665 "Shoreline substantial development undertaken on the shorelines of the state prior to the effective date of chapter 90.58 RCW" means actual construction begun upon the shoreline, as opposed to preliminary engineering or planning.

30.44.670 "Shoreline variance permit" means a permit for the limited purposes of granting relief to specific bulk, dimensional, or performance standards set forth in the master program, where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the master program would impose unnecessary hardships on the applicant, or thwart the policies set forth in chapter 90.58 RCW.

30.44.675 "Shorelines" are all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (1) shorelines of statewide significance, (2) shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands associated with such upstream segments, and (3) shorelines on lakes less than 20 acres in size, and wetlands associated with such small lakes.

30.44.680 "Shorelines of the state" are the total of all shorelines and shorelines of statewide significance within the state.

30.44.685 "Shorelines of statewide significance" partially or completely within Snohomish County are the following shorelines:
(1) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high-water mark and the line of extreme low tide, including Skagit Bay and adjacent area from Brown Point to Yokeko Point;

(2) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line, and lying seaward from the line of extreme low tide;

(3) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of 1,000 acres or more, measured at the ordinary high-water mark; and •

(4) Those natural rivers or segments thereof west of the crest of the Cascade Range, downstream of the point where the mean annual flow is measured at 1,000 cubic feet per second or more.

30.44.690 "Single family residence" means a detached dwelling designed for and occupied by one family and includes normal appurtenances thereto within a contiguous ownership.

30.44.695 "Wetlands, Shoreline, or associated shoreline wetlands" are those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high-water mark; and all marshes, bogs, swamps, 100-year floodplains, and river deltas associated with the streams, lakes, and tidal waters, which are subject to the provisions of this chapter.

30.44.700 River improvement program established.
The Snohomish county river improvement program is hereby established. The program shall be administered by the department of public works. The purpose of this chapter is to provide the following benefits to the county:

(1) Aid the county's flood control activities and response;

(2) Increase the stability of banks subject to flood conditions and unusual tidal or wave action;

(3) Reduce flood damage to property within the county;

(4) Reduce the public cost of emergency flood response and repair;

(5) Protect public facilities from flood related damage;

(6) Reduce accelerated bank erosion;

(7) Reduce damage from excessive water siltation from bank erosion;

(8) Improve water quality and fish habitats by reducing bank erosion and improving natural bank stability;

(9) Enhance the buffering action of banks by improving their stability and utilizing natural bank protection measures;

(10) Provide assistance to property owners along banks to create improved bank protection practices, increase awareness of federal, state, and local riverine regulations, and increase compliance with such regulations;

(11) Increase information available to county residents regarding bank conditions, potential threats to public safety, and erosion potential;
(12) Reduce use of rock revetments in favor of natural bank preservation techniques which will increase long-term bank stability and minimize future maintenance costs;
(13) Increase aesthetic enjoyment of natural riverine areas with the county; and
(14) Improve the county's understanding of natural drainage systems.

30.44.710 River improvement program fund established.
There is hereby established a Snohomish County river improvement fund. Sources for the fund shall include those authorized by chapter 86.12 RCW as it now exists or is hereafter amended, and any other allowable sources of funding as determined by the county council. The fund shall be used only for the purposes of controlling waters subject to flood conditions from streams, tidal, or other bodies of water affecting the county and the fund may be used to undertake any of the activities authorized by RCW 86.12.020 as it presently exists or is hereafter amended.

30.44.720 Cooperative bank stabilization projects - authorization.
The county executive may authorize river improvement program participation in cooperative bank stabilization projects upon the following basis:
(1) The owners of property which includes banks along streams, tidal, or other bodies of water may apply to the county for approval of cooperative bank stabilization projects. Projects may include, but are not limited to, structural and non-structural measures to reduce bank erosion and dike restoration where existing dikes have been washed out due to flooding or high water. Project applications shall be reviewed by the department of public works for compliance with the following criteria:
   (a) Projects shall comply with the provisions of chapter 86.12 RCW, as it now exists or is hereafter amended, for county flood control activities.
   (b) Projects shall provide the benefits to the county set forth in SCC 30.44.700 herein;
(2) Upon completion of its review, the department of public works shall make a recommendation to the county executive for approval or disapproval of each project application and may include in its recommendation conditions which the department deems necessary to assure that the project complies with the requirements of this chapter. Recommendations for approval shall include a statement of the maximum recommended county financial participation in the proposed project and the nature of that participation; and
(3) Upon receipt of the department's recommendation, the county executive may approve or deny the project proposal by issuing a written order. In approving a project proposal, the county executive may impose any or all of the conditions recommended by the department of public works and may impose such additional conditions as are deemed necessary to assure that the project complies with the provisions of this chapter.

30.44.730 Cooperative bank stabilization projects – requirements.
All cooperative bank stabilization projects approved pursuant to this chapter shall be subject to the following requirements:
(1) Each project shall provide flood protection and/or bank stabilization benefits to public resources or to property other than that owned by the project applicant;

(2) The owner of the property upon which the project is to be constructed shall grant the county a right of entry upon said property for the purposes of inspection and maintenance of the project. Evidence of the right of entry shall be recorded in the real property records of the county auditor and shall be binding upon all successors and assigns of the owner;

(3) The owner of the property upon which the project is constructed or the owner's successors or assigns, shall maintain the project in a condition of good repair for a period of two years following construction. Should the department of public works determine that such maintenance is not being performed in a satisfactory manner, the department may perform such necessary maintenance itself and may require that the owner reimburse the county for its participation in the project; and

(4) The project applicant shall execute a hold harmless and indemnity agreement, upon a form prescribed by the department of public works, to protect the county from claims from the project application or any third party arising out of the construction of the project.

30.44.740 Cooperative bank stabilization projects - county participation.
County participation in cooperative bank stabilization projects shall consist of providing financial assistance to project applicants for the purchase of materials to be utilized in their projects. The amount of financial assistance shall be based upon an estimate (prepared in advance of the work) of the cost of required materials. The department of public works shall review materials estimates in order to assure that they are based upon-competitive unit prices. Following approval of the project by the county executive, the project applicant may proceed with the work. The project applicant shall comply with all applicable permit requirements and shall obtain materials from a county approved source as required by the department of public works. The project applicant shall notify the department of public works when the work is to commence. After the project applicant has notified the department of public works of completion of the project and has provided certification of final quantities of materials used, the director of public works shall then inspect the work. When the director of public works has determined that the work has been satisfactorily completed, the project applicant will be reimbursed for the materials used at the approved rate; provided that the amount of reimbursement shall not exceed the original estimate; provided, further that where unforeseen site conditions require that material in excess of that stated in the original estimate be used in order that the project be completed in a manner satisfactory to the director of public works, the amount of reimbursement may exceed the original estimate upon the recommendation of the director of public works and the approval of the county executive.

30.44.750 Use of fund by department of public works.
(1) The director of public works shall have the authority to utilize river improvement funds for emergency projects where the estimated total dollar value of each project is less than $10,000. Emergency projects where the estimated total dollar value exceeds $10,000 shall only
be approved by the county executive. Emergency projects are those in which recent flood damage has created an imminent danger of substantial property damage from the next storm. County participation in such emergency projects shall be limited to technical review and reimbursement for the cost of bank stabilization materials.

(2) The director of public works shall have the authority to utilize river improvement funds at his discretion for general flood fight activities. Flood fights shall be considered those occasions when the river system(s) is(are) predicted to crest at or above flood stage for each river system.

(3) The director of public works may use river improvement funds to administer this program and for other county projects related to flood control as approved by the county council during the annual budget process.

30.44.760 Compliance with legal requirements.
All work performed under this chapter shall comply with all federal and state laws', local laws and ordinances, and applicable permit requirements including those of the Shoreline Management Act and hydraulic permits required by the state department of fisheries.

Appendix L: Sections of Chapter Chapter 30.62A Wetlands and Fish & Wildlife Habitat Conservation Areas Used in Review

Former 30.62A.010 Purpose and applicability.
(1) The purpose of this chapter is to provide critical area regulations pursuant to the Growth Management Act [chapter 36.70A RCW] for the designation and protection of:
   (a) Wetlands, and
   (b) Fish and wildlife habitat conservation areas including:
      (i) streams;
      (ii) lakes;
      (iii) marine waters; and
      (iv) primary association areas for critical species
(2) This chapter applies to:
   (a) Development activities, actions requiring project permits, and clearing, except for the following:
      (i) Non-ground disturbing interior or exterior building improvements;
      (ii) Routine landscape maintenance of established, ornamental landscaping;
      (iii) Exterior structure maintenance, including, but not limited to, painting and roofing;
(iv) Removal of noxious weeds conducted in accordance with chapter 16-750 WAC;
(v) Maintenance or replacement that does not expand the affected area of the following existing facilities:
   (A) septic tanks and drainfields;
   (B) wells;
   (C) individual utility service connections; and
   (D) individual cemetery plots in established and approved cemeteries;
(vi) Data collection and research by non-mechanical means if performed in accordance with state-approved sampling protocols or Endangered Species Act (ESA) Section 10(a)(1)(a), Section 7 consultation (16 USC § 1536);
(vii) Non-mechanical survey and monument placement; and
(viii) Quasi-judicial rezones not accompanied by another permit or approval.
(b) Agricultural activities, which are subject only to Part 600 of this chapter; except that certain agricultural activities as defined in SCC 30.62.015(1) occurring on rural and agricultural resource lands are exempt from this chapter and are subject only to chapter 30.62 SCC.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.015 Intent
It is the intent of this chapter to provide the protection required by chapter 36.70A RCW for wetlands and for fish & wildlife habitat conservation areas while simultaneously protecting property rights. The county council nevertheless recognizes that implementation of some provisions of this chapter 30.62A SCC will inevitably entail some restriction of property rights. It is the intent of the county council that this chapter be always construed and interpreted so that property rights be restricted no further than strictly necessary for the critical area protection required under chapter 36.70A RCW.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

Former 30.62A.020 Relationship to Snohomish County Shoreline Management Program.
Protection of wetlands and fish and wildlife habitat conservation areas located within shorelines of the state, as defined in chapter 90.58 RCW, shall be accomplished through compliance with the provisions of this chapter. Nothing in this section shall be construed to be inconsistent with RCW 36.70A.480.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)
30.62A.030 Relationship to chapter 30.61 SCC - environmental impacts.
Critical area protective measures required by this chapter shall also constitute adequate
deviation of adverse or significant adverse environmental impacts on wetlands, fish and wildlife
habitats, and their buffers pursuant to chapter 30.61 SCC, to the extent
permitted by RCW 43.21C.240.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.040 Rulemaking authority.
The director shall have the authority to adopt administrative rules to implement the provisions of
this chapter. Rulemaking authority shall include, but is not limited to, the adoption of best
management practices for the regulation of wetlands, fish and wildlife habitats, and buffers.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.110 Permit pre-applications.
Project proponents may request a pre-application meeting pursuant to SCC 30.70.020 to obtain a
preliminary analysis of how the requirements of this chapter apply to the proposed project.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.120 Critical area services provided by the department.
The department may provide the following services to applicants for single family residential
(SFR) dwellings, duplexes, and accessory structures, and commercial structures of 8,000 square
feet or less upon submittal of the application and the payment of fees as required by
chapter 30.86 SCC:
   (1) Identification of fish and wildlife habitat conservation areas;
   (2) Development of habitat management plans; and
   (3) Delineation and categorization of streams and wetlands.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

Former 30.62A.130 Submittal requirements.
Files: 11-101457 LU / 11-101461 SM / 11-101464 RC / 11-101008 LDA / 11-101007 SP / 11-101457 VAR
Author: Snohomish County Planning and Development Services
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(1) For any development activity or action requiring a project permit, the applicant shall submit a site development plan drawn to a standard engineering scale which includes:
   (a) Boundary lines and dimensions of the subject property;
   (b) Boundary lines and dimensions of the site;
   (c) The topography at contour intervals of five feet unless the underlying project permit requires a lesser interval;
   (d) Location, size, and type of any existing structures and other existing developed areas;
   (e) Location, size and type of all development activity and clearing on the site;
   (f) Location and description of all wetlands, fish and wildlife habitat conservation areas and buffers located on the site or within 300 feet of the site boundaries;
   (g) Location of all other critical areas regulated pursuant to chapters 30.62B, 30.62C and 30.65 SCC on or within 200 feet of the site; and
   (h) Location of structure setbacks as required in SCC 30.62B.340(2) and chapter 30.23 SCC.

(2) In addition to a site development plan the following additional information will be required where applicable:
   (a) Classification of all streams, wetlands or lakes pursuant to SCC 30.62A.230 (Table 1). Classification is not required if the project permit applicant applies the maximum protection for the specific critical area as specified at SCC 30.62A.320 (Table 2);
   (b) Provisions for permanent protection as specified at SCC 30.62A.160;
   (c) Provisions for temporary marking on the site of all critical area protection areas, or the limits of the proposed site disturbance outside of the critical area protection areas; and
   (d) A critical area study as required by SCC 30.62A.140.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

Former 30.62A.140 Critical area study content requirements.
For any development activity or action requiring a project permit occurring in wetlands, fish and wildlife habitat conservation areas, or within a buffer unless otherwise provided in Part 300, the director may require, where applicable, a survey or map drawn to scale and a report describing the following information:
   (1) A wetland delineation map and report, including field worksheets in accordance with the manual adopted by the Department of Ecology pursuant to RCW 36.70A.175. (See Wetlands Identification and Delineation Manual, Department of Ecology Publication #96-94, March 1997, or latest edition). This requirement may be waived if a wetland delineation has been performed within the previous five years that was approved by the department, and the department determines after site review that the wetland boundary is the same as the approved delineation;
   (2) Wetland categorization, including worksheets, documenting the proposed wetland categories, based on the Wetland Rating System for Western Washington, (Hruby, T., August 2004, or latest edition, Department of Ecology Publication #04-06-025);
(3) Wetland classes present as defined in the United States Fish and Wildlife Service’s Classification of Wetlands and Deep Water Habitats in the U.S. (Cowardin et al., 1979);

(4) Stream location, stream name (if named), and stream type pursuant to the typing system contained in SCC 30.62A.230 (Table 1);

(5) Lake location, lake name (if named), and lake type pursuant to the typing system contained in SCC 30.62A.230 (Table 1);

(6) The ordinary high-water mark of any stream, lake or marine water;

(7) A description and illustration of proposed activities within any critical area or buffers;

(8) An assessment of the existing functions and values of the critical area(s) or buffers that will be affected by the proposed activity and the methods used to assess those functions and values;

(9) An assessment of how the activity meets the protection standards established in SCC 30.62A.310 and SCC 30.62A.450. For applications under SCC 30.62A.350, an assessment of how the proposal protects the functions and values specified in SCC 30.62A.220, and how the proposal provides protection equivalent to the standards established in SCC 30.62A.310 and SCC 30.62A.450. Proposals offering better protection would also be acceptable;

(10) A mitigation plan for activities occurring in a critical area or buffer according to the requirements in SCC 30.62A.150;

(11) A habitat management plan in accordance with SCC 30.62A.460 for any activity occurring within the primary association area of a critical species;

(12) When shoreline or bank stabilization measures and/or flood protection measures are proposed, a geotechnical report investigating alternative structural and non-structural methods pursuant to SCC 30.62B.140; and

(13) Any other information necessary to determine compliance with this chapter.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

**Former 30.62A.150 Mitigation plan requirements.**

Unless otherwise provided by this chapter, project permit applicants must provide a mitigation plan to address impacts to affected wetland, fish and wildlife habitat conservation area, or buffer functions and values as identified in the critical area study required pursuant to SCC 30.62A.140, provided that mitigation for the primary association area of critical species shall also comply with the requirements of Part 400.

(1) All mitigation plans shall:

(a) Include a baseline study that describes and evaluates the existing functions and values, the functions and values that will be impacted, and the functions and values after mitigation;

(b) Specify how functions and values lost as a result of the activity will be replaced;

(c) Specify when mitigation will occur relative to project construction and to the requirements of permits required by other jurisdictional entities;
(d) Include provisions for monitoring and maintenance of the mitigation area on a long-term basis to determine whether the plan was successful. The length of time for monitoring and maintenance should be sufficient to determine if mitigation performance standards have been achieved;

(e) Include provisions for performance and maintenance security pursuant to chapter 30.84 SCC to ensure that work is completed in accordance with approved plans; and

(f) Include provisions on a form approved by the department for right of entry to the county for the purpose of inspection for the length of the monitoring and maintenance period.

(2) For development activities that require approval by the hearing examiner or those that receive phased administrative, conditional or preliminary approvals, the director may allow mitigation plans to be submitted in two phases: a conceptual phase and a detailed plan phase.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

Former 30.62A.160 Permanent identification, protection and recording.
The following measures for permanent identification and protection of wetlands, fish and wildlife habitat conservation areas and buffers are required for any development activity or action requiring a project permit, except those occurring in public and private road or utility easements and rights-of-way, or those conducted for the primary purpose of habitat enhancement.

(1) Critical area site plan.

(a) All wetlands, fish and wildlife habitat conservation areas and, buffers shall be designated on a critical area site plan as critical area protection areas.

(b) The critical area site plan shall be drawn to a standard engineering scale and include at minimum:

(i) the boundaries of the site;

(ii) a legal description of the subject property;

(iii) accurate locations/boundaries of the critical area protection area(s), identified by critical area type;

(iv) provisions allowing habitat enhancement in wetland(s), fish and wildlife habitat conservation area(s) and buffers; and

(v) provisions for the permanent protection of the critical area(s) functions and values including, at minimum, the following:

(A) restrictions on the construction of new structures;

(B) restrictions on the removal of existing native vegetation; and

(C) restrictions on other development activities that would adversely affect the functions and values of the wetland(s), fish and wildlife habitat conservation area(s), or buffers.

(2) Recording. Critical area site plans shall be recorded with the county auditor.

Documentation of recording shall be provided to the department prior to permit issuance.
(3) Separate tracts and easements. Wetlands, fish and wildlife habitat conservation areas, and buffers shall be located in separate tracts owned in common by all owners of the lots or parcels within any land division or land use permit or decision regulated pursuant to chapters 30.41A, 30.41B, 30.41C and 30.41D SCC. Provided that in urban growth areas, wetlands, fish and wildlife habitat conservation areas and buffers may be contained in an easement on individual lots or parcels in a form approved by the department.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.210 Designation of wetlands and fish and wildlife habitat conservation areas.
The county has designated wetlands and fish and wildlife habitat conservation areas pursuant to RCW 36.70A.170 by defining them and providing criteria for their identification and establishing the functions and values to be protected. Project proponents are responsible for determining whether a wetland or fish and wildlife habitat conservation area exists and is regulated pursuant to this chapter. The department will verify on a case-by-case basis the presence of wetlands and fish and wildlife habitat conservation areas identified by project proponents. Specific criteria for the designation of wetlands and fish and wildlife habitat conservation areas are contained in this chapter and chapter 30.91 SCC. While the county maintains some maps of wetlands and fish and wildlife habitat conservation areas, they are for informational purposes only and may not accurately represent all such areas.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.220 Functions and values of wetlands, fish and wildlife habitat conservation areas and buffers.
The functions and values listed in this section are included primarily based on their ecological relationship and value to the critical areas subject to this chapter, and include, but are not necessarily limited to, the following elements:

(1) Streams. Fish and wildlife habitat; transport of water, sediment and organic material; floodwater storage and attenuation;

(2) Wetlands. Fish and wildlife habitat, pollution assimilation, sediment retention, shoreline stabilization, floodwater storage, attenuation and conveyance, wave energy attenuation, stream base-flow maintenance, and groundwater discharge/recharge;

(3) Lakes. Fish and wildlife habitat, sediment retention, pollution assimilation, and floodwater attenuation, storage and conveyance;

(4) Marine waters. Fish and wildlife habitat; wind, wave and current attenuation; sediment supply; longshore transport of sediment; and pollution assimilation;

(5) Primary association areas of critical species. Fish and wildlife habitat; and
(6) Buffers. Habitat for water associated and riparian associated wildlife, wildlife movement corridors, noise and visual screening, large woody debris and other natural organic matter recruitment, floodwater attenuation and storage, temperature maintenance, pollution assimilation, streambank stabilization and supply of sediments and nutrients.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

**Former 30.62A.230 Classification of streams, lakes, wetlands and marine waters.**

(1) Classification of streams, lakes and marine waters shall be established in accordance with the water typing rules contained in WAC 222-16-030, summarized in Table 1. In the event of a conflict between WAC 222-16-030 and the contents of Table 1, the provisions in WAC 222-16-030 will govern.

(2) Classification and scoring of wetlands shall occur pursuant to the rating system and criteria contained in the **Wetland Rating System for Western Washington**, (Washington State Department of Ecology Publication #04-06-025) summarized in Table 1. In the event of a conflict between the DOE publication and the contents of Table 1, the provisions in the DOE publication will govern.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Classification Criteria Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Streams and Lakes</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Type S</strong></td>
<td>Segments of natural waters within their bankfull width, as inventoried as “shorelines of the state” under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW.</td>
</tr>
<tr>
<td><strong>Type F</strong></td>
<td>Segments of natural waters other than Type S waters, which are within the bankfull widths of defined channels or within lakes having a surface area of 0.5 acres or greater at seasonal low water and which in any case contain fish habitat or are described by one of the following four categories: (a) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the Washington State Department of Natural Resources to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type F water upstream from the point of such diversion for</td>
</tr>
</tbody>
</table>
1,500 feet or until the drainage area is reduced by 50 percent, whichever is less;
(b) Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type F water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for protection of downstream water quality;
(c) Waters which are within federal, state, local or private campgrounds with more than 10 camping units: Provided that the water shall not be considered to enter a campground until it reaches the boundary of the park lands available for public use and comes within 100 feet of a camping unit, trail or other park improvement;
(d) Riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat.

| **Type Np** | Segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of the year of normal rainfall. However, for the purpose of water typing, Type Np waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. Np waters begin downstream of the point along the channel where the contributing basin area is at least 52 acres in size. |
| **Type Ns** | Segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np water. Ns waters must be physically connected by an above-ground channel system to Type S, F, or Np waters. |

<p>| <strong>Wetlands</strong> |
| <strong>Category I</strong> | Washington Natural Heritage Program/DNR high quality wetlands |
| | Bogs |
| | Estuarine (greater than or equal to one acre) &amp; Coastal Lagoons |
| | High Level Habitat Function (habitat function score is 29-36) |</p>
<table>
<thead>
<tr>
<th>Category II</th>
<th>Moderate Level Habitat Function (habitat function score is 20-28)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total score 70 or above but not meeting above criteria</td>
</tr>
<tr>
<td></td>
<td>Estuarine (less than one acre)</td>
</tr>
<tr>
<td></td>
<td>High level of function for habitat (habitat function score is 29-36)</td>
</tr>
<tr>
<td></td>
<td>Moderate level of function for habitat (habitat function score is 20-28)</td>
</tr>
<tr>
<td></td>
<td>High level of function for water quality improvement and low for habitat (water quality function score is 24 – 32 and habitat function score is less than 20)</td>
</tr>
<tr>
<td></td>
<td>Total score 51-69 but not meeting above criteria</td>
</tr>
<tr>
<td>Category III</td>
<td>Moderate Level Habitat Function (habitat function score is 20-28)</td>
</tr>
<tr>
<td></td>
<td>Total score of 30-50 but not meeting above criteria</td>
</tr>
<tr>
<td>Category IV</td>
<td>Total score for all functions less than 30 points</td>
</tr>
</tbody>
</table>

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

**Former 30.62A.310 General standards and requirements.**  
(1) This Part establishes specific standards and requirements for protection of wetlands and fish and wildlife habitat conservation areas, and under what circumstances mitigation may be used to address the impacts of development.  
(2) Any development activity, action requiring a project permit or clearing occurring within wetlands, fish and wildlife habitat conservation areas, and buffers is prohibited unless conducted in compliance with this chapter.  
(3) Except as otherwise provided in Part 500, all development activities, actions requiring a project permit or clearing shall be designed and conducted to achieve no net loss of critical area functions and values and comply with the following general standards and requirements:  
(a) The project proponent shall make all reasonable efforts to avoid and minimize impacts to wetlands, fish and wildlife habitat conservation areas, and buffers in the following sequential order of preference:  
(i) avoiding impacts altogether by not taking a certain action or parts of an action; or;  
(ii) when avoidance is not possible, minimizing impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts; and mitigating for the affected functions and values of the critical area;
(b) When mitigation is required it shall be conducted in accordance with the following requirements:

(i) mitigation location. Unless otherwise provided in this chapter, mitigation for impacts to the functions and values of wetlands, fish and wildlife habitat conservation areas and buffers shall be in-kind and on-site. Off-site mitigation may be approved only in those situations where appropriate and adequate on-site mitigation cannot replace the function(s) of the wetlands, fish and wildlife habitat conservation area(s) or buffers at an equivalent level to the off-site location. Off-site mitigation must occur in the same sub-drainage basin for streams, lakes and wetlands, or drift cell for marine waters;

(ii) mitigation timing. Mitigation shall be completed prior to granting of final building occupancy, or the completion or final approval of any development activity or action requiring a project permit for which mitigation measures have been required, except as set forth in chapter 30.84 SCC; and

(iii) function replacement. Unless otherwise provided in this chapter, functions and values shall be replaced at a one to one ratio;

(c) A project proponent may demonstrate compliance with subsection (3) of this section by:

(i) adhering to the standards and requirements in SCC 30.62A.320(1), .330(1), .340(1) and (2) and .450 as applicable; or by

(ii) adhering to the performance standards in SCC 30.62A.320(2) and (3), .330(2), .340(3) and (4), or .350 and mitigating for impacted functions and values as follows:

   (A) any development activity, action requiring a project permit or clearing allowed pursuant to SCC 30.62A.320(2), .330(2), .340(3) or .350 shall also comply with general mitigation requirements in SCC subsection (3) of this section. Activities not listed or deviations from the standards contained in Part 300 may only be conducted pursuant to SCC 30.62A.350 or Part 500; and

   (B) any development activity or action requiring a project permit listed in SCC 30.62A.320(2), .330(2), .340(3) or .350 shall also comply with the critical area study requirements of SCC 30.62A.140, and the mitigation plan requirements of SCC 30.62A.150; and

(d) Permanent identification and protection of wetlands, fish and wildlife habitat conservation areas, and their buffers shall be provided as required by SCC 30.62A.160.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

Former 30.62A.320 Standards and requirements for buffers and impervious surfaces.

Buffers shall be required adjacent to streams, lakes, wetlands and marine waters to protect the functions and values of these aquatic critical areas.

(1) Buffer standards and requirements - no mitigation required. All development activities, actions requiring project permits and clearing that comply with the buffer requirements of SCC
30.62A.320(1)(a) through (g) satisfy the avoidance criteria of SCC 30.62A.310(3) and are not required to provide mitigation.

(a) Buffer widths shall be as set forth in Table 2a or 2b below.

<table>
<thead>
<tr>
<th>Table 2a – Stream, Lake and Marine Buffer Width Standards (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Streams and Lakes</strong></td>
</tr>
<tr>
<td>Type S</td>
</tr>
<tr>
<td>Type F with anadromous or resident salmonids</td>
</tr>
<tr>
<td>Type F without anadromous or resident salmonids</td>
</tr>
<tr>
<td>Type Np</td>
</tr>
<tr>
<td>Type Ns</td>
</tr>
<tr>
<td><strong>Marine Waters</strong></td>
</tr>
<tr>
<td>Type 1 All marine waters</td>
</tr>
</tbody>
</table>
(b) Buffer widths shall be measured as follows:

(i) the buffer for streams, lakes and marine waters shall be measured from the ordinary highwater mark extending horizontally in a landward direction and for wetlands, the buffer shall be measured from the edge of the wetland extending horizontally in a landward direction; and

<table>
<thead>
<tr>
<th>Wetland Category</th>
<th>Description</th>
<th>Standard Buffer Width</th>
<th>Buffer w/ mitigation measure 1 or 2</th>
<th>Buffer w/ mitigation measure 1 AND 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category I</td>
<td>Washington Natural Heritage Program DNR high quality wetlands</td>
<td>190</td>
<td>250</td>
<td>220*</td>
</tr>
<tr>
<td>Category I</td>
<td>Bogs</td>
<td>190</td>
<td>250</td>
<td>220*</td>
</tr>
<tr>
<td></td>
<td>Estuaries (at least 1 acre) &amp; Coastal Lagoons</td>
<td>150</td>
<td>200</td>
<td>175*</td>
</tr>
<tr>
<td></td>
<td>High Level Habitat Function (habitat function score is 29-36)</td>
<td>225</td>
<td>300</td>
<td>262*</td>
</tr>
<tr>
<td></td>
<td>Moderate Level Habitat Function (habitat function score is 20-28)</td>
<td>110</td>
<td>150</td>
<td>130*</td>
</tr>
<tr>
<td></td>
<td>Total score 70 or above but not meeting above criteria</td>
<td>75</td>
<td>100</td>
<td>75</td>
</tr>
<tr>
<td>Category II</td>
<td>Estuaries (less than 1 acre)</td>
<td>110</td>
<td>150</td>
<td>130*</td>
</tr>
<tr>
<td></td>
<td>High level of function for habitat (habitat function score is 29-36)</td>
<td>225</td>
<td>300</td>
<td>262*</td>
</tr>
<tr>
<td></td>
<td>Moderate level of function for habitat (habitat function score is 20-28)</td>
<td>110</td>
<td>150</td>
<td>130*</td>
</tr>
<tr>
<td></td>
<td>High level of function for water quality improvement and low for habitat (water quality function score is 24 – 32 and habitat function score is less than 20)</td>
<td>75</td>
<td>100</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>Total score 51-65 but not meeting above criteria</td>
<td>75</td>
<td>100</td>
<td>75</td>
</tr>
<tr>
<td>Category III</td>
<td>Moderate Level Habitat Function (habitat function score is 20-28)</td>
<td>110</td>
<td>150</td>
<td>110</td>
</tr>
<tr>
<td></td>
<td>Total score of 50-50 but not meeting above criteria</td>
<td>60</td>
<td>80</td>
<td>60</td>
</tr>
<tr>
<td>Category IV</td>
<td>Total score for all functions less than 30 points</td>
<td>40</td>
<td>50</td>
<td>40</td>
</tr>
</tbody>
</table>

1 High intensity land uses include:
- commercial or industrial uses
- nonresidential main street uses where the primary intent is residential use as per SCC 30.21.025
- Residential use (4 or more units/acre)
- High-intensity recreation (golf courses, ball fields, CRV pads, etc.)

2 Low intensity land uses include:
- Forestry (cutting of trees only)
- Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)
- Unpaved trails
- Utility corridor (without a maintenance road and little or no vegetation management).
(ii) provided however, where the landward edge of the standard buffer shown in Table 2a or 2b extends on to a slope of 33 percent or greater, the buffer shall extend to a point 25 feet beyond the top of the slope.

(c) Within buffers, the following restrictions on impervious surfaces apply:
   (i) no new effective impervious surfaces are allowed within the buffer of streams, wetlands, lakes or marine waters; and
   (ii) total effective impervious surfaces shall be limited to 10 percent within 300 feet of:
       (A) any streams or lakes containing salmonids;
       (B) wetlands containing salmonids; or
       (C) marine waters containing salmonids.

(d) All development activities, actions requiring project permits or clearing shall be designed to avoid the loss of or damage to trees in buffers due to blow down or other causes.

(e) The following measures for reducing buffer width and area may be used without a critical area study or mitigation plan:
   (i) separate tract reductions. Up to a 15 percent reduction of the standard buffer is allowed when the buffer and associated aquatic critical area are located in a separate tract as specified in SCC 30.62A.160(3);
   (ii) fencing reductions. Up to a 15 percent reduction of the standard buffer is allowed when a fence is installed along the perimeter of the buffer. The fence shall be designed and constructed as set forth below:
       (A) the fence shall be designed and constructed to be a permanent structure;
       (B) the fence shall be designed and constructed to clearly demarcate the buffer from the developed portion of the site and to limit access of landscaping equipment, vehicles, or other human disturbances; and
       (C) the fence shall allow for the passage of wildlife, with a minimum gap of one and one half feet at the bottom of the fence, and a maximum height of three and one half feet at the top; and
   (iii) for permanent fencing combined with separate tracts, the maximum reduction shall be limited to 25 percent.

(f) The following buffer reduction methods are only allowed in conjunction with a critical area study, pursuant to SCC 30.62A.140, demonstrating that the methods will provide protection equivalent to the standard requirements contained in Table 2. Proposals offering better protection would also be acceptable:
   (i) the width of a buffer may be averaged, by reducing the width of a portion of the buffer and increasing the width of another portion of the same buffer, if all of the following requirements are met:
       (A) averaging will not diminish the functions and values of the wetland(s), fish and wildlife habitat conservation area(s) or buffer(s);
       (B) the total area of the buffer on the subject property may not be less than the area that would have been required if averaging had not occurred;
       (C) the total area of buffer averaging shall be placed between the developed area and the wetland, lake, stream or marine water.
(D) no part of the width of the buffer may be less than 50 percent of the standard required width or 25 feet, whichever is greater;

(E) averaging of a buffer shall not be allowed where the reduction extends into associated sloping areas of 33 percent or greater; and

(F) buffers on isolated - wetlands or lakes located in close proximity to other aquatic critical areas shall be connected by corridors of native vegetation where possible using the buffer averaging provisions of this section and the following criteria:

(1) the width of the corridor connection between the aquatic critical areas shall be no less than the combined average of the standard buffers for each of the critical areas, provided that if there is not sufficient buffer area available when using averaging to establish a connection, a connection is not required;

(2) no more than 25 percent of the buffer of the individual critical areas shall be used to make a corridor connection;

(3) the corridor connection shall be established where feasible using the highest quality habitat existing between the critical areas;

(ii) enhancement reductions. Up to a 25 percent reduction of the standard buffer width and area is allowed provided the project proponent demonstrates the enhancement complies with all of the following criteria:

(A) a comparative analysis of buffer functions and values prior to and after enhancement, demonstrates that there is no net loss of buffer functions and values;

(B) a full enhancement reduction shall only be allowed where it can be demonstrated that the existing buffer functions and values are non-existent or significantly degraded. Buffers with partial function may receive a partial or prorated reduction; and

(C) the total buffer area after reduction is not less than 75 percent of the total buffer area before reduction;

(iii) reductions may be combined based on the following criteria:

(A) for enhancement combined with permanent fencing, the maximum reduction in width and area shall be limited to 30 percent; and

(B) for enhancement combined with separate tracts, the maximum reduction in both width and area shall be limited to 30 percent.

(g) When averaging is used in combination with any or all of the reduction methods contained in this section, the buffer shall not be reduced to less than half of the standard buffer widths contained in SCC 30.62A.320(1)(a), Table 2.

(2) Buffer standards and Requirements - mitigation required. All actions, structures or facilities listed in this section are allowed only when they are determined to be unavoidable pursuant to SCC 30.62A.310(3) and are conducted according to the standards and requirements identified in this section. When a permit is required, an applicant must also provide a critical area study meeting the requirements of SCC 30.62A.140 and a mitigation plan meeting the requirements of SCC 30.62A.150.

(a) New utilities and transportation structures are allowed within buffers when:

(i) no other feasible alternative exists or the alternative would result in unreasonable or disproportionate costs; and
(ii) location, design and construction minimizes impacts to the buffers pursuant to SCC 30.62A.310.
(b) Stormwater detention/retention facilities are allowed pursuant to the requirements of SCC 30.63A.570.
(c) Access through buffers is allowed provided it is designed and constructed to be the minimum necessary to accommodate the use or activity.
(d) Construction of pedestrian walkways or trails in buffers is allowed when constructed with natural permeable materials and does not exceed 6 feet in width.
(e) Trimming of vegetation for purposes of providing a view corridor in a buffer is allowed provided that:
   (i) trimming shall not include felling, topping, or removal of trees and be limited to hand pruning of branches and vegetation;
   (ii) trimming and limbing of vegetation for the creation and maintenance of view corridors shall occur in accordance with the pruning standards of the International Society of Arboriculture (See articles published by the International Society of Arboriculture, Consumer Information Program, updated July, 2005);
   (iii) trimming shall be limited to view corridors of 30 feet wide or 50 percent of the lot width, whichever is less;
   (iv) no more than 30 percent of the live crown shall be removed; and
   (v) the activity will not increase the risk of landslide or erosion.
(f) New shoreline and bank stabilization measures or flood protection are allowed pursuant to SCC 30.62A.330(2).
(g) Reconstruction or replacement of buildings may be allowed provided the new building does not encroach further into a critical area or its buffer than did the original building being reconstructed or replaced.

(3) Buffer standards and requirements - mitigation ratios. To mitigate impacts to functions and values of buffers, the ratios in Table 3 shall be required unless using the provisions of innovative development in SCC 30.62A.350. The ratios are based upon the existing type of vegetative cover and are expressed in terms of the number of acres needed to recover the lost functions and values of one acre of buffer area. For impacts to buffers that permanently remove existing vegetation, functions and values shall be assumed to be replaced by creating or enhancing new buffers at the following ratios:
Table 3 – Buffer Mitigation Ratios

<table>
<thead>
<tr>
<th>Existing Riparian habitat vegetation type</th>
<th>Creation</th>
<th>Enhancement¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mature forest</td>
<td>6:1</td>
<td>12:1</td>
</tr>
<tr>
<td>Non-mature forest</td>
<td>3:1</td>
<td>6:1</td>
</tr>
<tr>
<td>Shrub</td>
<td>2:1</td>
<td>4:1</td>
</tr>
<tr>
<td>Non-woody vegetation</td>
<td>1.5:1</td>
<td>3:1</td>
</tr>
<tr>
<td>No vegetated cover</td>
<td>1:1</td>
<td>2:1</td>
</tr>
</tbody>
</table>

¹ enhancement of the existing buffer is allowed in lieu of creation for up to one acre of buffer loss


Former 30.62A.330 Standards and requirements for activities conducted within streams, lakes and marine waters.
This section provides standards and requirements for activities conducted within streams, lakes and marine waters. Protection of streams, lakes and marine waters is inextricably linked to protection of the adjacent buffers. Standards and requirements for buffers adjacent to streams, lakes and marine waters are found in SCC 30.62A.320.

(1) Standards and requirements for streams, lakes and marine waters - no mitigation required. Any development activity, action requiring project permit or clearing that does not encroach into streams, lakes or marine waters and provides buffers consistent with the requirements of SCC 30.62A.320(1) satisfies the avoidance criteria of SCC 30.62A.310(3) and do not require mitigation.

(2) Standards and requirements for streams, lakes and marine waters - mitigation required. All actions, structures or facilities listed in this section are allowed only when they are determined to be unavoidable pursuant to SCC 30.62A.310(3), and are conducted according to the standards and requirements identified in this section. When a permit is required, an applicant must also provide a critical area study meeting the requirements of SCC 30.62A.140 and a mitigation plan meeting the requirements of SCC 30.62A.150.

(a) All development activities, actions requiring project permits and clearing shall meet the following requirements:
(i) the project shall be sited and designed to prevent the need for shoreline or bank stabilization and structural flood hazard protection measures for the life of the development;
(ii) the project shall be sited and designed to avoid the need for new or maintenance dredging; and
(iii) the project shall not obstruct the source and movement of sediment from bluffs along marine waters except as necessary pursuant to subsection (2)(b) of this section.

(b) Shoreline and streambank stabilization and flood protection measures. Shoreline and streambank stabilization and flood protection measures are only allowed to protect an existing primary structure; new or existing utilities, roads and bridges; agricultural land; or as part of a project where the sole purpose is to protect or restore wetlands, fish and wildlife habitat conservation areas or buffers. Activities allowed under subsection (2)(b) of this section shall meet the following conditions:

(i) the applicant shall submit a geotechnical report as required pursuant to SCC 30.62B.140 which establishes that the stabilization or flood protection is necessary;
(ii) non-structural measures shall be used unless a geotechnical report indicates that the only alternative is use of structural stabilization measures;
(iii) the activity shall avoid interrupting hyporheic zone continuity; and
(iv) the activity should be designed and constructed based on the guidance contained in the Integrated Streambank Protection Guidelines (Washington State Department of Fish and Wildlife, April 2003) and the Alternative Bank Protection Methods for Puget Sound Shorelines (Washington State Department of Ecology, May 2000, Publication #00-06-012) as appropriate for the type of critical area impacted.

(c) Utility construction. For utilities permitted under Title 30 SCC and Title 13 SCC, the following additional requirements shall apply:

(i) new utility crossings shall be bored beneath types S and F streams, and channel migration zones where feasible;
(ii) underground utilities shall avoid interrupting hyporheic zone continuity;
(iii) utilities shall be contained within the developed footprint of existing roads or utility crossings, where feasible;
(iv) utilities placement shall not increase or decrease the natural rate of shore migration, channel migration or longshore sediment transport within a drift cell;
(v) utilities placement shall avoid interrupting downstream movement of wood and sediment; and
(vi) new overhead electrical facilities are allowed when no other feasible alternative exists or the alternative would result in unreasonable or disproportionate costs, and the location, design and construction minimizes impacts to streams, lakes and marine waters pursuant to SCC 30.62A.310.

(d) Road crossings are subject to the following requirements:

(i) road crossings on fish-bearing streams shall be designed according to the guidelines set forth in Fish Passage Design at Road Culverts (Washington Department of Fish
and Wildlife, March 3, 1999); and Water Crossing Design Guidelines (Washington Department of Fish and Wildlife, May 9, 2013) or as subsequently amended or revised; and

(ii) road crossings shall avoid interrupting natural rates of the downstream movement of woody debris and sediment.

(e) Stream conveyances. Where feasible, stream conveyances shall avoid interrupting natural rates of the downstream movement of woody debris and sediment.

(f) Docks, piers and floats are subject to the following requirements:

(i) use of toxic or treated materials that will come in contact with the water is prohibited;

(ii) construction timing shall avoid critical life cycle stages of fish and wildlife;

(iii) these structures shall avoid critical saltwater habitats; and

(iv) joint use of docks, piers and floats shall be required where feasible.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

Former 30.62A.340 Standards and requirements for activities conducted in wetlands.
Protection of wetlands is inextricably linked to protection of the adjacent buffer areas. Standards and requirements for the buffers adjacent to wetlands are found in SCC 30.62A.320. Additional standards and requirements for development activities, actions requiring project permits and clearing within wetlands are in this section.

(1) Standards for wetlands - prohibitions. The following actions are prohibited:

(a) Filling of estuarine wetlands, Natural Heritage wetlands, mature forested wetlands and Category I bogs;

(b) Point discharges of stormwater into Category I bogs; and

(c) Septic systems and effective impervious surfaces within 300 feet of Category I bogs.

(2) Standards for wetlands - no mitigation required. All development activities, actions requiring project permits and clearing that do not encroach into wetlands and provide buffers consistent with the requirements of SCC 30.62A.320(1)(a) through (f) and the prohibitions in SCC 30.62A.340(1) satisfy the avoidance criteria of SCC 30.62A.310(3) and do not require mitigation.

(3) Standards for wetlands - mitigation required. The actions, structures and facilities listed in this section are allowed only when they are determined to be unavoidable pursuant to SCC

92 In 2015, this reference and code section was updated as follows:

Fish Passage Design at Road Culverts (Washington Department of Fish and Wildlife, March 3, 1999)

Water Crossing Design Guidelines (Washington Department of Fish and Wildlife, May 9, 2013) or as subsequently amended or revised.

For the purpose of this review, the May 9, 2013 version shall apply. Subsequent revisions to the guidance from the Washington Department of Fish and Wildlife may apply to later revisions to the permit applications or to construction plans.

Files: 11-101457 LU / 11-101461 SM / 11-101464 RC / 11-101008 LDA / 11-101007 SP / 11-101457 VAR
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30.62A.310, are consistent with the prohibitions in SCC 30.62A.340(1), and are conducted according to the standards and requirements identified in this section. When a permit is required, an applicant must also provide a critical area study meeting the requirements of SCC 30.62A.140 and a mitigation plan meeting the requirements of SCC 30.62A.150.

(a) Except for estuarine wetlands, Natural Heritage wetlands, mature forested wetlands and bogs, filling of up to one acre of wetland is allowed provided no other feasible alternative exists.

(b) New utilities and transportation structures are allowed within wetlands provided no other feasible alternative exists.

(c) Stormwater detention/retention facilities are prohibited in Category I bogs pursuant to SCC 30.62A.340(1)(b) but otherwise allowed pursuant to the requirements of SCC 30.63A.570.

(4) Standards for wetlands - mitigation requirements.

(a) Mitigation ratios - To mitigate total loss of wetland functions, the ratios in Table 4 shall be required unless using the provisions for innovative development in SCC 30.62A.350. The ratios are expressed in terms of the units of area needed to replace the lost functions and values of the wetland.

<table>
<thead>
<tr>
<th>Category/Type of Wetland</th>
<th>Creation</th>
<th>Enhancement¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Category IV</td>
<td>1.5:1</td>
<td>3:1</td>
</tr>
<tr>
<td>All Category III</td>
<td>2:1</td>
<td>4:1</td>
</tr>
<tr>
<td>Category II Estuarine</td>
<td>innovative development only</td>
<td>4:1</td>
</tr>
<tr>
<td>All other Category II</td>
<td>3:1</td>
<td>6:1</td>
</tr>
<tr>
<td>Category I based on score for functions</td>
<td>4:1</td>
<td>8:1</td>
</tr>
<tr>
<td>Category I Natural Heritage site</td>
<td>Innovative development only</td>
<td>Innovative development only</td>
</tr>
<tr>
<td>Category I Coastal Lagoon</td>
<td>Innovative development only</td>
<td>Innovative development only</td>
</tr>
<tr>
<td>Category I Bog</td>
<td>Not allowed</td>
<td>Innovative design only</td>
</tr>
<tr>
<td>Category I Estuarine</td>
<td>Innovative development only</td>
<td>Innovative development only</td>
</tr>
</tbody>
</table>

¹ Enhancement is allowed in lieu of creation for up to one acre of wetland fill.
(b) To reduce wetland buffer widths from the width required for high intensity land uses, optional mitigation measures and process requirements may be applied to reduce wetland buffer widths as shown in SCC 30.62A.320(1)(a) Table 2b.

(i) Optional mitigation measures.
(A) Mitigation measure 1. All applicable mitigation measures from Table 5 may be used to mitigate impacts to wetlands from high intensity land uses. When fencing and/or separate tracts are used pursuant to this section additional buffer width reductions for fencing or separate tracts otherwise allowed in SCC 30.62A.320(1) shall not be applied;

Table 5 - Mitigation Measures for High Intensity Land Uses

<table>
<thead>
<tr>
<th>Examples of disturbance</th>
<th>Activities and uses that cause disturbances</th>
<th>Examples of measures to minimize impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lights</td>
<td>• Parking lots • Warehouses • Manufacturing • Residential</td>
<td>• Direct lights away from wetland</td>
</tr>
<tr>
<td>Noise</td>
<td>• Manufacturing • Residential</td>
<td>• Locate activity that generates noise away from the wetland</td>
</tr>
<tr>
<td>Toxic runoff*</td>
<td>• Parking lots • Roads • Manufacturing • Residential areas • Landscaping</td>
<td>• Route all new untreated runoff away from wetland and while ensuring that wetland is not dewatered • Establish covenants governing use of pesticides within 150 feet of wetland • Apply integrated pest management</td>
</tr>
<tr>
<td>Storm water runoff</td>
<td>• Parking lots • Roads • Manufacturing • Residential areas • Commercial • Landscaping</td>
<td>• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters buffer</td>
</tr>
<tr>
<td>Change in water regime</td>
<td>• Impermeable surfaces • Lawns • Tilling</td>
<td>• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surface and new lawns</td>
</tr>
<tr>
<td>Pets and human disturbance</td>
<td>• Residential areas</td>
<td>• Use privacy fencing, plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion, place wetland and its buffer in a separate tract</td>
</tr>
</tbody>
</table>

* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.
(B) Mitigation measure 2. For Category I or II wetlands that score moderate or high for habitat (20 points or more for the habitat functions), a habitat corridor shall be preserved that meets the following criteria:

(I) Except as allowed in number (II) below, the habitat corridor shall connect the Category I or II wetland with a habitat score of 20 or more to any other wetland, fish and wildlife habitat conservation area or buffer which is:

(aa) on the same property or within the same development, including all phases proposed;

(bb) on adjacent properties and already protected as NGPAs or CAPAs or other permanently protected open space suitable for wildlife habitat use and which either extends to the property boundary or connected by easement; or

(cc) on county, state or federal land used for forestry, conservation or passive recreation parks.

(II) The habitat corridor may connect to a stormwater detention facility, either on-site or on an adjacent site, if it is designed to replicate a natural pond or wetland.

(III) The habitat corridor shall meet the following minimum physical characteristics:

(aa) The corridor shall consist of a relatively undisturbed, vegetated corridor.

(bb) The corridor shall maintain an average width equal to the difference between the high intensity buffer and the standard buffer for the relevant Category I or II wetland as shown in Table 6, except when the corridor is connecting two Category I or II wetlands each with a habitat score of 20 or more and the corridor maintains an average width of 100 feet, it will fulfill the connection requirement for both wetlands.

<table>
<thead>
<tr>
<th>Wetland Category</th>
<th>Description</th>
<th>Standard Buffer Width</th>
<th>High Intensity Buffer Width</th>
<th>Average Habitat Corridor Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category I</td>
<td>Washington Natural Heritage Program/DNR high quality wetlands</td>
<td>190</td>
<td>250</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>Bogs</td>
<td>190</td>
<td>250</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>Estuaries (at least 1 acre) &amp; Coastal Lagoons</td>
<td>150</td>
<td>200</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>High Level Habitat Function (habitat function score is 29-35)</td>
<td>225</td>
<td>300</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>Moderate Level Habitat Function (habitat function score is 20-28)</td>
<td>110</td>
<td>150</td>
<td>40</td>
</tr>
<tr>
<td>Category II</td>
<td>Estuaries (less than 1 acre)</td>
<td>110</td>
<td>150</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>High Level Habitat Function (habitat function score is 29-35)</td>
<td>225</td>
<td>300</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>Moderate Level Habitat Function (habitat function score is 20-28)</td>
<td>110</td>
<td>150</td>
<td>40</td>
</tr>
</tbody>
</table>
(cc) The corridor shall maintain a width at each connection not less than the required average width as described in (3)(bb) above.

(dd) The director may approve alternative configurations which meet the intent of no net loss of habitat functions and values pursuant to SCC 30.62A.350.

(IV) The following activities are allowed within the habitat corridor:

(aa) If the corridor maintains an average width of 100 feet or more, an unpaved trail - narrow single file walking path no bicycles or motorized vehicles allowed - may be allowed.

(bb) Vegetation management is allowed as follows:

(A) hazardous tree management -creation of snags and down logs is favored over tree removal whenever possible
(B) hand removal of invasive plant species
(C) removal of noxious weeds using BMPs
(D) when trails are allowed as per (4)(aa) above, minimal trail maintenance is also allowed
(E) restorative/enhancement plantings with native species to increase species diversity or replace plants lost to disease or damage; and
(F) planting with native species along outer edge of corridor to increase plant density and discourage disturbance or intrusion.

(ii) Process requirements in Part 100 shall be supplemented with the necessary information to document the mitigation locations and protection requirements, provide an assessment of functions and values and evaluation of the level of protection achieved by the mitigation measures and establish provisions for permanent protection.


Former 30.62A.350 Innovative development design.

(1) A project permit applicant may request approval of an innovative design, which addresses wetland, fish and wildlife habitat conservation area or buffer treatment in a manner that deviates from the standards contained in Part 300. The applicant shall demonstrate in a critical area study required pursuant to SCC 30.62A.140 how the innovative development design complies with the following requirements:

(a) The innovative design will achieve protection equivalent to the treatment of the functions and values of the critical area(s) which would be obtained by applying the standard prescriptive measures contained in this chapter. Proposals offering better protection would also be acceptable;

(b) Applicants for innovative designs are encouraged to consider measures prescribed in guidance documents, such as watershed conservation plans or other similar conservation plans, and low impact stormwater management strategies that address wetlands, fish and wildlife habitat conservation area or buffer protection consistent with this section;
(c) The innovative design will not be materially detrimental to the public health, safety or welfare or injurious to other properties or improvements located outside of the subject property; and

(d) Applicants for innovative designs are encouraged to consider the use of low impact development best management practices described in chapter 30.63C SCC.

(2) Applicants proposing development activities on properties designated as Urban Center Transit Pedestrian Village on the county's Future Land Use Map may utilize the innovative design provisions in this section to deviate from the requirements in Part 300. Such deviations may include, but are not limited to provisions related to avoidance of impacts, standard buffer widths, allowed uses in buffers and wetlands, mitigation ratios and use of off-site mitigation. The applicant shall demonstrate in a critical area study required pursuant to SCC 30.62A.140:

(a) Why the deviation is necessary to implement the policies in the county's comprehensive plan General Policy Plan under objective LU 3.B; and

(b) How the innovative development design achieves protection at least equivalent to the treatment of the functions and values of the critical area(s) which would be obtained by applying the standard prescriptive measures contained in Part 300.


Former 30.62A.410 Purpose.
This Part establishes standards and requirements for the protection of critical species, which includes:

(1) Species listed as threatened or endangered under RCW 77.12.020 and Title 16 United States Code;

(2) Species of local importance designated under SCC 30.62A.470; and

(3) The following species:
   (a) Larch mountain salamander;
   (b) Common loon;
   (c) Peregrine falcon;
   (d) Olympic mudminnow;
   (e) Pygmy whitefish; and
   (f) Gray whale.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.420 Applicability.
(1) The provisions of this Part shall apply as of the effective date of the listing to all development activities, actions requiring project permits and clearing occurring on a site containing a primary association area for a critical species. The provisions of this Part shall apply in addition to any other requirements of this chapter.

(2) Actions subject to this chapter not requiring a project permit should consult with state or federal resource agencies with technical expertise and/or regulatory authority over such critical species or necessary protection measures and comply with the administrative rules for the species adopted pursuant SCC 30.62A.430.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

Former 30.62A.430 Administrative rules authorized.
In order to protect critical species and their habitats, the department shall develop administrative rules under chapter 30.82 SCC within 120 days of the species listing that establish protection requirements specific to these species and their habitats.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.440 Administrative rules - minimum protection requirements.
In developing administrative rules under this section, the department shall consider establishing at least the following minimum protections:

   (1) Establishment of the primary association area;
   (2) Limitation on development activities within the primary association area;
   (3) Limitation on access to the primary association area;
   (4) Provisions for seasonal restrictions on construction activities where appropriate;
   (5) Preservation of habitat for the critical species; and
   (6) Permanent protection pursuant to SCC 30.62A.160.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.450 General standards and requirements.
Proponents for all development activities, actions requiring project permits or clearing shall make all reasonable efforts to avoid and minimize impacts to critical species pursuant to the requirements of this section, in the following sequential order of preference:

   (1) Avoid impacts altogether by not taking a certain action or parts of an action; or
   (2) When avoidance is not possible, minimize impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts; and
(3) Comply with rules adopted pursuant to SCC 30.62A.430 and a habitat management plan when required pursuant to SCC 30.62A.460.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.460 HabiHMPtat management plan contents.
For any development activity or action requiring a project permit occurring within the primary association area of a critical species, the director may require all or a portion of the following:
  (1) A critical area study meeting the requirements of SCC 30.62A.140;
  (2) A map drawn to scale or survey showing the location and description of the primary association area(s) of the critical species on the subject property;
  (3) Evidence of use of the site by a critical species, including the location and nature of use;
  (4) An assessment of how the proposed activities will affect the critical species and/or its habitat, and how the proposal will avoid, minimize or mitigate impacts to those critical species and their habitats pursuant to SCC 30.62A.450. The department shall waive this requirement when a proposed activity is consistent with the protection standards adopted in an administrative rule developed pursuant to SCC 30.62A.430; and
  (5) In the absence of an adopted administrative rule governing a listed species, the applicant shall provide a habitat management plan consistent with the minimum requirements of SCC 30.62A.440. In addition, the habitat management plan shall contain an assessment of best available science applicable to the species, demonstrating how the proposal will provide sufficient protection of the critical species and its habitat. Applicants are encouraged to consult with the department, and federal and state agencies with technical expertise or regulatory jurisdiction.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.470 Species of local importance.
This section provides the process for the designation, nomination and protection of species of local importance. The designation, nomination and protection strategies shall be based on best available science.
  (1) Designation criteria.
      (a) Designation of species of local importance must be based on both the following circumstances:
          (i) protection of the native species and its primary association area through existing policies, laws, regulations, or non-regulatory tools is not adequate to prevent degradation of the species in the county; and
(ii) the primary association area nominated to protect a particular species is high quality native habitat or has a high potential to be high quality habitat, or provides landscape connectivity which contributes to the designated species’ preservation.

(b) In addition to the requirements in SCC 30.62A.470(1)(a), designation of species of local importance must also be based on one or more of the following circumstances:

(i) local populations of a native species are in danger of extirpation based on existing trends;

(ii) local populations of a native species are likely to become threatened or endangered under state or federal law;

(iii) local populations of a native species are vulnerable or declining;

(iv) the native species has recreational, commercial, or tribal significance; or

(v) long-term persistence of a native species is dependent on the protection, maintenance, and/or restoration of the nominated primary association area.

(2) Petition Contents. The petition to nominate a species of local importance shall contain all the following:

(a) A map showing the nominated primary association area location(s);

(b) An environmental checklist in conformance with SCC 30.61.100;

(c) A written statement that

(i) identifies which designation criteria form the basis of the nomination;

(ii) includes supporting evidence that designation criteria are met; and

(iii) indicates what specific habitat feature(s) or plant communities are to be protected (e.g., nest sites, breeding areas, and nurseries);

(d) Recommended management strategies for the species, supported by the best available science and which meet the minimum requirements of SCC 30.62A.440; and

(e) An economic analysis identifying the cost of implementing a mitigation or protection plan and the financial impact of the requested designation on affected properties or local governments.

(3) Approval Process.

(a) Timing. Nominations for species of local importance will be considered by the council no more than once per year. The department will accept proposals for amendments at any time; however, proposals received after July 31st of each year will be processed in the next annual review cycle.

(b) Process. The county may include a species of local importance for protection pursuant to this section through adoption of legislation by the council. The council considers whether to adopt a motion to list a species of local importance through the following process:

(i) any person may nominate species for designation by submitting a petition meeting the requirements of SCC 30.62A.470(2) and payment of fees as required by chapter 30.86 SCC;

(ii) the department shall complete a SEPA threshold determination and provide notice of the petition as required under SCC 30.70.045 for SEPA threshold determinations associated with a project permit;
(iii) the department shall review the submittal of the petitioner, and coordinate and assemble all available comments of the public, other county departments, and other agencies. Based on the available record, and any other information that may be available, the department shall provide a staff report and recommendation to the council concerning whether the petition meets the requirements for approval;

(iv) the department shall submit to the executive an executive/council approval form (ECAF) containing the staff recommendation, all relevant SEPA documents, and a proposed motion which provides for disposition of the petition; and

(v) upon delivery of an ECAF to the council by the executive, the proposed motion will be subject to the requirements of chapter 2.48 SCC.

(c) Cost of environmental studies. Any person submitting a petition to nominate a species of local importance shall pay the cost of environmental review and studies necessary under SEPA, as required under chapter 30.61 SCC. The person may, at his or her own expense and to the extent determined appropriate by the responsible official, provide additional studies or other information.

(4) Establishment of specific rules for protection. Within 120 days of an action by the council, the department shall develop an administrative rule pursuant to chapter 30.82 SCC addressing protection of the species of local importance in compliance with this section.

(5) The department may establish administrative procedures necessary to administer this section.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)
Appendix M: Sections of Chapter 30.62B Geologically Hazardous Areas Used for Review

Former SCC 30.62B.010 Purpose and applicability.

(1) The purpose of this chapter is to provide regulations for the protection of public safety, health and welfare pursuant to the Growth Management Act (Chapter 36.70A RCW), in geologically hazardous areas, including: erosion hazard, landslide hazard, seismic hazard, mine hazard, volcanic hazard, and tsunami hazard areas.

(2) This chapter applies to:
   (a) Development activities, actions requiring project permits, and clearing except for the following:
       (i) Non-ground disturbing interior or exterior building improvements;
       (ii) Routine landscape maintenance of established, ornamental landscaping;
       (iii) Exterior structure maintenance, including, but not limited to, painting and roofing;
       (iv) Removal of noxious weeds conducted in accordance with chapter 16-750 WAC;
       (v) Maintenance or replacement that does not expand the affected area of the following existing facilities:
           (A) septic tanks and drainfields;
           (B) wells;
           (C) individual utility service connections; and
           (D) individual cemetery plots in established and approved cemeteries;
       (vi) Data collection and research by non-mechanical means if performed in accordance with state-approved sampling protocols or Endangered Species Act (ESA) Section 10(a)(1)(a), Section 7 consultation (16 USC § 1536);
       (vii) Non-mechanical survey and monument placement;
       (viii) Soil testing or topographic surveying of slopes for purposes of scientific investigation, site feasibility analysis, and data acquisition for geotechnical report preparation provided it can be accomplished without road construction; and
       (ix) Quasi-judicial rezones not accompanied by another permit or approval.
   (b) Agricultural activities, which are subject only to Part 500 of this chapter; except that certain agricultural activities as defined in SCC 30.62.015(1) occurring on rural and agricultural resource lands are exempt from this chapter and are subject only to chapter 30.62 SCC.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

SCC 30.62B.015 Intent.
It is the intent of this chapter to provide the protection required by chapter 36.70A RCW for wetlands and for fish & wildlife habitat conservation areas while simultaneously protecting...
property rights. The county council nevertheless recognizes that implementation of some provisions of this chapter 30.62B SCC will inevitably entail some restriction of property rights. It is the intent of the county council that this chapter be always construed and interpreted so that property rights be restricted no further than strictly necessary for the critical area protection required under chapter 36.70A RCW.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

**Former SCC 30.62B.020 Relationship to Snohomish County Shoreline Management Program.**
Regulation of geologically hazardous areas located within shorelines of the state, as defined in chapter 90.58 RCW, shall be accomplished through compliance with the provisions of this chapter. Nothing in this section shall be construed to be inconsistent with RCW 36.70A.480.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

**SCC 30.62B.030 Relationship to chapter 30.61 SCC – environmental impacts.**
Critical area protective measures required by this chapter shall also constitute adequate mitigation of adverse or significant adverse environmental impacts on geologically hazardous areas pursuant to chapter 30.61 SCC, to the extent permitted by RCW 43.21C.240.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

**SCC 30.62B.040 Rulemaking authority.**
The director shall have the authority to adopt administrative rules to implement the provisions of this chapter. Rulemaking authority shall include, but is not limited to, the adoption of best management practices for the regulation of geologically hazardous areas.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

**SCC 30.62B.110 Permit pre-applications.**
Project proponents may request a pre-application meeting pursuant to SCC 30.70.020 to obtain a preliminary analysis of how the requirements of this chapter apply to the proposed project.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)
SCC 30.62B.120 Critical area services provided by the department.
The department may provide the following service upon submittal of an application and the
payment of fees as required by chapter 30.86 SCC: identification of erosion and landslide
danger areas for single-family residential (SFR) dwellings, duplexes, and accessory structures,
and commercial structures of 8,000 square feet or less.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

Former SCC 30.62B.130 Submittal requirements.
For any development activity or action requiring a project permit, the applicant shall submit a
site development plan drawn to a standard engineering scale which includes:
(1) Boundary lines and dimensions of the subject property;
(2) Boundary lines and dimensions of the site;
(3) Topography at contour intervals of five feet unless the underlying project permit requires
a lesser interval;
(4) Location, size, and type of any existing structures and other existing developed areas;
(5) Location, size and type of all proposed structures and development activity on the site;
(6) Location of all geologically hazardous areas on and within 200 feet of the site, to the
extent possible;
(7) Location of all other critical areas regulated pursuant to chapters 30.62A, 30.62C and
30.65 SCC on and within 200 feet of the site; and
(8) Location of structure setbacks as required in SCC 30.62A.320(1)(d), SCC 30.62B.340(2)
and chapter 30.23 SCC.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

Former SCC 30.62B.140 Geotechnical report requirements.
(1) A geotechnical report will be required for any development activity or action requiring a
project permit-proposed within:
   (a) An erosion hazard area;
   (b) A landslide hazard area or its setback;
   (c) Two hundred feet of a mine hazard area; or
   (d) Two hundred feet of any faults.
(2) The geotechnical report shall be prepared, stamped, and signed by a licensed engineer or
geologist and contain the following information relevant to the geologically hazardous area:
   (a) The topography at contour intervals of five feet unless the underlying project permit
requires a lesser interval;
   (b) Significant geologic contacts, landslides, or downslope soil movement on and within
200 feet of the site;
(c) A channel migration zone study when required pursuant to SCC 30.62B.330(2);
(d) Impervious surfaces, wells, drain fields, drain field reserve areas, roads, easements, and utilities on site;
(e) The location or evidence of any springs, seeps, or other surface expressions of groundwater;
(f) The location or evidence of any surface waters;
(g) Identification of all existing fill areas;
(h) The location and extent of all proposed development activity;
(i) A discussion of the geological condition of the site including:
   (i) a description of the soils in accordance with the Natural Resource Conservation
   Service indicating the potential for erosion;
   (ii) engineering properties of the soils, sediments, and rocks on the subject property
   and adjacent properties and their effect on the stability of the slope;
   (iii) a description of the slope in percent gradient; and
   (iv) the location or evidence of seismic faults and soil conditions indicating the
   potential for liquefaction;
(j) The proposed method of drainage and locations of all existing and proposed surface
   and subsurface drainage facilities and patterns, and the locations and methods for erosion
   control;
(k) The extent and type of existing vegetative cover;
(l) A vegetation management and restoration plan prepared by persons experienced in
   vegetation management and restoration plans such as botanists, landscape architects and certified
   arborist, or other means for maintaining long-term stability of slopes;
(m) Analysis of erosion rates, slope recession rates and potential impacts to existing or
   proposed development from wave cutting, stream meandering, or other erosional forces to
   determine the recommended solution for bank or shoreline stabilization or flood protection in
   conformance with SCC 30.62B.320(2); and
(n) Any other information necessary to determine compliance with this chapter.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

**SCC 30.62B.150 Independent consultant review.**
If the department lacks the necessary expertise, the department may require independent
consultant review of the application by a qualified professional to assess compliance with this
chapter. If independent consultant review is required, the applicant shall make a deposit with the
department to cover the cost of the review pursuant to the requirements of chapter 30.86 SCC.
Unexpended funds will be returned to the applicant following final decision on the application.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)
**Former SCC 30.62B.160 Permanent identification, development restrictions, and recording.**

The following measures for permanent identification, development restrictions and disclosure of geologically hazardous areas are required for any development activity or action requiring a project permit, except those occurring in public and private road or utility easements and rights-of-way, or those conducted for the primary purpose of habitat enhancement.

1. Critical area site plan.
   a. All erosion, landslide, and mine hazard areas and seismic faults shall be designated on a critical area site plan.
   b. The critical area site plan shall be drawn to a standard engineering scale and include at minimum:
      i. the boundaries of the site;
      ii. a legal description of the subject property;
      iii. accurate locations of the geologically hazardous area(s), identified by hazard type; and
      iv. visual and written documentation of any permanent restrictions on development activities in the geologically hazardous area occurring as a result of compliance with this chapter, including, but not limited to: structural setbacks and vegetation retention requirements or other restrictions as may be required pursuant to this chapter.

2. Recording. Critical area site plans or disclosure notices as required pursuant to SCC 30.62B.160(1) or (3) shall be recorded with the county auditor. Documentation of recording shall be provided to the department prior to permit issuance.

3. Disclosure requirements for buildings in volcanic and tsunami hazard areas. A disclosure notice acknowledging that the development is occurring on or within 200 feet of a volcanic or tsunami hazard area. The notice shall include the following disclosure text, as appropriate:
   a. For volcanic hazard areas, “This property is on or within 200 feet of the Glacier Peak Volcanic Hazard Area, which is subject to periodic and potentially life-threatening destructive mud, water, and debris flows.”; or
   b. For tsunami hazard areas, “This property is on or within 200 feet of a tsunami hazard area, which could be subject to potentially life-threatening destructive waves.”

4. Previously approved critical area site plans. For any development activity, action requiring a project permit or clearing occurring consistent with a previously approved critical area site plan shall be governed according to the terms and conditions of the approved site plan, provided that all erosion, landslide, mine and seismic hazard areas have been adequately identified and appropriate measures for the protection of public safety have been established.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

**SCC 30.62B.170 Security devices and insurance requirements.**
(1) The director shall require a security device pursuant to chapter 30.84 SCC or insurance pursuant to SCC 30.63A.940 when the depth of any proposed excavation will exceed four (4) feet and the bottom elevation of the proposed excavation will be below a one hundred (100) percent slope line originating from the elevation of any adjacent property lines.

(2) The director may require a security device pursuant to chapter 30.84 SCC or insurance pursuant to SCC 30.63A.940 adequate to cover potential claims for property damage which may arise from or be related to development activities within a landslide hazard area or in other circumstances where there is potential for significant harm to a wetland, fish and wildlife habitat conservation area or buffer or a public right of way during the construction process.


PART 200 – DESIGNATION

SCC 30.62B.210 Designation of geologically hazardous areas.
The county has designated geologically hazardous areas pursuant to RCW 36.70A.170 by defining them and providing criteria for their identification. Project proponents are responsible for determining whether a geologically hazardous area exists and is regulated pursuant to this chapter. The department will verify on a case-by-case basis the presence of geologically hazardous areas identified by project proponents. Specific criteria for the designation of geologically hazardous areas are contained in this chapter and chapter 30.91 SCC. While the county maintains some maps of geologically hazardous areas, they are for informational purposes only and may not accurately represent all such areas.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 300 – STANDARDS AND REQUIREMENTS

SCC 30.62B.310 Purpose of Part 300.
Part 300 of this chapter establishes specific standards and requirements for the treatment of erosion, landslide, seismic, mine, volcanic and tsunami hazard areas.

Former SCC 30.62B.320 General standards and requirements for erosion and landslide hazard areas.
(1) Any development activity, action requiring a project permit or clearing occurring in an erosion or landslide hazard area:
   (a) Shall be designed to:
      (i) Comply with the requirements in an approved geotechnical report when required pursuant to SCC 30.62B.140;
      (ii) Utilize best management practices (BMPs) adopted by the department pursuant to chapter 30.63A SCC and all known and available reasonable technology (AKART) appropriate for compliance with this chapter;
      (iii) Prevent collection, concentration or discharge of stormwater or groundwater within an erosion or landslide hazard area, except as otherwise provided in this chapter;
      (iv) Minimize impervious surfaces and retain vegetation to minimize risk of erosion or landslide hazards; and
   (b) Shall not:
      (i) result in increased risk of property damage, death or injury;
      (ii) cause or increase erosion or landslide hazard risk;
      (iii) increase surface water discharge, sedimentation, slope instability, erosion or landslide potential to adjacent or downstream and down-drift properties beyond pre-development conditions; or
      (iv) adversely impact wetlands, fish and wildlife habitat conservation areas or their buffers.

(2) For shoreline and bank stabilization and flood protection measures proposed in erosion or landslide hazard areas, the project proponent shall make all reasonable efforts to avoid and minimize impacts to wetlands and fish and wildlife habitat conservation areas and their buffers pursuant to the requirements of chapter 30.62A SCC, in the following sequential order of preference:
   (a) Utilize setbacks sufficient to ensure that shoreline stabilization or flood hazard reduction measures will not be necessary to protect development for its projected design life, or;
   (b) When sufficient setbacks are not possible, utilize other non-structural measures unless the applicant demonstrates through a geotechnical report required pursuant to SCC 30.62B.120 that new or enlarged structural stabilization or flood protection is necessary to protect:
      (i) existing primary structures, utilities, roads and bridges;
      (ii) new utilities or public bridges and transportation structures allowed pursuant to 30.62B.330(3);
      (iii) agricultural land; or
      (iv) projects where the sole purpose is to protect or restore wetlands, fish and wildlife habitat conservation areas or their buffers.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

Former SCC 30.62B.330 Erosion hazard areas - Channel migration zones.
(1) This section establishes specific standards and requirements for development activities, actions requiring a project permit or clearing in channel migration zones adjacent to the following rivers:

<table>
<thead>
<tr>
<th>River name</th>
<th>River sections (mi)</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Fk Skykomish River</td>
<td>0.00 - 8.64</td>
</tr>
<tr>
<td>North Fk Stillaguamish River</td>
<td>0.00 - 35.18</td>
</tr>
<tr>
<td>Pilchuck Creek</td>
<td>0.00 - 6.96</td>
</tr>
<tr>
<td>Pilchuck River</td>
<td>0.00 - 36.17</td>
</tr>
<tr>
<td>Sauk River</td>
<td>All</td>
</tr>
<tr>
<td>Skykomish River</td>
<td>0.00 - 29.15</td>
</tr>
<tr>
<td>Snohomish River &amp; Sloughs</td>
<td>All</td>
</tr>
<tr>
<td>Snoqualmie River</td>
<td>0.00 - 5.41</td>
</tr>
<tr>
<td>South Fk Skykomish River</td>
<td>0.00 - 6.71</td>
</tr>
<tr>
<td>South Fk Stillaguamish River</td>
<td>0.00 - 43.07</td>
</tr>
<tr>
<td>Stillaguamish River &amp; Sloughs</td>
<td>All</td>
</tr>
<tr>
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</tr>
<tr>
<td>Wallace River</td>
<td>0.00 - 7.71</td>
</tr>
</tbody>
</table>

(2) The department may require a channel migration zone study when a development activity or action requiring a project permit is proposed to occur in areas where evidence indicates channel migration is likely, in accordance with the following requirements:

(a) The study shall be conducted in accordance with Section 2 of the Forest Practices Board Manual (Title 222 WAC), Standard Methods for Identifying Bankfull Channel Features and Channel Migration Zones, November, 2004, except that areas behind natural or manmade features which limit channel migration that allow fish passage shall not be included in the channel migration zone;

(b) The study shall be performed under the direction of a qualified professional with experience in fluvial geomorphology or river hydraulics;

(c) The study shall contain the following:

(i) a determination of the presence of channel migration, and if present, the delineation of the channel migration zone;

(ii) an analysis of the impacts of potential channel migration on the proposed development activity; and
(iii) an analysis of the impacts of the proposed development activity on the channel migration zone.

(3) Channel Migration Zone (CMZ) standards and requirements.
   (a) All development activities, actions requiring a project permit and clearing are prohibited in the channel migration zone, except as provided below.
      (i) removal of hazardous trees;
      (ii) new utility facilities based on the following requirements;
         (A) pipelines shall be bored 10 feet beneath the thalweg scour depth of the river within the CMZ;
         (B) surface utilities such as power transmission lines shall be located away from the current channel if feasible; and if not feasible, foundations within the CMZ shall be designed as in-channel structures if determined by the department to be necessary;
      (iii) new public bridges and transportation structures when no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs;
      (iv) normal maintenance or repair of existing flood control and bank stabilization structures, buildings, roads, bridges and utilities; and
      (v) shoreline and bank stabilization and flood protection measures pursuant to the general requirements contained SCC 30.62B.320(2).

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

**Former SCC 30.62B.340 Landslide hazard areas.**

(1) Development activities, actions requiring project permits and clearing shall not be allowed in landslide hazard areas or their required setbacks unless there is no alternate location on the subject property.

(2) Structures shall be setback from landslide hazard areas unless the department approves a deviation as provided below.
   (a) Setbacks shall be established as follows:
      (i) the minimum top of slope setback shall be equal to the height of the slope divided by three, or 50 feet, whichever is greater;
      (ii) the minimum toe of slope setback shall be 50 feet or the height divided by two whichever is greater; and
      (iii) slope setbacks shall be no less than the minimum necessary to ensure that structural shoreline stabilization measures will not be necessary to protect the development.
   (b) Deviations from setbacks may be allowed when the applicant demonstrates that the following conditions are met:
      (i) there is no alternate location for the structure on the subject property; and
      (ii) a geotechnical report demonstrates that:
         (A) the alternative setbacks provide protection which is equal to that provided by the standard minimum setbacks; and

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(B) the proposal meets the requirements of SCC 30.62B.320.

(3) In addition to the requirements in SCC 30.62B.320 the following standards and requirements apply to development activities, actions requiring project permits and clearing in landslide hazard areas:

   (a) Vegetation shall not be removed from a landslide hazard area, except for hazardous trees based on review by a qualified arborist or as otherwise provided for in a vegetation management and restoration plan;

   (b) The factor of safety for landslide occurrences shall not be decreased below the limits of 1.5 for static conditions or 1.1 for dynamic conditions. Analysis of dynamic conditions shall be based on horizontal acceleration as established by the current version of the International Building Code;

   (c) Tiered piles or piers shall be used for structural foundations where possible to conform to existing topography;

   (d) Retaining walls that allow for the maintenance of existing natural slope area shall be used wherever possible instead of graded artificial slopes;

   (e) Provided there is no practical alternative, utility lines and pipes may be constructed in landslide hazard areas under the following conditions:

      (i) the line or pipe shall be located above ground and properly anchored or designed so that it will continue to function in the event of an underlying slide; and

      (ii) stormwater conveyance systems shall be designed with high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equivalent; or

      (iii) alternatively, utilities may be bored below landslide hazard areas provided they are located beneath the depth of potential slope failure.

   (f) Point source discharge of stormwater may be allowed in landslide hazard areas under the following conditions:

      (i) the stormwater is conveyed via continuous storm pipe downslope to a point where it does not increase risk to landslide hazard areas or other properties downstream from the discharge;

      (ii) the stormwater is discharged at flow durations matching predeveloped conditions with adequate energy dissipation into existing channels; or

      (iii) discharge upslope of the landslide hazard area may only occur if:

         (A) it is dispersed onto a low-gradient undisturbed setback adequate to infiltrate all surface and stormwater runoff; and

         (B) the discharge will not decrease the stability of the slope.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

SCC 30.62B.350 Seismic hazard areas.
(1) Development activities or actions requiring a project permit occurring within 200 feet of a seismic hazard area may be allowed with an approved geotechnical report that confirms the site is suitable for the proposed development.

(2) Development activities or actions requiring a project permit occurring in a seismic hazard area shall meet applicable standards of the International Building Code and chapter 30.51A SCC.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

SCC 30.62B.360 Mine hazard areas.

(1) Development activities or actions requiring a project permit occurring on or within 200 feet of a mine hazard area may be allowed with an approved geotechnical report that confirms the site is suitable for the proposed development or action.

(2) For any reclamation activity under the jurisdiction of the county pursuant to SCC 30.63B.360, the applicant must submit as-built drawings in a form specified by the director that reflect the final grades on-site, proper site stabilization and vegetative cover.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

SCC 30.62B.370 Volcanic hazard areas.
Development activities or actions requiring a project permit occurring on or within 200 feet of a volcanic hazard area shall comply with the identification, disclosure, and recording requirements of SCC 30.62B.160.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

SCC 30.62B.380 Tsunami hazard areas.
Development activities or actions requiring a project permit occurring on or within 200 feet of a tsunami hazard area shall comply with the identification, disclosure, and recording requirements of SCC 30.62B.160 as evidence becomes available. In Tsunami Hazard Areas, project proponents are encouraged to follow the recommendations from “Designing for Tsunamis: Seven Principles for Planning and Designing for Tsunami Hazards”

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 400 – EXCEPTIONS

30.62B.410 Minor development activity exceptions.
(1) Certain minor development activities may occur in geologic hazard areas or setbacks provided the project proponent complies with best management practices (BMPs) adopted through rulemaking pursuant to chapter 30.82 SCC and all known and available reasonable technology (AKART) appropriate for compliance with this chapter. Best management practices are physical, structural, or managerial practices which have gained general acceptance by professionals in the appropriate field to minimize and mitigate adverse impacts to the functions and values of critical areas.

(2) All minor development activities authorized in this section shall comply with administrative BMP rules upon adoption. Prior to adoption of such administrative rules, project proponents shall comply with all known and available BMPs as defined in SCC 30.62A.510(1). The director shall use his or her best efforts to adopt BMPs for the minor development activities listed in this section pursuant to the rulemaking provisions of chapter 30.82 SCC within 12 months of the effective date of this chapter.

(3) The following minor development activities may occur pursuant to this section:
   (a) Normal maintenance and repair that does not expand the footprint of existing:
      (i) improved public and private road rights-of-way,
      (ii) utility corridors,
      (iii) trails,
      (iv) utility facilities,
      (v) flood protection and bank stabilization structures,
      (vi) stormwater facilities; and
      (vii) structures;
   (b) Minor replacement, modification, extension, installation, or construction by a utility purveyor in an improved public road right-of-way;
   (c) Survey or monument placement;
   (d) Minor replacement or modification of existing facilities by a utility purveyor in an improved utility corridor;
   (e) Minor replacement or modification by a utility purveyor of individual utility service lines connecting to a utility distribution system;
   (f) Minor replacement, modification, minor installation or construction in an improved road right-of-way by the county or by the holder of a current right-of-way use permit;
   (g) Removal of invasive weeds;
   (h) Felling or topping of hazardous trees based on review by a qualified arborist;
   (i) Minor replacement, modification or installation of drainage, water quality or habitat enhancement projects; and
   (j) All other on-going lawfully established development activities not specifically addressed in this chapter.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)
SCC 30.62B.420 Emergency activities.

Emergency activities necessary to prevent an immediate threat to public health, safety, welfare or property, or to prevent an imminent threat of serious environmental degradation, are allowed without prior approval in geologically hazardous areas, based on the criteria set forth in this section:

1. The activity must be the minimum necessary to alleviate the emergency;
2. The project proponent shall notify the department prior to any action taken to remedy an emergency. If prior notification is not feasible, the project proponent shall notify the department within 48 hours of the action; and
3. Applications for any required project permits necessary to satisfy compliance with this chapter are submitted to the department within 120 days of the start of the action taken. For activities not requiring permits, compliance with this chapter shall occur within a reasonable time period not to exceed twelve months.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)
Appendix N: Sections of Chapter 30.63B Land Disturbing Activity Used for Review

Former 30.63B.130 Standard setbacks for cuts and fills.

(1) Before performing any land disturbing activity subject to a land disturbing activity permit, the applicant shall mark on the site and show on the land disturbing activity site plan the limits of all proposed land disturbing activities, trees and native vegetation to be retained, and drainage courses, so that setbacks can be determined. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.

(2) The top of cut slopes shall not be nearer to a site boundary line than 20 percent of the vertical height of cut, and in no event nearer than two feet from the boundary line. The setback shall be increased when necessary to stabilize any required subsurface drainage or surcharge, as determined by the geotechnical engineering report, soils engineering report or engineering geology report pursuant to SCC 30.63B.220 through 30.63B.240.

(3) The toe of fill slopes shall not be made nearer to the site boundary line than 50 percent of the height of the slope, but in no event nearer than two feet from the boundary line.

(4) Cuts and fills shall be set back a minimum of two feet from the property line unless the following is provided:

(a) A construction easement, written agreement or letter of authorization from all of the affected property owners allowing a setback of less than two feet; or
(b) A survey by a land surveyor licensed in Washington State that ensures compliance with construction and land disturbing activity site plans prior to construction of cut, fill, rockery, or a retaining wall proposed within six inches of a property line.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)
Appendix O: Sections of Chapter 30.65 Special Flood Hazard Areas Used for Review

SCC 30.65.010 Purpose and applicability.
The purpose of this chapter is to protect the public health, safety and welfare in those areas subject to periodic inundation due to flooding, and to minimize losses due to flood conditions in the specific areas subject to this chapter by utilizing the methods and provisions set forth herein. The regulations set forth herein shall apply to all development in special flood hazard areas as defined in this title within the jurisdiction of the county.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

SCC 30.65.020 Intent.
This chapter restricts uses and regulates structures to those that are consistent with the degree of flood hazard. The intent of this chapter is:

  1) To minimize loss of life and property by restricting uses and regulating development in special flood hazard areas;
  2) To alert the county assessor, appraisers, owners, potential buyers and lessees to the natural limitations of the flood plain;
  3) To meet the minimum requirement of the national flood insurance program; and
  4) To implement state and federal flood protection programs.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

SCC 30.65.030 National Flood Insurance Program.
This chapter incorporates the minimum flood plain management standards and regulations of the National Flood Insurance Program (NFIP). The enactment of this chapter is a necessary prerequisite for the county's continued eligibility in the NFIP.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Former 30.65.040 Special flood hazard areas established.
The special flood hazard areas designated by the federal emergency management agency in a scientific and engineering report entitled "the flood insurance study for unincorporated Snohomish County", dated November 8, 1999, or as amended, with accompanying flood insurance maps, 'together with the corresponding U.S. army corps of engineers river study maps,
are adopted herein by reference and declared to be a part of this chapter and are hereby established as special flood hazard areas for the purposes of this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003.)

[Present-Day\textsuperscript{93}] SCC 30.65.040 Special flood hazard areas established.
The special flood hazard areas designated by the federal emergency management agency in a scientific and engineering report entitled "the flood insurance study for unincorporated Snohomish County", dated September 16, 2005, and with the flood insurance rate maps (FIRMS) for Snohomish County, Washington and incorporated areas revised September 16, 2005, or as amended and issued by FEMA on paper or digital format, together with the corresponding U.S. army corps of engineers river study maps, are adopted herein by reference and declared to be a part of this chapter and are hereby established as special flood hazard areas for the purposes of this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005)

SCC 30.65.050 Identification on official zoning maps.
In order to assist the public in identifying those properties within special flood hazard areas, the geographic extent of the areas shall generally be depicted upon the county’s official zoning maps. Said depiction shall be provided for informational purposes only.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005)

SCC 30.65.100 Floodproofing: use of available data.
(1) In all special flood hazard areas where base flood elevation data has been provided in accordance with SCC 30.65.040, or where the county can reasonably utilize base flood elevation data available from federal, state or other sources, the specific flood hazard protection standards of SCC 30.65.120 and SCC 30.65.230 shall be required.

(2) In all special flood hazard areas where base flood elevation data has not been provided, the County shall review all development proposals in accordance with SCC 30.65.110 general standards and SCC 30.65.120 specific standards and shall require compliance with the standards of said sections as necessary to assure that development will be reasonably safe from flooding.

\textsuperscript{93} See discussion on page 199 regarding which version of Section 30.65.040 applies.
The test of reasonableness shall include use of historic data, high water marks, photographs of past flooding, etc., where available.

(3) When a regulatory floodway for a stream has not been designated, the county may require that applicants for new construction and substantial improvements reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of existing, proposed, and anticipated future development and determine that the increase in the water surface elevation of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3(b)(3) and (4) and (C)(10) of the National Flood Insurance Program regulations.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-005, February 21, 2007, Eff date March 4, 2007)

30.65.110 Floodproofing: general standards.
The following regulations shall apply in all special flood hazard areas.

(1) Anchoring and construction techniques.

(a) All new construction and substantial improvements shall be:
   (i) anchored to prevent flotation, collapse or lateral movement of the structure;
   (ii) constructed using materials and utility equipment resistant to flood damage; and
   (iii) constructed using methods and practices that minimize flood damage.

(b) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement.

Minimum anchoring requirements shall be those established by chapter 30.54A SCC.

(2) Utilities.

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(3) Subdivision proposals. All subdivision, short subdivision, binding site plan, planned residential development, or rural cluster subdivision proposals shall:

(a) Be consistent with the need to minimize flood damage;

(b) Have roadways, public utilities, and other facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(c) Have adequate drainage provided to reduce exposure to flood damage; and

(d) Include base flood elevation data.
(4) Watercourse alterations. The flood carrying capacity within altered or relocated portions of any watercourse shall be maintained. Prior to the approval of any alteration or relocation of a watercourse in riverine situations, the department shall notify adjacent communities and the State Department of Ecology, and submit evidence of such notification to FEMA of the proposed development.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

SCC 30.65.120 Floodproofing: specific standards.
In all special flood hazard areas where base elevation data has been provided as set forth in SCC 30.65.100, the following regulations shall apply, in addition to the general regulations of SCC 30.65.110:

(1) All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are permanently affixed to a structure and which may be subject to floodwater damage shall be elevated a minimum of one foot above the base flood elevation or higher (unless within an approved watertight structure).

(2) Residential construction.
   (a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation, except as provided in subsection (c) for residential accessory structures.
   (b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters except as provided in subsection (c) for residential accessory structures. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
      (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
      (ii) the bottom of all openings shall be no higher than one foot above the interior and exterior lowest grades;
      (iii) openings may be equipped with screens, louvers, or other coverings or devices only if they permit the automatic entry and exit of floodwaters.
   (c) New construction and substantial improvement of a residential accessory structure, including but not limited to storage buildings, detached garages, sheds, and small pole buildings, together with attendant utility and sanitary facilities may as an alternative to the provisions of SCC 30.65.120(1) and (2), be wet floodproofed in accordance with the following:
      (i) The structure must have a low potential for structural flood damage and shall not exceed a maximum assessed value for the cost of construction of $25,000. The market value of construction shall be determined by the department in accordance with the valuation procedure utilized in conjunction with the setting of building permit fees;
(ii) Be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage;

(iii) Not be used for human habitation;

(iv) Include adequate hydrostatic flood openings;

(v) Use flood resistant materials below the base flood elevation;

(vi) Must offer minimum resistance to the flow of floodwater (must not be in the floodway);

(vii) Must be anchored to prevent flotation, collapse or lateral movement; and

(viii) Must have elevated all electrical, plumbing and heating equipment one foot above the base flood elevation.

(d) Wet floodproofing will trigger higher flood insurance premiums.

(3) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that any portion of a structure below a minimum of one foot elevation above base flood level is watertight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Must also comply with SCC 30.65.120(2)(b).

(4) Agricultural construction. New construction and substantial improvement of any agricultural structure except farmhouses and farmhouse mobile homes which are regulated by SCC 30.65.120(2) above shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation; and meet the floodproofing requirements of SCC 30.65.120(3). In the alternative, new construction and substantial improvement of any agricultural structure shall, together with attendant utility and sanitary facilities:

(a) Have a low potential for structural flood damage; and shall not exceed a maximum assessed value for the cost of construction of $65,000. The market value of construction shall be determined by the department in accordance with the valuation procedure utilized in conjunction with the setting of building permit fees; and

(b) Be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage;

(c) Not be used for human habitation;

(d) Include adequate hydrostatic flood openings;

(e) Use flood resistant materials below the base flood elevations;

(f) Must offer minimum resistance to the flow of floodwater (i.e. must not be in the floodway);

(g) Must be anchored to prevent flotation, collapse or lateral movement;

(h) Must have elevated all electrical, plumbing and heating equipment one foot above the base flood elevations; and
(i) Be subject to higher flood insurance premiums associated with wet floodproofing.

(5) Mobile homes.

(a) Installation of mobile homes and substantial improvements to mobile homes shall be elevated on a permanent foundation and shall be securely anchored to an adequately anchored foundation system in accordance with SCC 30.65.110(1)(b) to resist flotation, collapse and lateral movement, and shall have the lowest floor elevated a minimum of one foot above the base flood elevation.

(6) Critical facilities as defined in SCC 30.91C.360 shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood plain shall be provided to all critical facilities to the extent possible.

(7) Recreational vehicles, when otherwise permitted by county code, shall

(a) Be on the site for fewer than 180 consecutive days; and

(b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; and

(c) Be limited in the floodways to day use only (dawn to dusk) during the flood season (October 1 through March 30) with the following exceptions:
   
   (i.) Recreational vehicle use associated with a legally occupied dwelling to accommodate overnight guests for no more than a 21-day period;
   
   (ii.) Temporary overnight use by farm workers on the farm where they are employed subject to SCC 30.22.130(19)(a) and (b) above; and

   (iii.) Subject to SCC 30.22.120(7)(a) and (b), temporary overnight use in a mobile home park which has been in existence continuously since 1970 or before, that provides septic or sewer service, water and other utilities, and that has an RV flood evacuation plan that has been approved and is on file with the Department of Emergency Management and Department of Planning and Development Services.

(8) When fill is permitted to be used as an elevation/floodproofing technique, it shall be designed and installed so that it is properly compacted, sloped and armored to resist potential flood velocities, scouring and erosion during flooding.

(9) Flood hazard permits issued for wet floodproofing of any structure or for elevated structures having enclosures below the elevated structure that are wet floodproofed shall be subject to a standard permit condition prohibiting human habitation. The conditions shall be recorded on title on a form approved by the department.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005; Amended Ord. 07-005, February 21, 2007, Eff date March 4, 2007)
SCC 30.65.130 Elevation and floodproofing certification.
Certification shall be provided to verify that the minimum floodproofing and elevation standards
of SCC 30.65.110 and 30.65.120 flood hazard protection standards have been satisfied.
Certification shall be required only for the new construction or substantial improvement of any
residential, commercial, industrial or non-residential structure located in a special flood hazard
area, except that agricultural structures constructed in accordance with the wet floodproofing
standards of SCC 30.65.120 (4) (a), (b) and (c) shall not require certification. A completed
FEMA elevation certificate form 81-31 shall be required in accordance with National Flood
Insurance Program regulations and standards.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-

SCC 30.65.140 Certification form.
The form of the elevation and floodproofing certificate shall be specified by the department and
shall be generally consistent with that required by FEMA for the administration of the national
flood insurance program.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

SCC 30.65.150 Information to be obtained.
Surveyed existing ground elevations of the four corners of the proposed development shall be
submitted with the plan review application. The elevation or floodproofing certificates shall
verify the following flood hazard protection information:

1. Surveyed existing ground elevations of the four corners of the proposed development; and
2. The actual elevation (in relation to mean sea level) of the lowest floor (including
   basement) of all new or substantially improved structures, and whether or not the structure
   contains a basement; and
3. The actual elevation (in relation to mean sea level) of floodproofing of all new or
   substantially improved floodproofed structures, and that the floodproofing measures utilized
   below the base flood elevation render the structure watertight with walls substantially
   impermeable to the passage of water and have structural components capable of resisting
   hydrostatic and hydrodynamic loads and effects of buoyancy.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-
005, February 21, 2007, Eff date March 4, 2007)
SCC 30.65.160 Certification of responsibility.
The project proponent shall be responsible for providing required certification data to the department prior to the applicable construction inspections specified in the certification form. All elevation data specified in SCC 30.65.150 must be obtained and certified by a registered professional land surveyor. Other floodproofing data specified in SCC 30.65.150 must be obtained and certified by a registered professional engineer or architect. The elevation and floodproofing certification shall be permanently maintained by the department.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005)

SCC 30.65.300 Continuation of nonconforming uses and structures.
Any nonconforming use or nonconforming structure may be continued subject to the provisions of this chapter. The provisions of SCC 30.65.310 through 30.65.340 shall be applied in place of other provisions in chapter 30.28 SCC relating to nonconforming uses and structures.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

SCC 30.65.310 Nonconforming uses.
Nonconforming uses shall not be expanded and may be changed only to other uses which are allowed by this chapter; except that nonsubstantial improvements to the structural portions of nonconforming uses are allowed as provided in SCC 30.65.330 (1).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

SCC 30.65.320 Discontinuance.
If the nonconforming use is discontinued for a period of 12 consecutive months or more, the nonconforming status of the use is terminated and any future use of the land or structures shall be in conformity with the provisions of this chapter. The mere presence of a structure, equipment, or material shall not be deemed to constitute the continuance of a nonconforming use unless the structure, equipment or material is actually being occupied or employed in maintaining such use.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

SCC 30.65.330 Restoration.
(1) Nothing in this shall be deemed to prohibit the restoration of the structural portions of a nonconforming use located outside a designated floodway within six months from the date of its accidental damage by fire, explosion, natural disaster, or act of public enemy; provided that the applicable elevation and/or floodproofing requirements of this title shall be adhered to if the structure is destroyed. A structure shall be considered to be destroyed if the restoration costs exceed 75 percent of the market value; provided further that restoration of nonresidential structures in the floodway shall be allowed when the applicable provisions of SCC 30.65.220 and 30.65.230 are met.

(2) Construction or reconstruction of the structural portions of a nonconforming use pursuant to this section in a special flood hazard area, whether new construction, substantial or nonsubstantial improvements, shall be subject to all applicable provisions of this chapter and chapter 30.43C.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

SCC 30.65.340 Nonconforming structures.

(1) Nonconforming structures may be structurally altered or enlarged and nonconforming structures accidentally damaged or destroyed by fire, explosion, act of God, or act of public enemy may be reconstructed; provided that the degree of nonconformance shall not be increased and the applicable elevation and/or floodproofing requirements of this title shall be observed when proposed construction is a substantial improvement provided further that, construction in the floodway (nonsubstantial and substantial improvements) shall be subject to the limitations of SCC 30.65.220 and 30.65.230.

(2) Nonconforming structures that are also the structural portions of a nonconforming use shall also be subject to the provisions of SCC 30.65.330.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)
Appendix P: Sections of Chapter 30.66B Concurrency and Road Impact Mitigation used in Review

30.66B.005 Purpose and applicability.
   (1) The purpose of this chapter is to ensure that public health, safety and welfare will be preserved by having safe and efficient roads serving new and existing developments.
   (2) The requirements of this chapter apply to all developments and road systems as defined in chapters 30.91D and 30.91R SCC, respectively.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.007 Delegation of Authority by Department of Public Works
With the concurrence of the director, the director of the department of public works may delegate any portion of the authority vested in the department of public works under this chapter relating to development permit processing to the department of planning and development services, if the director of public works determines, in his or her discretion, that the delegation will improve delivery of services in the development permitting process or serve the public health, safety, and welfare. In delegating such authority, the director may reserve the right of final decision.

(Added Ord. 05-116, Nov. 21, 2005, Eff date Dec. 18, 2005)

30.66B.010 Relationship to chapter 30.61 SCC.
   (1) The requirements of this chapter, together with the comprehensive plan, Title 13 SCC, and other development regulations and policies that may be adopted, constitute the basis for review of development and the imposition of mitigation requirements due to the impacts of development on the transportation system.
   (2) Mitigation measures required by this chapter shall constitute adequate mitigation of adverse or significant adverse environmental impacts on the road system for the purposes of chapter 30.61 SCC to the extent that the director determines the specific impacts of the development are adequately addressed by this title in accordance with chapter 30.61 SCC.
   (3) The provisions of this chapter do not limit the ability of the county to impose mitigation requirements for the direct impacts of development on state highways, city streets, or other another county’s roads pursuant to SCC 30.66B.710 and .720.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)
30.66B.015 Development mitigation requirements.
Any application for approval of or a permit for a development shall be reviewed by the department of public works to determine any mitigation requirements that may be applicable for the following:

1. Impact on road system capacity;
2. Impact on specific level-of-service deficiencies;
3. Impact on specific inadequate road condition locations;
4. Frontage improvements requirements;
5. Access and transportation system circulation requirements;
6. Dedication or deeding of right-of-way requirements;
7. Impact on state highways, city streets, and other counties’ roads;
8. Transportation demand management measures; and
9. Impact on highways, roads and/or streets from large trucks generated by mineral operations permitted in accordance with chapter 30.31D SCC

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.020 Pre-submittal conference.
1. Any developer proposing a development that will generate three or more peak hour vehicle trips, is required to attend a pre-submittal conference with the department of public works before submitting the development application, except for those submitting applications for a duplex residential permit on a single lot.
2. The purpose of the pre-submittal conference is to review the traffic related aspects of the development proposal, to determine if a traffic study is necessary, and to ensure that the application is submitted with adequate information for the review process.
3. The department of public works shall determine at the pre-submittal conference the need for a study and the scope of analysis of any study required.
4. The transportation service area (TSA) in which a development is located will be determined at the pre-submittal conference. The department of public works will determine the transportation service area of developments that straddle a boundary, are physically adjacent to another transportation service area, or which generate the greatest traffic impacts in an adjacent TSA. The department of public works may change such determination upon review of the initial application.
5. The determinations made by the department of public works at the pre-submittal conference shall be shown on a scoping sheet that will be signed by the department of public works and the applicant or their representatives. The scoping sheet shall remain valid for 90 days after signature. A valid scoping sheet must accompany any application for a development generating three or more peak-hour trips.
(6) A developer may choose to provide only trip generation or trip distribution with the initial application and leave the full scope of traffic impact analysis to be determined by the department of public works during its preliminary review of the application. In such cases, the department of public works will recommend in its first written traffic-related comments to the department of planning and development services, a requirement for additional traffic analysis to be provided by a traffic consultant approved by the department of public works and paid for by the developer.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.025 Completeness determination.
A development application shall not be considered complete until all traffic studies or data required in accordance with SCC 30.66B.035 or required as a result of the pre-submittal conference of SCC 30.66B.020 are received.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.030 Identification of other agencies with jurisdiction.
The developer is responsible for identifying all agencies that may have jurisdiction and all permits and approvals required for the proposed development. To the extent known by the department of public works, agencies of local, state, or federal governments that may have jurisdiction over the development or permits necessary for development approval related to transportation will be identified at the pre-submittal conference or in the notification regarding application completeness. Where there are changes in the development that result in the need for review by other jurisdictions or require additional permits or approvals regarding transportation, the department of public works will, to the extent known, identify those agencies that have jurisdiction in a supplemental notification to the developer. The department will cooperate with the Washington State Department of Transportation (WSDOT), cities, and other agencies concerning identification of necessary access permits, approvals, developer agreements, or other conditions related to transportation. Transportation-related permits and approvals may include, but are not limited to, WSDOT access permits, other city or county access permits, WSDOT public road/state route intersection approvals, railroad grade crossing or signalization approvals, or public utility easement crossing approvals.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.035 Traffic study- when required.
(1) A development adding more than fifty peak-hour trips shall be required to provide a traffic study to enable the department of public works to make a concurrency determination in accordance with SCC 30.66B.125, unless the department determines at the pre-submittal conference that a study is not required.

(2) Applicants for mineral operations submitted in accordance with chapter 30.31D SCC shall be required to provide a traffic study to enable the department of public works to analyze and assess appropriate mitigation for impacts to the road system resulting from the activity.

(3) A traffic study may be required of a developer to analyze a potential inadequate road condition pursuant to SCC 30.66B.210.

(4) A developer shall provide a traffic study for developments that add three or more peak-hour trips when the department of public works determines there is a need for additional information on:
   (a) Impacts of the development on any arterial units in arrears and/or designated ultimate capacity arterial units;
   (b) A development’s traffic distribution;
   (c) A possible inadequate road condition;
   (d) Adequacy of any road system impact fee required pursuant to this chapter, in representing reasonable and/or adequate mitigation for that particular development; or
   (e) A suspected traffic impact that may warrant mitigation beyond that provided through the road system impact fee payment system.

(5) The traffic study will consist of at least a traffic generation and distribution analysis but may be as extensive as analyzing all arterial units on the road system wherever three or more peak-hour trips from the development are added.

(6) A traffic study or other additional information may be required as a result of changes in the development proposal.

(7) The director of public works may waive the requirement for a traffic study and so state the finding in the pre-submittal conference-scoping sheet, if the director finds there is sufficient information known about a development’s road system from previous traffic studies. In such cases, the existing information will be used to establish any necessary traffic mitigation requirements to be recommended in the review of the development.

(8) Developments impacting roads under the jurisdiction of the WSDOT, a city or another county, shall provide a traffic study to address impacts of the development, as may be required in an interlocal agreement pursuant to SCC 30.61.230(6) with the WSDOT, city or other county.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 31, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.66B.040 Traffic study- author’s qualifications.
Traffic studies shall be conducted under the direction of a responsible individual or firm acceptable to the director of public works. More complex studies requiring expert analysis and opinion beyond the compilation of available data shall be conducted by an engineer licensed to practice in the state of Washington with special training and experience in traffic engineering and, preferably, membership in the institute of transportation engineers (ITE). The developer shall provide to the director of public works the credentials of the individuals selected to perform traffic studies certifying compliance with the foregoing.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.045 Review of traffic study.
The director of public works shall review any required traffic study for accuracy and proper methodology and may use the study’s conclusions in arriving at the department’s recommendation under 30.66B.050. Additional information or actual traffic counts may be requested to verify traffic study conclusions or traffic analysis.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.050 Director of public works’ recommendation on approval of development.
(1) The director of public works shall only recommend approval of a development if, in the director’s opinion, adequate provisions for public roads, access, and mitigation of the transportation impacts of the development are made as provided in the county’s development regulations, SEPA, and this chapter.

(2) The director of public works shall only recommend approval of a development if the development is determined concurrent in accordance with this chapter.

(3) In approving or permitting a development, the approving authority shall consider the director of public works’ recommendations and act in conformity with this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.055 Imposition of mitigation requirements.
(1) The county shall impose mitigation required under this chapter as a condition of approval of development.

(2) Mitigation imposed as a condition of approval shall expire on the expiration date of the concurrency determination for a development. Any building permit application submitted after the concurrency expiration date shall be subject to full reinvestigation of traffic impacts under this chapter before the building permit can be issued. Determination of new or additional impact mitigation measures shall take into consideration, and may allow credit for, mitigation measures
fully accomplished in connection with the prior approval when those mitigation measures addressed impacts of the current building permit application.

(3) The director of public works, following review of any required traffic study and any other pertinent data, shall inform the developer in writing of the mitigation required pursuant to this chapter.

(4) If a development proposes transportation demand management measures or measures to mitigate impacts on roads under the jurisdiction of another agency, the applicant must provide a written proposal to the department of public works describing those measures. The director of public works shall review the developer’s proposal and provide a recommendation of approval or denial of the development application to the department as required by SCC 30.66B.050, based on the requirements of this chapter. If the developer has not submitted a written proposal by the time the department of public works makes its written recommendation on the case to the department, the director of public works will recommend denial.

(5) Required mitigation measures shall be binding on the real property that is legally described in the development application and administered in accordance with the provisions of SCC 30.66B.070.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-127, Nov. 5, 2003, Eff date Nov. 17, 2003 *see Code Reviser Note at beginning of Chapter)

30.66B.057 Review of duplex residential building permit applications.

(1) A duplex residential building permit for a lot for which necessary mitigation as required by this chapter was not provided at the time of lot creation, will be issued by the director only after appropriate mitigation is provided in conformance with this chapter.

(2) The director of public works is not required to review duplex residential building applications. Application forms for all duplex residential building permits shall be accompanied by a statement that development of every lot in the county with a new duplex residence will have an impact on the road system that must be mitigated. The statement shall outline the options available to the developer for providing necessary mitigation as required by this chapter. An applicant shall inform the department of the applicant’s mitigation choice at the time of permit issuance.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.060 Authority to deny development—excessive expenditure of public funds.

If the location, nature, or timing of a proposed development necessitates the expenditure of public funds in excess of those currently available for the necessary road improvement or
inconsistent with priorities established to serve the general public benefit, and provision has not otherwise been made to meet the mitigation requirements as provided in this chapter, the county may deny the permit for the development. As an alternative, the county may allow the developer to alter the proposal so that the need for road improvement is lessened or may provide the developer with the option of bearing all or more than the development’s proportionate share of the required road improvement costs.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.065 Authority to withhold or condition administrative permits or approvals.
The director shall have discretion under this chapter to refuse to issue an administrative permit or approval when applicable provisions of this chapter have not been met. The director may condition issuance of a certificate of occupancy or final inspection approval of any administrative permit or approval upon compliance with this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.070 Record of development obligations.

(1) Satisfaction of development obligations is required as a pre-condition to development approval, unless the development obligation is deferred to issuance of subsequent building permit necessary to initiate the development.

(a) For subdivisions and short-subdivisions, any development obligations that will be deferred to the building permit stage will be recorded on the final plat. All development obligations related to subdivisions and short-subdivisions that are not deferred to building permit issuance shall be satisfied prior to the recording of the final plat.

(b) For all development other than subdivisions and short-subdivisions in which satisfaction of development obligations is deferred, the record of development obligations shall be recorded on the title of the property on which the development is located.

(2) The form of the record of development obligations shall be as follows:

(a) For all developers required as a condition of approval under this chapter to meet transportation demand management requirements, or to mitigate impacts on roads under the jurisdiction of another agency, the record of development obligations shall state the measures proposed by the developer pursuant to SCC 30.66B.055(4).

(b) For developers choosing to construct offsite improvements to satisfy a transportation impact mitigation obligation of a development, the record of development obligations shall describe the offsite improvements to be constructed by the developer.

(c) For all developments required as a condition of approval to pay a road system impact fee under the authority provided to the county under RCW 82.02.050(2), the document stating the mitigation requirements imposed shall be a record of development obligations.
(d) The record of development obligation shall document the concurrency determination for the development including the concurrency determination date, the concurrency expiration date, and any conditions that have to be satisfied by the developer prior to building permit issuance.

(3) Where the developer is not the legal owner of the property on which the development is proposed, the legal owner shall sign a statement agreeing that the mitigation measures imposed will be binding on the real property and will run with the land until the development approval has expired or the obligations contained within the document or agreement have been fulfilled. The statement shall be attached to the record of development obligations.

(4) The record of development obligations shall contain, as appropriate, a complete legal description of the real property which is the subject of the development, an adequate description of the mitigation measures, the development and/or road system events triggering subsequent phases or parts of the mitigation measures, and notice to subsequent purchasers of the mitigation obligations related to development of the property. The continued validity of the development permit approval shall be conditioned upon adequate compliance with terms and conditions of the mitigation measures and the written agreement.

(5) Voluntary agreements and records of development obligations shall be recorded as a precondition to approval of conditional and administrative conditional use permits, and rezone applications accompanied by an official site plan, or at the time of recording for binding site plans for nonresidential use. If the development is a subdivision or short subdivision for nonresidential use, voluntary agreements and records of development obligations shall be recorded prior to or at the time of recording.

(6) Voluntary agreements and records of development obligations will be released from the title of the property on which the development is proposed upon request to the director of public works once the development approval has expired or the obligations contained within the document or agreement have been fulfilled.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-127, Nov. 5, 2003, Eff date Nov. 17, 2003*see Code Reviser Note at beginning of Chapter); Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

Former 30.66B.075 Revision of development following approval.
Followling approval of the development, any request to revise the proposed development which causes an increase in the traffic generated by the development, or changes a point of access, shall be considered a major revision of the development, and shall be processed in the same manner as an original application, except when specifically provided otherwise by this title or when the director of public works finds that the revision is minor and may be administratively approved.
30.66B.080 Authorization for administrative rules.
The director of public works is hereby authorized to adopt administrative rules pursuant to chapter 30.82 SCC to administer this chapter. The administrative rules shall set forth any necessary procedural requirements for developers to follow to allow efficient processing of development applications. The director of public works shall adopt administrative rules on at least the following topics:

1. Traffic studies: scope, format, required elements, processing and review in accordance with sound transportation engineering and planning principles;
2. Level-of-service determination: methodology, data collection, forecasting;
3. Transit compatibility: transit supportive criteria for arterials, compatibility of development;
4. Inadequate road conditions: criteria for identification;
5. Frontage improvements: standards, variables;
6. Mitigation measures: extent, timing, and agreements;
7. Master road improvement programs: processing;
8. Transportation demand management (TDM) for developments;
9. Review of applications for mineral operations submitted in accordance with chapter 30.31D SCC generating significant numbers of large trucks including traffic study requirements, impact analysis, and mitigation requirements;
10. Ultimate capacity designations consistent with SCC 30.66B.110; and
11. Concurrency requirements for certain public facilities needed to support residential development.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006; Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.085 Transportation needs report.
The director is authorized to adopt and update a transportation needs report based on and consistent with the transportation element and capital facilities element of the comprehensive plan. The purpose of the transportation needs report is to quantify the continuing need for road improvements on the road system anticipated by projected growth. The transportation needs report shall be used in evaluating the traffic impact of developments and determining the road system impact fee cost basis.
30.66B.100 Level-of-service standards.

(1) The county has adopted level of service standards for county arterials in the comprehensive plan. The department of public works will plan, program, and construct transportation system capacity improvements for the purpose of maintaining these adopted level-of-service standards in order to facilitate new development that is consistent with the comprehensive plan.

(2) The minimum level-of-service standards are established in the transportation element of the county comprehensive plan and are set forth in SCC 30.66B.101 and SCC 30.66B.102. The determination of whether or not an arterial unit meets the adopted level-of-service standards is as follows:

(a) First, using the level-of-service standard based on average daily trips (ADT) adopted in SCC 30.66B.101, weekday, two-way, 24-hour volumes are used to measure ADT, consistent with department of public works rules establishing details on the methodology, frequency and validity of traffic counts. ADT thresholds, set forth in SCC 30.66B.101, vary by urban/rural classification, number of lanes and whether or not arterial units have been designated as ultimate capacity pursuant to SCC 30.66B.110. If the ADT on an arterial does not exceed the threshold identified in SCC 30.66B.101, the arterial unit meets the county’s standard.

(b) If the ADT on an arterial unit exceeds the threshold identified in SCC 30.66B.101, the average travel speed is evaluated. If the average travel speed on the arterial unit falls below the appropriate threshold identified in SCC 30.66B.102, then the level of service on the arterial unit does not meet the county’s standard.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.101 Transportation Level of Service Standard: Average Daily Trip (ADT) Thresholds
### Thresholds Measured as Number of Average Daily Trips (ADT)

<table>
<thead>
<tr>
<th>Number of Lanes</th>
<th>Rural</th>
<th>Urban</th>
<th>Rural</th>
<th>Urban</th>
</tr>
</thead>
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<tr>
<td>2</td>
<td>4,000</td>
<td>7,000</td>
<td>18,000</td>
<td>22,000</td>
</tr>
<tr>
<td>3</td>
<td>5,000</td>
<td>9,000</td>
<td>27,000</td>
<td>33,000</td>
</tr>
<tr>
<td>4</td>
<td>7,000</td>
<td>12,000</td>
<td>36,000</td>
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</tr>
<tr>
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</tr>
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</tbody>
</table>

(Added Amended Ord. [05-092](#), December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. [09-004](#), Mar. 4, 2009, Eff date March 27, 2009)

### 30.66B.102 Transportation Level-of Service Standards: Average Travel Speed

<table>
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<tr>
<th>Rural/Urban Arterial Unit Classification</th>
<th>Transit Compatibility (1) and Qualifying Public Facilities (2)</th>
<th>Average Travel Speed Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural</td>
<td>No</td>
<td>C (3)</td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>D (3)</td>
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<tr>
<td>Urban</td>
<td>No</td>
<td>E (4)</td>
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<tr>
<td></td>
<td>Yes</td>
<td>Five (5) miles per hour less than E (5)</td>
</tr>
</tbody>
</table>

Note: The reference notes in this table (1-5) are set forth in SCC [30.66B.103](#) (1-5)

(Added Amended Ord. [05-092](#), December 21, 2005, Eff date Feb. 1, 2006)

### 30.66B.103 Reference Notes for SCC 30.66B.102
(1) Transit compatibility minimum criteria are established by department of public works rules in accordance with SCC 30.66B.080 and are to include such factors as frequency of bus service and availability of pedestrian facilities.

(2) The lower travel speed standard applies to certain public facilities needed to support residential development. Public developments which use the lower travel speed standard to achieve concurrency shall provide additional road mitigation in the form of transit compatibility or transportation demand management (TDM) in accordance with SCC 30.66B.166. The determination of whether or not a proposed development qualifies for the lower travel speed standard shall be based upon the following criteria with additional specificity provided by department of public works rules.

   (a) The development proposed by the public agency is needed to support residential development that is already constructed, approved or deemed concurrent, and
   (b) the public agency submitting the application for development is directed by a publicly elected official or board, and
   (c) the location of the agency’s facility is constrained by established legal or public districts, and
   (d) siting the development in the proposed location would provide a legitimate public benefit to the occupants of the residential areas.

(3) The letter grades for roads classified as rural correspond to varying travel speeds, depending on the length of the specific arterial unit and the number of controlled intersections. The method used to determine the thresholds is established by department of public works rules in accordance with SCC 30.66B.080 based on the principles of the Highway Capacity Manual published by the Transportation Research Board.

(4) The letter grades for roads classified as urban correspond to varying travel speeds as established in the Highway Capacity Manual and depend on characteristics of the arterial.

(5) For urban roads that are transit compatible, Snohomish County applies a five (5) mph reduction to the average travel speed minimums for urban arterials.

(Added Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.110 Designation of ultimate capacity.

(1) When the county council determines that excessive expenditure of public funds is not warranted for the purpose of making further improvements on certain arterial units, the county council may designate, by motion, following a public hearing, such arterial unit as being at ultimate capacity.

   (a) Designation of ultimate capacity shall include a commitment by the county to complete an access management and circulation plan for the arterial unit and a commitment by the county for specific, additional road improvements, transportation system management (TSM) actions, access management improvements, and/or transportation demand management (TDM) actions for the purpose of improving efficiency, preserving roadway capacity, and improving

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operations. In addition, any known improvements needed to address safety issues must be identified in conjunction with such ultimate capacity designation.

(b) The designation of an arterial unit at ultimate capacity by the county council will be initiated by an engineer’s report and written recommendation from the director of public works evaluating whether or not a given arterial unit is a candidate for ultimate capacity based on the criteria in SCC 30.66B.110(2) and related rules adopted by the Department.

(c) "Arterial Unit," under this section, shall mean the existing facility plus any improvements which are fully funded and programmed for construction within six years.

(d) The recommendation by public works and the designation by the county council must identify the specific growth management objective(s) that support(s) the designation of ultimate capacity for that particular arterial unit.

(2) A recommendation of ultimate capacity by public works and a designation by the county council of ultimate capacity may be appropriate if one or more of the following conditions are met for a particular arterial unit:

(a) The total number of vehicle lanes is consistent with the adopted transportation element of the county comprehensive plan and the facility meets the standards of the Engineering Design and Development Standards (EDDS); or

(b) The number of general-purpose travel lanes (excluding turn lanes) is consistent with the adopted transportation element, appropriate improvements are made at key intersections to provide for efficient traffic flow, adequate provisions are made to accommodate pedestrian and bicycle demand, and there are physical, environmental, existing structures or other constraints that preclude additional cost effective improvements; or

(c) The county arterial is experiencing a decrease in level of service, the source of which is attributable to another agency’s transportation facility, the conditions of subsection (2)(b) above are all met, and the county section of road approaching the other agency’s facility meets the standards of the EDDS, the number of lanes on the county approach is consistent with the adopted transportation element, additional left-turn or right-turn lanes are provided on the county approach to maximize efficiency on the county approach and where appropriate to match the ultimate lane configuration of the other agency’s transportation facility, and the length of turn lanes on the county approach is designed to accommodate forecast demand.

(3) Developments impacting arterial units designated as ultimate capacity will be required to provide additional mitigation pursuant to SCC 30.66B.160(2)(c) for the purpose of improving efficiency, preserving roadway capacity, and improving operations.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.120 Concurrency determination- required.

(1) The department of public works shall make a concurrency determination for each development application to ensure that the development will not impact a county arterial unit in...
arrears. The approving authority shall not approve any development that is not determined concurrent under this chapter.

(2) A concurrency determination shall state
   (a) When the concurrency determination was made (the concurrency determination date),
   (b) Whether the concurrency determination is conditioned upon satisfaction of specific conditions, and
   (c) The expiration date of the concurrency determination (the "concurrency expiration date").

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-127, Nov. 5, 2003, Eff date Nov. 17, 2003*see Code Reviser Note at beginning of Chapter)

30.66B.125 Concurrency determination- process.

(1) The department of public works shall make a concurrency determination following receipt of a development application and review of appropriate traffic data. Forecasts used in making concurrency determinations shall be in accordance with SCC 30.66B.145. The department of public works will include a concurrency determination in its first written traffic-related comments to the department following receipt of the application or receipt of other required information or analysis.

(2) In its concurrency determination, the department of public works shall find that, at the time of the determination, the development is concurrent, the development is not concurrent, or that additional information is needed to determine whether or not the development is concurrent. The department of public works will document in writing the methodology and information used in making the concurrency determination.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.130 Concurrency determination- methodology.

(1) In determining whether or not a proposed development is concurrent, the department of public works shall analyze likely road system impacts on arterial units based on the size and location of the development.

(2) A concurrency determination is based on an evaluation of road system impacts for a proposed development within the boundaries of the development’s transportation service area. The evaluation will identify the development’s impacts on any arterial unit in arrears as specified in SCC 30.66B.160, or any arterial unit designated at ultimate capacity.

(3) A development’s forecast trip generation at full occupancy shall be the basis for determining the impacts of the development on the road system. The department of public works will accept valid data from a traffic study prepared pursuant to this chapter or will use the latest

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edition of the ITE Trip Generation report published by the Institute of Transportation Engineers. Adjustments will be made for trip reduction credits approved under SCC 30.66B.640 - .650.

(4) If a development is proposed within a transportation service area that contains no arterial units in arrears and/or designated ultimate capacity arterial units, then the development shall be determined to be concurrent, except that if the development generates more than fifty peak-hour trips, the requirements of SCC 30.66B.035 shall also apply.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.135 Development deemed concurrent.
The following development shall be deemed concurrent:

(1) Any development that has a valid pre-application concurrency approval pursuant to SCC 30.66B.175; and

(2) Building permit applications for development within an approved binding site plan, rezone accompanied by an official site plan, nonresidential subdivision or short subdivision for which a concurrency determination has already been made in accordance with this chapter if the following are met:

(a) The concurrency determination for the development approval has not expired;
(b) The building permit will not cause the approved traffic generation of the prior approval to be exceeded;
(c) There is no change in points of access; and
(d) Mitigation required pursuant to the previous development approval is performed as a condition of building permit issuance.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-127, Nov. 5, 2003, Eff date Nov. 17, 2003*see Code Reviser Note at beginning of Chapter; Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.145 Concurrency determination-forecasting level-of-service.

(1) An inventory of developments that have been determined concurrent, also referred to as "developments in the pipeline," will be used to estimate future traffic volumes for forecasting future level-of-service conditions. This inventory will be established and maintained by the department of public works in accordance with the department’s administrative rules. Developments in the pipeline will also include developments given pre-application concurrency approval pursuant to SCC 30.66B.175.

(a) The department of public works shall use the inventory of developments in the pipeline when conducting analysis to determine whether an arterial unit is in arrears. Inventories or estimates shall be in accordance with the department of public works’ administrative rules.
(b) A developer may be required to provide a forecast of future level-of-service conditions to the department of public works for purposes of making a concurrency determination on a proposed development. When required to provide a forecast, the developer shall use the inventory of developments in the pipeline, as established and maintained by the department of public works, when providing a forecast of future level-of-service conditions to the department. The inventory of developments in the pipeline used for making a concurrency determination on a proposed development shall not include any development that has been deemed concurrent subsequent to the proposed development.

(2) Estimates of future traffic volumes used for purposes of making level-of-service forecasts for concurrency determinations shall consist of the sum of the following: the current traffic volumes, the additional traffic volume that will be generated by the proposed development, and the additional traffic volume that will be generated by other developments in the pipeline.

(a) Estimates of current traffic volumes will be based on recent counts acceptable to the department of public works. The department of public works will provide them when available. When acceptable counts are not available, the applicant must provide them. The department of public works may specify by administrative rule the methodology for performing traffic counts of current traffic volumes.

(b) Additional traffic volume that will be generated by the proposed development will be based on the development’s forecast trip generation at full occupancy, in accordance with SCC 30.66B.130(3).

(c) The following shall apply to forecasting additional traffic volume that will be generated by the inventory of developments in the pipeline:

   (i) the inventory of developments in the pipeline shall not include developments that have been deemed concurrent subsequent to the proposed development;

   (ii) estimates of additional traffic volume that will be generated by the inventory of developments in the pipeline will include, at minimum, residential developments generating seven (7) or more peak-hour trips and commercial developments generating five (5) or more peak-hour trips that have been determined concurrent based on the department’s concurrency determination;

   (iii) the department may, in its discretion, determine that certain developments in the pipeline should not be included in the inventory. The department may exclude a development, or part of a development, in the pipeline based on a factual demonstration by the applicant that one or more of the following is applicable:

      (A) a development is not going to be constructed;
      (B) a development is not going to be approved; or
      (C) a development was already occupied at the time the current traffic volumes were counted; and

   (iv) a threshold of three AM and/or PM peak-hour trips will be used for trip distributions.
(d) The department of public works will provide the applicant with the information in the department’s inventory of developments in the pipeline and the number of trips added to the individual traffic movements at the intersections on the identified arterial units.  

(e) The department of public works will identify the arterial unit(s) for which an applicant must make estimates of future traffic volumes and specify the methodology for level-of-service forecasts used by the applicant in forecasting level of service from the estimates of future traffic volumes. Estimates of future traffic volumes may be required of the applicant for weekday a.m. and p.m. peak hour vehicle trips for any traffic movements on any intersection located on the identified arterial unit(s) including termini.  

(f) Forecasts will analyze traffic impacts for arterial units in the development’s road system for the "forecast year" (i.e., the year of the proposed expiration date of the development’s concurrency determination).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-127, Nov. 5, 2003, Eff date Nov. 17, 2003*see Code Reviser Note at beginning of Chapter)

30.66B.150 Changes to concurrency determination.  

(1) A concurrency determination made pursuant to this chapter may be changed only if one or more of the following occurs:

(a) The applicant proposes substantial transportation-related changes to the development proposal prior to the final approval that would cause the approved traffic generation of the prior approval to be exceeded, change points of access or circulation, change mitigation measures relating to the transportation system, or increase traffic volumes on any arterial units;  

(b) The determination was based on phasing and the applicant proposes changes to the development proposal prior to the final approval that would move up the occupancy dates for all or part of the development to earlier phases;  

(c) The concurrency determination was procured by misrepresentation or lack of material disclosure or the data and/or analysis upon which the concurrency determination was made are found to have gross material errors and/or misrepresent the existing or future road system or the development’s impact on that road system;  

(d) More than one year has elapsed since the concurrency determination and the SEPA threshold determination for the development has not been made; or  

(e) The developer proposes a change in the development after approval.

(2) Any development requiring an additional concurrency determination pursuant to SCC 30.66B.150(1) due to a change to the development or at the request of a developer will be subject to an additional review fee at the rate identified as the base review fee in SCC 13.110.030.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)
30.66B.155 Concurrency determination- expiration.

(1) The concurrency expiration date for a development shall be six years after the concurrency determination date, except

(a) When it is determined by the director of public works that an earlier concurrency expiration date should be established due to the impact of the development on level-of-service conditions;

(b) When a later concurrency expiration date is established in accordance with SCC 30.66B.810; and

(c) The concurrency expiration date for a binding site plan may, at the request of the applicant, be established as the date of the latest certificate of occupancy for the development as proposed by the applicant, provided that the same or later date is used for the forecast year in the traffic study for determining impacts on level-of-service in accordance with SCC 30.66B.145.

(2) The concurrency expiration date shall be based upon the size of the development, the level of service of impacted arterial units, and shall be consistent with the level-of-service standards and revenue/expenditure forecast adopted in the comprehensive plan.

(3) Building permits for a development must be issued prior to expiration of the concurrency determination for the development, except when

(a) The development is a residential subdivision or short-subdivision, in which case the subdivision or short-subdivision must receive preliminary approval prior to expiration of the concurrency determination, or

(b) The development is a residential development which requires site plan approval, in which case the site approval must be issued prior to expiration of the concurrency determination, or

(c) The development is a conditional or administrative conditional use permit with no associated building permits, in which case the conditional or administrative conditional use permit must be issued prior to expiration of the concurrency determination for the development.

(4) No additional concurrency determination is required for residential dwellings within a subdivision or short subdivision that receives preliminary approval in compliance with this section.

(5) If a concurrency determination expires, or within one year will expire, the director of public works shall, at the request of the developer, consider evidence that conditions have not significantly changed, make a new concurrency determination, and may establish a new concurrency expiration date in accordance with this section. If the concurrency determination for a binding site plan has expired, subsequent building permit applications for development within the binding site plan will be evaluated for concurrency as stand-alone development applications in accordance with SCC 30.66B.100 - .185.

(6) A concurrency determination is tied to the development application upon which the determination is made, cannot be transferred to another development application, and always expires in cases in which the underlying development application expires.
30.66B.160 Concurrency determination- arterial unit in arrears or at ultimate capacity.

(1) If a development is proposed within a transportation service area which contains one or more arterial units in arrears and/or designated ultimate capacity arterial units, then the development may only be determined to be concurrent based on a trip distribution to determine the impacts of the development. The director of public works shall not determine concurrent any development generating more than fifty peak-hour trips which would likely impact an arterial unit in arrears or likely cause any arterial unit to fall into arrears, except when the developer proposes to remedy any arterial unit in arrears in accordance with SCC 30.66B.167.

(2) Impacts shall be determined based on each of the following:

(a) If the trip distribution indicates that the development will not place three or more peak-hour trips on any arterial units in arrears and/or designated ultimate capacity arterial units, then the development shall be deemed concurrent;

(b) If the trip distribution indicates that the development will place three or more peak-hour trips on any arterial unit in arrears, then the development shall not be determined concurrent except in accordance with SCC 30.66B.167;

(c) If the trip distribution indicates that the development will place three or more peak-hour trips on any designated ultimate capacity arterial unit, then the development shall be determined concurrent only if the development proposes to mitigate its road system impact by making access management and circulation provisions for the arterial unit consistent with any access management and circulation plan adopted pursuant to SCC 30.66B.110(1)(a) and will be required to provide additional mitigation through either of the following:

(i) by providing sufficient transportation demand management (TDM) measures under SCC 30.66B.610-.650 to indicate the potential for removing a minimum of ten percent of the development’s peak-hour trips from the road system; or

(ii) by meeting the department of public works’ criteria for transit compatibility in accordance with the director of public works’ administrative rules, provided that under this option the impacted ultimate capacity arterial unit must also meet the criteria for transit supportive design.

(d) If the trip distribution indicates that the development will place three or more peak-hour trips on any designated ultimate capacity arterial unit that directly connects a state highway with a city, and there is an interlocal agreement as specified in 30.61.230(6) between the county and the city addressing the designated ultimate capacity arterial unit, then the development shall be determined concurrent only if proposed mitigation is consistent with the terms of the interlocal agreement. If there is no interlocal agreement between the county and the city addressing the designated ultimate capacity arterial unit, then this requirement shall not apply.
30.66B.165 Arterial unit in arrears- special circumstances.
Where the only remedy to an arterial unit in arrears is the installation of a traffic signal, but signalization warrants contained in the current edition of the manual on uniform traffic control devices are not met at present, developments impacting the arterial unit will be allowed to proceed without the installation of the traffic signal; PROVIDED, That all other warranted level-of-service and transit related improvements are made on the arterial unit with the deficient level-of-service. Developments impacting such arterial units will not be issued building permits until the improvements (not including the traffic signal) to the level-of-service deficient arterial unit are under contract or being performed. Such developments will still be subject to all other obligations as specified in this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.166 Public Facilities Supporting Residential Development Deemed Concurrent Pursuant to SCC 30.66B.103(2)
(1) If a public facility needed to support residential development is deemed concurrent pursuant to SCC 30.66B.103(2), then the development will be required as a condition of approval to take measures to increase the efficiency of the existing road system and preserve capacity by either:
   (a) providing sufficient transportation demand management (TDM) measures under SCC 30.66B.610-.650 to indicate the potential for removing a minimum of ten percent of the development’s peak-hour trips from the road system, or
   (b) by meeting the adopted criteria for a transit compatible development in accordance with the director of public works’ administrative rules, provided that under this option the impacted arterial unit must meet the adopted criteria for transit supportive design.

(Added Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.167 Concurrency determination- options when a development is not concurrent.
Any development determined not to be concurrent shall have the following options available:
   (1) A development which meets the department’s criteria for transit compatibility, shall be determined concurrent
(a) If the impacted arterial unit in arrears meets the criteria for transit supportive design in accordance with the director of public works’ administrative rule developed pursuant to SCC 30.66B.080;

(b) If the level of service on the impacted arterial unit in arrears meets the LOS standards adopted within the comprehensive plan, and

(c) The development can otherwise be determined to be concurrent in accordance with SCC 30.66B.160.

2 A development may modify its proposal to lessen its impacts on the road system in such a way as to allow the director of public works to determine the development concurrent. Any modification of the proposal must be submitted in writing to the department of public works. The director of public works will review the modified proposal and make a new concurrency determination pursuant to SCC 30.66B.150. If determined concurrent, the department of public works will attach the new concurrency determination to its recommendation made pursuant to SCC 30.66B.050, and recommend any of the following conditions proposed by the developer:

(a) Deferral of construction of all or identified subsequent phases of a development until such time as the county has a financial commitment for or has made capacity improvements which would remedy any arterial unit in arrears; or

(b) Deferral of construction of all or identified subsequent phases of a development until such time as the developer constructs capacity improvements which would remedy any arterial unit in arrears. To propose this condition, the developer must demonstrate compliance with SCC 30.66B.170.

(3) The developer may request through the docketing process established in chapter 30.74 SCC an amendment to the comprehensive plan to allow for lower density development, if a lower density would allow the development to achieve concurrency.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-022, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.66B.170 Arterial unit in arrears or inadequate road conditions- developer constructed improvements.

1 If a developer chooses to mitigate the development’s impact by constructing offsite road improvements to remedy the arterial unit in arrears or inadequate road condition, the developer must investigate the impact, identify improvements, and offer a construction plan to the director for construction of the offsite improvements. Construction of improvements shall be in accordance with the EDDS and the procedures of Title 13 SCC.

2 In cases where two or more developers have agreed to fully fund a certain improvement, the developers must supply the department of public works with a written agreement, binding on each development as a condition of approval. The agreement shall address the proportionate share of the cost that each developer will bear and the timing of construction of the improvements.
(3) Any developer who volunteers to construct offsite improvements which are part of the cost basis of any impact fee imposed pursuant to this chapter will have the value of those improvements, as determined in the cost basis contained in the transportation needs report, credited against the impact fee. If the value of the offsite improvement is greater than the amount of the impact fee imposed, the developer may apply for a latecomer’s agreement under the provisions of chapter 13.95 SCC or propose the establishment of a road improvement district (RID) under the provisions of chapter 13.140 SCC.

(4) Any developer who volunteers to construct offsite improvements which are not part of the cost basis of any impact fee imposed pursuant to this chapter may apply for a latecomer’s agreement under the provisions of chapter 13.95 SCC or propose establishment of a road improvement district (RID) under the provisions of chapter 13.140 SCC.

(5) Any developer who chooses to mitigate a development’s impact by constructing offsite improvements may propose to the director of public works that a joint public/private partnership be established to jointly fund and/or construct the proposed improvements. The director of public works will determine whether or not such a partnership is to be established.

(6) Construction of capacity improvements under this section must be complete or under contract prior to the issuance of any building permits and must be complete prior to approval for occupancy or final inspection; PROVIDED, That where no building permit will be associated with a conditional or administrative conditional use permit, then construction of improvements is required as a precondition to approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.175 Optional pre-application concurrency evaluation.

(1) Prior to submitting an application, any developer may request a pre-application concurrency decision in accordance with the requirements of this section. All requirements of this chapter applicable to pre-submittal conferences shall apply to pre-application concurrency evaluations, unless expressly excepted in this section.

(2) A request for a pre-application concurrency evaluation must be made to the department of public works in accordance with the following and in the form and manner prescribed by the department. A pre-application concurrency evaluation is a Type 1 decision and shall be processed in accordance with chapter 30.71 SCC, except as otherwise provided in this chapter and SCC 30.66B.180.

(a) The developer must provide the department of public works with a detailed description of the proposed development’s maximum possible impact on the level-of-service of the road system. The information provided must include projected trip generation and trip distribution, as well as site plan information indicating access points for the development.

(b) The developer must propose a year of expiration date for the requested concurrency determination, which shall be used as the forecast year for the evaluation of future level-of-service conditions on the road system. The expiration date for any concurrency determination
issued pursuant to this section for a subsequent development application shall be in accordance with SCC 30.66B.155 and the forecast year used for the pre-application concurrency evaluation.

(c) The developer shall provide a traffic study consistent with SCC 30.66B.035. The department of public works will meet with the developer to identify the scope of the traffic study required to make the pre-application concurrency decision.

(d) Application for a pre-application concurrency evaluation shall be accompanied by a fee payment in the amount specified in SCC 13.110.030. For purposes of SCC 13.110.030, a request for a pre-application concurrency evaluation shall be considered a development application.

(3) Following receipt of a traffic study that meets the requirements established in the pre-application concurrency scoping meeting, notice of the request for a pre-application concurrency evaluation shall be made in accordance with the procedures of SCC 30.70.050. The department of public works will have fourteen (14) days following the close of the public and agency comment period to make a pre-application concurrency decision.

(4) Pre-application concurrency evaluations shall be consistent with the requirements of SCC 30.66B.130, except that the threshold for requiring a traffic study shall be three peak-hour trips instead of fifty (50) peak-hour trips.

(5) A pre-application concurrency evaluation is an action subject to the requirements of chapter 30.61 SCC.

(6) If the department of public works’ pre-application concurrency decision is that the proposed development can be determined concurrent, the department will issue a pre-application concurrency approval. If the pre-application concurrency decision is that the proposed development cannot be determined concurrent, the department shall notify the developer in writing of the decision and the reasons therefore. The developer shall have 90 days from such notification to respond with revisions or alternative analyses or proposals. Responses may include revisions to the traffic study, alternative analysis of the conclusions drawn by the department, or utilization of options under SCC 30.66B.167. A response shall be treated like a new application for a pre-application concurrency decision.

(7) The department of planning and development services shall provide notice of the department of public works’ pre-application concurrency decision and the time period for filing an administrative appeal in accordance with SCC 30.71.050. The pre-application concurrency decision may be appealed pursuant to SCC 30.66B.180.

(8) A development with a pre-application concurrency approval that is valid at the time of application submittal will be deemed concurrent under SCC 30.66B.135 without further review, provided that the administrative appeal period for the concurrency approval has expired or the concurrency approval has been upheld on appeal and there is no further opportunity for administrative or judicial review.

(9) Concurrency determinations for developments that received a pre-application concurrency approval shall not be subject to further administrative review or appeal during project review, including review pursuant to the State Environmental Policy Act (SEPA).
(10) A pre-application concurrency approval shall be valid only for subsequent development applications for the same parcel of property and where the maximum possible impact on the level-of-service of the road system established in the pre-application concurrency approval is not exceeded by the proposed development. A pre-application concurrency approval cannot be transferred to a different parcel of property.

(11) Pre-application concurrency approvals under this subsection shall be valid for six months following the notice of decision unless an appeal is pending, in which case the approval shall be valid for six months following resolution of all appeals.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-127, Nov. 5, 2003, Eff date Nov. 17, 2003*see Code Reviser Note at beginning of Chapter; Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.177 Interlocal agreement with state, cities, and counties.

(1) Any level-of-service standards and concurrency requirements established in accordance with RCW 36.70A.070 for state highways will be addressed by a letter of understanding or an interlocal agreement as specified in SCC 30.61.230(6), between the county and the Washington state department of transportation (WSDOT). A development will be required to mitigate impacts on roads under the jurisdiction of the WSDOT that are part of the road system, in accordance with SCC 30.66B.710. The mitigating measures recommended by WSDOT will be imposed as a condition of development approval to the extent that such requirements are reasonably related to the impact of the proposed development and consistent with the terms of an interlocal agreement as specified in SCC 30.61.230(6) between the county and the WSDOT.

(2) Any level-of-service standards and concurrency requirements established in accordance with RCW 36.70A.070 for roads under the jurisdiction of a city or another county will be addressed by an interlocal agreement as specified in SCC 30.66B.230(6), between the county and the other city or county. A development will be required to mitigate impacts on roads under the jurisdiction of cities or other counties that are part of the road system, in accordance with SCC 30.66B.720. The mitigating measures recommended by the city or other county will be imposed as a condition of development approval to the extent that such requirements are reasonably related to the impact of the proposed development and consistent with the terms of an interlocal agreement as specified in SCC 30.61.230(6) between the county and the other agency.

* Code Reviser Note: Amended Ordinance No. 10-072 corrected several code references in SCC 30.66B.177 but failed to include the following text of SCC 30.66B.177(2): "30.66B.230(9), between the county and the other city or county. A development will be required to mitigate impacts on roads under the jurisdiction of cities or other". This material is retained pursuant to SCC 1.02.020(2)(g).
30.66B.180 Concurrency determination review or appeal.

(1) A person may seek review of or appeal a pre-application concurrency decision or a concurrency determination as provided in this section. No review or appeal is provided for a concurrency determination made pursuant to SCC 30.66B.135. The scope and standard for review of the pre-application concurrency decision or concurrency determination is as provided in SCC 30.66B.185.

(2) Any aggrieved person may request the hearing examiner to review a concurrency determination that is associated with an underlying Type 2 application at the open record hearing for the Type 2 application, except as provided in SCC 30.66B.175(9).

   (a) The department of planning and development services shall provide notice of the concurrency determination. The notice shall be combined with the notice of public hearing for the underlying application provided pursuant to SCC 30.72.030 and shall reference the standard for review of a concurrency determination in SCC 30.66B.185.

   (b) The aggrieved person must provide written documentation to the hearing examiner demonstrating why the concurrency determination fails to satisfy the requirements of this chapter.

   (c) The decision of the hearing examiner is final and conclusive with an optional right of reconsideration as provided in SCC 30.72.065 and may then be appealed by an aggrieved party of record to the county council pursuant to SCC 30.72.070 together with an appeal of the underlying permit or approval decision.

(3) Any aggrieved party of record may appeal a concurrency determination associated with an underlying Type 1 decision, except as provided in SCC 30.66B.175(9). Any such appeal shall be processed as an appeal of a Type 1 decision in accordance with chapter 30.71 SCC.

   (a) The department of planning and development services shall provide notice of the concurrency determination and the time period for filing an administrative appeal in accordance with SCC 30.71.040.

   (b) An open record appeal hearing conducted pursuant to this subsection shall be consolidated with any other open record appeal hearing relating to the underlying permit or approval decision.

(4) Any person may appeal a concurrency determination associated with a project permit application that is not otherwise subject to administrative appeal, except as provided in SCC 30.66B.175(9). Any such appeal shall be processed as an appeal of a Type 1 decision in accordance with chapter 30.71 SCC. The department of planning and development services shall provide notice of the concurrency determination and the time period for filing an administrative appeal in accordance with SCC 30.71.050.

(5) Any aggrieved person may appeal a pre-application concurrency decision made pursuant to SCC 30.66B.175 by filing an appeal of a Type 1 decision in accordance with SCC 30.71.050.
The appeal shall follow the procedure specified in SCC 30.66B.180(2), (3), or (4) depending on whether the development to be applied for will require a Type 2 decision, a Type 1 decision, or a project permit application that is not subject to administrative appeal, except that consolidation with the underlying application or appeal of the underlying permit or approval decision is not required or permitted.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 06-093, Nov. 8, 2006, Eff date Nov. 26, 2006)

**30.66B.185 Concurrency determination - standard of review.**

A concurrency determination by the department creates a rebuttable presumption of validity. The hearing examiner may vacate a concurrency determination upon a showing that the determination is clearly erroneous. The department of public works’ professional judgment and expertise shall be entitled to substantial weight. The party challenging the concurrency determination shall have the burden of proof.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

**30.66B.210 Inadequate road condition determination and requirements.**

1. Regardless of the existing level of service, development which adds three or more p.m. peak-hour trips to a location in the road system determined to have an existing inadequate road condition (IRC) at the time of imposition of mitigation requirements, or development whose traffic will cause an IRC at the time of full occupancy of the development, must eliminate the IRC. To eliminate an inadequate road condition means to make sufficient changes to the road system to allow the county engineer to determine that the location no longer constitutes an inadequate road condition.

2. If a developer wishes to challenge the department’s determination that the development adds three or more p.m. peak-hour trips through any IRC location on the road system, the developer may submit a traffic distribution analysis in accordance with SCC 30.66B.035. If the traffic distribution analysis shows that the development does not add three or more p.m. peak-hour trips through the IRC location, the application for the development will be allowed to proceed with no obligation to eliminate an IRC.

3. If a location uninvestigated by the department of public works is brought to the attention of the hearing body at public hearing as a potential IRC, the hearing body shall determine if investigation is warranted and if so, the hearing body shall not conclude the hearing until the location has been investigated and a determination of its status made by the county engineer. The county engineer’s investigation shall occur within 14 days of the identification of the potential IRC, or within 14-days of submission of a traffic study by the developer, if the county engineer determines one is required.
(4) The county engineer shall determine whether or not a location constitutes an IRC in accordance with department of public works administrative rule. The county engineer’s determination that a location constitutes an IRC is final and is not subject to review or appeal pursuant to SCC 30.66B.820, but the effect of an IRC location determination on a development may be appealed in accordance with SCC 30.66B.820.

(5) A development’s access onto a public road shall be designed so as not to create an IRC. Developments shall be designed so that IRCs are not created.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.220 Improvements to remove inadequate road conditions.

(1) Improvements to remove the inadequate road condition (IRC) must be complete or under contract before a building permit for the development will be issued and the road improvement must be complete before any certificate of occupancy or final inspection will be issued. When no building permit is associated with the development, such as development requiring a conditional use permit or administrative conditional use permit, improvements removing the IRC must be completed as a precondition to approval.

(2) A developer may opt to eliminate an IRC by constructing offsite road improvements in accordance with SCC 30.66B.170.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.310 Road system impact fee.

(1) A development shall mitigate its impact upon the future capacity of the road system by paying a road system impact fee reasonably related to the impacts of the development on arterial roads located in the same transportation service area as the development, at the rate identified in SCC 30.66B.330 for the type and location of the proposed development. A development’s road system impact fee will be equal to the development’s new average daily traffic (ADT), based on the latest edition of the ITE Trip Generation report published by the Institute of Transportation Engineers, times the per trip amount for the specific transportation service area identified in SCC 30.66B.330, except that the following adjustments may be made:

(a) In accordance with RCW 82.02.060(4), the director of public works shall have the authority to adjust the amount of the impact fee to consider unusual circumstances in specific cases to ensure that impact fees are fairly imposed;

(b) In accordance with RCW 82.02.060(5), the director of public works shall have the authority to adjust the amount of the impact fee to be imposed on a particular development to reflect local information when available, including studies and data submitted by the developer; and
(c) Adjustments will be made for trip reduction credits approved under SCC 30.66B.640 - .650.

(2) As required by RCW 82.02.060(3), credit against a development’s road system impact fee shall be provided for dedication of land for, improvement to, or construction of any capacity improvements that are identified in the transportation needs report as part of the road system impact fee cost basis and are imposed by the county as a condition of approval.

(3) As provided for by RCW 82.02.060(2), exemption from road system impact fees may be provided for low income housing and other development with a broad public purpose, provided that the road system impact fee for such development is paid from public funds other than impact fee accounts. The developer requesting the exemption shall be responsible for identifying the source of and securing the availability of such public funds.

(4) Developments which are determined to cause a greater reduction in ADT on the road system than the number of new ADT generated by the development, by promoting the use of transit or other means, will be determined to generate no new ADT for the purpose of determining the developments road system impact fee.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.315 Comprehensive plan amendment- analysis of change in capacity needs.
Any comprehensive plan amendment proposed in conjunction with a development proposal will include in its environmental impact analysis the change in capacity needs, as a result of the proposed plan amendment, of all arterial roads impacted by 25 or more p.m. peak hour trips generated by the development irrespective of the boundaries of the transportation service area wherein the plan amendment is located and not limited to the road system as defined in chapter 30.91R SCC. Any increases in the capacity needs of the roads analyzed will be considered an impact caused by the plan amendment and will be mitigated as a requirement of development approvals if the plan amendment is allowed.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.320 Road system impact fee-cost basis.

(1) The road system impact fees will be collected and spent for capacity improvements on facilities that are addressed by the county’s capital facilities plan. In accordance with RCW 82.02.050(3), the impact fees:

(a) Shall only be imposed for system improvements that are reasonably related to the new development;

(b) Shall not exceed a proportionate share of the costs of the system improvements reasonably related to the new development;
(c) Shall be used for system improvements that will reasonably benefit the new development.

(2) The road system impact fee cost basis is established in the transportation needs report. The estimated cost of capacity improvements that are reasonably related to the impacts of new development, and that will reasonably benefit new development, will be identified in the transportation needs report for each transportation service area. Capacity improvements to facilities under the jurisdiction of the Washington State Department of Transportation (WSDOT), a city or another county may be included when consistent with the terms of an interlocal agreement as specified in SCC 30.61.230(9). The road system impact fee cost basis is subject to the following adjustments:

(a) As required by RCW 82.02.060(1)(b), the impact fee cost basis will be adjusted to provide a credit for taxes (excluding impact fees imposed under this section) paid by new development which help pay for the identified capacity improvements.

(b) Consideration shall be given to other funds available to pay for the capacity improvements included in the impact fee cost basis.

(c) The impact fee cost basis may include costs previously incurred by the county for capacity improvements for which excess capacity exists.

(3) The amount of the impact fee will be determined for each transportation service area, based on and not to exceed, the impact fee cost basis divided by the number of new daily vehicle trip ends generated, as identified in the transportation needs report.

(4) Improvements needed to remedy any level-of-service deficiencies in facilities serving current uses will not be included in the impact fee cost basis.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.330 Fee schedule.

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### 30.66B.330 Fee schedule.

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**Former 30.66B.340 Timing of road system impact fee payment.**

1. Payment of a road system impact fee is required prior to building permit issuance except as provided in SCC 30.66B.340(3). Where no building permit will be associated with the development, such as a development requiring a conditional or administrative conditional use permit, payment is required as a precondition to approval. For a binding site plan for which the concurrency expiration date is more than six years after the concurrency determination date, one-half of the payment is required prior to recording of the binding site plan with record of survey.

2. The amount of the road system impact fee payment shall be based upon the rate in effect at the time of filing of a complete application for development.

3. Payment of the road system impact fee required for a detached single-family residential dwelling constructed for resale may be deferred from the time of building permit issuance, but shall be paid in full either upon the closing of the sale of the property, or 18 months from the date of issuance of the original building permit, whichever is earlier, or prior to any occupancy of the structure if the property owner elects to retain ownership and not sell the property. The department shall allow an applicant to defer payment of a road system impact fee when, prior to the issuance of the building permit, the applicant:

   a. Submits a signed and notarized deferred impact fee application and acknowledgement form for either an individual detached single-family residential dwelling, or a group of detached single-family residential dwellings in the same development, for which the property owner wishes to defer payment of road system impact fees; and
(b) Pays a non refundable $250.00 administration fee for each deferred impact fee application; and

(c) Records a lien for impact fees against the property in favor of the county in the total amount of all deferred impact fee(s). The lien for impact fees shall:
   (i) Be in a form approved by the county; and
   (ii) Include the legal description, tax account number and address of the individual lot; or
   (iii) Include the legal description, tax account number and address for each lot if the lien will encumber all lots in a development where the impact fee has not been paid.

(4) If the dwelling will be located within a subdivision or short subdivision, the subdivision or short subdivision shall be recorded prior to recording the lien for impact fees and issuance of the building permit.

(5) A single deferred impact fee application, administration fee, and lien for impact fees will be required when the applicant requests deferral of both road system impact fees and park and recreation impact fees under SCC 30.66A.020, either on an individual lot basis or for all lots in a development where the impact fees have not been paid.

(6) Payment of deferred road system impact fees shall be made by cash, escrow company check, cashiers check, certified check, or credit card.

(7) Upon receipt of payment of deferred mitigation fees the department will generate and execute a separate lien release for each individual detached single-family residential dwelling. The property owner, at their expense, will be responsible for recording each separate lien release.

(8) Compliance with the requirements of the deferral option shall constitute compliance with subdivision or short subdivision conditions pertaining to the timing of the impact fee payment.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-127, Nov. 5, 2003, Eff date Nov. 17, 2003*see Code Reviser Note at beginning of Chapter; Amended by Ord. 10-085, Oct. 20, 2010)

30.66B.350 Administration of road system impact fee payments.

(1) Any road system impact fee payment made pursuant to this chapter shall be held in a reserve account and shall be expended to fund improvements on the road system in accordance with chapter 82.02 RCW.

(2) An appropriate and reasonable portion of payments collected may be used for administration of this chapter.

(3) Any refund of a road system impact fee due to a developer shall be administered in accordance with chapter 82.02 RCW and this section. Any refund approved under this section, or following an administrative appeal as provided in SCC 30.66B.370, shall be made to the current property owner at the time the refund is authorized, unless the current property owner releases

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the county from any obligation to refund the current property owner. A developer may request and shall receive a refund, including interest earned on the impact fees, when the developer does not proceed with the development activity and no impact has resulted. Recording of a subdivision or short subdivision, or a binding site plan with a record of survey constitutes proceeding with development activity for the purpose of refund applicability.

(4) A developer shall pay a road system impact fee under protest in order to obtain a permit or other approval for development while reserving the right to challenge the road system impact fee pursuant to SCC 30.66B.370. Any developer protest to payment of the impact fee must be submitted in writing concurrently with payment. Failure to provide such written protest at the time of fee payment shall be deemed a withdrawal of any appeal filed under SCC 30.66B.370.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.360 Relationship between impact fees and special district fees.

(1) This chapter does not preclude the establishment of road improvement districts, local improvement districts, transportation benefit districts, or similar governmental funding mechanisms for the construction of specific transportation improvements.

(2) If a special district is formed to provide for the construction of an improvement as identified in the impact fee cost basis of the transportation needs report, the assessment or fee required by the special district for the specific improvement will be compared to the impact fee payment that would otherwise be imposed. If the special district fee is the same or greater than the amount of the impact fee payment, the impact fee will be considered paid through the special district fee. If the special district fee is less than the amount of impact fee payment, the amount of the impact fee payment will be reduced by the value of the special district fee.

(3) If a special district is formed for improvements that are not identified as part of the transportation needs report, then a development will be required to pay the special district fee in addition to payment of any impact fee imposed under this chapter.

(4) If the improvement to be built by the special district is in the transportation needs report but completely or partially out of the development’s road system, the special district fee shall offset the impact fee only in proportion to the cost of the portion of the special district improvement that is located in the development’s road system.

(5) Impact fee payments for those properties affected by special districts, as described above, established prior to February 9, 1991, shall be administered in the same manner as described in this section. If properties are subdivided, impact fee payments shall be compared against the applicable, corresponding, proportionate special district fees.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.370 Review of impact fees.

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(1) Any person aggrieved by a decision applying an impact fee under this chapter to a development application and who has filed a written protest in accordance with SCC 30.66B.350 may appeal the decision to the hearing examiner using the procedures established in SCC 30.71.050. Where there is an administrative review or appeal process before the hearing examiner for the underlying application, an appeal of an impact fee imposed pursuant to this chapter must be combined with administrative review or appeal of the underlying application. Where there is no administrative review or appeal process before the hearing examiner for the underlying application, the appeal shall be limited to application of the impact fee. The department of planning and development services shall provide notice of the decision to impose impact fees pursuant to this chapter for a Type 1 or 2 project application and the procedure for administrative review or appeal. Notice shall be provided in accordance with chapter 30.71 or 30.72 SCC, as may be applicable.

(2) At the hearing, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence. The impact fee may be modified upon a determination that it is proper to do so based on the application of the criteria contained in SCC 30.66B.310. Appeals under this section shall be limited to application of the impact fee provisions to the specific development activity for which application is made, and the provisions of this chapter shall be presumed valid.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.410 Frontage improvement requirements.

(1) All developments will be required to make frontage improvements along the parcel’s frontage on any opened, constructed, and maintained public road. The required improvement shall be constructed in accordance with the EDDS, including correction of horizontal and vertical alignments, if applicable.

(2) The improvement standard will be established by the director of public works in accordance with SCC 30.66B.430 and as outlined in the department of public work’s administrative rules on frontage improvements.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.420 Access and transportation circulation requirements.

(1) All developments will be required to:
   (a) Provide for access and transportation circulation in accordance with the comprehensive plan and this chapter applicable to the particular development,
   (b) Design and construct such access in accordance with the EDDS, and
   (c) Improve existing roads that provide access to the development in order to comply with adopted design standards, in accordance with SCC 30.66B.430.

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(2) Access to state highways and city streets shall be in accordance with the applicable state or city standards and requirements.

(3) All developments that propose to take access via an existing public or private road which, for the vehicle trips projected to use the road after full occupancy of the development, is not designed and constructed in accordance with the EDDS, will be required to improve such road to bring it into compliance with the EDDS when the director of public works determines it necessary to provide for safety and the operational efficiency of the road. The extent of improvements will be established by the director of public works in accordance with SCC 30.66B.430.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.430 Extent of improvements.

(1) The extent of frontage improvements, offsite road improvements, or access and transportation circulation improvements necessary to meet the requirements of this chapter and Title 13 SCC will be established by the director of public works. The developer may be responsible for preparing any aspect of engineering design or investigation necessary to establish the extent of improvements if the director of public works does not have the design or investigation programmed or under way consistent with the development’s schedule. The traffic study shall contain analysis of the extent of any improvements determined to be necessary by the director of public works.

(2) Design of improvements shall be in accordance with the EDDS. Where an interim or partial improvement is implemented through SCC 30.66B.440, the improvement design shall be compatible with the adopted standard.

(3) In determining improvements required, the director of public works will consider, with other relevant factors, the following:
   (a) Extent of the development proposed;
   (b) Priority of improvements to involved county roads in the county’s six-year transportation improvement plan;
   (c) Condition of existing transportation facilities in comparison to adopted standards;
   (d) Existing and projected land uses and development densities;
   (e) Current and projected levels of service on the affected road system;
   (f) Availability of public transit;
   (g) Any traffic study submitted;
   (h) Availability of a specific improvement program;
   (i) The number of dwelling units currently using the road system that must be improved and projected to use the road system after full occupancy of the development;
   (j) The needs of low-income persons for decent, affordable, low-cost housing;
   (k) Transportation system or demand management measures proposed by the developer;
   (l) The need for pedestrian and bicycle facilities;
(m) Continuity with existing and proposed improvements;
(n) Development standards of adjacent cities;
(o) The need for safety improvements for school children; and
(p) The types, sizes and performance of vehicles generated by the development, including
but not limited to large trucks.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-
083, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.440 Timing of improvements.
Construction of frontage improvements, offsite road improvements, and access and
transportation circulation improvements is required prior to approval for occupancy or final
inspection, except that if the development is a subdivision or short subdivision, construction is
required prior to the recording unless with the approval of the county engineer, construction is
assured with a performance security in accordance with SCC 30.84.105. When no building
permit will be associated with a conditional or administrative conditional use permit,
construction of improvements is required as a precondition to approval, unless some later time of
construction is recommended by the director of public works and imposed by the approving
authority as a condition of approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by

30.66B.510 Right-of-way requirements.
(1) A developer shall be required to dedicate, establish, or deed right-of-way to the county
for road purposes as a condition of approval of a development, when to do so is reasonably
necessary as a direct result of a proposed development, for improvement, use or maintenance of
the road system serving the development.

(2) In cases where the dedication, establishment, or deeding of additional right-of-way cannot
be reasonably required as a direct result of the proposed development but such right-of-way is
necessary for future expansion of the public road system, the developer shall reserve the area
needed for right-of-way for future conveyance to the county. Building setback and all other
zoning code requirements will be established with respect to the reservation line rather than the
deeded, established, or dedicated right-of-way line. The area reserved for right-of-way may be
donated to the county or will be purchased by the county through a county road project.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)
30.66B.520 Right-of-way width.

(1) Right-of-way shall be dedicated, established, or deeded to provide sufficient right-of-way widths to accommodate road improvement needs. The standard right-of-way widths based on road classification as defined in the EDDS are:

<table>
<thead>
<tr>
<th>Non-Arterials</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Access Streets-Urban Growth Area</td>
<td>50 feet</td>
</tr>
<tr>
<td>Access Roads-Rural Area</td>
<td>60 feet</td>
</tr>
<tr>
<td>Sub collector Streets-Urban Growth Area</td>
<td>50 feet</td>
</tr>
<tr>
<td>Sub collector Roads-Rural Area</td>
<td>60 feet</td>
</tr>
<tr>
<td>Collector Streets-Urban Growth Area</td>
<td>60 feet</td>
</tr>
<tr>
<td>Collector Roads-Rural Area</td>
<td>60 feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Arterials</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Collector Arterials-Urban Growth Area</td>
<td>70 feet</td>
</tr>
<tr>
<td>Minor Collector-Rural Area</td>
<td>70 feet</td>
</tr>
<tr>
<td>Minor Arterials-Urban Growth Area</td>
<td>80 feet</td>
</tr>
<tr>
<td>Major Collector-Rural Area</td>
<td>80 feet</td>
</tr>
<tr>
<td>Principal Arterials-Urban Growth Area</td>
<td>100 feet</td>
</tr>
<tr>
<td>Principal or Minor Arterial Rural Area</td>
<td>100 feet</td>
</tr>
</tbody>
</table>

(2) Wider or narrower right-of-way widths than the standard may be required as determined by the county engineer, based on one or more of the following criteria:

(a) Contents of the transportation element of the comprehensive plan, including but not limited to the provision of safe and efficient movement of pedestrians, equestrians and bicyclists with emphasis on transit facilities, schools, and parks and scenic areas;

(b) The likelihood of maintenance of sidewalks, walkways, trails, bikeways or planters outside of public right-of-way;

(c) An adopted design report, roadway design or right-of-way plan which calls for a different right-of-way width for the road under investigation;

(d) Nature of the roadway and road involved, and its impact on neighboring properties including width, slopes, cuts, fills, vertical and horizontal curvature, sight distance at intersections, and the nature of the development and the land upon which it is situated;

(e) EDDS requirements including but not limited to land alteration, site access, road types and geometrics, road elements and roadside features, drainage and utilities;
(f) Any other factors affecting the health, safety, property and general welfare of the public, including users of the roads, sidewalks, walkways, trails or bikeways and the development; and

(g) The provision of adequate public transit facilities.

(3) Right-of-way widths may not be reduced for arterials below the following minimums without express approval from the county council:

(a) Collector Arterials-Urban Growth Area 60 feet;
(b) Minor Collector-Rural Area 60 feet;
(c) Minor Arterials-Urban Growth Area 70 feet;
(d) Major Collector-Rural Area 70 feet;
(e) Principal Arterials-Urban Growth Area 80 feet; and
(f) Principal or Minor Arterial-Rural Area 80 feet.

(4) The county engineer is authorized to include in the EDDS standard drawings depicting the standard right-of-way widths and modification criteria as contained within this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.530 Compensation for right of way and improvements.

(1) A developer shall be compensated for right-of-way dedicated, established or deeded when the right-of-way

(a) Is not necessary for the use and convenience of the occupants or users of the development; or

(b) Is necessary for the construction of improvements identified in the transportation needs report and included as part of the cost basis of any road system impact fee imposed under this chapter.

(2) For purposes of SCC 30.66B.530(1)(a), the minimum right-of-way or improvements that are necessary for the use and convenience of the occupants or users of the development shall include

(a) A two-lane road for access;
(b) Frontage improvements in accordance with this chapter; and
(c) Property located within 30 feet of the centerline of the right-of-way, as determined by the department of public works.

(3) Compensation for right-of-way dedicated, established, or deeded shall be provided as a credit against any road system impact fee payment imposed under this chapter, except where the value of the right-of-way is greater than the impact fee payment, in which case compensation for the balance between the value of the right-of-way and the impact fee payment shall be by payment. Nonmonetary compensation such as development alternatives may be provided in lieu of credit and/or payment where agreed to by the director of public works and the developer.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)
30.66B.540 Dedication, establishment, or deeding of right-of-way- timing.  
(1) Right-of-way shall be dedicated, established, or deeded prior to building permit issuance, except as follows:
   (a) For rezone applications accompanied by an official site plan, as a precondition of approval;
   (b) For binding site plans, subdivisions or short-subdivisions, prior to the time of recording; or
   (c) For conditional use or administrative conditional use permits for which no building permit is associated, as a precondition to approval.
(2) If more than one of SCC 30.66B.540(1)(a)-(c) apply, the right-of-way shall be dedicated or deeded at the earliest stage of development.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.610 Transportation demand management- general.  
(1) Transportation demand management (TDM) is a strategy for reducing vehicular travel demand, especially by single occupant vehicles during commuter peak hours. TDM offers a means of increasing the ability of transportation facilities and services to accommodate greater travel demand without making expensive capital improvements. This is a particularly important strategy in cases where road facilities have already reached the practical limit for physical expansion, congestion is severe, and projections for future traffic indicate continued growth.

(2) TDM employs a wide range of measures to increase the use of ridesharing, carpools, vanpools, transit and non-motorized transportation such as bicycling and walking. Transportation coordinators, ride match assistance, preferential parking, flextime, transit subsidies, increased parking fees, reduced parking supply, and provision of shuttle services in areas lacking transit service are examples of TDM measures. TDM measures can be characterized either as site-design features facilitating TDM compatibility which consist of fixed physical features in site design or capital facilities, and programmatic measures specific to users of the sites (e.g., employers, customers, clients).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.615 Transportation demand management- calculation of TDM obligations.  
In calculating the amount of a development’s TDM obligation under this chapter, the cost of removing one peak hour trip from the road system is approximately $6,500. For a development required to provide TDM pursuant to SCC 30.66B.160 or SCC 30.66B.630, the development’s
TDM obligation will equal $6,500 times the required trip reduction percentage times the development’s peak-hour trip generation.


30.66B.620 Transportation demand management - construction of offsite TDM measures.

(1) A development may satisfy a requirement under SCC 30.66B.160 or SCC 30.66B.630 to provide TDM by constructing a specific offsite TDM measure which has value equal to or greater than the development’s TDM obligation as calculated under SCC 30.66B.615.

(2) The offsite improvement must be selected from a list maintained by the department of public works. The list shall specify capital improvements for each TSA and shall be updated periodically in consultation with transit agencies. The developer’s choice of improvements is subject to review and approval by the county. The list of capital improvements may include, but are not limited to:

(a) Construction of new park and ride lots or expansion of existing park and ride lots;
(b) Construction of miscellaneous high occupancy vehicle (HOV) facilities such as HOV lanes, bus pullouts, bus-stop shelters, queue bypasses, etc;
(c) Purchase of HOVs such as vans or buses for transit companies; and
(d) Construction of pedestrian facilities connecting development with major activity centers and/or transit facilities.

(3) TDM measures constructed under this section must be constructed before any certificate of occupancy or final inspection will be issued.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.625 Transportation demand management- voluntary payment.

(1) A development may satisfy a requirement under SCC 30.34A.080, SCC 30.66B.160 or SCC 30.66B.630 to provide Transportation Demand Management (TDM) by making a voluntary payment equal to the development’s TDM obligation as required pursuant to SCC 30.66B.615.

(2) Funds received by the department for TDM measures will be placed in special accounts with the transportation mitigation fund to be used exclusively for identified TDM measures. The county may construct or purchase these measures or, upon establishment of appropriate interlocal agreements, may transfer the monies to transit agencies for construction or purchase of specific TDM measures. The collection and administration of any funds shall be consistent with SCC 30.66B.350.

(3) Any payment under this section must be made at the time specified in SCC 30.66B.340.
30.66B.630 Transportation demand management - required.

(1) All new development in urban growth areas shall provide sufficient transportation demand management measures to indicate the potential for removing a minimum of five percent of a development’s p.m. peak-hour trips from the road system. This requirement may be met by:

(a) Earning trip reduction credits for construction of onsite design features pursuant to SCC 30.66B.640;

(b) Construction of offsite TDM measures pursuant to SCC 30.66B.620; or

(c) A voluntary payment into an account established for the purpose of contributing to the construction or purchase of specific TDM measures pursuant to SCC 30.66B.625.

(2) A developer is encouraged to provide additional TDM measures through earning additional trip reduction credits to mitigate traffic impacts beyond the five percent minimum established in SCC 30.66B.630, as provided in SCC 30.66B.650.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.640 Transportation demand management- trip reduction credits for construction of onsite design features.

(1) A developer required to provide TDM in accordance with this chapter may fully or partially satisfy the requirement by earning trip reduction credits for onsite design features.

(2) The department of public works will allow a five percent trip reduction credit to any commercial development including multi-family residential deemed "TDM compatible" by incorporating all of the following on-site design features to the satisfaction of the department:

(a) A design for a basic circulation system that provides continuity of pedestrian systems related to the primary road network;

(b) A safe, convenient pedestrian facility that meets the EDDS that joins the front building entrance(s) directly with frontage improvements;

(c) A safe, convenient pedestrian facility that meets the EDDS that joins the front building entrance(s) with all other on-site front building(s) entrances;

(d) A safe, convenient pedestrian facility that meets the EDDS that joins building entrance(s) with any bus stop or pedestrian facility (e.g., commuter trail) located adjacent to the development;

(e) Where practicable and desirable for pedestrian access, provision of special easements to facilitate pedestrian circulation between the site and adjacent neighborhoods, schools, shopping areas, transit facilities, or other activity centers;

(f) Where practicable and desirable the use of minimum setbacks to reduce walking distances;
(g) Where practicable and desirable the placement of vehicle parking to the sides and the rear of the buildings;
(h) Where practicable and desirable lighting and weather protection for pedestrian facilities;
(i) For nonresidential developments, secure bicycle parking (preferably covered) spaces located near the front entrance(s) that number at least two percent of the development’s calculated p.m. peak-hour trips; and
(j) For employment sites, signed preferential parking spaces for carpools or vanpools that number at least six percent of any employee parking spaces.

(3) The department of public works will allow a five percent trip reduction credit to any subdivision or short subdivision for single-family and/or duplex residential units deemed "TDM compatible" by incorporating all of the following on-site design features to the satisfaction of the department:
(a) A design for a basic circulation system that provides continuity of pedestrian systems related to the primary road network;
(b) A safe, convenient pedestrian facility that meets the EDDS that joins building entrance(s) with any bus stop or pedestrian facility (e.g., commuter trail) located adjacent to the development;
(c) Where practicable and desirable for pedestrian access, provision of special easements to facilitate pedestrian circulation between the site and adjacent neighborhoods, schools, shopping areas, transit facilities, or other activity centers;
(d) Where practicable and desirable, lighting and weather protection for pedestrian facilities; and
(e) An overall density of at least four dwelling units per gross acre.

(4) On-site features accepted for TDM compatibility in a mitigation proposal and/or measures with area-wide impacts allowed credits pursuant to SCC 30.66B.650(3) must be constructed before any certificate of occupancy or final inspection will be issued.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.650 Transportation demand management- eligibility for additional trip reduction credits.

(1) The department of public works will allow up to two percent additional trip reduction credits to any commercial development, including multi-family residential, for which the developer agrees to implement a voluntary trip reduction program, has deemed "TDM compatible" for on-site design pursuant to SCC 30.66B.630, and which constructs or incorporates bicycle facilities and reduced automobile parking spaces to the satisfaction of the department of public works.
(2) The department of public works will allow an additional five percent trip reduction credit to a development which voluntarily agrees to implement a trip reduction program as per SCC 32.40 and department of public works rules to the satisfaction of the department.

(3) The department of public works may allow to a development on a case-by-case basis up to five percent additional trip reduction credits for on-site measures with an area-wide impact not used to satisfy requirements under SCC 30.66B.650(2).


30.66B.660 Transportation demand management- procedure for submitting proposal for trip reduction credits.

(1) A developer opting to earn trip reduction credits as provided in SCC 30.66B.640 or .650 shall provide a TDM plan upon submittal of a development application. The TDM plan will describe the TDM measures proposed for the development. A developer choosing to construct offsite TDM measures pursuant to SCC 30.66B.620 or making a voluntary payment pursuant to SCC 30.66B.625 is not required to submit a TDM plan but must submit a written proposal pursuant to SCC 30.66B.055.

(2) The department of public works will review the TDM plan and determine the amount of trip reduction credits allowed.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.670 Trip reduction credits- how used.

(1) Trip reduction credits allowed to developers will be used in determining the development’s traffic impacts. Approved trip reduction credits will be applied against a development’s calculated vehicle trip generation including p.m. peak-hour trips and ADT. The adjusted vehicle trip generation number reflecting approved trip reduction credits may be used to determine one or more of the following:

(a) Any road system impact fee payment made pursuant to this chapter;
(b) Impacts for concurrency determinations pursuant to this chapter;
(c) Peak-hour trips impacting inadequate road conditions pursuant to SCC 30.66B.210(1);

or

(2) Developers required to provide TDM in accordance with this chapter may use approved trip reduction credits as follows:

(a) Developers may use trip reduction credits equal to or greater than the minimum required trip reduction percentage to completely satisfy a requirement to provide TDM.

(b) Developers may use trip reduction credits in an amount less than the minimum required trip reduction percentage to partially satisfy a requirement to provide TDM. Under this
option, the amount of the developer’s TDM obligation under SCC 30.66B.615 shall be reduced by a factor equal to the development’s approved percent trip reduction credits divided by the minimum required trip reduction percentage.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.680 Trip reduction program- discontinuance.
A developer or future owner may choose to not implement or to discontinue a trip reduction program, or may cease to maintain onsite design features, by making a payment to the department of public works. The payment shall be equal to the amount of the discount(s) resulting from the initial credit to any road system impact fee payment or any TDM payment made pursuant to this chapter, with adjustments for inflation.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.710 Mitigation requirements for impacts to state highways.
When a development’s road system includes a state highway:

(1) Mitigation requirements for impacts on state highways and at intersections of county roads with state highways will be established consistent with the terms of an inter-local agreement as authorized by SCC 30.61.230(6), between the county and the WSDOT, rather than by the provisions of this chapter;

(2) The director of public works will submit to the WSDOT the traffic study and/or any other information relating to the traffic impact of the development, and request a review under the WSDOT’s mitigation policy. The WSDOT may review the material and recommend mitigation to the director of public works.

(3) The director of public works will review the WSDOT determined mitigation requests and, to the extent that such requirements are reasonably related to the impact of the proposed development, the director shall, as part of the director’s recommendation under SCC 30.66B.050, recommend that the requirements be imposed. The approving authority will impose such mitigation measures as a condition of approval of the development in conformance with the terms of the interlocal agreement as specified in SCC 30.61.230(6), between the county and the WSDOT;

(4) A development which takes access from or has frontage on a state highway will be required to meet the WSDOT requirements for dedication or deeding of additional right-of-way, provision of access and construction of frontage improvements on the state highway as determined necessary by the WSDOT;

(5) Any payment to mitigate impacts on state highways must be made at the time specified in SCC 30.66B.340;
(6) Construction of improvements to mitigate impacts on state highways is required at the
time specified by SCC 30.66B.440; and

(7) Right-of-way required for state highways shall be dedicated or deeded at the time
specified by SCC 30.66B.540.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by

30.66B.720 Mitigation requirements for impacts to city streets and roads in another county.
When a development’s road system includes city streets or another county’s roads:

(1) Mitigation requirements for impacts to city streets and roads in another county will be
established consistent with the terms of an interlocal agreement as authorized by
SCC 30.61.230(6), between the county and the appropriate jurisdiction.

(2) The director of public works shall forward to the representative of the appropriate
jurisdiction the traffic study and any other information on traffic impact for any development
whose road system includes that jurisdiction’s streets or roads. The jurisdiction may review the
material and recommend mitigation to the director of public works;

(3) The director of public works will review the jurisdiction’s recommended mitigating
measures and to the extent that such requirements are reasonably related to the impact of the
proposed development and consistent with the terms of the interlocal agreement, the director of
public works shall, as part of the director’s recommendation under SCC 30.66B.050, recommend
that those requirements be imposed. The approving authority will impose such measures as a
condition of approval of the development in conformance with the terms of the interlocal
agreement;

(4) A development which takes access from or has frontage on a city street or another
county’s road will be required to meet the city’s or county’s requirements for dedication or
deeding of additional right-of-way, provision of access and construction of frontage
improvements on the city’s street or county’s road as determined necessary by the city or county;

(5) Any payment to mitigate impacts on city streets or another county’s roads must be made
at the time specified in SCC 30.66B.340;

(6) Construction of improvements to mitigate impacts on city streets or another county’s
roads is required at the time specified by SCC 30.66B.440; and

(7) Right-of-way required for cities’ streets or other counties’ roads shall be dedicated or
deeded at the time specified by SCC 30.66B.540.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by

30.66B.740 Transportation benefit districts.

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Transportation benefit districts formed under chapter 36.73 RCW will supercede the requirements of chapter 30.66B SCC where the ordinance forming the district specifically determines and states that the improvements made by the district mitigate the traffic impact of new development on the portion of the road system to be improved by the transportation benefit district. Transportation impacts on the remainder of the development’s road system beyond the roads covered by any special district will be mitigated under the requirements of this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.750 Master road improvement program.

(1) In areas of high potential for residential, commercial, or industrial development and when the cumulative impact of several new developments could necessitate extensive and costly road improvements, the purposes of this chapter may be facilitated by establishment of a master road improvement program (MRIP).

(2) The director of public works may propose a MRIP designed to resolve problems related to level of service, inadequate road conditions, or public safety. The MRIP, in full or in part, may be considered in determining the requirements of this chapter.

(3) A MRIP shall include:
   (a) A description of the road or roads, or portion thereof included;
   (b) A description of the proposed improvements;
   (c) A financial system, including a plan for calculating the proportionate share of road costs to be contributed by owners, developers, the county, and other jurisdictions;
   (d) A traffic study analyzing existing and future conditions anticipated on the road or roads involved;
   (e) Level-of-service thresholds and concurrency management systems which shall not fall below the standards established in the comprehensive plan;
   (f) Options for the county council to pursue if the level-of-service thresholds are not maintained or achieved; and
   (g) Other factors as determined appropriate.

(4) If the county council concludes that a MRIP adequately addresses the issues of public safety and amelioration of present and future level-of-service problems and/or inadequate road conditions, as required by this chapter, it may adopt all or parts of such program in lieu of satisfaction of one or more of the requirements of this chapter. Once a MRIP has been adopted by the council, the provisions of the above-referenced chapters notwithstanding, the county shall issue a permit or approval for development provided the applicant complies with the provisions of other applicable local ordinances and agrees to comply with the developer obligations in the MRIP. The agreement shall be in written form acceptable to the prosecuting attorney, and filed for record with the county auditor prior to subdivision or short subdivision, or the effective date of any other development approval or permit.
(5) Any developer who chooses not to mitigate the development’s traffic impact on roads covered by an MRIP by means of the MRIP, shall be subject to the requirements of this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.810 Application for deviation.

(1) Prior to the issuance of any decision applying requirements of this chapter, a developer may submit a written request to the director of public works for deviation from mitigation or concurrency requirements of this chapter that are considered to be disproportionate, or not reasonably related, to the impacts and/or timing of the proposed development. If the director determines that the purposes of this chapter would be best served by deviation from such requirements, the director shall include as part of the director’s recommendation under SCC 30.66B.050, the reason for such deviation and any alternative mitigation measures that are determined to be necessary.

(2) The approving authority, upon consideration of such a recommendation, shall determine whether the purposes of this chapter would be best served by deviation from the requirements of this chapter, and may permit such deviation and impose as a condition of approval any alternative mitigation measures that are determined to be necessary and are recommended by the director of public works.

(3) Nothing in this section shall be construed to allow a violation of the Growth Management Act.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.820 Variations--public agencies.

(1) If the applicant for a development is a public agency, the director of public works may recommend and any hearing body may allow a variation of procedures and requirements contained in this chapter, based on individual location and development circumstances, and the extent to which the proposed development improves services to the public or meets demands for public services due to growth in population and other requirements within the county.

(2) The county may enter into an interagency agreement with the public agency involved in order to document clearly the special conditions and considerations for development approval. The agreement shall not diminish the mitigation requirements of this chapter, but may allow for the issuance of a building permit and certificate of occupancy on a time frame other than as specified in this chapter. It shall be the responsibility of the sponsoring public agency to offer adequate evidence to the county that the public interest would be better served under the terms of the special agreement between the parties.
(3) In accordance with RCW 36.32.590, a security device shall not be required as a condition of development. However, all requirements shall be fully enforceable and all building permit and/or occupancy restrictions to ensure compliance shall remain in effect.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)
Appendix Q: Definitions Cited

30.91B.020 Base flood.
"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.030 Basement.
"Basement" means a floor level partly or wholly underground and having at least one-half of its height, measured from its floor to its finished ceiling below the average adjoining grade.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.035 Basement.
"Basement" means any area of a building having its floor subgrade (below ground level) on all sides.

This definition applies only to the "Flood hazard" regulations in chapters 30.43C, 30.43D, and 30.65 SCC.

(Added Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005)

30.91B.222 Building area, net.
"Building area, net" ("Net building area") means the total square feet of floor space in a building, excluding areas below finished grade, space dedicated to parking, mechanical spaces, elevator and stair shafts, lobbies and common spaces including atriums.

This definition applies only to urban center regulations in chapter 30.34A SCC.

(Added by Amended Ord. 13-007, Sep. 11, 2013, Eff date Oct. 3, 2013)
30.91F.370 Flood hazard area, special.

"Flood hazard area, special" ("Special flood hazard area") means the land in the flood plain that is subject to a one percent or greater chance of flooding in any given year. (See figure 30.91F.410 for illustration)

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.410 Floodplain.

"Floodplain" means a land area adjoining a river, stream, watercourse, ocean, bay, or lake which is likely to be flooded. The extent of the floodplain may vary with the frequency of flooding being considered. The floodplain typically consists of the floodway and the floodway fringe. (See figure 30.91F.410 for illustration)
Figure 30.91F.410 - Floodplain

Typical Floodplain

(special Flood Hazard Area)
30.91F.415 Floodplain.

"Floodplain" means the 100-year floodplain based upon flood ordinance regulation maps.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.420 Floodproofing.

"Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damages to lands, water and sanitary facilities, structures and contents of buildings.


Former 30.91F.445 "Floor Area Ratio" means the total building square footage (building area), measured to the inside face of exterior walls, excluding areas below finished grade, space dedicated to parking, mechanical spaces, elevator and stair shafts, lobbies and commons spaces including atriums and space used for any bonus features, divided by the site size square footage (site area).

Floor Area Ratio = (Building area)/(Site area)
(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.91F.445 Floor area ratio.

"Floor Area Ratio" means the net building area divided by the net site area.

Floor Area Ratio = Net building area / Net site area
SCC 30.91F.510 Frontage improvements

"Frontage improvements" means improvements to roadways abutting a development and tapers thereto required as a result of a development. Generally, frontage improvements in the urban area shall consist of appropriate base materials, maximum of one lane of paved road section (up to 12 feet), bus pullouts and waiting areas where necessary, bicycle lanes and bicycle paths where applicable, storm drainage improvements, curb, gutter, sidewalk, Frontage improvements in the rural area shall consist of appropriate base materials, one lane of paved road section (up to 12 feet), up to an eight foot paved shoulder, bus pullouts and waiting areas where necessary, bicycle lanes and bicycle paths where applicable, and required storm drainage improvements.

Former 30.91I.010 "Impervious surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle as compared to infiltration under natural conditions prior to development. A hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow that was present under natural conditions, prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, graveled areas and roads, packed earthen materials, surfaces covered by oil, macadam, asphalt treated base material (ATB), bituminous surface treatment (BST), chip seal, seal coat or emulsified asphalt and cutback asphalt cement, and other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention and detention facilities shall not be considered impervious surfaces for purposes of determining whether the thresholds for applying minimum stormwater management requirements are exceeded pursuant to chapter 30.63A SCC. However, open, uncovered retention and detention facilities shall be considered impervious surfaces for purposes of runoff modeling.


(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

**Former SCC 30.91L.120 Lot**
"Lot" means a tract or parcel of land created in its present configuration by subdivision, short subdivision, or large tract segregation (recorded and/or approved by the County), a segregation exempt from subdivision requirements, or transfer of ownership prior to September 12, 1972. To be considered a "lot," each tract or parcel must be of sufficient area and dimension to meet minimum zoning requirements that were in effect at the time the tract or parcel was created, and must meet the access requirements of this title. The term shall not include divisions or descriptions created solely for access purposes.

(Added Amended Ord. [02-064](#), Dec. 9, 2002, Eff date Feb. 1, 2003)

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**SCC 30.91P.258 Pre-developed condition**
"Pre-developed condition" means a fully-forested condition (soils and vegetation) to which a Washington State Department of Ecology-approved continuous runoff hydrologic model is calibrated, unless reasonable, historic information is provided that indicates the site was prairie prior to Euro-American settlement.


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**Former 30.91R.240 Road system.**
"Road system" means those existing or proposed roads whether state, county or city (including freeway interchanges with county roads or city streets and the ramps for those interchanges but excluding freeway mainlines), within:

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(1) The transportation service area, as defined by the Snohomish County transportation needs report, in which a development is located, except that instead an adjacent transportation service area may apply if determined by the director to be more appropriate where a development has a greater impact on public roads in an adjacent transportation service area than in the transportation service area in which the development is located; or

(2) The area of another county which is adjacent to the transportation service area in which the development is located.

This definition applies only to road impact mitigation regulations in chapter 30.66B SCC.

30.91S.320 Significant tree.

"Significant tree" means a tree with a caliper of at least 10 inches except dogwoods and vine maples are significant trees if they have a caliper of at least seven inches, and alders are not significant trees. For multiple stem trees such as vine maples, the caliper of the individual stems are added together to determine if a tree meets the minimum caliper for a significant tree.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.91S.340 Site.

"Site" means a lot or parcel of land or contiguous combination thereof under the same ownership or control; where a development activity is performed or permitted or on which development is regulated by this title.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.355 Site area, net.

"Site area, net" ("Net site area") means the gross area of a site in square feet excluding critical areas and required buffers.

This definition applies only to urban center regulations in chapter 30.34A SCC.

(Added by Amended Ord. 13-007, Sep. 11, 2013, Eff date Oct. 3, 2013)
30.91S.640 Stream.

"Stream" means those areas where naturally occurring surface waters flow sufficiently to produce a defined channel or bed which demonstrates evidence of the passage of water including, but not limited to, bedrock channels, gravel beds, sand and silt beds and defined-channel swales. A defined channel or bed means a water course that is scoured by water or contains deposits of mineral alluvium. The channel or bed need not contain water during the entire year.

Streams do not include water courses which were created entirely by artificial means, such as irrigation ditches, canals, roadside ditches or storm or surface water run-off features, unless the artificially created water course contains salmonids or conveys a stream that was naturally occurring prior to the construction of the artificially created water course.


30.91W.060 Wetlands.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to swamps, marshes, bogs, and similar areas, as well as artificial wetlands intentionally created from non-wetland areas to mitigate for conversion of wetlands, as permitted by the county. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to irrigation and drainage ditches, grass-lined biofiltration swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscaping amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. The detailed methodology for wetland delineation is contained in Washington State Wetlands Identification and Delineation Manual (Washington State Department of Ecology, Publication #96-94, March 1997)*

*Reviser Note: The text shown above in italic font was added by Amended Ordinance No. 06-061 but was not indicated with addition marks.