

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 07-____

RELATING TO SINGLE FAMILY DETACHED UNITS RESIDENTIAL DEVELOPMENT;
ADOPTING A NEW CHAPTER 30.41F SNOHOMISH COUNTY CODE (SCC) SINGLE
FAMILY DETACHED UNITS; AMENDING SCC SUBTITLES 30.2 ZONING AND
DEVELOPMENT STANDARDS AND 30.7 REVIEW AND APPEAL PROCEDURES;
AND AMENDING EXISTING DEFINITIONS AND
ADDING NEW DEFINITIONS IN CHAPTER 30.91 SCC

WHEREAS, on December 9, 2002, the Snohomish County Council adopted Title 30 Unified Development Code (UDC) of the Snohomish County Code (SCC) containing regulations that guide development within the unincorporated areas of Snohomish County; and

WHEREAS, adoption of Title 30 SCC combined seventeen code chapters together under one title resulting in a significant restructuring of the county's development regulations; and

WHEREAS, this restructuring of the county's development regulations focused on creating a more logical and streamlined grouping of like provisions and removal of duplicative, conflicting or ambiguous regulations; and

WHEREAS, the unified development code format created more user friendly development regulations, and consolidated provisions with only minor content changes necessary to achieve the new code structure; and

WHEREAS, the Snohomish County Unified Development Code Update Project was initially designed as a two-phase project with the first phase focusing on the organizational structure and the second phase focusing on the substantive content of the UDC; and

WHEREAS, the Snohomish County Unified Development Code Update Project has support from stakeholders as evidenced by the recommendations for regulatory reform made by the Executive's Snohomish County Citizens Cabinet on Economic Development; and

WHEREAS, the Snohomish County Council has supported the Unified Development Code Update Project through its adoption of project funding; and

WHEREAS, the Snohomish County Unified Development Code must be in compliance with State and Federal Law; and

WHEREAS, the Snohomish County Unified Development Code implements provisions of the Snohomish County Growth Management Act Comprehensive Plan; and

WHEREAS, updates to the Snohomish County Growth Management Act Comprehensive Plan were adopted in December 2005; and

WHEREAS, the second phase of the Snohomish County Unified Development Code Update Project will bring development regulations into alignment with state and federal mandates and with currently adopted policies in the Snohomish County Growth Management Act Comprehensive Plan; implement the recommendations for regulatory reform made by the Snohomish County Citizens Cabinet on Economic Development; and update antiquated regulations not addressed in the initial update phase; and

WHEREAS, the proposed ordinance is included in the second phase of the Snohomish County Uniform Development Code (UDC) Update Project; and

WHEREAS, Goal LU 2 and Objective LU 2.A of the County's Growth Management Act General Policy Plan promotes development patterns that use urban land more efficiently by increasing residential densities within urban growth areas (UGAs) and by directing more intense development to appropriate locations; and

WHEREAS, in the General Policy Plan, Urban Medium Density Residential (UMDR) designation allows a combination of detached homes on small lots, townhouses, and apartments in medium density, multifamily residential developments. Implementing zones include Residential 7,200 square feet (R-7,200) and Low Density Multiple Residential (LDMR) zones. The Urban High Density Residential (UHDR) designation allows high density residential land uses such as townhouses and apartments generally near other high intensity land uses. An implementing zone for UHDR is Low Density Multiple Residential (LDMR); and

WHEREAS, the General Policy Plan encourages infill and intensification of areas at existing residential densities and broadening the variety of housing types within both traditional single family and multi-family neighborhoods. The 2005 Update of the Comprehensive Plan upzoned many urban areas, thus increasing the density of existing neighborhoods; and

WHEREAS, a mix of housing types with a range of densities is encouraged throughout the UGAs, if carefully sited, well designed, and sensitively integrated into existing communities; and

WHEREAS, the terms "LDMR development" and "air condos" are used to refer to multiple single family detached units residential development located in Snohomish County on a single lot or on a collection of lots. The official term for this type of development is "single family detached units" and does not include single family

detached units on a single lot within a Planned Residential Development approved pursuant to chapter 30.42B SCC; and

WHEREAS, development of single family detached units does not generally require a division of land. They are often created and conveyed pursuant to the Washington Condominium Act (chapter 64.34 RCW) with each condominium unit individually owned, while the underlying land and common elements are owned collectively by the unit owners in the form of an association. Sometimes, single family detached units are not created and conveyed as condominiums and rather, they are rented out as apartments; and

WHEREAS, single family detached units continue to be constructed at higher rates than in previous years, but over three times as many subdivision applications for creation of individual lots are submitted than for unit developments, including attached condominiums and apartments. As of December 31, 2006, applications for 7,296 subdivided lots were filed versus 2,221 detached and attached units filed in 2006. Approximately one-fourth of the residential lots/units proposed in 2006 were for single family detached units; and

WHEREAS, Planning and Development Services Department staff held a series of four facilitated discussions for major stakeholders on December 1, 4 and 11, 2006, to discuss the issues and concerns with single family detached units and determine a consensus for development standards. Participants included county staff, cities, fire districts, and development community representatives. A draft report was issued on December 28, 2006; and

WHEREAS, most Snohomish County cities are concerned with the density, minimum road width, minimal pedestrian and recreational facilities, inadequate parking, and lack of landscaping they would inherit if these developments are annexed; and

WHEREAS, Bothell, Brier, Edmonds, Marysville, Mill Creek, Mountlake Terrace, Mukilteo, and Woodway passed resolutions calling for a moratorium on LDNR developments in unincorporated county areas; and

WHEREAS, fire officials and cities are concerned these developments are unsafe for residents and firefighters, however, each development is required to meet all fire and building codes and is reviewed by the Snohomish County Fire Marshal; and

WHEREAS, fire officials and cities have expressed concern over the adequate marking and obstruction of fire lanes in existing single family detached units residential developments; and

WHEREAS, fire officials and cities have expressed concern regarding the required separation between single family detached unit walls; and

WHEREAS, the Snohomish County Planning Commission was briefed on January 23, 2007, and held a public hearing on February 27, 2007, on the proposed

development regulations for single family detached units residential development ordinance. The planning commission passed a motion recommending; and

WHEREAS, the Snohomish County Council held a public hearing on _____, 2007, to consider the entire record and hear public testimony on Ordinance No. 07-____ adopting development regulations related to single family detached units residential development.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The foregoing recitals are incorporated herein as findings and conclusions as if set forth in full.

Section 2. The Snohomish County Council makes the following additional findings of fact:

- A. Chapter 30.21 SCC establishes and describes the use zones applicable in unincorporated Snohomish County as provided for in the comprehensive plan. Single family residential zones (R-7,200; R-8,400; R-9,600) provide for predominantly single family residential development or are used for holding zones for properties designated urban medium density residential, urban high density residential, urban commercial or other land uses in the comprehensive plan. Multiple family residential zones (Townhouse, Low Density Multiple Residential, Multiple Residential) provide for predominantly apartment and townhouse development in designated medium- and high-density residential locations.
- B. The Low Density Multiple Residential (LDMR) zone allows development of a variety of low-density, multifamily housing including townhouses, multifamily structures, and attached or detached homes on small lots and has a potential density of six to 12 units per acre. The Multiple Residential (MR) zone allows for high-density development, including townhouses and multifamily structures generally near other high-intensity land uses and has a potential density of 12 to 24 units per acre.
- C. In the past two years, the average net density for single family detached units projects currently is measured at 10 to 11 units in both the Low Density Multiple Residential (LDMR) and Multiple Residential (MR) zones.
- D. The County Council concludes that the character of single family detached units development permitted in the Low Density Multiple Residential zone and other applicable zones under current county code is not in keeping with desired quality residential design, and in some cases, does not satisfy minimum safety needs for its residents.
- E. The proposed ordinance will establish adequate standards for single family detached units residential development for the zones in which it is to be allowed. The standards will include both those generally agreed to by consensus through

the LDMR Facilitated Discussions Report prepared by PDS, and others that were not included in the consensus agreement. The proposed standards, including parking standards, vehicular access standards, open space standards and landscaping standards are necessary to alleviate identified problems and create an acceptable level of project design.

- F. The Planning and Development Services Department began a project to review urban and rural design standards for all residential and commercial development in unincorporated county. This project scope may include site and building design standards for residential development, including single family detached units. The design standards project completion is expected in 2007.
- G. In the past, single family detached units were processed as multi-family residential projects. At the adoption of this ordinance, they will be processed as single family residential projects, upon administrative approval of a site development plan for the property in which they are to be located.
- H. Single family detached units are often preferred by developers over other forms of single family housing because: (1) the market supports this type of entry-level single family home; (2) the shorter administrative review process is preferable to the traditional subdivision review process; and (3) the applicable development standards are comparatively easier to understand than those for other types of single family development.
- I. Current state and local codes provide that fire lanes shall have an unobstructed width of not less than 20 feet. The fire code official may require approved signs or other approved notices to identify fire lanes or to prohibit the obstruction of fire lanes. Such signs required by the fire code official must be maintained at all times. No fire lane may be obstructed in any manner, including the parking of vehicles.
- J. Existing codes currently provide that the separation between single family detached homes shall be 10 feet. Existing single family detached units were approved based on this standard, which is consistent with the applicable building codes.
- K. A Determination of Nonsignificance (DNS) was issued on February __, 2007 for the proposed adoption of development regulations related to single family detached units residential development pursuant to the State Environmental Policy Act (SEPA) (Ch. 43.21 RCW).
- L. The County published legal notices in The Everett Herald providing notice in advance of public hearings held by the planning commission and the county council. In addition, public comment has been solicited and received from stakeholders and members of the public on the proposed regulations as described herein.

Section 3. The Snohomish County Council makes the following conclusions:

- A. Due to the integrated nature of the Unified Development Code, the council concludes that additional amendments to the sections added or amended by this ordinance may require future amendments as other Unified Development Code Update projects (i.e., design standards, etc.) are completed and brought forward for council action.
- B. The county council concludes that fire lane development and maintenance shall be furthered by requiring a preconstruction meeting for single family detached units development applications.
- C. The county council concludes that operational issues for fire districts have been minimized in the proposed amendments through coordination between the Snohomish County Fire Marshal and appropriate fire district on all development proposals.
- D. The requirements of SEPA and Chapter 30.61 SCC have been satisfied.
- E. The proposed ordinance was broadly disseminated and made available to the public and interested parties had opportunities to provide written comments and testimony at public hearings after effective notice. Notice of the public hearings was published in a local newspaper of general circulation as required by the Snohomish County Code. Public hearings were held by the planning commission on February 27 and March 6, 2007, and by the county council on April 11, 2007. Therefore, the requirements of public participation set forth in RCW 36.70A.035 and chapter 30.73 SCC have been met.
- F. The regulations adopted in this ordinance are consistent with the County's GMA comprehensive plan policies related to land use designations, development patterns and residential densities. The regulations establish development standards specifically for single family detached units residential development, except when approved in Planned Residential Developments pursuant to chapter 30.42B SCC.

Section 4. The county council bases its findings and conclusions on the entire record of the planning commission and the county council, including all testimony and exhibits. Any finding, which should be deemed a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

Section 5. Snohomish County Code Section 30.23.030, adopted by Ordinance 06-075 on October 4, 2006, is amended to read:

30.23.030 Bulk matrix.

The bulk matrix contains standard setback, lot coverage, building height, and lot dimension regulations for zones in unincorporated Snohomish County. Additional setback and lot area requirements and exceptions are found at SCC 30.23.100 - 30.23.260.

Table 30.23.030(1)

BULK MATRIX

Category	Zone	Max. Bldg. Height (ft) ²⁷	Lot Dimension (ft) ⁵⁴			Setback Requirements From: (ft) ^{28, 53}							
			Min. Lot Area ²⁹	Min. Lot Width	Min. Corner Lot Width	Public Right of Way under 60' ^{34, 42}	Public and Private Right of Way ^{9, 11, 34, 42}	Commercial and Industrial Zones ¹¹	Residential, Multifamily, and Rural Zones ¹¹	Resource Lands Ag ²⁰	Forest ²¹	Water Bodies ¹²	Max. Lot Coverage ⁸
Resource	MC ³¹		10 ac ³²			50	50		100 ³³				
	F ³⁸	45 ⁶	20 ac ³	300	300	130 ^{10, 13}	100 ¹³	100 ¹³	100 ^{13, 33}	50	100 ³⁰	25 ¹³	35%
	F&R ^{38, 39}	25 ⁷	200,000 sf ^{2, 23}	100	100	50 ¹⁰	20	5	5 ³³	50	100 ³⁰	25	35%
	A-10 ^{37, 40, 52}	45	10 ac	none	none	50 ¹⁰	20	5	5 ³³	50	100 ³⁰	25	none
Dual	RRT-10	45	10 ac	225	225	50	20	5	5 ³³	50	100 ³⁰	25	35%
	R-5 ^{37, 38, 39, 40, 46}	45 ²⁵	200,000 sf ^{2, 24}	165 ²⁴	165 ²⁴	50 ¹⁰	20	5	5 ³³	50	100 ³⁰	25	35%
	RC ^{37, 38, 39, 40}	35	100,000 sf ²⁴	165 ²⁴	165 ²⁴	50 ¹⁰	20	5	5 ³³	50	100 ³⁰	25	35%
	RD ³⁸	45	200,000	165	165	50 ¹⁰	20	5	5 ³³	50	100 ³⁰	25	35%
	RB	35	none	none	none	55	25	none	50 ³³	50	100	none	35%
	CRC	35 ⁽⁴³⁾	none	none	none	25 ²⁶	25 ²⁶	none	25	50	100	none	50% ⁴⁴ 30% ⁴⁵
	RFS	35	none	none	none	55	25	none	50	50	100	none	35%
	RI	50	none	none	none	55	25	none	100	100	100	none	35%
Other	SA-1 ^{37, 39}	35	1 ac/ 43,560 sf	150	150	50 ¹⁰	20	5	5 ³³	50	100	25	35%
	RU ^{37, 39}	35	⁴¹	60	65	50 ¹⁰	20	5	5 ³³	50	100	25	35%
	R20,000 ^{37, 39}	25	20,000 sf	85	90	50 ¹⁰	20	5	5	50	100	25	35%
	R12,500 ⁴⁰	25	12,500 sf	75	80	50 ¹⁰	20	5	5	50	100	25	35%
	WFB	25	7,200 sf ²³	60	65	50 ¹⁰	20	5	5	50	100	25	35%

Table 30.23.030(1) (continued on next page)

			Lot Dimension (ft) ⁵⁴			Setback Requirements From: (ft) ^{28, 53}							
Category	Zone	Max. Bldg. Height (ft) ²⁷	Min. Lot Area ²⁹	Min. Lot Width	Min. Corner Lot Width	Public Right of Way under 60' ^{34, 42}	Public and Private Right of Way ^{9, 11, 34, 42}	Commercial and Industrial Zones ¹¹	Residential, Multiple Family, and Rural Zones ¹¹	Resource Lands		Water Bodies ¹²	Max. Lot Coverage ^{8, 51}
										Ag ²⁰	Forest ²¹		
Urban	R9,600	25	9,600 sf ²³	70	75	50 ¹⁰	20	5	5	50	100	25	35%
	R8,400	25	8,400 sf ²³	65	70	50 ¹⁰	20	5	5	50	100	25	35%
	R7,200	25	7,200 sf ²³	60	65	50 ¹⁰	20	5	5	50	100	25	35%
	T	³⁵	³⁵	³⁵	³⁵	50 ^{14,10}	20 ¹⁴	5 ¹⁴	5 ¹⁴	50	100	25 ¹⁴	³⁵
	LDMR	35	7,200 sf ⁴	60	70	55 ^{15, 10}	25 ^{15, 55}	15	¹⁵	50	100	25 ¹⁵	30%
	MR	35	7,200 sf ⁵	60	70	55 ^{15, 10}	25 ^{15, 55}	15	¹⁵	50	100	25 ¹⁵	40%
	FS	35	none	none	none	25 ²⁵	25 ²⁶	5/15 ¹⁶	25	none	100	none	none
	NB ¹	25 ⁴⁷	None ⁴⁸	none	none	25 ^{25,49}	25 ^{26, 49, 55}	none	10 ⁵⁰	none	100	none	35% ⁵¹
	PCB ¹	40 ⁴⁷	none ^{19, 48}	none	none	55 ^{25, 49}	25 ^{18, 26, 49}	none	25 ⁵⁰	none	100	none	None ⁵¹
	CB ¹	35	none	none	none	25 ²⁵	25 ^{26, 55}	none	10	none	100	none	50%
	GC ¹	45	none	none	none	25 ²⁵	25 ^{26, 55}	none	10	none	100	none	50%
	IP	65	none	none	none	30 ^{17, 25}	25 ^{17, 26}	none ¹⁷	25 ¹⁷	none	100	none	50%
	BP ¹	50	none ¹⁹	none	none	30 ²⁵	25 ²⁶	none	25	none	100	none	35%
	LI	50	none	none	none	25 ²⁵	25 ²⁶	none	50	none	100	none	none
HI	65	none	none	none	25 ²⁵	25 ²⁶	none	50	none	100	none	none	

Section 6. Snohomish County Code Section 30.23.040, adopted by Ordinance 06-075 on October 4, 2006, is amended to read:

30.23.040 Reference notes for bulk matrix:

(1) MR bulk requirements shall apply for all residential development permitted in urban commercial zones.

(2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.

(3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.

(4) In the LDMMR zone, the maximum density shall be calculated based on 4,000 square feet of land per dwelling unit.

(5) In the MR zone, the maximum density shall be calculated based on 2,000 square feet of land per dwelling unit.

(6) Commercial forestry structures shall not exceed 65 feet in height.

(7) Non-residential structures shall not exceed 45 feet in height.

(8) Lot coverage includes all buildings on the given lot.

(9) Includes public rights-of-way 60 feet and wider; public rights-of-way under 60 feet in a recorded plat with curbs and gutters; and private roads and easements. These setbacks shall be measured from the edge of the right-of-way.

(10) Applies to public rights-of-way under 60 feet. These setbacks shall be measured from the center of the right-of-way.

(11) These setbacks shall be measured from the property line.

(12) These setbacks shall be measured from the ordinary high-water mark and shall apply only to the rear setback. In the LDMMR and MR zones this setback applies to single family dwellings only. Greater setbacks than those listed may apply to areas subject to Shoreline Management Master Program jurisdiction. Some uses have special setbacks. See SCC 30.23.110 for specifics.

(13) The listed setbacks apply where the adjacent property is zoned F. In all other cases, setbacks are the same as in the R-8,400 zone. In the F zone, the setbacks for residential structures on 10 acres or less which were legally created prior to being zoned to F shall be the same as in the R-8,400 zone.

(14) The listed setbacks apply to single family detached structures. For a townhouse, see chapter 30.31E SCC.

(15) MR and LDMMR setbacks.

(a) Single family detached structures and duplexes shall have the minimum setbacks required in the R-8,400 zone. Building separation between single family detached structures or duplexes shall be a minimum of 10 feet.

(b) Other structures shall have minimum side and rear setbacks of five feet (10 feet where abutting residential, rural, or resource zones). Building separation between primary MR and LDMMR structures shall be a minimum of 15 feet. Building separation between primary structures and secondary/accessory structures, including but not limited to carports and garages, and separation between secondary structures themselves, shall be determined by the applicable sections of the Uniform Building Code (UBC).

(c) Multi-story structures shall increase all setbacks by three feet and building separations by five feet for each additional story over two stories.

(16) In the FS zone, the setback from non-residential property shall be five feet for side setbacks and 15 feet for rear setbacks.

(17) In the IP zone there shall be an additional one foot setback for every one foot of building height over 45 feet.

(18) In the PCB zone the setback from private roads and easements is 25 feet.

(19) See SCC 30.31A.020(1) and (2) which specifies the minimum area of a tract of land necessary for PCB or BP zoning.

(20) See additional setback provisions for dwellings located along the boundaries of designated farmland contained in SCC 30.32B.130.

(21) See additional setback provisions for structures located adjacent to forest lands, and/or on lands designated local forest or commercial forest contained in SCC 30.32A.110.

(22) The minimum lot size for properties designated Rural Residential (RR) - 10 (Resource Transition) on the comprehensive plan shall be 10 acres. For properties designated Rural Residential - 10 (Resource Transition) and located outside the Tulalip Reservation the lot/unit yield for rural cluster subdivisions or housing demonstration program projects using PRD provisions shall be based on a minimum lot size of 200,000 square feet.

(23) Minimum lot area requirements may be modified within UGAs in accordance with SCC 30.23.020.

(24) In rural cluster subdivisions approved in accordance with the provisions of chapter 30.41C SCC, the minimum lot area shall be as provided in SCC 30.23.220. The maximum lot area shall be 20,000 square feet or less when located in rural/urban transition areas.

(25) These setbacks shall be measured from the edge of the right-of-way as determined by the director of the department of public works.

(26) Except where specifically prohibited by the hearing examiner, the director of the department may waive or modify building setback requirements abutting private roads and/or private access easements serving lots within commercial and industrial zones only if such waiver or modification will not have a likely impact upon future right-of-way needs and/or right-of-way improvements.

(27) See SCC 30.23.050 for height limit exceptions.

(28) See SCC 30.23.100 et seq. for additional setback requirements and exceptions.

(29) See SCC 30.23.200 et seq. for additional lot area requirements and exceptions.

(30) SCC 30.32A.120 (Siting of new structures: commercial forest land) requires an application for a new structure on parcels designated commercial forest, but not within a designated commercial forest-forest transition area, to provide a minimum 500-foot setback, which shall be a resource protection area, from the property boundaries of adjacent commercial forest lands except that if the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 500 feet, the

new structure shall maintain the maximum setback possible, as determined by the department.

(31) Setback requirements for mineral excavation and processing are in SCC 30.23.110(26). Performance standards and permit requirements are in chapter 30.31D SCC.

(32) The site shall be a contiguous geographic area and have a size of not less than 10 acres, except in the case of subsurface shaft excavations, no minimum acreage is required, pursuant to SCC 30.31D.020(1)(a).

(33) See SCC Table 30.28.050(3)(i) for setback requirements for structures containing a home occupation.

(34) See SCC 30.23.120 for other setback exceptions.

(35) See chapter 30.31E SCC, for more complete information on the Townhouse Zone height, setback, and lot coverage requirements.

(36) RESERVED for future use (MR and LDMR setbacks - DELETED by Ord. 05-094 effective September 29, 2005.

(37) Agriculture: All structures used for housing or feeding animals, not including household pets, shall be located at least 30 feet from all property lines, as provided in SCC 32.23.110(1).

(38) There shall be no subdivision of land designated commercial forest in the comprehensive plan except to allow installation of communication and utility facilities if all the following requirements are met:

- (a) The facility cannot suitably be located on undesignated land;
- (b) The installation cannot be accomplished without subdivision;
- (c) The facility is to be located on the lowest feasible grade of forest land; and
- (d) The facility removes as little land as possible from timber production.

(39) On parcels designated commercial forest, but not within a designated commercial forest - forest transition area, establish and maintain a minimum 500-foot setback, which shall be a resource protection area, from the property boundaries of adjacent commercial forest lands except when the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain the maximum setback possible as provided in SCC 30.32A.120.

(40) Land designated local commercial farmland shall not be divided into lots of less than 10 acres unless a properly executed deed restriction which runs with the land and which provides that the land divided is to be used exclusively for agricultural purposes and specifically not for a dwelling(s), is recorded with the Snohomish County Auditor.

(41) Minimum lot area in the rural use zone shall be the minimum allowed by the zone identified as the implementing zone by the comprehensive plan for the plan designation applied to the subject property. Where more than one implementing zone is identified for the same designation, the minimum lot size shall be that of the zone allowing the smallest lot size.

(42) Figure 30.23.040(42) EASEMENT SETBACKS PER BULK MATRIX.

(43) Additional bulk requirements may apply. Refer to SCC 30.31F.100 and 30.31F.140.

(44) The 50% maximum lot coverage limitation applies solely to the portion of the area within the CRC comprehensive plan designation and zone that is centered at

180th Street SE and SR 9, generally extending between the intersection of 172nd Street/SR 9 to just south of 184th Street/SR 9, as indicated on the County's FLUM and zoning map.

(45) The 30% maximum lot coverage limitation applies solely to the portion area located within the CRC comprehensive plan designation and zone that is centered at State Route (SR) 9 and 164th Street SE, as indicated on the County's Future Land Use Map (FLUM) and zoning map.

(46) Uses are restricted where the R-5 zone coincides with the Mineral Resource Overlay (MRO) to prevent development which would preclude future access to the mineral resources. Residential subdivision is restricted pursuant to 30.32C.150. Residential setbacks are 100 feet, pursuant to Table 30.41C.210(1).

(47) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a maximum building height of 45 feet if using surface parking or 90 feet if using structured parking.

(48) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a minimum lot size of 5 acres unless within 120 feet of a park-and-ride facility where minimum lot area is 3 acres per SCC 30.31A.020 (2) and (3).

(49) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a setback of 5 feet minimum and 10 feet maximum.

(50) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a setback from residential, multiple family and rural zones of 10 feet minimum and 25 feet maximum.

(51) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a maximum lot coverage of 90 percent of net acreage.

(52) See SCC 30.33B.020 for bulk regulations related to existing playing fields on designated recreational land.

(53) This provision is not applicable to single-family and duplex dwellings and their accessory structures. Subject to chapter 30.51A SCC, all development activities and actions requiring project permits for buildings or structures located within a seismic hazard area and listed in SCC 30.51A.020 require a fifty (50) foot setback from the closest edge of an identified active fault trace.

(54) A split parcel may be subdivided along the UGA boundary line using one of three methods. First, a split parcel may be subdivided along the UGA boundary line into two lots, whereby one lot remains within the UGA and the other lot remains outside the UGA, pursuant to SCC 30.41B.010(5). Second, a split parcel may be subdivided as part of a short plat application, pursuant to SCC 30.41B.010(6). Finally, a split parcel may be subdivided as part of a plat application, pursuant to SCC 30.41A.010(3).

(55) Minimum setback for dwellings constructed pursuant to chapter 30.41F SCC is five feet from the pavement edge of a drive aisle, fire lane, or sidewalk, whichever is closer.

Section 7. Snohomish County Code Section 30.23.125, last amended by Ordinance 04-033 on March 31, 2004, is amended to read:

30.23.125 Setback exceptions from alleys, auto and shared courts, and shared driveways.

A building setback shall not be required from an alley, auto court, shared court, or shared driveway easement, or if applying for development approvals under chapter 30.41F SCC, the alley, court or shared driveway pavement. Vehicular parking shall not be permitted in an alley.

Section 8. A new Section 30.24.070 is added to the Snohomish County Code to read:

30.24.070 Vehicle access for single family detached units.

(1) Access from the county road system for single family detached units applications submitted under chapter 30.41F SCC shall be determined pursuant to SCC 30.24.020 and shall comply with the Engineering Design and Development Standards (EDDS).

(2) The internal vehicle access ways shall be private driveways or drive aisles. No right-of-way or private tracts or easements are permitted. The driveway system must be designed to provide fire apparatus access (fire lanes) to every facility, building or portion of building within the development pursuant to Chapter 30.53A SCC (Fire Code).

(3) The driveway system may include alternative vehicle access ways in addition to the required fire lanes, such as:

(a) Auto courts (or shared courts). Auto courts are intended for joint use by pedestrians and vehicles. Special paving and other street elements shall be used to encourage slow vehicle speeds. The following criteria apply:

(i) No more than seven dwelling units may use a single auto court for vehicle access;

(ii) The length of an auto court or shared court shall be no longer than 150 feet, unless the auto court is a designated fire lane that meets the width, load rating and turnaround requirements of chapter 30.53A SCC or the units are sprinklered per chapter 30.53A SCC;

(iii) If no garages face on the auto court, the width shall be a minimum of 12 feet unless the auto court is a designated fire lane with a minimum required width of 20 feet;

(iv) If garages face on the auto court, minimum separation between opposing garage doors on an auto court 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;

(v) 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; and

(vi) Special paving (such as scored concrete, paving blocks or bricks, ornamental pavers, or other similar alternative materials) and other street elements shall be used to encourage slow vehicle speeds and to signify the auto court's intended use by pedestrians as well as vehicles.

(b) Woonerfs. A woonerf is a joint use access way, similar to an auto court, with design features that emphasize the non-motorized users. A woonerf does not end in a court but makes a through connection between two sections of the driveway system.

(i) Width shall be a minimum of 12 feet unless the woonerf is a designated fire lane with a minimum required width of 20 feet.

(ii) 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.

(iii) Woonerfs can be used to access a maximum of fifteen dwelling units.

(iv) Woonerfs shall be surfaced with either scored concrete, paving blocks or bricks, ornamental pavers, or other similar alternative materials other than asphalt.

(c) Shared driveways. A shared driveway provides access for two dwelling units.

(i) Width shall be a minimum of 10 feet.

(ii) Driveway maintenance is the responsibility of the shared users.

(d) Alleys. An alley provides vehicle access to garages located behind dwelling units and service access for utilities. An alley must connect at two points to the internal driveway system so that neither a turnaround nor backing out of the alley is required. An alley is not to be considered a joint-use pedestrian facility.

(i) If no garages front on an alley, width shall be a minimum of 12 feet, with 16 feet preferred, unless the alley serves as a designated fire lane with a minimum required width of 20 feet.

(ii) With garages facing on the alley, minimum separation between opposing garage doors on 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.

(iii) Vehicular parking shall not be permitted in an alley.

(e) Other appropriate alternatives for vehicle access may be approved by the PDS director with appropriate justification. Alternatives may be proposed from the following texts and their amendments:

(i) Residential Development Handbook for Snohomish County Communities (MAKERS, 1992);

(ii) Residential Streets, 3rd Edition (ASCE, 2001); and

(iii) Model Code Provisions - Urban Streets & Subdivisions (WSCTED, September 1998).

Section 9. A new Section 30.24.080 is added to the Snohomish County Code to read:

30.24.080 Pedestrian access for single family detached units.

The following pedestrian access provisions are required for any single family detached units residential development proposed pursuant to chapter 30.41F SCC.

(1) Pedestrian facilities for single family detached units applications submitted under chapter 30.41F SCC shall be constructed as frontage improvements in any abutting city, county or state road right-of-way as a condition of development approval in accordance with chapter 30.66B SCC.

(2) The development shall provide an internal network of pedestrian facilities that connects each dwelling unit to community facilities, such as mailboxes, parking areas, and the pedestrian facilities constructed in any abutting county road right-of-way.

(a) Pedestrian facilities shall comply with the standards of the Americans with Disabilities Act (ADA).

(b) Pedestrian facilities are not required along alleys or along dead-end sections of the internal driveway system that are 150 feet or less in length or serve 90 average daily trips (ADT) or less.

(c) Pedestrian facilities are not required along auto courts, shared courts, or woonerfs that are 150 feet or less in length or serve 90 average daily trips (ADT) or less.

(d) Pedestrian scale lighting shall be provided along pedestrian facilities on the internal driveway system.

(e) Where a pedestrian facility is parallel and adjacent to a drive aisle or fire lane, it must be raised or separated from the vehicle surface by either a raised curb (rolled or vertical), bollards, landscaping, or other physical barrier. If a raised facility is used, it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no farther apart than 5 feet on center.

Section 10. Snohomish County Code Section 30.26.030, last amended by Amended Ordinance 05-040 on July 6, 2005, is amended to read:

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 30.26.030(1)

NUMBER OF SPACES REQUIRED

USE	NO. OF SPACES REQUIRED	NOTES
Single family, duplex, mobile home, multifamily, townhouse	2 per dwelling; see note	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.
<u>Single family detached units (pursuant to chapter 30.41F SCC)</u>	<u>2 per dwelling plus guest parking at 1 per 3 dwellings where driveways are provided, or 1 per two dwellings where no driveways are provided; see note</u>	<u>Driveway aprons at least 19' long and 8.5' wide between garage doors and designated fire lanes, drive aisles or pedestrian facility, may be counted as one dwelling parking space. All applicable provisions of chapter 30.26 SCC shall be followed. See 30.41F.070.</u>
Mobile home parks	2 per dwelling plus guest parking	See chapter 30.42E SCC.
Retirement apartments	2 per dwelling	See SCC 30.26.040(1).
Retirement housing	1 per dwelling or 1/3 per dwelling	See SCC 30.26.040(2).
Bed and breakfast guesthouses and inns	2 plus 1 per guest room	
Motels and hotels	1 per unit or room; see note	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.
Boarding houses, including fraternities and sororities	1 per sleeping room	
Correctional institutions	Determined by the department on a case by case basis	See SCC 30.26.035.
Day care centers	1 per employee plus load/unload space; see note	An off street load and unload area equivalent to one space for each 10 children is also required.
Health and social service facilities, Level II and Level III	Determined by the department on a case by case basis	See SCC 30.26.035.
Auto repair, machinery repair	5 : 1,000 sf gfa; see note	Note: service bays and work areas inside repair facilities do not count as parking spaces.
Financial institutions, office buildings, public utility and governmental buildings, real estate offices, excluding health and social service facilities	3 : 1,000 sf gfa; see note	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.

<u>USE</u>	<u>NO. OF SPACES REQUIRED</u>	<u>NOTES</u>
Medical and dental clinics	5 : 1,000 sf gfa	
Personal service shops or uses	4.5 : 1,000 sf GLA	
Drive-in restaurants and similar uses primarily for auto-borne customers	13.3 : 1,000 sf gfa; see note	Clear queuing space, not interfering with the parking areas, for at least five vehicles is required in front of any drive up window.
Mobile home and RV sales	1 : 3,000 sf of outdoor display area	
Motor vehicle sales or sales and service	1 : 1,000 sf gfa plus 1 : 1,500 sf of outdoor display area	
Restaurants, taverns or bars for on-premises consumption	10 : 1,000 sf gfa; see note	Minimum of five spaces required.
Retail stores	4.5 : 1,000 sf GLA	
Shopping centers	4.5 : 1,000 sf GLA; see note	Where two or more permitted tenant uses share employee and customer parking.
Athletic clubs, gymnasiums, health clubs	4 : 1,000 sf gfa	
Bowling alleys	5 per lane	
Churches, clubs, and lodges	Determined by the department on a case by case basis	See SCC 30.26.035.
Colleges, commercial or technical schools for adults	Determined by the department on a case by case basis	See SCC 30.26.035.
Equestrian centers and mini-equestrian centers	1 : 4 seats or 8 feet of bench; see note	One space accommodating a vehicle and horse trailer for every two horses expected at equestrian or mini-equestrian center events.
Funeral parlors, mortuaries, cemeteries	1 : 4 seats or 8 feet of bench, or 25 : 1,000 sf of assembly room with no fixed seats	
Libraries, art galleries, museums	4 : 1,000 sf gfa	
Passenger terminals (bus, rail, air)	10 : 1,000 sf gfa of waiting areas	
Schools, elementary and junior high, public and private	1 space for each 12 seats in the auditorium or assembly room; see note.	Sufficient off-street space for safe loading and unloading of students from school buses and cars is also required.

USE	NO. OF SPACES REQUIRED	NOTES
Schools, senior high, public and private	Determined by the department on a case by case basis; see note	See SCC 30.26.035. Sufficient off-street space for safe loading and unloading of students from school buses and cars is also required.
Stadiums, sports arenas, auditoriums, and other assembly areas with fixed seats	1 : 4 seats or 8 feet of bench	
Swimming pools, indoor and outdoor	1 : 10 swimmers, based on pool capacity as defined by the State Dept. of Health.	
Tennis courts, racquet or handball clubs, and similar commercial recreation	25 : 1,000 sf assembly area plus 2 per court	
Theaters, cinemas	1 : 4 seats or 8 feet of bench	
All other places of assembly without fixed seats including dance halls and skating rinks.	13.3 : 1,000 sf gfa	
Wholesale distribution facilities	1 : 1,000 sf gfa	
Manufacturing uses	3 : 1,000 sf gfa	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
Industrial uses except warehousing and storage	1 : 1,000 sf gfa	
Warehouse and storage except mini-self-storage	.5 : 1,000 sf gfa	
Mini-self-storage	2 : 50 storage units; see note	Half the spaces to be distributed equally around the site, half to be located at the project office.
Utility and communication uses without regular employment	1 space	
Auto wrecking yards	15 spaces for yards less than 10 acres in size; 25 spaces for yards 10 acres or larger	

USE	NO. OF SPACES REQUIRED	NOTES
Community Facilities for Juveniles	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	The approval authority may reduce the number of required spaces when the applicant can demonstrate that the reduction of spaces will be adequate

Section 11. Snohomish County Code Section 30.27.010, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

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; ~~((and))~~
- (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) Where required by chapter 30.53A SCC, fire lane and no parking signs shall be placed 50 feet apart and be maintained to ensure emergency vehicle access.

Section 12. A new Chapter 30.41F is hereby added to the Snohomish County Code to read:

Chapter 30.41F
SINGLE FAMILY DETACHED UNITS

Sections:

- 30.41F.010 Purpose and applicability.
- 30.41F.020 Procedures.
- 30.41F.030 Submittals.
- 30.41F.040 Approvals.
- 30.41F.050 Provisions for public safety.
- 30.41F.060 Design guidelines.
- 30.41F.070 Open space.
- 30.41F.080 Landscaping.
- 30.41F.090 Maintenance of landscaped and open areas.
- 30.41F.100 Parking standards.

30.41F.010 Purpose and Applicability.

(1) This chapter establishes and describes development standards and review procedures for single family detached units residential development created outside the traditional subdivision process.

(2) The provisions of this chapter shall apply to single family detached units developed on properties designated in the comprehensive plan for medium and high density residential development. A minimum of two detached single family dwelling units on one lot, whether alone or in combination with other types of single family or multifamily dwellings (e.g., duplexes, triplexes, etc.) on the same lot may be created. Multiple lots may be combined to create one development site.

(3) Single family detached units may be located in the following zones: LDMR (Low Density Multiple Residential), MR (Multiple Residential), NB (Neighborhood Business), CB (Community Business), and GC (General Commercial).

(4) This chapter and all other applicable chapters of this title ensure development is consistent with the intent and function of each zone. Unless specifically modified by this chapter, all bulk requirements of the underlying zone shall apply.

(5) The purpose of this chapter is to allow an alternative method for developing higher density single family housing within urban growth areas outside the traditional subdivision process and lot ownership patterns. This alternative may be used to infill existing single family neighborhoods where infrastructure exists to deliver efficient land use and cost-effective delivery of urban services or may be used to develop larger scale higher-density single family housing where infrastructure may be developed in areas designated in the county's comprehensive plan for medium and high density development.

30.41F.020 Procedures.

(1) Single family detached units applications shall be processed as a Type 1 administrative decision pursuant to SCC 30.71.030.

(2) Public notice of applications shall be provided as set forth in chapter 30.70 SCC for Type 1 applications.

(3) At the request of the applicant, applications may be combined with other types of permits or be processed concurrently with other types of permits pursuant to SCC 30.70.120.

(4) The department will process an administrative site plan according to the procedures for Type 1 administrative decisions. Submittal requirements are established and implemented per SCC 30.70.030.

(5) Specifications for development access onto county right-of-way shall be subject to the county's Engineering Design and Development Standards (EDDS). Access to a city right-of-way shall be subject to the city's applicable standards.

(6) Frontage improvements required within the public right-of-way shall be determined by the department pursuant to chapter 30.66B SCC and the county's Engineering Design and Development Standards (EDDS).

(7) A pre-construction meeting shall be scheduled by the applicant to identify and prepare for potential safety issues before construction begins. The department shall provide the applicable fire district written notice of the pre-construction meeting.

30.41F.030 Submittals.

(1) Administrative site plan. An administrative site plan shall be submitted with each single family detached units permit application. Pursuant to SCC 30.70.030, the department will supply a submittal checklist for textual and graphical requirements.

(a) An administrative site plan for a single family detached units application may be finalized as a whole or in successive divisions or phases. When phasing is proposed, and all information required by this section is provided for only a portion of the entire site, a preliminary plan shall be submitted for the entire site concurrently with the first phase plan. The preliminary plan shall include the following:

- (i) general phasing plan for the entire site;
- (ii) general vehicular circulation and access control plan for the entire site;
- (iii) general pedestrian circulation plan for the entire site; and
- (iv) general landscape and open space plan for the entire site.

The preliminary plan shall be used as a guide for adequate connectivity of the plan components for all development phases on the site. A preliminary plan shall not be required where an entire site is proposed for final administrative site plan approval.

(b) The site plan or phased divisions shall be submitted to the director for final approval or disapproval. The director shall submit copies of the final plan for a 21-day review and comment period to appropriate departments, cities or agencies for their review and comment. Reviewing departments, cities or agencies may make comments consistent with the county code. Upon review of any comments received, the director shall approve the site plan in writing when found to be in conformance with

this chapter and other applicable chapters of title 30 SCC. Upon approval, the final administrative site plan shall control all development of the property.

(2) Prior to initiation of any site work, the applicant shall submit to the department draft covenant, conditions and restrictions, homeowner's association bylaws, or other documents, consistent with chapter 64.34 RCW, ensuring parking enforcement and guaranteeing maintenance and common fee ownership, if applicable, of community facilities, drive aisles, fire lanes, and other vehicle and pedestrian facilities, and all other commonly-owned and operated property.

30.41F.040 Approvals.

(1) Administrative site plan. In order to approve an administrative site plan, the department must find that the site plan is consistent with the requirements of this chapter and other applicable regulations as determined by the department.

(2) Final inspection and occupancy shall not be completed until the following requirements are met for those units included in the inspection:

- (a) Fire lane signs and/or striping is completed for all access ways to the units;
- (b) Address signs and unit addressing is completed on the units; and
- (c) All landscaping, site amenities, fencing, pedestrian facilities, lighting, and other requirements for the units, pursuant to this chapter, are installed and approved.

(3) Director's discretion. For the purpose of achieving greater innovation and design flexibility, the Planning and Development Services and Public Works directors shall have the authority to grant modifications as follows:

(a) Modifications may be granted to the following provisions of the county code if the applicant demonstrates that its proposal is consistent with the requirements of this chapter and the requested modification is consistent the intent and purpose of this chapter and its provisions:

- (i) chapter 30.24 SCC General Development Standards – Roads and Access;
- (ii) chapter 30.25 SCC General Development Standards - Landscaping;
- (iii) chapter 30.26 SCC General Development Standards – Parking, except no reduction in the required number of parking spaces; and
- (iv) chapter 30.27 SCC General Development Standards - Signs.

(b) The Planning and Development Services director shall retain administrative authority over the request. The director's decision shall be final and not subject to appeal to the hearing examiner.

(c) Nothing in this section limits the Planning and Development Services and/or Public Works directors' authority to grant modifications as provided in chapter 30.63C SCC (Low Impact Development) if an applicant incorporates low impact development techniques into the design of single family detached units.

30.41F.050 Provisions for public safety.

Pursuant to SCC 30.53A.150, the required width of a fire lane shall not be obstructed in any manner, at any time, including parking of vehicles. The developer and/or builder shall consult with the applicable fire district/department during a pre-

construction meeting regarding maintenance of fire lane access throughout construction. Documents submitted under SCC 30.41F.030(2) shall include provisions for ensuring that final property owners will enforce and maintain fire lane access in perpetuity. Fire lane and no parking signage shall be provided pursuant to chapter 30.27 SCC.

30.41F.060 Design guidelines.

(1) The objectives of site and building design principles are:

(a) To enhance the sense of place created by the coordination of landscaping, open spaces and driving surfaces and by applying principles of good design to the individual units;

(b) To improve the quality of development by providing guidelines that contain sufficient flexibility to encourage creative and innovative site and building design; and

(c) To ensure that new higher density residential development is compatible with surrounding neighborhoods.

(2) This chapter does not impose any architectural design requirements on new single family detached units. The department encourages applicants and developers of these proposals to consider incorporating elements and features from the following documents when designing the development. These documents are available for review at the department's office:

(a) Residential Development Handbook for Snohomish County Communities, March 1992; and

(b) Housing As If People Mattered: Site Design Guidelines for Medium-Density Family Housing, 1986.

30.41F.070 Open space.

The objective of on-site open space is to provide for the health, recreational, environmental, and safety needs of the residents, occupants, guests, and visitors of the development.

(1) Applicant is encouraged to use low impact development techniques in chapter 30.63C SCC and tree retention standards in SCC 30.42B.130.

(2) Total open space shall include usable open space, critical areas and their required buffers; site perimeter landscaping and other required landscaped areas outside of right-of-ways; landscaped, unfenced stormwater detention/retention ponds; utility easements; and all other open space areas owned in common by all residents or owners.

(3) Usable common open space shall be developed for active and/or passive recreation purposes. The following are examples of active and passive recreation activities that may be allowed in usable open space: open play areas; pedestrian or bicycle paths; picnic areas with tables and benches; gazebos, benches and other resident gathering areas; community gardens; nature interpretive areas; flower gardens; unfenced detention ponds; sport court; tot lot with play equipment (soft surface); open play area or sports field (grass or other pervious surface); or any similar use approved by the director.

- (a) A site entrance feature may also include usable open space.
- (b) Unbuildable land including critical areas may be considered for inclusion in the required open space land upon a showing that such lands can and will be used for specified recreational or community purpose.
- (4) Usable common open space shall be provided within all developments as follows:
 - (a) For developments of 1 to 40 units, there shall be a minimum of 100 square feet of open space per unit;
 - (b) For developments of 41 to 100 units, there shall be a minimum of 150 square feet of open space per unit;
 - (c) For developments of over 100 units, there shall be a minimum of 200 square feet of open space per unit.
 - (d) Space located over vaults shall be included in calculating the amount of open space for a development.

At least 40% of the required open space for a development shall be in a single location.

- (5) Open spaces should be easily accessible to all dwelling units in the development.
- (6) Areas of limited common easements include areas such as patios, porches, and balconies.
 - (a) Limited common easements identified for individual use by each unit is not included in the open space calculation, whether fenced or not.
 - (b) Fencing of limited common easements is allowed in the back of the unit. Fencing shall not exceed 6 feet in height and shall not be built forward of the front edge of the unit. Corner lots may construct the fence up to the front edge on the street side of the unit.
 - (c) Other areas of limited common easements shall not be fully enclosed, but may be covered. Covered outdoor areas are subject to the setback standards of this title.

30.41F.080 Landscaping.

The objectives of landscaping are to minimize surface water runoff and diversion, to prevent soil erosion, and to promote the aesthetic character of the community. Landscaping should enhance the appearance of the community from the public street, adjacent properties, and internal buildings and drive aisles.

- (1) Landscaping shall be provided pursuant to chapter 30.25 SCC.
- (2) Applicants are encouraged to use low impact development techniques as alternatives to or in conjunction with conventional stormwater techniques pursuant to chapter 30.63C SCC.
- (3) Applicants are encouraged to retain existing trees pursuant to 30.42B.130.
- (4) Public road landscaping. Frontage improvements including landscaping requirements are for single family developments pursuant to chapter 30.66B SCC and the County's Engineering Design and Development Standards (EDDS).
- (5) Landscaping internal to the development shall include street, parking area and unit landscaping. Applicants are encouraged to use low water use and native vegetation.

(a) There shall be at least one tree for every two lots included in the landscaping as part of the streetscape of the development. Tree size shall be consistent with tree size under minimum planting requirements in SCC 30.25.015(5). Original trees retained on site shall be included in determining the ratio of one tree for every two lots.

(b) Front yards shall include an entrance sequence between the sidewalk and the building including elements such as trellises, site furnishings, low hedges, landscaped borders, and special paving.

(6) Open spaces, court yards, and meeting areas shall also include landscaping to promote privacy of individual units.

30.41F.090 Maintenance of landscaped and open areas.

To ensure permanent, ongoing maintenance of all landscaped and open space areas required by this chapter and SCC 30.25.045:

(1) Landscape maintenance covenants shall be prepared by the applicant and submitted together with documents otherwise required for maintenance of site improvements.

(2) Total open space shall be protected in perpetuity by a recorded covenant, in a form approved by the director. The recorded covenant must restrict use of the total open space to those specified in the approved site plan and concomitant agreement and must provide for the maintenance of the total open space in a manner which assures its continuing use for the intended purpose.

(3) The maintenance of pervious surfaces used for open space requirements must also be maintained to retain the purpose of the pervious surface.

30.41F.100 Parking standards.

(1) Resident parking shall be provided pursuant to Table 30.26.030(1).

(a) Garages may count towards the dwelling parking requirements.

(b) Parking may be designed in clusters spaced throughout the development.

(2) Adequate provisions for resident parking shall be provided:

(a) In garages;

(b) On individual dwelling unit driveway aprons between the garage doors and the nearest edge of the drive aisle or pedestrian facility, whichever is closer. No vehicle parked on a driveway apron may obstruct any part of a pedestrian facility or drive aisle;

(c) In designated parking areas; and

(d) As parallel parking on internal drive aisles, provided the aisles are wide enough to ensure emergency vehicle access, pursuant to the Fire Code, chapter 30.53A SCC.

Section 13. Snohomish County Code Section 30.71.020, adopted by Amended Ordinance. 02-064 on December 9, 2002, is amended to read:

30.71.020 Type 1 permits and decisions.

The following are processed as Type 1 administrative decisions:

- (1) Administrative conditional use permit;
- (2) Binding site plan approval;
- (3) Boundary line adjustment, except as provided in 30.41E.020 SCC;
- (4) Building and grading permits subject to SEPA review pursuant to chapter 30.61 SCC, or subject to conditions imposed pursuant to chapter 30.32D;
- (5) Free standing signs in the FS and RFS zones;
- (6) Code interpretations issued pursuant to SCC 30.83.030(2);
- (7) Flood hazard permit, except for single family and duplex residential development;
- (8) Flood hazard variance;
- (9) Freeway service zone official site plan (existing FS zone);
- (10) Shoreline substantial development permit, shoreline conditional use, and shoreline variance, except when processed as a Type 2 decision pursuant to SCC 30.44.240;
- (11) Short subdivision approval with no dedication of a new public road right-of-way;
- (12) Urban centers project decision pursuant to chapter 30.34A SCC; ~~((and))~~
- (13) Variance~~((-))~~; and
- (14) Single family detached units applications pursuant to chapter 30.41F SCC.

Section 14. Snohomish County Code Section 30.91A.150, adopted by Amended Ordinance. 02-064 on December 9, 2002, is amended to read:

30.91A.150 "Alley" means any public or private ~~((thoroughfare))~~access way for the use of vehicles and/or pedestrians ~~((and/or vehicles))~~which affords only a secondary means of access to public or private property, courtyard, park, or a common parking area. An alley emphasizes vehicle access over pedestrian access.

Section 15. A new section is added to Chapter 30.91A of the Snohomish County Code to read:

30.91A.XXX "Auto court" or "shared court" means an access way designed to accommodate vehicles, pedestrians, and bicycles within the same circulation space. A sidewalk area may include a sidewalk separate from paved vehicle areas or be surfaced with paving blocks, bricks or other ornamental pavers to clearly indicate that the entire street is intended for pedestrians as well as vehicles. An auto or shared court may also include traffic calming measures to ensure safe co-existence of pedestrians, vehicles, and bicycles.

Section 16. A new section is added to Chapter 30.91B of the Snohomish County Code to read:

30.91B.XXX "Bollard" means a rigid post, permanent or removable, used as a traffic control device to limit vehicle access. Bollards are usually installed in a line with

sufficient space between them to allow permitted access, such as bicycles and pedestrians, but not motor vehicles. Removable bollards are used when access may be required for special-purpose vehicles but not general traffic.

Section 17. A new section is added to Chapter 30.91D of the Snohomish County Code to read:

30.91D.XXX "Drive aisle" means a private access way for the passage of vehicles that provides access from a public or private road to single family dwelling units or multifamily buildings. A drive aisle may also serve as a fire lane.

Section 18. A new section is added to Chapter 30.91P of the Snohomish County Code to read:

30.91P.XXX "Pedestrian access" means an access way for bicyclists and pedestrians between two streets, lots, drive aisles, dwelling units, etc. It may be a sidewalk, walkway or shared path connected with a vehicle access way, or it may be a self-contained facility created solely for pedestrians and bicyclists.

Section 19. A new section is added to Chapter 30.91P of the Snohomish County Code to read:

30.91P.YYY "Pedestrian facility" means 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 to provide for pedestrian travel.

Section 20. A new section is added to Chapter 30.91S of the Snohomish County Code to read:

30.91S.XXX "Shared court" See definition for "auto court."

Section 21. A new section is added to Chapter 30.91S of the Snohomish County Code to read:

30.91S.YYY "Shared driveway" means a private driveway serving access to no more than two dwelling units or one duplex.

Section 22. A new section is added to Chapter 30.91V of the Snohomish County Code to read:

30.91V.XXX "Vehicle circulation" means the ability of vehicles to move from one location to another.

Section 23. A new section is added to Chapter 30.91W of the Snohomish County Code to read:

30.91W.XXX “Woonerf” (Dutch for “street for living”) means a common space shared by pedestrians, bicyclists and motor vehicles but design features emphasize the non-motorized users. A woonerf is similar to an auto court or shared court, except that it makes a through connection between two other parts of the internal driveway system. Driving surfaces are narrow, without curbs or sidewalks, and vehicle speeds are kept low by trees, planters, parking areas or other traffic-calming features.

Section 24. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by the Growth Management Hearings Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this ____ day of _____, 2007

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ATTEST:

Clerk of the Council

Dave Gossett, Council Chair

- () APPROVED
- () EMERGENCY
- () VETOED

DATE: _____

ATTEST:

Aaron G. Reardon, County Executive

Approved as to form only:

Deputy Prosecuting Attorney