

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF INTRODUCTION OF ORDINANCE
AND
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a PUBLIC HEARING on WEDNESDAY, SEPTEMBER 30, 2009, at the hour of 1:30 p.m. in the Henry M. Jackson Board Room, 8th Floor, County Administration Building East, 3000 Rockefeller, MS-609, Everett, Washington, to consider the Snohomish County Planning Commission recommendations and proposed Ordinance No. 09-079, relating to urban center design standards, repealing the Urban Centers Demonstration Program, establishing a new zone for urban centers, establishing bulk regulations for urban centers; amending and repealing definitions to subtitle 30.9 SCC; Amending sections of and adding sections to Title 30 SCC.

Background: The proposed ordinance will create new urban center regulations for unincorporated urban growth areas to replace the Urban Center Demonstration Program.

A summary of the proposed ordinance is as follows:

ORDINANCE NO. 09-079

RELATING TO URBAN CENTER DESIGN STANDARDS, REPEALING THE URBAN CENTERS DEMONSTRATION PROGRAM, ESTABLISHING A NEW ZONE FOR URBAN CENTERS, ESTABLISHING BULK REGULATIONS FOR URBAN CENTERS; AMENDING BULK REGULATIONS FOR THE NEIGHBORHOOD BUSINESS ZONE; AMENDING AND REPEALING DEFINITIONS TO SUBTITLE 30.9 SCC; AMENDING SECTIONS OF AND ADDING SECTIONS TO TITLE 30 SCC.

- Section 1. Adopts findings including, but not limited to: the adoption and incorporation of the recitals as findings as if set forth in full. The recitals provide, among other things, factual and procedural background and policy justification for the ordinance.
- Section 2. States additional findings and conclusions including but not limited to: consistency between the County's Growth Management Act Comprehensive Plan and the multi-county planning policies adopted by the Puget Sound Regional Council; staff review of the Urban Centers Demonstration Program; SEPA, and public participation.
- Section 3. States that the findings and conclusions are based on the entire record of the county council, including all testimony and exhibits.
- Section 4. Amends Snohomish County Code (SCC) 30.21.020, Establishment of zones: to add the new Urban Center (UC) zone in the Urban Zone category.

Section 5. Amends SCC 30.21.025, Intent of zones: to include the intent of the urban center zone and to remove references to the Urban Centers Demonstration Program. The section would be revised as follows:

30.21.025(1)(c)(i) and (ii):

(i) Neighborhood Business (NB). The intent and function of the neighborhood business zone is to provide for local facilities that serve the everyday needs of the surrounding neighborhood, rather than the larger surrounding community. ~~((Urban villages implemented under chapter 30.34A SCC Urban Centers Demonstration Program are only permitted within the Neighborhood Business (NB) zone));~~

(ii) Planned Community Business (PCB). The intent and function of the planned community business zone is to provide for community business enterprises in areas desirable for business but having highly sensitive elements of vehicular circulation, or natural site and environmental conditions while minimizing impacts upon these elements through the establishment of performance criteria. Performance criteria for this zone are intended to control external as well as internal effects of commercial development. It is the goal of this zone to discourage "piecemeal" and strip development by encouraging development under unified control. ~~((Urban centers implemented under chapter 30.34A SCC Urban Centers Demonstration Program are only permitted within the Planned Community Business (PCB) zone));~~

30.21.025(1)(f):

(f) Urban Center (UC). The intent and function of the Urban Center zone is to implement the Urban Center designation on the future land use map by providing a zone that allows a mix of high-density residential and commercial uses with public and community facilities and pedestrian connections located along existing or planned high capacity transit corridors;

Section 6. SCC 30.22.030 is amended to remove a term no longer needed.

30.22.030 Number of uses per lot.

Uses shall be established upon legally created lots that conform to current zoning requirements or on legal nonconforming lots. A lot may have more than one use placed within its bounds, except that only one single family dwelling may be placed on a lot. This exception shall not apply to model homes as defined herein, to planned residential developments proposed and approved pursuant to chapter 30.42B SCC, ~~((center))~~ projects proposed and approved pursuant to chapter 30.34A SCC, or to land zoned commercial or multiple family residential. Multifamily structures may be placed on lots at densities controlled by chapter 30.23 SCC.

Section 7. Amends SCC 30.22.100, Urban zone categories-Use matrix: to add the new Urban Center (UC) zone and populate with permitted uses.

Section 8. Amends SCC 30.22.130, Reference notes for use matrix to: Remove note 108 referencing the Urban Centers Demonstration Program and add three new reference notes:

- (117) Would prohibit drive-through facilities in the Urban Center (UC) zone.
- (118) Would permit boat launches only when associated with a marina.
- (119) Would permit only building mounted personal wireless communication facilities.

Section 9. Amends Table 30.23.030 (1), Bulk Matrix: to add the new urban center zone and a cross-reference to Chapter 30.34A SCC, Urban Center Development. The table is also amended to change the building height, setbacks and lot coverage in the NB zone.

Section 10. Amends SCC 30.22.040, Reference Notes for the Bulk Matrix: to delete notes 47-51 because they relate to the Urban Centers Demonstration Program being repealed.

Section 11. Amends SCC 30.28A.120, Priority of Location: relating to personal wireless telecommunications facilities to include the Urban Center Zone under SCC 30.28A.120 (5). The amendment would be as follows:

30.28A.120 Priority of locations.

The order of priorities for locating new personal wireless telecommunications services facilities shall be in accordance with SCC 30.28A.120(1) through (7) below. The applicant shall demonstrate that all other locations with a higher priority on the list are not feasible. Priorities rank from highest to lowest as set forth below. The zones listed in SCC 30.28A.120(4) through (7) are prioritized in order of preference within each subsection.

(1) On existing wireless communications support structures.

(2) Place on appropriate rights-of-way and existing structures such as buildings, towers, water towers and smokestacks located on non-residentially zoned property or in utility corridors. Wireless communications support structures for personal wireless telecommunications service facilities locating under this subsection shall secondarily consider the priorities established in SCC 30.28A.120(4) through (7).

(3) Place on other public property if practical and allowed, i.e., Snohomish County property, etc.

(4) Place in districts zoned:

- (a) Heavy Industrial (HI);
- (b) Light Industrial (LI);
- (c) General Commercial (GC); and
- (d) Community Business (CB).

(5) Place in districts zoned:

- (a) Industrial Park (IP);
- (b) Business Park (BP);
- (c) Freeway Service (FS);
- (d) Rural Freeway Service (RFS);
- (e) Planned Community Business (PCB);
- (f) Neighborhood Business (NB);
- (g) Urban Center (UC)
- ~~((g))~~ (h) Rural Industrial (RI);
- ~~((h))~~ (i) Clearview Rural Commercial (CRC); and
- ~~((i))~~ (j) Rural Business (RB).

(6) Place in districts zoned:

- (a) Rural Use (RU);
- (b) Rural Diversification (RD);
- (c) Rural Resource Transition-10 Acre (RRT-10);
- (d) Forestry (F);
- (e) Mineral Conservation (MC);
- (f) Forestry and Recreation (F&R); and
- (g) Agricultural-10 (A-10).

- (7) Place in districts zoned:
- (a) Rural 5 Acres (R-5);
 - (b) Rural Conservancy (RC);
 - (c) Suburban Agriculture 1 (SA-1);
 - (d) Residential 20,000 (R-20,000);
 - (e) Residential 12,500 (R-12,500);
 - (f) Waterfront Beach (WFB);
 - (g) Multiple Residential (MR);
 - (h) Mobile Home Park (MHP);
 - (i) Low-density Multiple Residential (LDMR);
 - (j) Townhouse (T);
 - (k) Residential 9,600 (R-9,600);
 - (l) Residential 8,400 (R-8,400); and
 - (m) Residential 7,200 (R-7,200).

Section 12. Amends SCC 30.31A.010, Purpose and applicability: to remove references to the PCB-TPV subzone. The amendment is as follows:

30.31A.010 Purpose and applicability.

This chapter regulates development in and establishes zoning criteria for the planned community business (PCB), neighborhood business (NB), business park (BP), and industrial park (IP) zones. ~~((The PCB zone includes a subzone of planning community business – transit pedestrian village (PCB-TPV) with additional performance requirements described in 30.34A.))~~ This chapter sets forth procedures and standards to be followed in applying for, and building in these zones.

Section 13. Amends SCC 30.31A.020, Minimum zoning criteria: to remove references to the PCB-TPV subzone and references related to the Urban Centers Demonstration Program. The amendments are as follows:

30.31A.020 Minimum zoning criteria.

(1) A tract of land proposed for BP zoning shall contain sufficient area to create a contiguous tract of BP zoned land at least four acres in size.

(2) A tract of land proposed for PCB zoning shall contain sufficient area to create a contiguous tract of PCB zoned land at least five acres in size. ~~((Rezoning to PCB-TPV is only allowed when a master plan has been approved by the department and is adopted as part of the rezone. The county may rezone during adoption of a master or concept plan. A property owner may also complete a master plan as outlined in the GMACP and request a rezone through the docketing process.))~~

(3) A tract of land proposed for NB zoning shall contain sufficient area to create a contiguous tract of NB zoned land at least three acres in size.

(4) A tract of land must be in single ownership or, for multiple parcels, under unified control. This requirement shall apply during preliminary and final plan stages to ensure continuity of plan development.

(5) Zoning request must be accompanied by a preliminary development plan prepared by a team of design professionals in compliance with the regulations and requirements of this chapter. ~~((Rezones to PCB-TPV subzone must be accompanied by a master plan or concept plan, approved by the department, in compliance with the regulations and requirements of chapter~~

~~30.34A SCC:))~~

(6) Preliminary and final plans must comply with bulk regulations contained in SCC 30.23.030 ~~((or if project is submitted under chapter 30.34A, the plans must comply with the bulk regulations in SCC 30.23.030)).~~

(7) All utility services and distribution lines shall be located underground, and in the case of the BP zone ~~((and projects submitted under chapter 30.34A))~~ the property shall be served by public water and sewer services and paved streets, paved private roads, or paved common access areas.

Section 14. Amends SCC 30.31A.100, General performance standards: to add a new requirement that projects in the NB zone and designated Urban Village will use the parking rates in Chapter 30.34A SCC. The amendments are as follows:

30.31A.100 General performance standards.

Each planned zone and uses located in the BP, PCB, NB and IP zones shall comply with the following requirements unless more specific requirements are provided in code:

(1) Processes and Equipment. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable beyond the boundaries of the lot upon which the use is located by reason of offensive odors, dust, smoke, gas, or electronic interference;

(2) Development Phases. Where the proposal contains more than one phase, all development shall occur in a sequence consistent with the phasing plan which shall be presented as an element of the preliminary plan unless revisions are approved by the department;

(3) Building Design. Buildings shall be designed to be compatible with their surroundings, both within and adjacent to the zone;

(4) Restrictive Covenants. Restrictive covenants shall be provided which shall ensure the long-term maintenance and upkeep of landscaping, storm drainage facilities, other private property improvements, and open space areas and facilities. Further, the covenants shall reference the official or binding site plan(s) and indicate their availability at the department, and shall provide that Snohomish County is an additional beneficiary with standing to enforce, and shall preclude the avoidance of performance obligations through lease agreements;

(5) Off-street Parking. Permanent off-street parking shall be in accordance with terms of chapter 30.26 SCC, except in the NB zone where the land is designated Urban Village on the future land use map, parking shall be in accordance with SCC 30.34A.050;

(6) Signing. Signs for business identification or advertising of products shall conform to the approved sign design scheme submitted with the final plan, and must comply with chapters 30.54B and 30.27 SCC;

(7) Noise. Noise levels generated within the development shall not exceed those established in chapter 10.01 SCC - noise control, or violate other law or regulation relating to noise. Noise of machines and operations shall be muffled so as to not become objectionable due to intermittence or beat frequency, or shrillness; and

(8) Landscaping. General landscaping and open space requirements shall be in accordance with chapter 30.25 SCC.

Section 15. Repeals Chapter 30.34A SCC, Urban Centers Demonstration Program.

Section 16. Adopts a new SCC 30.34A, Urban Center Development: to add 21 new sections:

- 30.34A.010 Purpose and applicability (establishes the purpose of the chapter and what development is subject to the regulations)

- 30.34A.020 Permitted uses (establishes the permitted uses within the UC zone)
- 30.34A.030 Floor area ratio (establishes the FAR requirements and bonuses)
- 30.34A.040 Building Height and Setbacks (maximum building height and setbacks)
- 30.34A.050 Parking ratios, parking locations and parking lot and structure design (min/max parking ratios, the location of parking and parking lot landscaping and design of structure parking)
- 30.34A.060 Landscaping (general landscaping requirements)
- 30.34A.070 Open space (requirements to provide open space for each project)
- 30.34A.080 Circulation and access (requirements to provide pedestrian facilities, road circulation requirements)
- 30.34A.090 Design standard-signs (requirements for signs)
- 30.34A.100 Design standard-screening trash/service areas and rooftop mechanical equipment (Establishes screening requirements)
- 30.34A.110 Design standard-lighting (requirements for on-site exterior and ground lighting)
- 30.34A.120 Design standard-step back and roof edge (requirements for stepped back upper floors)
- 30.34A.130 Design standard-massing and articulation (standards to mitigate for building mass)
- 30.34A.140 Design standard-ground level detail (standards to encourage visually attractive streetscape)
- 30.34A.150 Design standard-weather protection (standards for canopies/awnings to provide weather protection for pedestrians)
- 30.34A.160 Design standard-blank walls (standards to mitigate for blank walls)
- 30.34A.170 Submittal requirements (documents required to submit and application for an urban center development)
- 30.34A.180 Review process (process to review an application)
- 30.34A.190 Public spaces and amenities (requirements to construct the on-site recreation space with the construction of the first building or phase)
- 30.34A.200 Priority permit processing (low income housing project allowed to use the priority permit process)
- 30.34A.210 Master plans and city review (director discretion to require consistency with adopted master plan; allows city review of project when interlocal agreement is in place)

Section 17. Amends SCC 30.62B.100, Transportation demand management (TDM)-voluntary payment: to add a cross-reference to the circulation and access of SCC 30.34A and clarify the requirements. The amendments are as follows:

30.66B.625 Transportation demand management (TDM)-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 ~~((calculated under))~~required pursuant to SCC 30.66B.615.

(2) Funds received by the ~~((county))~~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.

Section 18. Amends SCC 30.86.620, City fees, to remove references to the Urban Center Demonstration Program and change county to department. The amendments are as follows:

30.86.620 City fees.

Pursuant to the terms of an executed interlocal agreement, the ((County))department may request and collect fees on behalf of the city, which are voluntarily paid by an applicant for the city's cost of review of an urban center ((demonstration project)) development, submitted under ((the County's Urban Center Demonstration Program (C)))chapter 30.34A SCC((?)), located in a city's associated urban growth area. The ((County))department will forward these fees to the city within 60 days.

Section 19. Adds a new section to Chapter 30.86 SCC, Fees. This section was previously contained in the Urban Centers Demonstration Program. The new section is as follows:

30.86.800 Urban center development fees.

A fee consistent with the Rezoning Fees for commercial zones (SCC 30.86.200) and any other applicable fees required by code (i.e., drainage, landscaping review, traffic concurrency, and subdivision or binding site plan, etc.) shall be paid upon submittal.

Section 20. Repeals SCC 30.91A.230 (Applicant): will rely on SCC 30.91A.220.

Section 21. Repeals SCC 30.91C.180 (Committee): no longer needed with change to administrative review.

Section 22. Repeals SCC 30.91D.190 (Developable area): will rely on SCC 30.91N.035.

Section 23. Adds a new definition SCC 30.91F.445, for Floor Area Ratio.

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)

Section 24. Adds a new definition SCC 30.91M.135, Mixed area.

30.91M.135 "Mixed Use" means residential and non-residential uses located within the same building.

This definition applies only to SCC 30.34A.030.

Section 25. Repeals SCC 30.91N.032 (net acreage): no longer needed with the new urban center zone.

Section 26. Repeals SCC 30.91P.405 (Public use): no longer needed with the new urban center zone.

Section 27. Amends SCC 30.91S.080 (Secondhand store): to incorporate the storage of use clothing related to a profit or nonprofit establishment.

30.91S.080 "Secondhand store" means a ~~((retail))~~ profit or nonprofit establishment dealing in the storage, selling ~~((and))~~ or buying of used merchandise which is not antique, not including the sale of used automobiles.

Section 28. Repeals SCC 30.91T.064 (Transit Pedestrian Village): definition no longer needed as references in the code have been removed).

Section 29. Amends SCC 30.91U.085 (Urban Center): to make the definition consistent with the comprehensive plan.

30.91U.085 "Urban center" means an area with a mix of high-density residential, office and retail ~~((development))~~ uses with public and community facilities and pedestrian connections located along ~~((designated))~~ existing or planned high capacity routes ~~((or transit corridors))~~.

Section 30. Amends SCC 30.91U.095 (Urban Village): to make the definition consistent with the comprehensive plan.

30.91U.095 "Urban Village" means a neighborhood scale mixed-use area with a ~~((variety))~~ mix of ~~((small-scale-commercial))~~ retail and office uses, public and community ~~((buildings))~~ facilities, and high-density residential development ~~((units, and public open space))~~. ~~((Pedestrian orientation includes pedestrian circulation, pedestrian scale and pedestrian convenience with connections between neighborhoods, communities and other centers. Urban Villages serve several neighborhoods or communities within a radius of about two miles.))~~

Section 31. Adds a new definition SCC 30.91W.007, for Wall, blank.

30.91W.007 "Wall, Blank" means an exterior building wall with no openings covered predominantly with single material and uniform texture on a single plane.

Section 32. Establishes a 60-day delayed effective date from the date of adoption.

Section 33. Provides a standard severability and savings clause.

Section 34. Establishes applicability of the ordinance.

Additional Amendments:

Executive Recommended Amendments:

The County Council may also consider any or all of the following Executive recommended amendments:

Amendment 1

Amendments to the planning commission recommended ordinance at SCC 30.22.100 Urban Zone Categories Use Matrix to add “Dwelling, Townhouse,” and “Railroad Right-of-Way,” remove “Television/Radio Station,” replace reference note #86 with #23 on “Motor Vehicle and Equipment Sales,” and add reference note #86 to “Print Shop.” Correct the strikethrough, through the parentheses, on the reference note in the header for the Neighborhood Business (NB) column.

Amendment 2

Amendments to the planning commission recommendations at SCC 30.34A.210(2) to amend the language regarding interlocal agreements and city project review.

30.34A.210 Master plans and city review.

(1) Where the county has adopted a master plan the director may require an applicant to meet any applicable requirements of the plan.

(2) ~~((If the county has executed an interlocal agreement with an adjacent city, the city must be involved the project review as specified in the interlocal agreement))~~The county shall involve Snohomish County cities in the review of urban center development permit applications proposed within their urban growth area or municipal urban growth areas (MUGA) using the following procedures:

(a) The county shall notify the city and provide contact information for the potential applicant;

(b) The county is encouraged to notify adjacent cities upon submittal of an urban center development application;

(c) Following notice the city shall contact the county on their need for level of involvement and issues of particular concern;

(d) The county shall invite a staff representative from the city to attend pre-application, submittal and re-submittal meetings;

(e) The city’s recommendation shall:

(i) Contain the name, mailing address, and daytime telephone number of the the city’s representative;

(ii) Identify proposed changes to the application, specific requirements, actions, and/or conditions that are recommended in response to impacts identified by the city;

(iii) State the specific grounds upon which the recommendation is made; and

(iv) Where applicable, identify and provide documentation of the newly-discovered information material to the decision.

(f) The county shall respond to city’s comments and recommendations in the director’s decision.

(g) The county and city are encouraged to enter into an interlocal agreement to formalize a cooperative process.

Amendment 3

Technical amendments to the planning commission recommended urban center development regulations ordinance to correct a typographical error in SCC 30.34A.080(9).

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) The director, in consultation with the county engineer, may require additional circulation requirements, 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 ((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 with title 30 SCC, the county engineer shall determine the appropriate regulation.

Amendment 4

Amendments to reduce the maximum building height and floor area ratios to correspond with environmental analysis completed under the 10 year update of the comprehensive plan in 2005. Add language to allow an applicant to complete an environmental impact statement to increase building height. Amend the Planning Commission recommendation to allow an increase in the maximum building height adjacent to residential zones when critical areas, road, utilities and railroad right-of-ways form the zoning boundary.

30.34A.030 Floor area ratio.

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))~~ accordance with the bonuses as set forth in SCC Table 30.34A.030(2) and SCC Table 30.34A.030(3);

**Table 30.34A.030(1)
Floor to Area Ratios**

	Minimum	Maximum	Maximum allowable with bonus (Table 30.34A.030(2))	Maximum allowable with super bonus (Table 30.34A.030(3))
Non-Residential	.5	1.0	1.5	2.5
Residential	((1.0)) .5	((2.0)) 1.0	((3.0)) 1.5	((4.0)) 2.5
Mixed Use	((1.5)) 1.0	((3.0)) 2.0	((4.5)) 3.0	((6.5)) 5.0

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.

**Table 30.34A.030(2)
Floor Area Ratio Bonuses**

Feature	Additional Floor Area for Each Feature
<ul style="list-style-type: none"> • Street Level Commercial • Health club • Green roof • Daycare • Rooftop Solar Panels • Community gardens for use by residents • Structured Parking 	<ul style="list-style-type: none"> • 250 sf of floor area for each linear foot of retail frontage • 5 sf of floor area for each sf of health club • 5 sf of floor area for each sf of green roof • 5 sf of floor area for each sf of daycare • 10 sf of floor area for each sf of solar panel • 10 sf of floor area for each sf of community garden • .5 FAR for 80% or greater of required parking contained in a structure

**Table 30.34A.030(3)
Floor Area Ratio Super Bonuses**

Feature	Additional Floor Area for Each Feature
<ul style="list-style-type: none"> • One percent of total construction cost for public art • LEED (Silver Certification) • Built Green (King and Snohomish County Certification) 	<ul style="list-style-type: none"> • .5 FAR • 1 FAR • 1 FAR

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.

30.34A.040 Building height and setbacks.

(1) The maximum building height in the UC zone shall be ~~((80))~~90 feet ~~((for proposals that use surface parking. When parking is contained within a structure, however, the maximum building height shall be increased by 1 foot for every 1 percent of the required parking that is contained in an above or below grade structure, up to a maximum building height of 180 feet))~~. The director may approve a building height increase up to an additional 90 feet 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) Building heights must be scaled down for buildings located on the edge of UC zoning and abutting R-9600, R-8400, R-7200, T or LDMR zoning and limited in height to that equal to the distance to such land (e.g.-a building that is ~~((50))~~45 feet from R-9600, R-8400, R-8400, T or LDMR zoning may not exceed ~~((50))~~90 feet in height). However, 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 to this limitation 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 buildings and the zoning line than would be provided in this subsection (2).

(3) 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.

~~((2))~~(4) Excluding weather protection required in SCC 30.34A.150, buildings must be setback pursuant to SCC Table 30.34A.040~~((2))~~(4).

**Table 30.34.040(~~(2)~~)(4)
Setbacks**

Front	None
Side	None
Rear	None

Amendment 5

Amendments to the planning commission recommended ordinance to modify SCC 30.34A.130 Design standard-massing and articulation to add director discretion to allow an applicant to suggest a modification that is consistent with the intent of the regulations.

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) The director may approve an alternate design for massing and articulation provided the design reduces the apparent bulk of multi-story buildings and maintains pedestrian scale.

Amendment 6

Amendments to the planning commission recommended ordinance at SCC 30.34A.090 to distinguish between signs located along major arterial roads and signs located along local roads and add regulations for signs located on buildings.

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 by the director 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 placed 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 shall 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.

ADDITIONAL AMENDMENTS: The council may consider the following additional amendments:

Amendment 4A

Amend SCC 30.34A.030 and .040 to reduce the maximum building height and floor area ratios to correspond with environmental analysis completed under the 10 year update of the comprehensive plan in 2005 and add language to allow an applicant to complete an environmental impact statement (EIS) to increase building height. Amend SCC 30.34A.040(2) to allow an increase in the maximum building height adjacent to residential zones when critical areas, road, utilities and railroad right-of-ways form the zoning boundary. Limit FAR bonuses, heights and setbacks for urban center development that borders Puget Sound. Correct a typographical error in SCC 30.34A.030.

30.34A.030 Floor area ratio.

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))~~accordance with the bonuses as set forth in SCC Table 30.34A.030(2) and SCC Table 30.34A.030(3); however FAR calculations for residential uses within the UC zone that are bordered by Puget Sound shall result in no greater than 800 residential units.

**Table 30.34A.030(1)
Floor to Area Ratios**

	Minimum	Maximum	Maximum allowable with bonus (Table 30.34A.030(2))	Maximum allowable with super bonus (Table 30.34A.030(3))
Non-Residential	.5	1.0	1.5	2.5
Residential	((1.0)) .5	((2.0)) 1.0	((3.0)) 1.5	((4.0)) 2.5
Mixed Use	((1.5)) 1.0	((3.0)) 2.0	((4.5)) 3.0	((6.5)) 5.0

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.

**Table 30.34A.030(2)
Floor Area Ratio Bonuses**

Feature	Additional Floor Area for Each Feature
<ul style="list-style-type: none"> • Street Level Commercial • Health club • Green roof • Daycare • Rooftop Solar Panels • Community gardens for use by residents • Structured Parking 	<ul style="list-style-type: none"> • 250 sf of floor area for each linear foot of retail frontage • 5 sf of floor area for each sf of health club • 5 sf of floor area for each sf of green roof • 5 sf of floor area for each sf of daycare • 10 sf of floor area for each sf of solar panel • 10 sf of floor area for each sf of community garden • .5 FAR for 80% or greater of required parking contained in a structure

**Table 30.34A.030(3)
Floor Area Ratio Super Bonuses**

Feature	Additional Floor Area for Each Feature
<ul style="list-style-type: none"> • One percent of total construction cost for public art • LEED (Silver Certification) • Built Green (King and Snohomish County Certification) 	<ul style="list-style-type: none"> • .5 FAR • 1 FAR • 1 FAR

Notes:

2. 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.

30.34A.040 Building height and setbacks.

(1) The maximum building height in the UC zones that are not bordered by Puget Sound shall be ~~((80))~~90 feet ~~((for proposals that use surface parking. When parking is contained within a structure, however, the maximum building height shall be increased by 1 foot for every 1 percent of the required parking that is contained in an above or below grade structure, up to a maximum building height of 180 feet))~~. The director may approve a building height increase up to an additional 90 feet 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) For UC zones bordered by Puget Sound, the maximum building height shall not exceed 65 feet.

(3) Building heights must be scaled down for buildings located on the edge of UC zoning and abutting (~~(R-9600, R-8400, R-7200, T or LDMR)~~)single family residential zoning and limited in height to that equal to half the distance to such land (e.g.-a building that is ~~((50))~~90 feet from (~~(R-9600, R-8400, R-8400, T or LDMR)~~)single family residential zoning may not exceed ~~((50))~~45 feet in height). However, where ~~((the))~~a 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 to this limitation 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 (3). This subsection shall not apply to UC zones that are bordered by Puget Sound.

(4) 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.

~~((2))~~(5) Excluding weather protection required in SCC 30.34A.150, buildings must be setback pursuant to SCC Table 30.34A.040~~((2))~~(5).

**Table 30.34.040~~((2))~~(5)
Setbacks**

Front	None
Side	None
Rear	None

Amendment 7

Revises the provisions governing city review to add a pre-application collaboration between the county and the city on design principles and development review procedures.

30.34A.210 Master plans and city review

~~(1) ((Where the county has adopted a master plan the director may require an application to meet any applicable requirements of the plan.))~~ Where designated urban centers are located within a city's Municipal Urban Growth Area (MUGA), the county shall notify city representatives within 60 days of the adoption of this ordinance to determine if the respective city has any interest in collaborating with the county to prepare generalized design principles and development review procedures for the urban center prior to the intake of a development application.

~~(2) ((If the county has executed an interlocal agreement with an adjacent city, the city must be involved the project review as specified in the interlocal agreement.))~~ If a city

responds in writing within 60 days of receiving notice to collaborate on design principles for the designated urban center, the county and city shall negotiate an interlocal agreement to define the terms related to the preparation of design principles, development review procedures and other issues of mutual interest. Such terms are intended to provide general guidance for further master planning and/or specific development of the urban center.

Amendment 8

Adds a bonus of 1.0 FAR for the use of two TDR credits to the FAR Super Bonus table to encourage the use of TDR credits for Urban Center developments. (*Note: The County Council might consider and adopt some ratio other than 2:1 or some other aspect of TDR as it relates to FAR). Correct a typographical error in SCC 30.34A.030.

30.34A.030 Floor area ratio.

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))~~ accordance with the bonuses as set forth in SCC Table 30.34A.030(2) and SCC Table 30.34A.030(3);

**Table 30.34A.030(1)
Floor to Area Ratios**

	Minimum	Maximum	Maximum allowable with bonus (Table 30.34A.030(2))	Maximum allowable with super bonus (Table 30.34A.030(3))
Non-Residential	.5	1.0	1.5	2.5
Residential	1.0	2.0	3.0	4.0
Mixed Use	1.5	3.0	4.5	6.5

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.

**Table 30.34A.030(2)
Floor Area Ratio Bonuses**

Feature	Additional Floor Area for Each Feature
<ul style="list-style-type: none"> • Street Level Commercial • Health club • Green roof • Daycare • Rooftop Solar Panels • Community gardens for use by residents • Structured Parking 	<ul style="list-style-type: none"> • 250 sf of floor area for each linear foot of retail frontage • 5 sf of floor area for each sf of health club • 5 sf of floor area for each sf of green roof • 5 sf of floor area for each sf of daycare • 10 sf of floor area for each sf of solar panel • 10 sf of floor area for each sf of community garden • .5 FAR for 80% or greater of required parking contained in a structure

**Table 30.34A.030(3)
Floor Area Ratio Super Bonuses**

Feature	Additional Floor Area for Each Feature
• One percent of total construction cost for public art	• .5 FAR
• LEED (Silver Certification)	• 1 FAR
• Built Green (King and Snohomish County Certification)	• 1 FAR
• <u>Two Transfer of Development Rights (TDR) certificates</u>	• <u>1 FAR</u>

Notes:

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.

Amendment 9

Change the urban centers review and approval process from a Type I decision made by PDS to a Type II decision made by the hearing examiner with appeals to be heard by the county council. Incorporate additional decision criteria.

30.34A.180 Review process and decision criteria.

(1) An Urban Center development shall be ~~((decided as a Type 1 decision and is subject to the review procedures in chapter 30.71 SCG))~~ processed as a Type 2 application as described in chapter 30.72 SCC. The hearing examiner may approve, approve with modifications, or deny Urban Center development application under the circumstances set forth in this chapter.

(2) The ~~((director))~~ hearing examiner may approve or approve with conditions the proposed development when all the following are met:

(a) The development complies with the requirements in this chapter, chapters 30.24 and 30.25 SCC, and requirements of other applicable county codes;

(b) The proposal is consistent with the comprehensive plan;

(c) The proposal will not be materially detrimental to uses or property in the immediate vicinity;

(d) The development demonstrates high quality design by incorporating elements such as:

(i) Superior pedestrian- and transit-oriented architecture;

(ii) Building massing or orientation that responds to site conditions;

(iii) Use of structural articulation to reduce bulk and scale impacts of the development;

(iv) Use of complementary materials;

(v) Use of lighting, landscaping, street furniture, public art, and open space to achieve an integrated design;

~~((e))~~e The development features high density residential and/or non-residential uses; and

~~((d))~~f 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.

(3) An Urban Center development application may be denied without prejudice by the hearing examiner 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 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.

(4) In addition to the notice required by chapter 30.70 SCC, the department shall distribute copies of the Urban Center development application to each of the following and shall allow 21 days from the date of 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 Urban Center development or whose urban growth area includes the subject site, or whose public utilities would be used by the proposed Urban Center development; and

(e) Any other federal, state, or local agencies as may be relevant.

(5) 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.

((4))6) Urban Center project approval expires after six years from the date of approval unless a complete application for construction has been submitted to the department.

30.34A.210 Master plans and city review

(1) Where the county has adopted a master plan the ((director)) hearing examiner may require an applicant to meet any applicable requirements of the plan.

(2) If the county has executed an interlocal agreement with an adjacent city, the city must be involved the project review as specified in the interlocal agreement.

New Section ##. Snohomish County Code Section 30.72.020, added by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.72.020 Type 2 permits and decisions.

The following are processed as Type 2 permits and decisions:

(1) Conditional use permit and major revisions;

(2) Rezones (site-specific);

(3) Official site plan or preliminary plan approval when combined with a rezone request in FS, IP, BP, PCB, T, RB, RFS, and RI zones;

(4) Flood hazard area variance, if combined with a Type 2 application;

(5) Preliminary subdivision approval and major revisions;

(6) Planned residential developments;

(7) Short subdivision with dedication of a new public road;

(8) Shoreline substantial development, conditional use, or variance permit if forwarded pursuant to SCC 30.44.240;

(9) Shoreline substantial development permit rescission; ((and))

(10) Boundary line adjustments as provided in SCC 30.41E.020 ((SCC)); and

(11) Urban centers developments as provided in SCC 30.34A.180.

State Environmental Policy Act: To comply with the State Environmental Policy Act (SEPA) on this proposal, the county issued a Determination of Non-significance on April 16, 2009 and an Addendum to the DNS on July 14, 2009. Copies of all applicable SEPA documents are available at the office of the Snohomish County Council.

Where to Get Copies of Proposed Ordinance: Copies of the full ordinance and other documentation are available in the office of the County Council. They may be obtained by calling (425) 388-3494, 1-(800) 562-4367 x3494, TDD (425) 388-3700 or E-mailing to contact.council@snoco.org. Copies may be picked up at the Council office at 3000 Rockefeller, Everett, WA or will be mailed upon request.

Website Access: The ordinance and other documents can also be accessed through the county council website at www.snoco.org/departments/council.

Range of Possible Actions the County Council May Take on These Proposals: At the conclusion of its public hearing(s) the County Council will take one or a combination of the following actions: (1) adopt an ordinance reflecting the Planning Commission's recommendation; (2) amend the Planning Commission's recommendation and adopt an ordinance reflecting such amendment; (3) decline to adopt the Planning Commission's recommendation; (4) remand in whole or in part to the Planning Commission for further consideration; (5) adopt recommendations made by the County Executive; (6) adopt such other proposals as were considered by the Council at its own hearing; or (7) take any other action permitted by law.

Public Testimony: At the time and place indicated above, the County Council will be accepting public testimony. The County Council may continue the hearing to another date to allow additional public testimony thereafter, if deemed necessary. Anyone interested may testify concerning the above described matter. Written testimony is encouraged and may be sent to the office of the County Council at the following address: Snohomish County Council, 3000 Rockefeller MS - 609, Everett, WA 98201. Documents may be faxed to (425) 388-3496 or E-mailed to contact.council@snoco.org.

Party of Record: You may become a party of record on this matter by sending a written request to the Clerk of the County Council at the above address, testifying at the public hearing, or entering your name and address on a register provided for that purpose at the public hearing.

American Disabilities Act Notice: Accommodations for persons with disabilities will be provided upon request. Please make arrangements one week prior to the hearing by calling Sheila McCallister at (425) 388-3494, 1(800) 562-4367 X3494, or TDD # 388-3700.

QUESTIONS: For additional information or specific questions on the proposed ordinance please call David Killingstad (x2215) in the Department of Planning and Development Services at (425) 388-3311.

Dated this 14th day of September, 2009.

Mike Cooper
Chair

ATTEST:

Sheila McCallister
Asst. Clerk of the Council

PUBLISH: Thursday, September 17, 2009

Send Affidavit to: Council
Send Invoice to: Planning #107010