

**SULTAN PLANNING BOARD
AGENDA COVER SHEET**

ITEM NO: D-3
DATE: February 16, 2010
SUBJECT: Planned Unit Development (PUD) Code Revision
CONTACT PERSON: Robert Martin, Community Development Director



ISSUE:
Removal of PUD provisions of Sultan Municipal Code (SMC) and construction of Lot Averaging provisions to take the place of PUD provisions.

BACKGROUND:

At the August 18, 2009 meeting, the Planning Board reviewed a Staff Report detailing the need for significant revision of the Planned Unit Development provisions of the Sultan Municipal Code (SMC Chapter 16.10). The Board indicated that the need for significant modification was clear.

At its September 1, 2009 meeting, the Board reviewed and discussed PUD Codes from Bothell, Mill Creek, Shelton, Tukwilla, and Walla Walla to become familiar with the construction of codes that provide for PUD as a type of development instead of an overlay zone.

At the September 15, 2009 meeting, the Board began a more detailed review of draft language.

At the October 6, 2009 meeting, the Board engaged in an extensive discussion of the intent and implementation of the draft PUD provisions. This discussion explored the types of development that could be approved under the Staff draft and the long-term implications for the community of the various options.

At the November 10, 2009 meeting, the Board reviewed revised code and discussed implementation procedures for the community. It was decided that the latitudes in a properly constructed PUD Code would be too difficult for the City to administer and that a lot averaging Code would accomplish the same result with greatly less difficulty. The Board moved to stop work on the Code and recommend to Council that Chapter 16.10 PUD be replaced by a Lot Averaging Provision.

At its December 10, 2009 meeting, the Council, by consensus, accepted the Board's recommendation and directed that the Board undertake procedures to remove the PUD provisions from the Code and replace them with a Lot Averaging Provision.

At its January 5, 2010 meeting, the Board received the Council's direction and began study of options for addressing removal of the PUD provisions and was given resources to begin study of Lot Averaging.

DISCUSSION:

Lot Averaging is a relatively straight-forward mechanism to accommodate the type of land that most developers will be dealing with in the Sultan area. Land that is comprised of restricted/ isolated developable land within a matrix of wetlands and other critical areas is a ready-made situation for Lot Averaging.

Staff understands that the Board is ready to proceed with construction of a Lot Averaging Chapter of the SMC to replace the PUD provisions. The Attachments listed below are provided for study, discussion, and direction to Staff.

In preparation for work on Lot Averaging, the Board can Google "Lot Averaging" and come up with several sources from the real estate industry and planning sites. One is:

[www.warealtor.org/government/housing_policy/Lot Size Averaging.pdf](http://www.warealtor.org/government/housing_policy/Lot_Size_Averaging.pdf)

The proposed schedule for this work topic is as follows:

- 02-16-10: Direction to Staff for construction of draft Lot Averaging provision
- 03-02-10: Review draft Code language, modify as appropriate, set Public Hearing, direct issuance of State Environmental Policy Act 60-day notice.
- 03-16-10: Hold Public Hearing, modify Code as appropriate, make recommendation to City Council.

RECOMMENDATION:

Staff recommends that the Board review the Attachments provided, discuss the Lot Averaging program that seems to be appropriate for the Sultan Community, and provide direction to Staff.

ATTACHMENTS:

Attachment A: Definition excerpts from *The Latest Illustrated Book of Development Definitions*

Attachment B: Washington Association of Realtors: Excerpt from web site on topic of Lot Averaging

Attachment C: Excerpt from Lake Stevens Municipal Code

Attachment D: Excerpt from Everett City Code

Attachment E: Excerpt from Snohomish County Code

Attachment F: Excerpt from City of Wenatchee Code

Comment: Transition lots (or lots in transition zones) serve as logical "change" lots between two zones. For example, a lot between a business and residential zone might allow parking for the business use (with adequate setbacks, buffering, and landscaping) or a higher-density residential use. The zoning ordinance may also establish an intermediate size for the transition lot. For instance, if located between a 40,000-square-foot residential zone and a 20,000-square-foot residential zone, the transition lot might be required to have a minimum of 30,000 square feet. The transition lot also might be part of a lot-averaging design. See LOT AVERAGING.

LOT AREA

The total area within the lot lines of a lot, excluding any street rights-of-way.

LOT AVERAGING

A form of development that permits a reduction in individual lot areas and bulk requirements, provided that the number of lots remains the same as permitted without lot averaging.

Comment: Lot averaging has proven to be an excellent and much simpler way of preserving open space than other techniques such as transfer of development rights, which often requires the establishment of sending and receiving zones and the establishment of a transfer bank. Lot averaging is basically the same as cluster development, except that cluster development usually requires that the common open space be designated for the use and enjoyment of the residents and owners of the development and generally is owned by a homeowners association. While lot averaging also allows the open space to be so designated, it also permits, for example, that the open space be permanently deed-restricted for agricultural purposes and sold to a farmer or retained by a single property owner for his or her own open space use.

In Cranbury Township (Middlesex County), New Jersey, the lot-averaging provision has permanently saved considerable acreage for farming. The technique works as follows in the Farm Preservation Zone (areas currently farmed without public water or sewers): The bulk regulations in this zone call for a minimum of 6 acres for each dwelling unit. An applicant wanting to develop a parcel of land using the lot-averaging technique must first lay out the property in a conventional, fully conforming, 6-acre-per-lot subdivision to establish the maximum number of lots that could be developed without lot averaging. The township then grants

a density bonus of 25 percent, provided at least 70 percent of the land is preserved in open space or agriculture. If the parcel is 120 acres, for example, and a fully conforming subdivision resulted in 16 lots (excluding losses from roads and irregularly shaped boundaries), the applicant would be permitted to develop with a 25 percent bonus, or 20 lots. The minimum lot size would be consistent with septic, water treatment, and water requirements. In the example, the actual lot sizes would be between 1 and 1.8 acres. The 70 percent preservation requirement would result in 84 acres saved.

The key to encouraging lot averaging is the bonus provision. It offsets the additional cost of laying out a conventional subdivision plat and any reduction in value by allowing smaller lots. But as builders have pointed out, the local market for 1-acre lots is much greater than for 6-acre lots, so the present value may be as much for the smaller lots as for the larger ones. In addition, the conventional layout required to determine the maximum lot yield does not call for detailed engineering plans.

While the example used is a farm zone, lot averaging works in all residential zones as long as the density in the developed parts of the tract can be accommodated.

LOT COVERAGE

That part of the lot that is covered by impervious surfaces. See BUILDING COVERAGE; IMPERVIOUS SURFACE.

LOT DEPTH

The average distance measured from the front lot line to the rear lot line. See Figure 10.

Comment: For lots where the front and rear lot lines are not parallel, the lot depth should be measured by drawing several evenly separated lines from the front to rear lot lines, at right angles to the front lot line, and averaging the length of these lines.

LOT FRONTAGE

The length of the front lot line measured at the street right-of-way line. See Figure 10.

Comment: On corner lots, each side abutting the street is considered the frontage, and in many ordinances, such lots have two front yards, two side yards, and no rear yards. See *Comment* under LOT, CORNER.

LOT LINE

A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space. See Figure 14.

A2

Comment: Partial cloverleaves permit traffic movements in fewer than four directions.

CLUB

A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

Comment: Older zoning ordinances usually permitted clubs in residential neighborhoods under the phrase "clubs, lodges, and social buildings." Such clubs were assumed to draw their membership from the neighborhood. Today, clubs have become much more regionally oriented; consequently, there is little reason to permit them in low-density residential areas. A distinction also should be made between nonprofit clubs organized for religious, social, cultural, or educational purposes and those that usually are commercial in nature and primarily recreational, such as tennis and racquetball clubs. See FRATERNAL ORGANIZATION.

CLUBHOUSE

A building, or portion thereof, used by a club.

CLUSTER

A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

CLUSTER SUBDIVISION

A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture. See Figure 19.

Comment: The cluster subdivision is an excellent planning concept that has been used successfully in many communities. Some communities require the developer to submit a conventional subdivision plan to establish the number of developable lots possible and a cluster subdivision plan to determine the appropriateness of cluster design for the site. Cluster should not be used to subsidize a developer who buys a piece of land with development constraints, such as steep slopes, wetlands, and floodplains, and expects the yield to be the same as if the land were completely developable. See CRITICAL AREA.

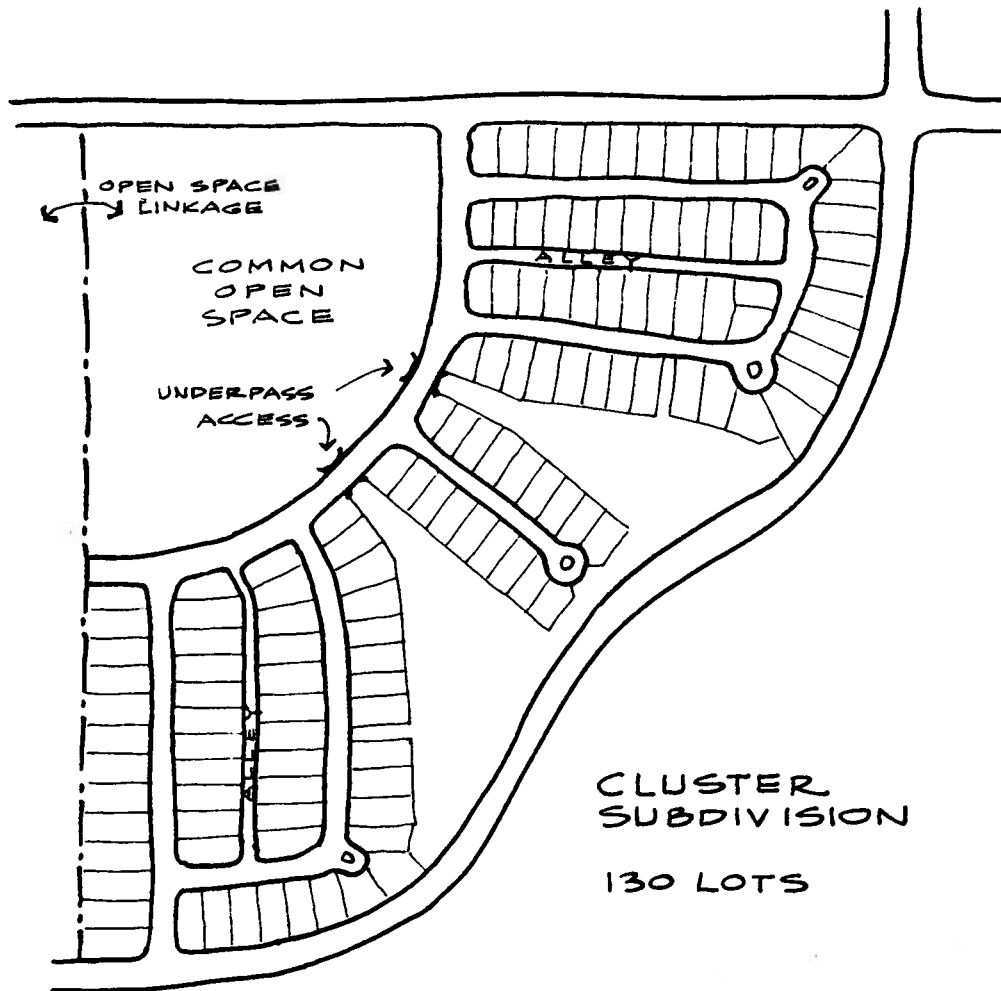


FIGURE 19

The cluster subdivision technique can be used in conjunction with an areawide plan for a system of pathways and bikeways or the conservation of wildlife corridors or riverside areas. This approach means that implementation of a circulation system, recreation program, or the conservation of environmentally sensitive areas can be achieved through the development process. Cluster subdivisions can also be used to preserve lands in agricultural uses, thus serving as an alternative to the purchase of development rights. See CONSERVATION AREA.

ATTACHMENT B

WASHINGTON ASSOCIATION OF REALTORS WEB SITE: HOUSING ISSUES - LOT SIZE AVERAGING

HOUSING CHALLENGE:

- Counties and cities planning under the Growth Management Act are required to plan for the availability of affordable housing to all economic segments as part of their planning effort (RCW 36.70A.020, Goal 4). • In addition, they are to "...promote a variety of residential densities and housing types.
- Local jurisdictions need to implement a variety of housing types and densities in order to be flexible and responsive to ever-changing local demographics. Lot Size Averaging provides a housing alternative that jurisdictions should consider.

PROPOSED SOLUTION:

- Each jurisdiction should adopt policies and regulations that ensure local governments have the capacity to accommodate housing and employment growth as required by the GMA • Lot size averaging is an approach to subdividing land that allows a parcel of land to be divided into unequally-sized lots as long as the average of all the lot sizes remains equal to or above the minimum zoned lot size.
- This approach can be used for both short plats (4-9 Lots) and subdivisions (10 Lots or more). The approach is similar to a cluster development which allows lots to be consolidated on a project site, leaving the remainder of the land for open space, agriculture, forestry or critical area protection. The density allowed is the same as the underlying zoning unless a community chooses to allow a density bonus under certain circumstances.
- Lot size averaging allows more efficient use of the land and adds additional units that might not be realized. It also adds variety to neighborhoods and provides different sized home choices.
- Creating additional buildable lots within existing single-family residential areas will increase affordable home ownership opportunities without requiring significant new public facilities.

Sample Ordinance – Lot Size Averaging

Policy: Adopt regulations that provide for lot size averaging.

Comment: This document is to be used to enact or amend a local ordinance relating to lot size averaging. The form is designed to be a starting place for discussion and negotiation. You may choose to use all or part of the suggested language. You are also encouraged to come up with additional language that fits your local circumstances.

Chapter 00.00 – LOT SIZE AVERAGING

00.00.00 Minimum lot size – Averaging in short plats and subdivisions - In approved short plats and subdivisions, the individual lots shall be considered in compliance with minimum area requirements if the average of the areas of all the lots in the short plat or plat meets the minimum requirement for the jurisdiction in which the short plat or plat is located, provided:

(1) that no individual lot therein shall be reduced more than ___ percent from the minimum required area, except that lots in zones ___, ___, ___, ___, and ___ may be reduced by up to ___ percent from the district minimum;

(2) a reduction of ___ percent in the required lot width may be applied to ___ percent of the lots, provided no reduction in the required area is applied to these lots. The lot averaging described in this section shall not be allowed for conservation subdivisions or conservation short subdivisions where the required minimum lot size for such subdivision is reduced as allowed under _____.

00.00.00 Lot size averaging

(1) A subdivision or short subdivision will meet the minimum lot area of the zone in which it is located if the area in lots plus critical areas and their buffers and areas designated as open space or recreational uses, if any, divided by the total number of lots equals or exceeds the minimum lot area of the zone in which the property is located. In no case shall the density achieved be greater than the gross site area divided by the underlying zoning.

(2) This section shall only apply within zones having a minimum lot area requirement of _____ square feet or less.

(3) Each single lot shall be at least _____ square feet in area.

(4) Lots in subdivisions and short subdivisions created under the provisions of this section shall have a maximum lot coverage of ___ percent;

(5) Lots with less than the prescribed minimum lot area for the zone in which they are located shall have a minimum lot width of at least ___ feet, and right-of-way setbacks of ___ feet except that garages must be setback ___ feet from the right-of-way (with the exception of alleys) and corner lots may reduce one right-of-way setback to no less than ___ feet;

(6) Preliminary subdivisions approved utilizing lot averaging shall not be recorded by divisions unless such divisions individually or together as cumulative, contiguous parcels, satisfy the requirements of this section.

(7) Roadways and surface detention/retention facilities shall not count toward the calculations for lot size averaging. However, surface detention/retention facilities shall count toward calculations for lot size averaging if the detention/retention facility:(1) is designed to not require security fencing under applicable standards and (2) the facility is either (a) designed so as to appear as a natural wetland system, or (b) provides active or passive recreational benefits in a natural landscaped setting.

ATTACHMENT C

Lake Stevens Municipal Code

14.48.070 Cluster Subdivisions.

(a) In any single-family residential subdivision or short subdivision of six lots or more, a developer may create lots that are smaller than those required by Section 14.48.010 if such developer complies with the provisions of this section and if the lots so created are not smaller than the minimums set forth in Table V.

(b) The intent of this section is to authorize the developer to decrease lot sizes and leave the land "saved" by so doing as usable open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of lots required by Section 14.48.010.

(c) The amount of usable open space that must be set aside shall be determined by:

(1) Subtracting from the standard square footage requirement set forth in Section 14.48.010 the amount of square footage of each lot that is smaller than that standard;

(2) Adding together the results obtained in subsection (c)(1) of this section for each lot.

(d) The provisions of this section may only be used if the usable open space set aside in a subdivision comprises at least 10,000 square feet of space that satisfies the definition of usable open space set forth in Section 14.52.030 and if such usable open space is otherwise in compliance with the provisions of Chapter 14.52.

(e) The setback requirements of Sections 14.48.040 and 14.48.050 shall apply in cluster subdivisions. (Ord. 501, Sec. 10, 1995; Ord. 468, 1995)

14.48.080 Architecturally Integrated Subdivisions.

Repealed by Ordinance 579.

14.48.090 Density on Lots Where Portion Dedicated to City for Park and Recreational Facilities.

(a) Subject to the other provisions of this section, if (1) any portion of a tract lies within an area designated on any officially adopted City plan as part of a proposed public park, greenway, or bikeway, and (2) before the tract is developed, the owner of the tract, with the concurrence of the City, dedicates to the City that portion of the tract so designated, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated in accordance with the provisions of this section.

(b) If the proposed use of the remainder is a single-family detached residential subdivision, then the lot size in such subdivision may be reduced in accordance with the provisions of Sections 14.48.070 except that the developer need not set aside usable open space to the extent that an equivalent amount of land has previously been dedicated to the City in accordance with subsection (a) of this section.

(c) If the proposed use of the remainder is a two-family or multi-family project, then the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.

(d) If the portion of the tract that remains after dedication as provided in subsection (a) of this section is divided in such a way that the resultant parcels are intended for future subdivision or development, then each of the resultant parcels shall be entitled to its pro rata share of the "density bonus" provided for in subsections (b) and (c) of this section. (Ord. 590, 1998; Ord. 468, 1995)

14.48.094 Minimum Lot Size on Lots Where Right-of-Way is Dedicated to the City.

Where land is dedicated to the City for public rights-of-way for a short plat or a building permit for a single-family house or a duplex, the minimum parcel size may be reduced by an equivalent square footage as that dedicated, not to exceed 10 percent of the required minimum parcel size. (Ord. 590, 1998; Ord. 468, 1995)

14.48.100 Rural Subdivisions.

(a) Except as exempted in subsection (b) of this section, where dual densities/minimum parcel sizes are given for a zone in Table V, the lesser density/larger minimum parcel size prevails unless the decision making authority is able to make all of the below listed findings, in which case the higher densities/smaller minimum parcel size prevails. The intent of the findings is graphically represented in Figure 14.1. The findings needed to be made to allow the higher density/smaller minimum parcel size are:

(1) The subject parcel(s) or tract(s) proposed for subdivision or development must be adjacent to an area of at least 1,000 acres ("core urban area"), of which at least 20 acres contiguous to the subject property is seventy-five percent (75%) subdivided and/or built at its allowed higher density. For the purpose of this section "adjacent" means sharing a common border for at least twenty-five percent (25%) of the subject property's entire boundary (roads are not considered to separate properties). The net developable area of the 20 acres shall be used in the calculations so that lands permanently dedicated to public uses (open space, schools, Lake Stevens, etc.) do not forestall the ability of a subject property to develop to its higher density. Intervening areas of non-residentially zoned land between the core urban area and the subject property may be counted as part of the developed core urban area regardless of whether or not it is built, since the development of commercial or industrial land often follows residential development.

(2) All urban services (i.e., sewer, water, roads, other utilities, police, etc.) must be physically and fiscally available. Fulfillment of this finding shall be supported by the applicant providing an analysis of availability, analyzing both costs and benefits to the agencies or districts providing the services.

(3) All required infrastructure can be provided and provision is made a condition of the subdivision. This infrastructure must be provided consistent with the urban level of service established by the governing jurisdiction.

(4) Either:

(1) The property is annexed to the City OR

(2) The governing jurisdiction has passed a resolution stating that it is willing to provide urban services and the applicant has signed and recorded an agreement committing the entire property to annex to the City upon the initiation of a request for annexation which encompasses the subject property. The governing jurisdiction's resolution should take into account the special service districts' ability to provide the needed services.

(b) Exemptions from subsection (a)(1) and which are allowed to develop at their higher densities upon the findings of subsection (a)(2-4) being made include:

(1) Those portions of PNDs developed as single-family residential districts.

(2) Properties within the City limits.

(c) For subdivisions into tracts of 5 acres or larger, provision of public improvements to an urban level shall not be required, although some provision may be required to adequately reduce the impacts of the proposed level of development. Specifically, public sewer facilities are not required and roads need only be developed to 28-feet of pavement with 6-foot gravel shoulders. However, dedication of all future rights-of-way as specified in the Transportation Plan of the Comprehensive Plan (or other adopted transportation plan) shall be made a condition of the subdivision. (Ord. 468, 1995)

Figure 14.1: Graphic Representation of the Intent of §14.48.100 (Suburban Subdivisions)

ATTACHMENT D

Everett City Cluster Subdivision

39.130 Minimum lot area, shape, lot area averaging, lot frontage—Cluster alternative for subdividing.

A. Minimum Lot Area.

1. All of the following are deleted from the net square footage of a lot for the purpose of determining minimum lot area, except as otherwise permitted by Title 18 of this code:

- Public right-of-way; and
- Private roads, private primary access easement; and
- Minor portions of panhandle lots; and
- Portions of a tapered or pie-shaped lot less than forty feet in width. Only the front portion of the lot located between the street or easement access drive and dwelling shall be excluded from lot area. All other angled or tapered portions of lots may be included in lot area.

2. The area of any other easement is not subtracted from the net square footage of a lot.

B. Minimum Lot Dimensions. Except as provided in subsection E of this section, every lot shall be of a shape such that two lines, one equal to the required width and one equal to the required depth for the land use district, may be placed at right angles to each other entirely within the lot boundaries. The minor portion of a panhandle lot may not be used for purposes of meeting this requirement. Lot width shall be measured at the midpoint between the front and rear building setback lines of the primary structure, which structure does not include detached garages or other accessory buildings.

C. Minimum Lot Area—Averaging in Subdivisions. In any formal subdivision within the R-S, R-1 and R-2 zones and in short subdivisions other than easement access short subdivisions, the individual lots of the subdivision shall be considered legal lots if the average of the areas of all lots in the subdivision meets the minimum requirement for the district in which the subdivision is located, and further provided:

1. That no lot shall be less than four thousand square feet with a minimum of fifty feet of width and eighty feet of depth unless in an R-2 zone where the lot abuts and takes vehicular access from a public alley;

2. On lots with alley access, no individual lot therein shall have an area less than three thousand square feet, be less than thirty feet in width, or less than eighty feet in lot depth. On such lots, the minimum lot frontage requirement shall be not less than thirty feet, and the lot frontage requirements of subsection D of this section shall not apply;

3. That lot area averaging may not be used to create lots for duplexes or multiple-family dwellings with less lot area than otherwise required by this title for the zone in which the property is located;

4. Not more than a thirty-five percent increase over the required minimum lot area for any single lot shall be credited in computing average lot area;

5. The development standards of Section 7.010 shall apply to single-family dwellings on lots with less than five thousand square feet created using the lot area averaging process;

7. Panhandle lots and lots with easement access shall not be eligible for lot area averaging;

8. This section may not be used in conjunction with Section 33D.540.A.1 or 37.210.A.1 of this title, which allows credit for critical areas/environmentally sensitive areas.

D. Lot Frontage. The minimum lot frontage for all lots shall be forty feet, except for panhandle lots, for which the frontage shall be governed by the Subdivision Ordinance, and except as may otherwise be provided by this title.

E. Minimum Lot Area—Cluster Alternative for Subdividing.

1. **Purpose and Intent.** The purpose of this section is to establish a process which allows greater flexibility in the development of single-family detached and attached housing on lots which do not strictly conform to the development standards of this title for single-family lots, or which are legally structured so

as to be sold individually but not through fee simple ownership as is typical through a conventional subdivision or short subdivision. This process shall be known as the “cluster alternative.” The cluster alternative is intended to provide flexibility for a development that is innovative and consistent with comprehensive plan policies promoting architectural compatibility with housing on adjacent properties, affordable housing, and owner occupied housing types. Terms sometimes used for the type of single-family detached development allowed using the cluster alternative review process include, but are not limited to, “zero lot line,” “zipper lots,” “angle lots,” “not lots,” “Z-lots,” or “cluster lots.”

It is the intent of this development review process to require the thoughtful design of the site layout and housing units prior to receiving approval so the public will know what the development will look like when completed and so the review authority will have sufficient information to use in evaluating the proposed housing development for compliance with the requirements of this section. The basis for approval of a proposed development will depend in part upon the applicant demonstrating that the flexibility allowed through this review process will result in a housing development which includes high quality housing, compatibility with neighboring properties, and design that is sensitive to the property’s setting.

It is also the intent of this review process to eliminate variances to the dimensional requirements of the Zoning Code by requiring use of the review process described in this section rather than the variance process. By establishing this review process for alternative development standards to those otherwise required by the Zoning Code, subdividers will have greater flexibility in the design of subdivisions, and the public will have more input to the design of the subdivision and siting of housing units on the site.

2. **Applicability—Where Permitted.** This alternative to a conventional subdivision or short subdivision shall be permitted in any residential zone allowing for the development of single-family detached dwellings. To use this process, developments shall contain at least seven single-family detached and/or single-family attached dwellings.

3. **Review Process—Review Authority.** Review Process III shall be required as defined in Title 15 of this code, or any amendments thereto.

4. **Modification of Development Standards.** The review authority, through the cluster alternative review process, may allow the following modifications to the development standards of the underlying zone district:

a. Lot area, provided that no lot shall have an area containing less than four thousand square feet (three thousand square feet for lots with alley access), and that the number of dwelling units does not exceed the number derived using the following formula:

Total lot area divided by minimum lot area of zone = maximum # of permitted dwellings*

*Any calculation resulting in a fractional number shall be rounded down to the next whole number.

For example, on a one-acre site in the R-1 zone, the formula would be calculated as follows:

43,560 sq. ft. divided by 6,000 square feet = 7 dwelling units.

On a two-acre site in the R-2 zone, the formula would be calculated as follows:

87,120 sq. ft. divided by 5,000 square feet = 17 dwelling units.

- b. Lot width, provided the lot has a minimum width of forty-five feet if it does not have alley access, and a minimum width of thirty feet if it has alley access.
- c. Lot depth, provided the lot has a minimum depth of seventy-five feet.
- d. Building setbacks.
- e. Lot frontage.
- f. Lot coverage.

g. The requirements of Sections 33D.360 through 33D.590 and Chapter 37 of this title shall not be permitted to be modified except as provided by said Sections 33D.360 through 33D.590 and Chapter 37.

h. Single-family detached or single-family attached dwelling units are permitted using the cluster alternative.

5. Evaluation Criteria for Modification of Development Standards. The basis for approval or denial of a proposal to modify the development standards of the underlying zone district, as permitted by subsection E.4 of this section, shall be the innovative or beneficial overall quality of the proposed development, demonstrated by the following criteria. The review authority shall deny the application for failure to satisfy the following criteria:

a. The modification will allow an innovative or unique residential development not otherwise permitted by the development standards of the underlying zone district, but which promotes the goals of the comprehensive plan for architectural compatibility with housing on adjacent properties, affordable housing, and owner occupied housing types.

b. The modification will result in the provision of usable common open space equal to at least ten percent of the lot area prior to development (example: trails, playground, ball field, etc.).

c. The modification will result in less visual impact created by off-street parking areas when viewed from public streets or private properties which abut the property than would be likely without the modification of development standards.

d. The dwelling unit orientation and design provides orientation to the street, including a prominent front entrance to the dwelling, minimizes the visual prominence of the garage and garage doors, promotes greater privacy for existing residential areas abutting the subject property, and between individual dwellings within the cluster development than would be likely to occur without the modification of development standards. Consideration will be given to orientation and design of dwelling units, screening, and landscaping.

e. The modification will result in the protection or enhancement of environmentally sensitive areas or historic structures not likely to occur without the modification of development standards. If these features do not exist, this section will not apply.

6. Single-Family Attached Development Standards. In addition to the other provisions of the cluster alternative, the following standards shall apply to single-family attached housing proposed using the cluster alternative:

a. Single-family attached housing shall be permitted only when each dwelling unit may be owner occupied, as provided through a condominium, zero lot line subdivision, or residential binding site plan.

b. Buildings shall be designed and constructed so that each dwelling is distinguishable as a separate dwelling.

c. Each dwelling shall have a prominent entrance on the ground level.

d. If the property abuts an alley, the garage or off-street parking area shall take access from the alley. No curb cuts will be permitted for lots with alley access.

e. Lots without alley access may have garages which face the street, but the front of the garage shall be setback five feet behind the front facade of the dwelling. Driveway width shall not exceed twenty feet within required front setback areas.

7. Conditions of Approval Which May Be Required by the Review Authority. In considering a proposal using the cluster alternative to conventional platting, the review authority shall require the following as conditions of approval of the proposed development:

a. The provision and improvement of common open space areas for the use and benefit of the residents of the proposed cluster development.

b. Limitation on the percentage of lot coverage by buildings, driveways and off-street parking areas to minimize storm water runoff and visual impacts to surrounding properties.

c. Limitation on the size, floor area, and height of buildings.

d. Dwellings built on lots without direct frontage on the public street shall be situated to respect the privacy of abutting homes and to create usable yard space for the dwelling(s). The review authority shall

have the discretion to establish setback requirements that are different than may otherwise be required in order to accomplish these objectives.

e. Appropriately sized and placed landscaping shall be provided to enhance the streetscape, to provide privacy for dwellings on abutting lots, and to provide separation and buffering on easement access drives. The city may require a community landscaping maintenance easement for the front yards of all homes or lots, and require maintenance by the homeowners association to ensure uniform maintenance of all front yards within the development.

f. The review authority may apply additional development standards, such as increased setbacks, reduced building height, window location, or other building design elements, as a condition of approval, as needed to ensure that developments using the cluster alternative review process satisfy the evaluation criteria stated in subsection (E)(5) of this section.

g. Covenants—Maintenance. All common open space, community facilities, and landscaping shall be subject to maintenance and use provisions which shall be set forth and recorded in private covenants, deed restrictions, homeowner's agreements or through other legal means in a form suitable to the city attorney to assure continued maintenance, establish rights of access and to address other relevant matters.

8. Application Submittal Requirements. In addition to the application submittal requirements of the city's Land Division Ordinance and other requirements of the Zoning Code, applications for the cluster alternative to subdivisions or short subdivisions shall include the following information:

a. Typical lot detail with architectural elevations of dwellings proposed to be built or placed on each building site on the property, reflecting an integrated architectural plan for the development.

i. The dwelling units shall be designed to fit each specific lot or building site so that adequate off-street parking can be provided and still provide a pleasing streetscape, private yard areas and common open space area.

ii. The dwelling unit design shall take into consideration the relationship of indoor and outdoor spaces to provide for the optimum use of both.

iii. If possible, the design should provide for solar orientation and views from the site.

b. Master landscaping plan for the property, including fencing and planting to ensure privacy, screen drainage facilities, and provide compatibility between the subject property and adjoining residential areas. (Ord. 2720-03 §§ 10—13, 2003; Ord. 2329-98 § 1, 1998; Ord. 2146-96 §§ 12, 14, 1996; Ord. 1838-91 § 25, 1991;

ATTACHMENT E

Snohomish County Code

30.23.200 Reductions to lot area.

No minimum lot area shall be so reduced or diminished that the setbacks or other open spaces shall be smaller than prescribed by this title, nor shall the density of population be increased in any manner except in conformity with the regulations established by this title. Government structures and facilities, and utilities structures and facilities, shall have no minimum lot area.

(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).

30.23.210 Lot size averaging.

(1) A subdivision or short subdivision will meet the minimum lot area of the zone in which it is located if the area in lots plus half of the area of all critical areas and their buffers that must be permanently protected under chapter 30.62 SCC and chapter 30.62A SCC, if any, plus ((and)) areas designated as open space or recreational uses, if any, divided by the total number of lots equals or exceeds the minimum lot area of the zone in which the property is located. In no case shall the density achieved be greater than the gross site area divided by the underlying zoning.

(2) This section shall only apply to:

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

(b) short subdivisions in rural areas within zones having a minimum lot size greater than 12,500 square feet but not larger than 5 acres.

(3) This section shall not apply on any site where any significant trees other than hazardous trees were removed after January 7, 2009, and within six years prior to the date of the submission of the application, pursuant to SCC 30.25.016(3).

(4) Roadways shall not count toward the calculations for lot size averaging.

(5) Surface detention/retention facilities may count toward calculations for lot size averaging only if the detention/retention facility:

(a) is designed to not require security fencing under the EDDS standards; and

(b) the facility is either:

(i) designed so as to appear as a natural wetland system, or

(ii) provides active or passive recreational benefits in a natural landscaped setting.

(6) For subdivisions and short subdivisions within zones having a minimum lot area requirement of 12,500 square feet or less, the following additional criteria apply:

(a) Each single lot shall be at least 3,000 square feet in area;

(b) Lots in subdivisions and short subdivisions created under the provisions of this section shall have a maximum lot coverage of 55%;

(c) Lots with less than the prescribed minimum lot area for the zone in which they are located shall have a minimum lot width of at least 40 feet, and right-of-way setbacks of 15 feet except that garages must be setback 18 feet from the right-of-way (with the exception of alleys) and corner lots may reduce one right-of-way setback to no less than 10 feet; and

(d) Preliminary subdivisions approved utilizing lot averaging shall not be recorded by divisions unless such divisions individually or together as cumulative, contiguous parcels, satisfy the requirements of this section.

(7) For short subdivisions in rural areas within zones having a minimum lot size greater than 12,500 square feet but not larger than 5 acres, the following additional criteria apply:

(a) Each single lot shall be at least 12,500 square feet in area or the minimum area necessary to comply with the Snohomish Health District's rules and regulations for onsite sewage disposal and potable water supply, whichever is greater;

(b) Lots in short subdivisions created under the provisions of this section shall have a maximum lot coverage of 35%; and

(c) Lots with less than the prescribed minimum lot area for the zone in which they are located shall have a minimum lot width of at least 75 feet, and right-of-way setbacks of 50 feet except corner lots may reduce one right-of-way setback to no less than 20 feet.

(Added Ord. 02-064, § 19 (part), Dec. 9, 2002; Ord. 03-075, § 2, Sept. 24, 2003; Amended Ord. 04-081, § 2, Sept. 1, 2004; Amended Ord. 06-061, § 9, Aug. 1, 2007, Eff date Oct. 1, 2007).

(Amended Ord. No. 08-101, § 86, Jan. 21, 2009, Eff date April 21, 2009)

30.23.220 Rural cluster minimum lot area.

(1) A rural cluster subdivision or short subdivision in a RUTA will meet the minimum lot area of the zone in which it is located if the average lot size of all lots is at least 7,200 square feet and each lot contains sufficient area to comply with the Snohomish Health District's rules and regulations for on-site sewage disposal.

(2) Lots with less than the prescribed minimum lot area for the zone in which they are located shall conform to the minimum lot width, setbacks, and other bulk regulations of this chapter for lots located in the R- 7,200 zone.

(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).

(Amended Ord. No. 08-087, § 5, Feb. 4, 2009, Eff date April 5, 2009)

ATTACHMENT F

Wenatchee City Code

Chapter 11.32 CLUSTER SUBDIVISIONS AND BINDING SITE PLANS

Sections:

- 11.32.010 Application and fees.
- 11.32.020 Applicability of zoning regulations.
- 11.32.030 Districts permitted.
- 11.32.040 Minimum size of cluster subdivisions.
- 11.32.050 Open space restricted.
- 11.32.060 Open space use and access.
- 11.32.070 Binding site plans.

11.32.010 Application and fees.

Applications for cluster subdivision and binding site plans shall be made on the appropriate forms and shall follow the procedures set forth for short plats, Chapter 11.12 WCC, or major subdivision, Chapter 11.16 WCC. Filing fees, required improvements and all other requirements, except as specifically modified in this chapter, shall comply with either Chapter 11.12 or 11.16 WCC, depending on the number of lots in the cluster subdivision proposal. (Ord. 98-40 § 4; Ord. 3080 § 800, 1994)

11.32.020 Applicability of zoning regulations.

Cluster subdivision shall meet the overall density requirements as set forth in the Wenatchee zoning ordinance. For the purposes of this chapter, the minimum lot size for the zoning district shall be divided into the gross area of land being subdivided to ascertain the total number of lots that will be allowed by this procedure. Individual lot sizes may be reduced by no more than 25 percent of the minimum lot size of the district. All such lot reductions shall be compensated for by an equivalent amount of land area in open space to be preserved and maintained for its scenic value, for recreation, or conservation purposes. Individual lot depth and width requirements may be reduced by not more than 20 percent. All other zoning ordinance regulations and use limitations remain in full force and effect. (Ord. 3080 § 802, 1994)

11.32.030 Districts permitted.

Cluster subdivisions may only be allowed in the R-S and R-1 zoning districts as the same are depicted on the official zoning map for the city of Wenatchee. (Ord. 3080 § 804, 1994)

11.32.040 Minimum size of cluster subdivisions.

Cluster subdivision shall not be allowed in subdivisions containing less than five acres. (Ord. 3080 § 806, 1994)

11.32.050 Open space restricted.

The open space accumulated as a result of the application of WCC 11.32.020 shall be clearly labeled and numbered as a tract with the following language inserted on any and all plats filed for record:

This tract is held in reserve as a permanent open space and shall not be considered as a building lot, or encroached upon in any manner.