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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 04-070

AMENDING PORTIONS OF SNOHOMISH COUNTY CODE CHAPTERS 30.21
AND 30.31F RELATING TO THE REQUIREMENTS FOR THE RURAL
BUSINESS AND RURAL INDUSTRIAL ZONES

WHEREAS, pursuant to the county charter and the Washington State Growth Management Act (GMA), chapter 36.70A RCW, the County Council adopted the General Policy Plan (GPP) as part of the Snohomish County Growth Management Act (GMA) Comprehensive Plan, adopted in section 4 of Amended Ordinance No. 94-125, on June 28, 1995; and

WHEREAS, pursuant to the county charter and the GMA, the County Council has adopted development regulations, including zoning requirements, that are consistent with and implement the GMA Comprehensive Plan; and

WHEREAS, an inconsistency was identified between GPP Policy LU 6.F.7(c) and certain zoning requirements set forth in Snohomish County Code (SCC) chapters 30.21 and 30.31F related to the minimum distance between the Rural Business (RB) zone and the Rural Industrial (RI) zone; and

WHEREAS, the requirements and intent of the GPP should be consistent with the locational criteria contained in the zoning code; and

WHEREAS, on February 24, 2004, the Department of Planning and Development Services briefed the Snohomish County Planning Commission on the proposed ordinance, and on March 23, 2004, the Planning Commission held a public hearing to consider testimony on the proposed ordinance; and

WHEREAS, on July 28, 2004, the Snohomish County Council held public hearing(s) to consider testimony on the proposed ordinance; and

WHEREAS, the County Council considered the entire hearing record, including the Planning Commission's recommendation, and written and oral testimony submitted during the council hearings;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council adopts and incorporates the foregoing recitals as findings and conclusions.

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Section 2. The County Council makes the following additional findings and conclusions:

- A. The RB zone is implemented as a floating zone and can be located where consistent with specific locational requirements specified under GPP LU Policy 6.F.7(c). Pursuant to RCW 36.70A.070(5), these locational requirements ensure that RB development is consistent with rural character and compatible with surrounding rural development, while also ensuring the availability of a variety of rural land uses
- B. This ordinance amends the RB requirements contained in SCC 30.21.025 ("Intent of zones") and SCC 30.31F.020 ("Minimum zoning criteria"), which implement GPP LU Policy 6.F.7(c).
- C. The amendments adopted by this ordinance allow the application of the RB zone to sites located within 2.5 miles of property zoned RI. These amendments are consistent with and implement GPP Policy LU 6.F.7, which applies a 2.5 mile locational restriction between RB zones and commercial, not industrial, properties.
- D. The amendments adopted by this ordinance ensure consistency with GPP Policy LU 6.F.7 as required by RCW 36.70A.130(1)(b).
- E. The applicability of the amendments adopted by this ordinance is limited to the expansion of existing RB zones and future requests for rezones to RB.
- F. The County has conducted early and continuous public participation in the process of adopting this ordinance. Public participation has included public hearings before the Snohomish County Planning Commission and Snohomish County Council, as well as opportunity for written comment.
- G. The provisions of this ordinance are consistent with the GMA, the County-wide Planning Policies, the GMA Comprehensive Plan, and county code.
- H. Pursuant to the State Environmental Policy Act ("SEPA"), chapter 43.21C RCW and chapter 197-11 WAC, and chapter 30.61 SCC, a Determination of Nonsignificance (DNS) was issued for the proposed action on February 5, 2004, and published February 8, 2004. The DNS complies with the requirements of SEPA.

- I. The amendments adopted by this ordinance are in the best interest of the county and will promote the general public health, safety and welfare.

Section 3. The County Council bases its findings of facts and conclusions on the entire record before the County Council, including all testimony and exhibits relating to these amendments, as well as the entire record before the County Council and Planning Commission.

Section 4. Snohomish County Code Section 30.21.025, last amended on September 10, 2003 by Ordinance Nos. 03-107 and 03-099, is **AMENDED** to read:

30.21.025 Intent of zones.

This section describes the intent of each use zone. Snohomish County's use zones are categorized and implemented consistent with the comprehensive plan. The comprehensive plan establishes guidelines to determine compatibility and location of use zones. The intent of each zone is established pursuant to SCC Table 30.21.020 and is set forth below in SCC 30.21.025(1) - (4).

(1) Urban Zones. The urban zones category consists of residential, commercial, and industrial zoning classifications in Urban Growth Areas (UGAs) located outside of cities in unincorporated Snohomish County. These areas are either already characterized by, or are planned for, urban growth consistent with the comprehensive plan.

(a) Single Family Residential. The intent and function of single family residential zones is to provide for predominantly single family residential development that achieves a minimum net density of four dwelling units per net acre. These zones may be used as holding zones for properties that are designated urban medium-density residential, urban high-density residential, urban commercial, urban industrial, public/institutional use (P/IU), or other land uses in the comprehensive plan. The official Snohomish County zoning maps prepared pursuant to SCC 30.21.030 shall use the suffix "P/IU" to indicate all areas in which these zones implement the P/IU designation (e.g., R-7,200-P/IU). Single family residential zones consist of the following:

- (i) Residential 7,200 sq. ft. (R-7,200);
- (ii) Residential 8,400 sq. ft. (R-8,400); and
- (iii) Residential 9,600 sq. ft. (R-9,600).

(b) Multiple Family Residential. Multiple family residential zones provide for predominantly apartment and townhouse development in designated medium- and high-density residential locations. Multiple family residential zones consist of the following:

(i) Townhouse (T). The intent and function of the townhouse zone is to:

- (A) provide for single family dwellings, both attached and detached,

or different styles, sizes, and prices at urban densities greater than those for strictly single family detached development, but less than multifamily development;

(B) provide a flexible tool for development of physically suitable, skipped-over or under-used lands in urban areas without adversely affecting adjacent development; and

(C) provide design standards and review which recognize the special characteristics of townhouses, to ensure the development of well-planned communities, and to ensure the compatibility of such housing developments with adjacent, existing, and planned uses. Townhouses are intended to serve the housing needs of a variety of housing consumers and producers. Therefore, townhouses may be built for renter occupancy of units on a site under single ownership, owner agreements pursuant to chapters 64.32 or 64.34 RCW, or owner or renter occupancy of separately conveyed units on individual lots created through formal subdivision pursuant to chapter 58.17 RCW;

(ii) Low-Density Multiple Residential (LDMR). The intent and function of the low-density multiple residential zone is to provide a variety of low-density, multifamily housing including townhouses, multifamily structures, and attached or detached homes on small lots; and

(iii) Multiple Residential (MR). The intent and function of the multiple residential zone is to provide for high-density development, including townhouses and multifamily structures generally near other high-intensity land uses.

(c) Commercial. The commercial zones provide for neighborhood, community and urban center commercial, and mixed use developments that offer a range of retail, office, personal service and wholesale uses. Commercial zones consist of the following:

(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;

(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;

(iii) Community Business (CB). The intent and function of the community business zone is to provide for businesses and services designed to serve the needs of several neighborhoods;

(iv) General Commercial (GC). The intent and function of the general commercial zone is to provide for a wide variety of retail and nonretail commercial and business uses. General commercial sites are auto-oriented as opposed to pedestrian- or neighborhood- oriented;

(v) Freeway Service (FS). The intent and function of the freeway service zone is to provide for needed freeway commercial facilities in the vicinity of on/off ramp frontages and access roads of limited access highways with a minimum of traffic congestion in the vicinity of the ramp. Allowed uses are limited to commercial establishments dependent upon highway users. Certain performance standards, subject to hearing examiner review, are contained in chapter 30.31B SCC to protect freeway design;

(vi) Business Park (BP). The intent and function of the business park zone is to provide for those business/industrial uses of a professional office, wholesale and manufacturing nature which are capable of being constructed, maintained, and operated in a manner uniquely designed to be compatible with adjoining residential, retail commercial, or other less intensive land uses, existing or planned. Strict zoning controls must be applied in conjunction with private covenants and unified control of land; many business/industrial uses otherwise provided for in the zoning code will not be suited to the BP zone due to an inability to comply with its provisions and achieve compatibility with surrounding uses. The BP zone, under limited circumstances, may also provide for residential development where sites are large and where compatibility can be assured for on-site mixed uses and for uses on adjacent properties;

(vii) Light Industrial (LI). The intent and function of the light industrial zone is to promote, protect, and provide for light industrial uses while also maintaining compatibility with adjacent nonindustrial areas;

(viii) Heavy Industrial (HI). The intent and function of the heavy industrial zone is to promote, protect, and provide for heavy industrial uses while also maintaining compatibility with adjacent nonindustrial areas; and

(ix) Industrial Park (IP/PIP). The intent and function of the industrial park and planned industrial park zones is to provide for heavy and light industrial development under controls to protect the higher uses of land and to stabilize property values primarily in those areas in close proximity to residential or other less intensive development. The IP and remaining Planned Industrial Park (PIP) zones are designed to ensure compatibility between industrial uses in industrial centers and thereby maintain the attractiveness of such centers for both existing and potential users and the surrounding community. Vacant/undeveloped land which is currently zoned PIP shall be developed pursuant to industrial park zone regulations (chapter 30.31A SCC).

(d) Industrial Zones. The industrial zones provide for a range of industrial and manufacturing uses and limited commercial and other nonindustrial uses necessary for the convenience of industrial activities. Industrial zones consist of the following:

(i) Business Park (BP). See description under SCC 30.21.025(1)(c)(vi);

(ii) Light Industrial (LI). See description under SCC

30.21.025(1)(c)(vii);

(iii) Heavy Industrial (HI). See description under SCC

30.21.025(1)(c)(viii); and

(iv) Industrial Park (IP). See description under SCC 30.21.025(1)(c)(ix).

(2) Rural Zones. The rural zones category consists of zoning classifications applied to lands located outside UGAs that are not designated as agricultural or forest lands of long-term commercial significance. These lands have existing or planned rural services and facilities, and rural fire and police protection services. Rural zones may be used as holding zones for properties that are primarily a transition area within UGAs on steep slopes adjacent to non-UGA lands designated rural or agriculture by the comprehensive plan. Rural zones consist of the following:

(a) Rural Diversification (RD). The intent and function of the rural diversification zone is to provide for the orderly use and development of the most isolated, outlying rural areas of the county and at the same time allow sufficient flexibility so that traditional rural land uses and activities can continue. These areas characteristically have only rudimentary public services and facilities, steep slopes and other natural conditions, which discourage intense development, and a resident population, which forms an extremely rural and undeveloped environment. The resident population of these areas is small and highly dispersed. The zone is intended to protect, maintain, and encourage traditional and appropriate rural land uses, particularly those which allow residents to earn a satisfactory living on their own land. The following guidelines apply:

(i) a minimum of restrictions shall be placed on traditional and appropriate rural land uses;

(ii) the rural character of these outlying areas will be protected by carefully regulating the size, location, design, and timing of large-scale, intensive land use development; and

(iii) large residential lots shall be required with the intent of preserving a desirable rural lifestyle as well as preventing intensive urban- and suburban-density development, while also protecting the quality of ground and surface water supplies and other natural resources;

(b) Rural Resource Transition - 10 Acre (RRT-10). The intent and function of the rural resource transition - 10 acre zone is to implement the rural residential-10 (resource transition) designation and policies in the comprehensive plan, which identify and designate rural lands with forestry resource values as a transition between designated forest lands and rural lands;

(c) Rural-5 Acre (R-5). The intent and function of the rural-5 acre zone is to maintain rural character in areas that lack urban services;

(d) Rural Business (RB). The intent and function of the rural business zone is to permit the location of small-scale commercial retail businesses and personal services which serve a limited service area and rural population outside established UGAs. This zone is to be implemented as a "floating zone" and will be located where consistent with specific locational criteria. The rural business

zone permits small-scale retail sales and services located along county roads on small parcels that serve the immediate rural residential population, and for a new rural business, are located* two and one-half miles from an existing rural business, rural freeway service (~~(or rural industrial zone)~~), or commercial designation in the rural area. Rural businesses, which serve the immediate rural population, may be located at crossroads of county roads, state routes, and major arterials;

(e) Clearview Rural Commercial (CRC). The intent and function of the CRC zone is to permit the location of commercial businesses and services that primarily serve the rural population within the defined boundary established by the CRC land use designation. Uses and development are limited to those compatible with existing rural uses that do not require urban utilities and services.

(f) Rural Freeway Service (RFS). The intent and function of the rural freeway service zone is to permit the location of small-scale, freeway-oriented commercial services in the vicinity of on/off ramp frontages and access roads of interstate highways in areas outside a designated UGA boundary and within rural areas of the county. Permitted uses are limited to commercial establishments dependent upon highway users; and

(g) Rural Industrial (RI). The intent and function of the rural industrial zone is to provide for small-scale light industrial, light manufacturing, recycling, mineral processing, and resource-based goods production uses that are compatible with rural character and do not require an urban level of utilities and services.

(3) Resource Zones. The resource zones category consists of zoning classifications that conserve and protect lands useful for agriculture, forestry, or mineral extraction or lands which have long-term commercial significance for these uses. Resource zones consist of the following:

(a) Forestry (F). The intent and function of the forestry zone is to conserve and protect forest lands for long-term forestry and related uses. Forest lands are normally large tracts under one ownership and located in areas outside UGAs and away from residential and intense recreational use;

(b) Forestry and Recreation (F&R). The intent and function of the forestry and recreation zone is to provide for the development and use of forest land for the production of forest products as well as certain other compatible uses such as recreation and to protect publicly-owned parks in UGAs;

(c) Agriculture-10 Acre (A-10). The intent and function of the agriculture-10 acre zone is to preserve those portions of the county which contain prime farmland for agricultural purposes. Since those portions of the county containing the proper combination of soil and topographical characteristics for intense agricultural development are limited and irreplaceable, the prime function of this zone will be to establish the proper area standards and permitted uses which will encourage the use and preservation of this land for agricultural purposes; and

(d) Mineral Conservation (MC). The intent and function of the mineral conservation zone is to comprehensively regulate excavations within Snohomish County. The zone is designed to accomplish the following:

(i) preserve certain areas of the county which contain minerals of commercial quality and quantity for mineral conservation purposes and to prevent incompatible land use development prior to the extraction of such minerals and materials and to prevent loss forever of such natural resources;

(ii) preserve the goals and objectives of the comprehensive plan by setting certain guidelines and standards for location of zones and under temporary, small-scale conditions to permit other locations by conditional use permit;

(iii) permit the necessary processing and conversion of such material and minerals to marketable products;

(iv) provide for protection of the surrounding neighborhood, ecological and aesthetic values, by enforcing controls for buffering and for manner and method of operation; and

(v) preserve the ultimate suitability of the land from which natural deposits are extracted for rezones and land usages consistent with the goals and objectives of the comprehensive plan.

(4) Other Zones: The other zones category consists of existing zoning classifications that are no longer primary implementing zones but may be used in special circumstances due to topography, natural features, or the presence of extensive critical areas. Other zones consist of the following:

(a) Suburban Agriculture-1 Acre (SA-1);

(b) Rural Conservation (RC);

(c) Rural Use (RU);

(d) Residential 20,000 sq. ft. (R-20,000);

(e) Residential 12, 500 sq. ft. (R-12,500); and

(f) Waterfront beach (WFB).

Section 5. Snohomish County Code Section 30.31F.020, last amended on September 10, 2003 by Ordinance No. 03-099, is **AMENDED** to read:

30.31F.020 Minimum zoning criteria.

(1) The RI and RFS zones shall be applied only to properties that contain the appropriate land use designation as depicted on the Future Land Use Map (FLUM) of the General Policy Plan (GPP).

(2) The RB zone is a zoning classification which will be located within a rural residential land use designation. The RB zone, including expansions to the RB zone classification, shall be applied only to properties that meet all the following locational criteria, except as provided in SCC 30.31F.020(3) and (4):

(a) A minimum of 600 residential dwelling units shall be located within a two and one-half mile radius of the proposed site;

(b) The proposed site is located along a county road or state highway with at least 100 feet of street frontage or at an intersection of two public roads;

(c) The proposed new site shall be located no closer than two and one-half miles from an existing RB, RFS, ~~((or RI zone,))~~ or commercial designation in the rural area;

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(d) The total area zoned RB at any given location shall not include more than five acres designated as net usable area. In calculating net usable area pursuant to this chapter, net usable area shall be the total site area less critical areas and their required buffers, public rights-of-way, private roads, detention/retention areas, and biofiltration swales;

(e) The proposed site shall be located outside of an urban growth area (UGA) boundary;

(f) The proposed site shall contain a rural residential designation on the GPP FLUM, and not be designated forest lands or farmlands by the FLUM;

(g) The size and configuration of the proposed site must be capable of accommodating applicable setbacks, buffers, and critical area protection;

(h) Site information required pursuant to SCC 30.31F.200(2) shall have been submitted by the applicant. The information shall clearly demonstrate that an adequate building and development area is located on the site outside of identified critical areas and buffers; and

(3) Any proposed site that expands an existing RB zone shall meet the requirements of SCC 30.31F.020(2)(d) through (h) and both of the following locational criteria:

(a) The expansion area shall have a common property boundary with the existing RB zone. A common property boundary may consist of properties separated by a public right-of-way where the centerline of the right-of-way is used as their extended front property boundary; and

(b) The majority of rural residential lots within a one-quarter mile radius of the proposed expansion area are not greater than one acre in size or the majority of rural residential lots that have a common property boundary with the proposed expansion area not greater than one acre in size.

(4) For properties that contain a commercial use permitted or otherwise allowed in the RB zone that existed on or before the effective date of this section, a rezone to RB may be approved only for that portion of the site containing the existing use and may not expand beyond the location of the existing commercial use unless the locational criteria of SCC 30.31F.020(2) are met with respect to the expansion area. The locational criteria contained in SCC 30.31F.020(2) and the maximum building footprint requirements of SCC 30.31F.110 and 30.31F.120 need not be met for that portion of the site containing the existing use.

(5) Any applicant proposing a rezone to the RFS zone must

(a) Demonstrate that the proposed site is abutting a frontage or access road of a limited access highway and is under a single ownership or unified control; and

(b) Submit a freeway interchange evaluation in accordance with the provisions of SCC 30.31B.200(3).

(6) The CRC zone shall only be applied to those properties that contain a Clearview Rural Commercial designation on the comprehensive plan future land use map.

Section 6. Severability and savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (Board) or by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase is held to be invalid or unconstitutional by the Board or by a court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this 28th day of July, 2004.

ATTEST:

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Sheila McCauslin
Clerk of the Council, *asst.*

John M. Koster
Chairperson

- ☒ APPROVED
☐ EMERGENCY
☐ VETOED

DATE: 8/13/04

ATTEST:

Coni Merri

Ken L. R.
County Executive

Approved as to form only:

Brent D. Lloyd
Brent D. Lloyd
Deputy Prosecuting Attorney