



CO00014019

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 05-083

AMENDING SEVERAL CHAPTERS OF TITLE 30 SCC TO IMPLEMENT THE MINERAL LANDS SUBELEMENT OF THE GROWTH MANAGEMENT COMPREHENSIVE PLAN INCLUDING CHAPTER 30.22 SCC, CHAPTER 30.23 SCC, CHAPTER 30.25 SCC, CHAPTER 30.28 SCC, CHAPTER 30.31D SCC, CHAPTER 30.32C SCC, CHAPTER 30.41A SCC, CHAPTER 30.41B SCC, CHAPTER 30.41C SCC, CHAPTER 30.64 SCC, CHAPTER 30.66B SCC, CHAPTER 30.91E SCC, CHAPTER 30.91L SCC, CHAPTER 30.91M SCC AND CHAPTER 30.91P SCC

WHEREAS, RCW 36.70A.130(1) directs counties planning under the Growth Management Act (GMA) to take legislative action to review and, if needed, revise its comprehensive plan and development regulations to ensure that the plan is consistent with the GMA (seven-year compliance review); and

WHEREAS, the county must also review its plan every ten years, pursuant to RCW 36.70A.130(3) to ensure that its urban growth areas are capable of accommodating projected population growth for the succeeding 20-year period (10-year update); and

WHEREAS, Snohomish County adopted the Snohomish Growth Management Act Comprehensive Plan, General Policy Plan ("GPP") on June 28, 1995; and

WHEREAS, Snohomish County has amended its comprehensive plan several times since its adoption, most recently in December 2004 as part of the "seven-year compliance review" required by RCW 36.70A.130(1); and

WHEREAS, in the spring of 2003 the county provided general notice it was, pursuant to RCW 36.70A.130, undertaking a review of its comprehensive plan to complete the seven-year compliance review along with the separate 10-year update process, through its widely disseminated *Focus on Tomorrow Newsletter* and through updates to the website; and

WHEREAS, public open houses concerning the seven-year compliance review and the 10-year update, were held in Everett on February 4, 2003, in Lynnwood on February 6, 2003, Monroe on February 10, 2003, and Arlington on February 19, 2003; and

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WHEREAS, on July 22, 2003, the county council and planning commission held a joint public meeting in Everett concerning the seven-year compliance review and 10-year update; and

WHEREAS, on November 8, 2003, an all-day event referred to as "Planners in the Library" was held in Lynnwood, Marysville, and Monroe, for the purpose of discussing the seven-year compliance review and 10-year update with the public; and

WHEREAS, in April 2004, the county updated the public on the seven-year compliance review and 10-year update process through its widely disseminated *Focus on the Future Newsletter* and placed on the website and through updates to the website; and

WHEREAS, the county held public hearings concerning the seven-year compliance review and 10-year update in Arlington on June 1 and 8, 2004, as well as in Everett on June 3, 2004; and

WHEREAS, on May 15, 2004, an all-day event known as "Planners in the Library" was held in Lynnwood, Marysville, and Monroe, for the purpose of discussing the seven-year compliance review update and 10-year update with the public; and

WHEREAS, Snohomish County Department of Planning and Development Services ("PDS") staff hosted public workshops on the seven-year compliance review and 10-year update in Lynnwood on June 14, 2004, in Monroe on June 16, 2004, and in Arlington on June 17, 2004; and

WHEREAS, on June 29, 2004, the county council and planning commission held a joint public hearing in Everett concerning the seven-year compliance review and 10-year update; and

WHEREAS, on July 27, 2004, PDS presented overviews of the seven-year compliance review and 10-year update to the planning commission and the county council planning committee; and

WHEREAS, on August 11, 2004, the county council adopted Motion 04-329 Establishing the Scope of the Seven-year Compliance Review pursuant to RCW 36.70A.130; and

WHEREAS, Motion 04-329 directed that the review and revision of the county's development regulations relating to mineral lands would be performed in connection with the 10-year update; and

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WHEREAS, on October 12, 2004, PDS unveiled its "preferred alternative" future land use map at an advertised public meeting before the planning commission; and

WHEREAS, on October 14 and 20, 2004 PDS held public open houses to facilitate public knowledge of, and to receive public input concerning the "preferred alternative" future land use map; and

WHEREAS, on November 3, 4, 9 and 18, 2004 PDS held public workshops with city and planning commissioners to discuss key policy issues related to the comprehensive plan, including infrastructure challenges for transportation, parks and drainage, economic development, resource land preservation, fully-contained communities, and others; and

WHEREAS, on April 19, 21, and 28, and May 2, 2005, PDS held public open houses on its recommended package of comprehensive plan amendments for the 10-Year Update, including amendments to the GPP, the Transportation Element, the Capital Facilities Plan, the Comprehensive Park and Recreation Plan, the Future Land Use Map, the zoning map, and selected sections of the code; and

WHEREAS, on May 24 and 26, and June 1 and 2, 2005 the planning commission and the county council held joint public hearings to receive public testimony concerning the proposed amendments to the comprehensive plan; and

WHEREAS, on June 7, 9, 14, 16 and 21, 2005 the planning commission deliberated on the PDS recommended package of comprehensive plan amendments at an advertised public hearing; and

WHEREAS, at the conclusion of the public hearing the planning commission voted to recommend adoption of the proposed package of comprehensive plan amendments, with certain modifications as enumerated in its recommendation letter of July 26, 2005; and

WHEREAS, the county council held public hearings on October 3, 4, 5, and 6, 2005 and December 7, 2005 to consider the entire record, including the planning commission's recommendations on the full package of comprehensive plan amendments, and to hear public testimony on this Ordinance No. 05-083; and

WHEREAS, the county council deliberated on the planning commission recommendations, executive alternatives, and public testimony on October 10, 11, 12, 17, 18, 19, 20 and 31, 2005 and November 3 and 9, 2005 and December 14, 19 and 21, 2005; and

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WHEREAS, Snohomish County is required by the Growth Management Act (GMA) to designate and conserve mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals; and

WHEREAS, the GPP adopted by the county in 1995 directed additional planning for mineral resources to inventory mineral resource deposits in the county and to designate enough mineral resources to meet a twenty-year projected demand; and

WHEREAS, in 1997 the county initiated additional mineral resource planning efforts to fulfill the directive in the 1995 GPP and established the Mineral Lands Task force in 1998 to provide input to the county during the planning process; and

WHEREAS, the county completed a mineral resource inventory in 1999 and completed identification and classification of mineral resources in 2000 after analysis of alternative designation approaches; and

WHEREAS, Snohomish County has developed a mineral resource lands conservation program which consists of comprehensive plan policies, land use designations, development regulations, and administrative guidelines; and

WHEREAS, one element of the mineral resource lands program is the notification of applicants for development activities and landowners on and nearby mineral resource lands designated by the GPP; and

WHEREAS, the proposed amendments help ensure that notice of mineral resource lands and activities carry out the requirements of the GMA and the intent of the mineral resource lands conservation program; and

WHEREAS, another element of the mineral resource lands program is the regulatory provisions which apply at the time site-specific mineral resource uses are proposed; and

WHEREAS, the current regulatory provisions were established prior to the development and adoption of the GMA mineral resource lands conservation program and they should be revised to ensure consistency with other elements of the mineral resource lands conservation program; and

WHEREAS, the proposed amendments help ensure that site-specific mineral resource uses carry out the intent of the mineral resource lands conservation program; and

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WHEREAS, Snohomish County has adopted numerous "traffic mitigation ordinances" since 1979 requiring land-use developments to mitigate the impacts on the road system resulting from the new traffic generated by the developments; and

WHEREAS, the ongoing extraction of sand, gravel and rock from mineral resource areas in Snohomish County is needed in the construction of development and infrastructure associated with growth; and

WHEREAS, the extraction of these mineral resource areas requires the use of large trucks, specifically large trucks and truck-trailer units with more than two axles, to haul the materials to work sites throughout Snohomish County and the region; and

WHEREAS, transportation facilities on mineral access routes used by significant numbers of large trucks should be built to sufficient standards to accommodate them safely, economically, and efficiently; and

WHEREAS, it is in the best interest of the general public to require mitigation by the developers of mineral sites for the adverse impacts on the environment related to the use of large trucks; and

WHEREAS, it is in the best interest of the general public that Snohomish County Public Works develop administrative rules dealing with the review of applications for mineral operations including traffic study requirements, impact analysis, and mitigation requirements; and

WHEREAS, the county conducted five public workshops between January and July, 2002; and

WHEREAS, the Snohomish County Planning Commission held hearings on March 25, 2003 and May 27, 2003 and June 10, 2003 to consider changes in the Mineral Lands Element of the GPP; and

WHEREAS, on June 17, 2003, the planning commission sent its recommendations on mineral lands to the county executive; and

WHEREAS, the county executive transmitted the planning commission's recommendations to the county council on June 23, 2003; and

WHEREAS, on July 1, 2003, staff provided a briefing to the Snohomish County Council Planning Committee on the planning commission's recommendations; and

WHEREAS, the council held public hearings on July 9, July 30 and August 13, 2003, to consider the planning commission's recommendations on the mineral resource lands program and passed Resolution 03-028 on September 10, 2003, directing

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additional analysis of designation criteria and land use and transportation impacts associated with designation of mineral lands; and

WHEREAS, among other things, Resolution 03-028, directed staff to re-examine traffic issues associated with the production and distribution of sand, gravel, and crushed rock used in construction, and Question 12 in that resolution asked staff to address traffic issues raised in 2003 hearing exhibits, in Exhibits 393, 396, and 400; and

WHEREAS, 2003 Hearing Exhibit 393 consists of a joint resolution by the cities of Monroe, Sultan, Gold Bar, Index, Skykomish, and Granite Falls requesting withdrawal of the proposed Snohomish County mineral resource lands plan and regulations pending inclusion of analysis of transportation and land use impacts associated with mineral activities in Snohomish County; and

WHEREAS, among other things, Resolution 03-028, directed staff to analyze the effects on traffic flow and infrastructure demands of any concentration of mineral resource lands in East Snohomish County and to consider a distribution of mineral resource lands around the county in such a way so as to reduce adverse traffic impacts; and

WHEREAS, among other things, Resolution 03-028, directed staff to explore the feasibility of applying a surcharge to transportation of minerals on Snohomish County roads to offset impacts to roads and to develop policy changes that would permit and implement such surcharge; and

WHEREAS, in late 2003, Snohomish County contracted with a national transportation consulting firm, CH2M HILL, to identify areas where mineral resource-related transportation impacts can be expected over the next twenty years, the results of which were published in the "Mineral Resource Lands Transportation Study" draft report January 2005; and

WHEREAS, the county conducted additional public meetings to gather input on the "Mineral Lands Transportation Study" July 15, 2004, November 18, 2004 and March 24, 2005; and

WHEREAS, the results of the "Mineral Lands Transportation Study" contributed to policy development in the proposed mineral lands conservation program; and

WHEREAS, the proposed revisions are consistent with and implement the county's GPP, as amended; and

WHEREAS, the proposed revisions are consistent with the countywide planning policies; and

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WHEREAS, the proposed revisions are internally consistent with the county's existing GMA development regulations; and

WHEREAS, the county has provided for public participation in developing the proposed revisions in accordance with the state law and county codes; and

WHEREAS, the planning commission held a public hearing on the proposed revisions and sent its recommendations to the county council; and

WHEREAS, having considered the recommendations of the planning commission the county council finds that amendments to several chapters of county code relating to the regulation of mineral resource lands and to mineral excavation and processing operations is appropriate to implement the policies in the GMA comprehensive plan and the goals of the GMA; and

WHEREAS, county staff conducted additional mineral lands planning meetings with the Washington Aggregates & Concrete Association (WACA) on September 26, October 10, October 18 and November 7 of 2005 to discuss and refine mineral lands policies and code related to designation criteria, a proposed monitoring, and proposed transportation mitigation provisions; and

WHEREAS, staff amended the mineral lands policy and code with the support of WACA related to designation criteria, a monitoring program, haul route agreements, and interlocal agreement provisions.

NOW, THEREFORE BE IT ORDAINED:

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

Section 2. The county council makes the following additional findings of fact:

- A. The county is required to designate and conserve mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals pursuant to RCW 36.70A.040, 36.70A.060, 36.70A.131 and 36.70A.170, which direct counties planning under the Growth Management Act.
- B. The county, pursuant to direction contained in the GPP for detailed mineral lands planning, developed revised designation criteria and comprehensive plan policies as part of the mineral lands conservation program.

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- C. The county conducted a geologic inventory of mineral resources in the county including sand, gravel and bedrock which identified approximately 177,000 acres of these mineral resources of sufficient quality and quantity to be determined feasible for extraction.
- D. The geologic inventory did not include an inventory of precious metals. Gold and silver deposits are the prevalent precious metals found in the county but their precise location is unknown. Given the geology in Snohomish County, precious metal deposits are generally located in the eastern portion of the county within the boundaries of the national forest and are therefore not subject to pressures from and potential loss due to development.
- E. To supplement the geologic inventory the county asked owners of designated mineral lands on the 1995 adopted Future Land Use Map to submit information for verification by a geologist to include resources on their property in the geologic inventory. Several landowners responded allowing the county to include additional resource sites, including one mining claim containing precious metals.
- F. Of approximately 177,000 acres identified as potential mineral resource land, the county determined that approximately 131,000 acres were appropriate for designation as mineral resource lands based on characteristics of the resource, potential for land use conflicts, environmental impacts and the need to establish a balance between mineral lands, other resource lands and rural areas consistent with RCW 36.70A.070(5), WAC 365-190-070 and policies under Objective LU 9.A in the GPP.
- G. The county conducted an analysis of supply and demand for mineral resources for the 20-year planning horizon through 2025. Based on this analysis of supply and demand, designation of 131,000 acres for mineral resources far exceeds what is needed to ensure a twenty-year supply.
- H. To ensure consistency between the elements of the mineral lands conservation program and implement the mineral land policies the county reviewed the related development regulations adopted pursuant to RCW 36.70A.040 and 36.70A.060.
- I. There has been early and continuous public participation in the review of the proposed amendments relating to development standards for mineral resource lands including public meetings (March 4, 9 and 11, 1999; January 8, 10 and 15, 2002; July 9 and 10, 2002), newsletters (February, 1999; Spring 2000; and November, 2001), and Mineral Lands Task Force meetings (25 meetings between July 1998 and May 2003), with additional opportunities for public input during SEPA comment periods and public hearings.

- J. State Environmental Policy Act (SEPA) review on the proposal relating to the designation and conservation of mineral resource lands was phased pursuant to WAC 197-11-060(5). SEPA documents focused on environmental issues associated with the designation and conservation of mineral resource lands while deferring analysis of site-specific issues associated with future mining proposals on designated lands.
- K. SEPA review utilized the provisions of WAC 197-11-210 for plan and Environmental Impact Statement (EIS) integration to allow consideration of environmental issues with development of plan and conservation alternatives.
- L. A Draft Supplemental Environmental Impact Statement (DSEIS) was issued November 21, 2001, on the proposed action to amend the comprehensive plan policies, future land use map, and development regulations to designate and conserve mineral resource lands consistent with GMA requirements. The DSEIS provided a focused review of policy options and environmental issues associated with mineral resource lands designation and conservation that were not previously identified in the two EIS documents and a series of addenda prepared for the Snohomish County GPP and Transportation Element between 1994 and 2002.
- M. An Addendum was issued July 5, 2002, adding new information and analysis to the DSEIS but not identifying any new or significantly different impacts from the DSEIS.
- N. Preparation of the mineral resource lands plan, compilation of environmental documents, and comments received during the public participation process disclosed land use, natural environment and community impacts that occur from mineral extraction and transport on city and WSDOT facilities and along and near city and WSDOT roads.
- O. A Final SEIS (FSEIS), including response to comments on the DSEIS and Addendum, was prepared following the 30-day comment period and was issued on August 6, 2003.
- P. The county council held public hearings on July 9, July 30 and August 13, 2003, to consider the planning commission's recommendations on the mineral resource lands program and passed Resolution 03-028 on September 10, 2003, directing additional analysis of designation criteria and land use and transportation impacts associated with designation of mineral lands.
- Q. On August 11, 2004, the county council passed Motion 04-329 directing the updates to the mineral lands plan and development regulations required by RCW

36.70A.130(1) be incorporated into the 10-year update of the comprehensive plan.

- R. On July 15, 2004, November 18, 2004 and March 24, 2005, the county met with industry representatives to get input on issues affecting transportation of mineral resources.
- S. On March 24, 2005, the county also met with stakeholder groups to provide information and get input on issues affecting transportation of mineral resources.
- T. State law authorizes the county to regulate the use of county roads, including the use of weight restrictions, road closures, and other conditions or restriction to prevent damage to roads and to protect public safety.
- U. State statutes authorize local government regulation of streets and roads including:
 - 1. RCW 36.32.120(2) & (7) – general jurisdiction over roads and public health and safety;
 - 2. RCW 36.75.020 & .040(4) – general authority to administer county roads;
 - 3. RCW 36.75.270 – authority to limit or prohibit vehicles on county roads and bridges (needs resolution, specified duration, notice and signs); and
 - 4. RCW 36.80.030 – authority of county road engineer to administer county roads.
- V. The county's responsibility to close roads, or restrict traffic under certain conditions are contained in:
 - 1. RCW 46.44.080 – authorizes restrictions to prevent damage;
 - 2. RCW 36.75.270 – applies to all vehicles, procedural requirements for closures/restrictions;
 - 3. RCW 47.48.010 – authorizes road closures and restrictions; and
 - 4. RCW 47.48.020 – emergency closures
- W. In accordance with Title 13 SCC, Snohomish County requires haul route agreements for new and expanded commercial hauling operations within the right-of-way for activities involving but not limited to development construction, pit and quarry operations, logging and other commercial operations that are anticipated to cause extraordinary damage or accelerated deterioration to county roads.
- X. Haul route agreements provide that road conditions prior to any hauling be documented and that a performance bond may be required of the operator to cover potential damage to the county roads directly resulting from the hauling activity. When the hauling has been completed, conditions are again

documented and if damage occurred as a result of the hauling, the operator is required to repair them before the county releases the performance bond.

- Y. Since trucks and other heavy duty vehicles are larger than cars, they typically have lesser acceleration and require more room for maneuvering, lane changing, and braking, and consume more a road's capacity. Traffic engineers account for the impact on capacity from large trucks and other heavy duty vehicles by assigning each class of vehicle a passenger car equivalent (PCE) value. This PCE represents the number of passenger cars that would consume the same percentage of the highway's capacity as the vehicles under consideration under prevailing roadway and traffic conditions.
- Z. The PCE value of a truck depends on its weight, length, engine, and other vehicle characteristics. The PCE value also depends on roadway characteristics such as number of lanes and the length and steepness of grades.
- AA. Trucks typically accelerate more slowly and experience greater difficulty in maintaining desirable speeds on long, steep upgrades than automobiles do. Truck characteristics affecting speed on upgrades include operating weight, horsepower, aerodynamic resistance, drive-train-to-gear ratios, and tires. Speed reductions on grades present special problems on two-lane roads in hilly or mountainous terrain where passing opportunities are limited. Queues of vehicles may form behind slow-moving trucks on upgrades. Under such circumstances, drivers of other vehicles may be encouraged to undertake passing maneuvers under unsafe conditions.
- BB. TRB Special Report 227 (1990) estimated that 80- to 85-foot doubles (large trucks common to mineral operations) would require at least 0.5 to 0.6 seconds of additional clearance time relative to the existing five-axle twins or tractor-semitrailers to safely cross and clear an intersection.
- CC. The "Mineral Resource Lands Transportation Study" draft report January 2005 Table 3, "Snohomish County Construction Aggregates Consumption Forecast, 2005-2025," projects an annual demand for construction aggregate (sand, gravel, and crushed rock) within Snohomish County, estimates the supply available from currently permitted sites, and translates these demand and supply figures into truck trips allocated onto the county's road network to assess traffic impacts resulting from mineral operations through 2025.
- DD. The "Mineral Resource Lands Transportation Study" draft report January 2005 estimates the current value of construction aggregates sold in Snohomish County to be over \$50 million per year. Based on data from the Washington input/output model tables developed by the University of Washington, Graduate School of Business in 1993, as reported by the Washington Aggregates and Concrete

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Association, the construction aggregates industry in Snohomish County supported over 800 jobs and over \$30 million in wages in 2003. These economic estimates do not include the additional multiplier effect of jobs in the construction industry.

- EE. In conjunction with the 10-year update to the comprehensive plan, additional meetings were held on April 19, 21 and 28, and May 2, 2005, to provide information to the public about the overall plan, including mineral resource lands.

Section 3. The county council makes the following conclusions:

- A. Policies for the conservation of mineral resource lands have been revised and updated in the GPP to comply with requirements in the GMA.
- B. Policies for the conservation of mineral resource lands have been revised and updated in the GPP to comply with direction for detailed mineral lands planning contained in the GPP adopted in 1995.
- C. To be consistent with, and to implement the newly updated and revised policies in the GPP, development regulations relating to conservation of mineral resource lands and the excavation and processing of minerals must be updated and revised.
- D. Development regulations related to mineral lands were reviewed for consistency with other elements of the updated mineral resource lands plan revealing the need for changes to several chapters of Title 30 SCC – Unified Development Code to implement the mineral land policies including: chapter 30.22 SCC – Uses Allowed in Zones; chapter 30.23 SCC General Development Standards – Bulk Regulations; chapter 30.25 SCC General Development Standards – Landscaping; chapter 30.28 SCC - General Development Standards – Miscellaneous; chapter 30.31D SCC – Mineral Conservation Zone; chapter 30.32C SCC – Mineral Resource Lands; chapter 30.41A SCC – Subdivisions; chapter 30.41B SCC – Short Subdivisions; chapter 30.41C – Rural Cluster Subdivisions and Short Subdivisions; chapter 30.64 SCC – Groundwater Protection; chapter 30.66B SCC – Concurrency and Road Impact Mitigation; chapter 30.91E SCC – “E” Definitions; chapter 30.91L SCC – “L” Definitions; chapter 30.91M SCC – “M” Definitions; and chapter 30.91P SCC – “P” Definitions.
- E. Amendments to Title 30.22 SCC are necessary to implement GPP Policies LU 9.A.2, 9.A.3, 9.A.7, 9.B.1 and 9.C.2 which identify limited areas where mineral extraction and processing may occur as a conditional use on rural and forest

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lands with a minimum of 5-acre zoning. Mineral extraction and processing will only be allowed in rural and forestry zones which coincide with the Mineral Resource Overlay (MRO). Changes to the use matrices and footnotes are needed to indicate in which zones mineral operations may occur.

- F. Mineral excavation and processing are limited to rural and forestry zones due to the location of the mineral deposits and analysis of land use conflicts consistent with GPP Policy LU 9.B.1. Public testimony regarding the siting of designated mineral lands and active mineral operations indicates that excavation and processing activities are not compatible with urban residential densities.
- G. Designation of mineral resource lands in rural areas implements GPP Objective LU 6.G and Policy LU 6.B.3 to promote resource based industries in the rural areas and is consistent with RCW 36.70A.011 related to economic opportunities in rural areas.
- H. Under the current county code mineral excavation and processing is allowed in nearly every zone as a conditional use in conjunction with a rezone to Mineral Conservation (MC). This results in the MC zone operating as a "floating" zone that could potentially be granted anywhere in the county. Identifying the presence of mineral resources and excluding areas from mineral resource designation based on analysis of potential land use conflicts allows both the mining industry and rural land owners more predictability in where these mineral operations may ultimately be approved.
- I. Excluding areas from mineral designation which have the greatest potential for land use conflicts expedites the permit process, reduces the mitigation burden on the industry and protects both the industry and residential neighborhoods from impacts resulting from land use incompatibilities thus furthering the goals of the GMA and GPP Objectives LU 9.B and 9.C.
- J. To conserve mineral resources for future extraction, uses which would preclude future mineral operations should be restricted in zones where land use conflicts are most likely to occur. Preference should be given to mineral related uses where mineral resources are designated in rural areas.
- K. Development regulation review revealed the need for changes to chapter 30.22 SCC – Uses Allowed in Zones, to update the use matrices in SCC 30.22.100, 30.22.110 and 30.22.120 and footnote (28) in SCC 30.22.130, to identify the zones which coincide with the Mineral Resource Overlay where mineral processing and excavation will be allowed and to provide cross references to appropriate code sections where general provisions and standards for mineral

excavation and processing reside. Changes to chapter 30.22 SCC – Uses Allowed in Zones include but are not limited to:

1. Amending SCC 30.22.100 relating to the Urban Zone Categories: Use Matrix to delete Excavation & Processing of minerals as a use. Mineral operations are not compatible with urban residential densities and will not be an allowed use in the urban zones consistent with GPP Policy LU 9.A.2 to exclude lands within Urban Growth Areas from the mineral resource land designation and with LU 9.C.2 maintaining a 5-acre or larger lot size for adjacent lands.
2. Amending SCC 30.22.110 relating to Rural and Resource Zone categories: Use Matrix to add Excavation & Processing of minerals as an Administrative Conditional Use in the RD, RRT-10, R-5, RI, F, F&R, A-10 and MC zones subject to the requirements in reference note (28) in SCC 30.22.130(28). Amendments to the Rural and Resource Zone use matrix identify the zones which coincide with the mineral resource overlay (MRO) where mineral operations will be allowed, implementing GPP Policy LU 9.A.7 linking permit eligibility to mineral resource designation and maintaining a 5-acre or larger lot size adjacent to mineral lands consistent with GPP Policy LU 9.C.2. The amendments also add the opportunity for an Administrative Conditional Use permit consistent with the amended provisions in chapter 30.31D SCC. Mineral operations should be limited to the designated MRO or zoned Mineral Conservation (MC) areas to improve predictability for the mineral industry and adjacent landowners and to reduce the potential for land use conflicts which interfere with the ability to obtain permits for mineral operations and prevent efficient utilization of mineral resources consistent with the goals of the GMA, RCW 36.70A.020(7) and (8) and 36.70A.070(1) and GPP Policy LU 9.D.1.
3. Amending SCC 30.22.110 relating to Rural and Resource Zone categories: Use Matrix to add a new column identifying R-5 zones with the Mineral Resource Overlay (MRO) and limiting the allowed uses to preserve access to the mineral resources for future extraction consistent with RCW 36.70A.060(1).
4. Amending SCC 30.22.120 relating to Other Zone Categories: Use Matrix to repeal Excavation & Processing of Minerals as a Conditional Use in the SA-1, RU, R20,000, R12,500 and WFB zones which do not coincide with the MRO, and to allow Excavation & Processing of minerals as an Administrative Conditional Use in the RC zone subject to the requirements in reference note (28) in SCC 30.22.130(28).
5. Amending SCC 30.22.130 relating to reference notes for Use Matrix, and specifically reference note (28) regarding Excavation & Processing of Minerals to cross-reference that term in SCC 30.31D.010(2) and provide when that use is allowed in various zones as a Conditional Use

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or Administrative Conditional Use by cross-referencing the requirements in SCC 30.31D.030, and clarifying that the use is allowed only in the specified zones when they coincide with the MRO designation in the GPP, except for the MC zone.

6. Amending SCC 30.22.130 relating to reference notes for use matrix, to alert users to residential subdivision restrictions where the MRO coincides with rural residential designations and supply the relevant cross reference to SCC 30.32C.150.
- L. Development regulation review revealed the need for changes to chapter 30.23 SCC relating to special setbacks for certain uses to update the bulk matrix and footnotes and move setback requirements from chapter 30.31D SCC into a new subsection (25) to SCC 30.23.110 consistent with the organizational structure of Title 30 SCC, adding the appropriate cross references, and establishing greater setback requirements to implement GPP Objective LU 9.D and Policy LU 9.D.1 mitigating impacts and addressing land use compatibility and safety issues.
- M. Development regulation review revealed the need for changes to chapter 30.25 SCC General Development Standards – Landscaping, to move landscaping requirements from chapter 30.31D SCC into a new section (SCC 30.25.026) consistent with the organizational structure of Title 30 SCC, and adding the appropriate cross references. Landscaping requirements are substantively unchanged.
- N. Development regulation review revealed the need to repeal SCC 30.28.035 SCC – Excavation and processing of minerals, and move the relevant provisions to chapter 30.31D SCC where the standards and procedures related to the excavation and processing of minerals are located. Provisions related to mineral extraction on farmlands are removed to implement policy LU 9.A.2 in the GPP. Farmlands are excluded from mineral designation because mineral excavation and processing activities remove the productive soil overburden to gain access to the sand and gravel deposits beneath resulting in loss of agricultural productivity. Preservation of agricultural lands is a priority in the county.
- O. Development regulation review revealed the need for changes to chapter 30.31D SCC – Mineral Conservation Zone, including but not limited to:
 1. Amending SCC 30.31D.010 relating to purpose and applicability to indicate that the chapter provides standards for the use of mineral resource lands designated in the comprehensive plan and identifies areas where excavation and processing activities may be considered implementing the GPP policies under Objective LU 9.A. Limiting mineral excavation and processing activities to lands already identified and evaluated at a programmatic level for such uses improves predictability for the mining industry and for adjacent land

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owners, facilitates the permit process consistent with the GMA goal in RCW 36.70A.020(7) and reduces the potential for land use conflicts consistent with GPP Objective LU 9.C.

2. Amending SCC 30.31D.020 to remove minimum zoning criteria because mineral conservation zoning is not necessary for the permitting of mineral extraction activities, and adding new language describing the relationship of excavation activities to the comprehensive plan and specifying that:
 - a. Excavation and related activities shall only occur on lands designated as mineral resource lands on the comprehensive plan map, zoned mineral conservation (MC), or where a valid mining claim exists consistent with GPP Policies LU 9.A.3, 9.A.7 and 9.A.9. Mining claims will be recognized and eligible for permits to ensure the opportunity for excavation of precious metals.
 - b. Designation on the comprehensive plan map signifies that mineral operation uses on such lands have been evaluated at an area-wide level in terms of environmental impacts and that the associated environmental documents may be relied upon when making threshold determinations and/or preparing additional environmental documents consistent with GPP Policies LU 9.A.6 and 9.D.2.
3. Adopting a new section (SCC 30.31D.030) describing the process for review of applications for mineral excavation and processing under either an administrative conditional use or conditional use permit process, depending upon the size and duration of the site-specific proposal and requiring that all proposals for mineral excavation and processing be subject to environmental review. Providing the opportunity for an Administrative Conditional Use Permit facilitates the permit review process for smaller proposals consistent with the GMA goal in RCW 36.70A.020(7).
4. Adopting a new section (SCC 30.31D.040) providing that permit applications must comply with requirements set out in the application checklist provided by PDS. The submittal checklist facilitates the application process and the specific contents require additional materials to assess impacts identified in the environmental documents consistent with the provisions in GPP Policy LU 9.D.2.
5. Amending SCC 30.31D.100 to provide additional general performance standards addressing earth movement, erosion and traffic impacts as addressed in GPP Policy LU 9.D.1.
6. Amending SCC 30.31D.110 relating to landscaping to refer to landscaping requirements in SCC 30.25.026.
7. Amending SCC 30.31D.120 relating to setbacks by referring to the requirements in SCC 30.23.110(25). Greater minimum setbacks of extraction activities and buildings from property lines, street rights-of-way, residences, parks, schools, hospitals, libraries, and urban growth area boundaries are

- established to improve safety, protection of property and reduce conflicts between land uses consistent with GPP Policy LU 9.D.1.
8. Amending SCC 30.31D.130 to require a hydrogeologic site evaluation and to include summer testing of groundwater as a component of a monitoring program recognizing that protection of wellhead and aquifer recharge areas is a serious concern which should be thoroughly addressed at the permit level as per GPP Policies LU 9.D.1 and 9.D.5.
 9. Adopting a new section (SCC 30.31D.135) relating to noise referring to the requirements in chapter 10.01 SCC consistent with GPP Policy NE 8.A.2.
 10. Amending SCC 30.31D.140 relating to blasting to clarify that the intent of blasting restrictions is to avoid nuisance and damage.
 11. Adopting a new section (SCC 30.31D.145) providing for protection of air quality and use of best management practices to control emissions of suspended particles consistent with GPP Goal NE 6.
 12. Amending SCC 30.31D.160 relating to Grading, Reclamation and Topsoil Retention to refer to grading requirements in chapter 30.63B SCC.
 13. Repealing SCC 30.31D.200 relating to submittal requirements for Conditional use permits for mineral excavation and processing. Submittal requirements will be established as administrative rules and provided in a land use permit application checklist as per new section SCC 30.31D.040.
 14. Amending SCC 30.31D.210 relating to Decision criteria to refer to the criteria established in SCC 30.31D.010(2) and (3) and remove references to the MC zone, which is no longer required.
 15. Amending SCC 30.31D.220 to add additional conditions which may be attached to permits addressing groundwater testing, haul route agreements and participation in a monitoring program implementing GPP Policies LU 9.D.5, 9.D.3 and 9.D.4 respectively.
- P. Snohomish County contains a large volume of mineral resources. Of the 131,000 acres proposed for designation less than 1% is located in rural areas zoned for 5-acre lots. The remaining 99% is in forest zoned areas or rural areas zoned for 10-acre or larger lots.
- Q. Based on estimates in the county's supply and demand analysis the 4,000 acres currently permitted for excavation and processing can supply the county's demand for resources through 2025. If the relationship of acreage to resource volume holds for the remaining undeveloped resource lands the county's supply of mineral resources could last well over 500 years.
- R. The county is required to accommodate population growth in the rural areas.
- S. Allowing for rural development and mineral operations in the rural 5-acre areas allows the county to designate more land for mineral resources, accommodate

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rural population growth, and provide opportunity for rural land owners to extract resources from their property with the advantage of location closer to the market while the bulk of the county's resources are provided greater protection through larger lot size zoning.

- T. Applying the provisions of rural cluster subdivisions preserving mineral lands in open space for future extraction and locating residences away from resource sites will afford some protection for the resource lands in rural areas and reduce impacts associated with land use incompatibility consistent with GPP Policies LU 9.B.2, 9.B.3 and 9.C.3.
- U. Notification requirements alert land owners to the presence of mineral resources and the potential for mining-related activities allowing landowners to make informed decisions and implement GPP Policy LU 9.C.1.
- V. Development regulation review revealed the need for changes to chapter 30.32C SCC – Mineral Resource Lands, including but not limited to:
 - 1. Amending SCC 30.32C.100 relating to excavation and processing of minerals to provide reference to chapter 30.31D SCC where the standards and provisions for mineral operations are located.
 - 2. Adopting a new section (SCC 30.32C.150) to prohibit residential subdivision in areas designated rural residential 5-acres which coincide with the MRO; require the use of rural cluster subdivision when residential subdivision is proposed on other rural residential or forestry designated lands subject to the MRO; and require the use of rural cluster subdivision on land adjacent to the MRO in order to afford some protection for the resource lands in rural areas and reduce impacts associated with land use incompatibility consistent with GPP Policies LU 9.B.2, 9.B.3 and 9.C.3.
 - 3. Amending SCC 30.32C.200 to reduce the frequency of the county-initiated disclosure notice required by chapter 30.32C SCC to all landowners within 2000 feet of designated mineral resource land from every three years to every five years, and to repeal subsection (3) to remove the requirement for the filing of a mineral lands disclosure notice at the time of any transfer of property that is within 2000 feet of an established mine.
- W. Development regulation review revealed the need for changes to chapters 30.41A SCC – Subdivisions and 30.41B SCC – Short Subdivisions to reference the subdivision restrictions on designated mineral lands in chapter 30.32C SCC.
- X. Development regulation review revealed the need for changes to chapter 30.41C SCC – Rural Cluster Subdivisions and Short Subdivisions, to allow open space retained in rural cluster subdivisions to be used for mineral resource purposes, including but not limited to:

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1. Amending SCC 30.41C.020 relating to Applicability to establish restrictions for rural cluster subdivisions where the MRO coincides with the R-5 zone.
2. Amending SCC 30.41C.200 relating to Design Standards-general to add provisions for mineral resource uses within the required open space of rural cluster subdivisions where applicable.
3. Amending SCC 30.41C.210 related to Design Standards-restricted open space and bulk regulations to include a reference and note to lands with a Mineral Resource Overlay.
4. Amending SCC 30.41C.230(1) related to Design Standards-lot yield to clarify that lot yield calculations for lots designated RR and RR-10(RT) on the comprehensive plan outside of the Tulalip subarea must also not be subject to a mineral resource lands overlay.
5. Amending SCC 30.41C.240 relating to Design Standards-bonus residential density, to include a reference to lands with a mineral resource overlay in the provisions of subsections (1) and (3).

Y. Development regulation review revealed the need for changes to SCC 30.64.020 Groundwater Protection, to add mineral excavation to the uses for which a hydrogeologic study is required. Groundwater is the primary source of potable water in the rural areas and should be addressed in the permit process as per GPP Policies LU 9.D.1 and 9.D.5.

Z. State law authorizes the county to protect the integrity of the road system by imposing restrictions or implementing closures to prevent damage.

AA. The county requires Title 13 SCC haul route permits to preserve the integrity of the road structure as well as address safety and community issues. Requiring permits for haul routes where the operations are likely to cause extraordinary damage or accelerated damage to county roads is consistent with the authority provided to the county under state law which the county has utilized in its adoption of its Title 13 regulations. However, for applications for mineral operations, issues related to preservation of road integrity, and mitigation of safety and community issues are best addressed under Chapter 30.66B SCC during the development review process as opposed to addressing these issues under Title 13 subsequent to the review process. Establishing specific development conditions at the time of permit approval enables the applicant to more-accurately assess the long-term costs of mitigation requirements. If, for some applicants, structural improvements to access roads will be needed to support the impacts of large trucks, then the applicant is in a better position to finance and construct such improvements at the beginning of their mineral operation as opposed to future, undetermined points in time. This does not preclude the possibility that the county may require haul route permits of certain mineral operations on a case-by-case basis, to preserve the integrity of the road

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system, and in some cases to avoid the necessity of having to selectively close certain roads to large trucks.

- BB. Without planned improvements, several routes within Snohomish County will be at or approaching capacity by 2025. Prior to planned improvements being made, capacity deficiencies will exist along SR 2, SR 9, and SR 522.
- CC. The county has entered into interlocal agreements with the state, cities and other counties which contain provisions whereby the county recognizes certain legislatively-adopted state, city or other county transportation mitigation policies as county SEPA policies and enforces such policies as a condition of development permit approval.
- DD. Development regulation review revealed the need for changes to chapter 30.66B SCC – Concurrency and Traffic Mitigation, to address the impacts resulting from large trucks hauling mineral resources including but not limited to:
1. Identifying impacts on highways, roads and/or streets from large trucks generated by mineral operations as subject to mitigation requirements.
 2. Requiring a traffic study in conjunction with the permit application process for mineral operations.
 3. Developing administrative rules as procedural requirements for review of applications for mineral operations.
 4. Adding analysis of operating and performance characteristics of vehicles generated by the development, including large trucks, to the required assessment of transportation system improvement needs.
 5. Identifying additional requirements for mineral operations to address transportation impacts consistent with GPP Policy LU 9.D.1, including:
 - a. Required traffic study scoping meetings;
 - b. Provisions for trip generation, trips distribution and transportation service areas;
 - c. Analysis of impacts related to traffic volume and the operating characteristics of large trucks; and
 - d. Relationship between transportation analysis and mitigation requirements and policies enforced by the county in accordance with interlocal agreements with the state, cities or other counties consistent with GPP Policy LU 9.E.2.
- EE. Development regulation review revealed the need for changes to subtitle 30.9 SCC – Definitions, including but not limited to:
1. Repealing the definition of an "Established mine" in SCC 30.91E.170 to reflect that the notice provisions of chapter 30.32C SCC no longer distinguish an established mine from other designated mineral resource land.

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2. Amending the definition of "Excavation" in SCC 30.91E.230 to clarify that excavation means the removal of sand, gravel, bedrock or precious metals, consistent with the mineral resource lands conservation program and including a reference that the definition applies to chapters 30.23, 30.25 and 30.64 SCC.
 3. Adopting a new definition in chapter 30.91L SCC for "Large truck" to classify any truck or truck-trailer unit with more than two axels.
 4. Adopting a new definition in chapter 30.91M SCC for "Mineral operations" to encompass a spectrum of activities which specifically include, but are not limited to, excavation, extraction, washing, crushing, stock piling, blasting, processing, transporting and recycling of minerals.
 5. Adopting a new definition in chapter 30.91P SCC establishing "Passenger car equivalents" as a measure of the operational or structural impact on the road system.
- FF. The code amendments implement policies in the GPP conserving mineral resource lands for long term production of minerals.
- GG. The code amendments relating to development standards for mineral resource lands satisfy the procedural requirements of, and are consistent with, the GMA.
- HH. The code amendments relating to development standards for mineral resource lands maintain consistency with the multi-county policies adopted by the Puget Sound Regional Council and with the countywide planning policies for Snohomish County.
- II. The code amendments relating to development standards for mineral resource lands are consistent with the GPP.
- JJ. The amendments to Title 30 SCC relating to development standards for mineral resource lands are within the scope of analysis contained in the DSEIS, the Addendum and the FSEIS.
- KK. The SEPA requirements with respect to this proposed action have been satisfied by these documents.

Section 4. Snohomish County Code Section 30.22.100, last amended by Ordinance 04-074, July 28, 2004, is amended to read:

30.22.100 Urban Zone Categories: Use Matrix

Type of Use	Urban Zones															
	R9,600 ⁸⁸	R8,400 ⁸⁸	R7,200 ⁸⁸	T	LDMR	MR	NB	PCB	CB	GC	FS	IP ⁷⁶	BP	LI ^{66,76}	HI ⁶⁸	
Accessory Apartment ⁸²	A	A	A	A	A	A	A		A	A						
Adult Entertainment Business/Use ⁸⁷												P		P	P	
Agriculture ⁴¹	P	P	P		P	P	P		P	P		P	P	P	P	
Airport, Stage 1 Utility ¹	C	C	C						P	P		P	P	P	P	
Airport-All Others												P	P	P	P	
Amusement Facility ⁴¹								P	P	P		P		P	P	
Antique Shop							P		P	P				P	P	
Art Gallery ⁴¹	C	C	C		C	C	P	P	P	P		P	P	P	P	
Asphalt Batch Plant & Continuous Mix Asphalt Plant												P			P	
Auto Repair, Major										P		P	P	P	P	
Auto Repair, Minor							P	P	P ⁸⁶	P	P	P	P	P	P	
Auto Towing														P	P	
Auto Wrecking Yard														C ⁴⁴	P ⁴⁴	
Bakery							P ⁸⁹	P	P	P		P	P	P	P	
Bed and Breakfast Guesthouse ⁸⁸	C	C	C	C	C	C										
Billboards ⁴⁸										P				P	P	
Boarding House	P ¹⁵	P ¹⁵	P ¹⁵		P	P	P		P	P						
Boat Launch, Commercial ³¹									C	C				C	C	
Boat Launch, Non-commercial ³¹	C	C	C		C	C			C	C				C	C	
Boat Sales										P				P	P	
Carpenter's Quarters												P	P	P	P	
Carport	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Cemetery, Columbarium, Crematorium, Mausoleum ⁴¹	C	C	C		C	C			P	P		P	P	P	P	
Church ⁴¹	C	C	C		P	P	P	P	P	P		P	P	P	P	
Cleaning Establishment							P	P	P	P		P	P	P	P	
Clubhouse					C	C	C	P	P	P		P	P	P	P	
Cold Storage										P		P	P	P	P	
Commercial Vehicle Storage Facility										P		P	P	P	P	
Community Club	C	C	C		C	C	C		P	P		P	P	P	P	
Construction Contracting										P		P	P	P	P	
Country Club	C	C	C									P	P	P	P	
Craft Shop ²¹									P ⁸⁶	P		P	P	P	P	
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.															
A - Administrative Conditional Use																
C - Conditional Use																

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30.22.100 Urban Zone Categories: Use Matrix

Type of Use	Urban Zones														
	R9,600 ¹³	R8,400 ¹³	R7,200 ¹³	T	LDMR	MR	NB	PCB	CB	GC	FS	IP ^{7,6}	BP	LI ^{18,7,6}	HI ¹⁸
Day Care Center ²	C	C	C		C	C	P	P	P	P	P	P	P	P	P
Department Store								P	P ¹⁸	P				P	P
Distillation of Alcohol												P	P	P	P
Distillation of Wood, Coal, Bones or Manufacturing of Their By-products												P			P
Dock & Boathouse, Private, Non-commercial ^{3,41}	P	P	P	P	P	P	P		P	P		P	P	P	P
Drug Store							P	P	P	P	P ²²			P	P
Dwelling, Duplex	P ⁴²	P ⁴²	P ⁴²	P	P	P	P		P	P					
Dwelling, Mobile Home	P ⁸	P ⁸	P ⁸	P ⁸	P	P	P ⁸		P ⁸	P ⁸					
Dwelling, Multifamily					P	P	P	P	P	P			P ⁵¹		
Dwelling, Single Family	P	P	P	P	P	P	P	P ⁴	P	P			P ⁵¹		
Dwelling, Townhouse	C, P ⁵	C, P ⁵	C, P ⁵	P ⁵	P		P	P	P	P					
Excavation & Processing of Minerals- ²⁸	C	C	C		C	C	C		C	C		C	C	C	C
Explosives, Manufacturing												P			P
Explosives, Storage												P			P
Extraction of Animal or Fish Fat or Oil												P			P
Fabrication Shop										P		P	P	P	P
Fairgrounds										P		P	P	P	P
Fallout Shelter, Individual	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fallout Shelter, Joint ⁷	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Family Day Care Home ⁸	P	P	P	P	P	P	P		P	P					
Farm Product Processing Up to 5000 sq ft ¹¹ Over 5000 sq ft ³⁴									P A	P P				P P	P P
Farm Stand Up to 400 sq ft ⁹ 401 to 5,000 sq ft ³⁹	P	P	P						P	P				P	P
Farmers Market ¹¹										P			P	P	P
Financial Institutions							P	P	P	P		P	P	P	P
Fish Farm												P	P	P	P
Fix-it Shop								P	P ¹⁸	P		P	P	P	P
Forestry												P		P	P
Forge, Foundry, Blast Furnace for Melting of Ore															P
Foster Home	P	P	P	P	P	P	P		P	P					
Fuel & Coal Yard										P		P	P	P	P
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.														
A - Administrative Conditional Use															
C - Conditional Use															

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30.22.100 Urban Zone Categories: Use Matrix

Type of Use	Urban Zones														
	R9,600 ⁸⁸	R8,400 ⁸⁸	R7,200 ⁸⁸	T	LDMR	MR	N B	PCB	CB	GC	FS	IP ⁷⁶	BP	LI ^{66,76}	HI ⁶⁶
Garage, Private	P	P	P	P	P	P	P	P	P	P		P	P	P	P
Golf Course and Driving Range ⁷⁴	C	C	C						P	P		P	P	P	P
Government Structures & Facilities ^{27, 41}	C	C	C	C	C	C	C	P	P	P		P	P	P	P
Greenhouse, Lath House, & Nurseries: ⁶² Retail							P	P	P	P				P	P
Greenhouse, Lath House, & Nurseries: ⁶² Wholesale ⁴⁷							P	P	P	P		P	P	P	P
Grocery Store							P	P	P ⁸⁸	P	P ²²			P	P
Grooming Parlor							P	P	P	P			P ⁵³	P	P
Guesthouse ⁶⁶	P	P	P		P	P	P	P	P	P					
Gymnasium								P	P	P		P	P	P	P
Hardware Store							P	P	P	P				P	P
Hazardous Waste Storage & Treatment Facilities, Offsite ⁶⁶												C	C	C	C
Hazardous Waste Storage & Treatment Facilities, Onsite ⁶⁶							P	P	P	P	P	P	P	P	P
Health and Social Service Facility ⁸⁰															
Level I	P	P	P	P	P	P	P	P	P	P			P		
Level II ⁴¹	C	C	C		C	C	C	P	P	P			P		
Level III						C	C	P	P	P		P		P	P
Home Improvement Center							P	P	P ⁸⁸	P				P	P
Home Occupation ¹¹	P	P	P	P	P	P	P		P	P					
Hotel/Motel ⁶⁹					C	C		P	P	P	P			P ⁸⁹	
Industrial Use, Heavy ⁸²												P			P
Juvenile Center														C ⁴⁴	P ⁴⁴
Kennel, ⁴¹ Commercial ¹²	C	C	C						P	P		P	P	P	P
Kennel, ⁴¹ Private-Breeding ¹³	P	P	P		P	P	P		P	P		P	P	P	P
Kennel, ⁴¹ Private-Non-Breeding ¹³	P	P	P		P	P	P		P	P		P			
Laboratory										P		P	P	P	P
Library ⁴¹	C	C	C		C	C	C	P	P	P		P	P	P	P
Licensed Practitioner ^{29, 41}					C	C	P	P	P	P		P	P	P	P
Livestock Auction Facility												P		P	P
Locksmith							P	P	P ⁸⁸	P		P	P	P	P
Lumberyard										P		P	P	P	P
Manufacturing, Heavy ⁸²												P			P
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.														
A - Administrative Conditional Use															
C - Conditional Use															

Amended Ordinance No. 05-083 AMENDING SEVERAL CHAPTERS OF TITLE 30 SCC TO IMPLEMENT THE MINERAL LANDS SUBELEMENT OF THE GROWTH MANAGEMENT COMPREHENSIVE PLAN INCLUDING CHAPTER 30.22 SCC, CHAPTER 30.23 SCC, CHAPTER 30.25 SCC, CHAPTER 30.28 SCC, CHAPTER 30.31D SCC, CHAPTER 30.32C SCC, CHAPTER 30.41A SCC, CHAPTER 30.41B SCC CHAPTER 30.41C SCC, CHAPTER 30.64 SCC, CHAPTER 30.66B SCC AND CHAPTER 30.91 SCC

30.22.100 Urban Zone Categories: Use Matrix

Type of Use	Urban Zones														
	R9,600 ⁶⁶	R8,400 ⁶⁶	R7,200 ⁶⁶	T	LDMR	MR	NB	PCB	CB	GC	FS	IP ⁷⁶	BP	LI ^{66, 76}	HI ⁶⁶
Manufacturing-All Other Forms Not Specifically Listed ⁶⁵												P	P	P	P
Massage Parlor									P	P		P	P	P	P
Medical Clinic ²⁹					C	C	P	P	P	P		P	P	P	P
Mini Self-Storage								P		P		P	P	P	P
Mobile Home Park ³³					C	C			C	C					
Mobile Home & Travel Trailer Sales										P		C ³⁶		P	P
Model Hobby Park ⁷⁸													A	A	A
Model House/Sales Office	P	P	P	P	P	P	P	P	P	P					
Mortuary					C	C			P	P		P	P	P	P
Motor Vehicle & Equipment Sales									P ²³	P				P	P
Museum ⁴¹	C	C	C		C	C	C	P	P	P		P	P	P	P
Office, General							P	P	P	P		P	P	P	P
Park, Public ¹⁴	P	P	P		P	P	P	P	P	P		P	P	P	P
Park-and-Pool Lot	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P
Park-and-Ride Lot	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P
Personal Services Shop							P	P	P ⁸⁸	P		P ⁴⁹	P ⁴⁹	P	P
Pet Shop							P	P	P	P			P ⁵³	P	P
Petroleum Products & Gas Storage - Bulk										P ⁴³		P	P ⁴³	P ⁴³	P ⁴³
Petroleum Refining ⁴¹												P			
Print Shop									P ⁸⁷	P		P	P	P	P
Printing Plant								P		P		P	P	P	P
Race Track ^{24, 41}										C		P	P	P	P
Railroad Right-of-way	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P
Recreational Facility Not Otherwise Listed	C	C	C		C	C	P	P	P	P		P	P	P	P
Recreational Vehicle Park									C	C	P				
Rendering of Fat, Tallow, or Lard												P			P
Restaurant							P	P	P	P	P	P ⁴⁹	P ⁴⁹	P	P
Retail Store							P	P	P ⁸⁸	P			P ⁵³	P	P
Retirement Apartments				P	P	P	P	P	P	P					
Retirement Housing				P	P	P	P	P	P	P					
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.														
A - Administrative Conditional Use															
C - Conditional Use															

30.22.100 Urban Zone Categories: Use Matrix

Type of Use	Urban Zones														
	R9,600 ⁶⁶	R8,400 ⁶⁶	R7,200 ⁶⁶	T	LDMR	MR	NB	PCB	CB	GC	FS	IP ⁷⁸	BP	LI ^{66,78}	HI ⁶⁶
Rolling or Blooming Mills												P			P
Sanitary Landfill	C	C	C						C	C		C	C	C	C
Sawmill										P		P	P	P	P
Schools															
K-12 & Preschool ^{41, 66}	C	C	C		C	C			P	P		P	P	P	P
College ^{41, 66}	C	C	C		C	C			P	P		P	P	P	P
Other ^{41, 66}					C	C			P	P		P	P	P	P
Second Hand Store									P ⁶⁶	P				P	P
Service Station ⁴¹							P	P	P ⁶⁶	P	P			P	P
Shake & Shingle Mill										P		P	P	P	P
Shooting Range ³³												P	P	P	P
Sludge Utilization ³⁹	C ⁵⁶	C ⁵⁶	C ⁵⁶		C ⁵⁶	C ⁵⁶			C ⁵⁶	C ⁵⁶		C ⁵⁶		C ⁵⁶	P ⁵⁰
Small Animal Husbandry ⁴¹	C ³⁷	C ³⁷	C ³⁷				P		P	P		P	P	P	P
Specialty Store							P	P	P ⁶⁶	P				P	P
Stables	P	P	P		P	P	P	P	P	P		P	P	P	P
Stockyard or Slaughter House												P			P
Storage, Retail Sales Livestock Feed									P	P				P	P
Storage Structure Over 1,000 sq. ft. On Less Than Three Acres ^{41, 69}	C	C ⁶⁰	C ⁶⁰	C	C	C	P	P	P	P	P	P	P	P	P
Studio ⁴¹	C ⁷⁷	C ⁷⁷	C ⁷⁷		C ⁷⁷	C ⁷⁷	P	P	P ⁶⁶	P		P	P	P	P
Swimming/Wading Pool ^{17, 42}	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Tannery												P			P
Tar Distillation or Manufacturing												P			P
Tavern ⁴¹								P	P	P				P	P
Television/Radio Stations														P	P
Temporary Dwelling During Construction	A	A	A	A	A	A	A	A	A	A	A				
Temporary Dwelling For Relative ¹⁸	A	A	A	A	A	A	A	A	A	A	A				
Temporary Residential Sales Coach ⁷³	A	A	A												
Temporary Woodwaste Recycling ⁴³														A	A
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.														
A - Administrative Conditional Use															
C - Conditional Use															

Amended Ordinance No. 05-083 AMENDING SEVERAL CHAPTERS OF TITLE 30 SCC TO IMPLEMENT THE MINERAL LANDS SUBELEMEN

OF THE GROWTH MANAGEMENT COMPREHENSIVE PLAN INCLUDING CHAPTER 30.22 SCC, CHAPTER 30.23 SCC, CHAPTER 30.25 SCC, CHAPTER 30.28 SCC, CHAPTER 30.31D SCC, CHAPTER 30.32C SCC, CHAPTER 30.41A SCC, CHAPTER 30.41B SCC CHAPTER 30.41C SCC, CHAPTER 30.64 SCC, CHAPTER 30.66B SCC AND CHAPTER 30.91 SCC

30.22.100 Urban Zone Categories: Use Matrix

Type of Use	Urban Zones														
	R9,600 ⁶⁶	R8,400 ⁶⁶	R7,200 ⁶⁶	T	LDMR	MR	NB	PCB	CB	GC	FS	IP ⁷⁶	BP	LI ^{66,76}	HI ⁶⁶
Temporary Woodwaste Storage ⁴³														A	A
Tire Store							P	P	P ⁶⁶	P				P	P
Tool Sales & Rental									P ⁶⁶	P				P	P
Transit Center	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P
Ultralight Airpark ²⁰												P			
Utility Facilities, Electromagnetic Transmission & Receiving Facility ²⁷	C	C	C	C	C	C	C	P	P ⁶⁶	P	C	P	P	P	P
Utility Facilities, Transmission Wires, Pipes & Supports ²⁷	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities-All Other Structures ^{27, 41}	C	C	C	C	C	C	C	P	P ⁶⁶	P	C	P	P	P	P
Veterinary Clinic					C	C	P	P	P ⁶⁶	P		P	P	P	P
Warehousing										P		P	P	P	P
Wholesale Establishment								P	P ⁶⁶	P		P	P	P	P
Woodwaste Recycling ⁶⁷														C	C
Woodwaste Storage ⁶⁷														C	C
Yacht/Boat Club												P	P	P	P
All other uses not otherwise mentioned												P	P	P	P
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.														
Administrative Conditional Use															
C - Conditional Use															

Section 5. Snohomish County Code Section 30.22.110, last amended by Ordinance 04-074, July 28, 2004, is amended to read:

Amended Ordinance No. 05-083 AMENDING SEVERAL CHAPTERS OF TITLE 30 SCC TO IMPLEMENT THE MINERAL LANDS SUBELEMENT OF THE GROWTH MANAGEMENT COMPREHENSIVE PLAN INCLUDING CHAPTER 30.22 SCC, CHAPTER 30.23 SCC, CHAPTER 30.25 SCC, CHAPTER 30.28 SCC, CHAPTER 30.31D SCC, CHAPTER 30.32C SCC, CHAPTER 30.41A SCC, CHAPTER 30.41B SCC CHAPTER 30.41C SCC, CHAPTER 30.64 SCC, CHAPTER 30.66B SCC AND CHAPTER 30.91 SCC

30.22.110 Rural and Resource Zone Categories: Use Matrix

Type of Use	Rural Zones								Resource Zones			
	RD	RRT-10	R-5	R-5 w/ MRO ^{AA}	RB	CRC	RFS	RI	F	F&R	A-10	MC
Accessory Apartment ⁶²	A	A	A	A	A				A	A	A	A
Agriculture ⁴¹	P	P	P	P	P	P	P	P	P	P	P	P
Airport: Stage I Utility ¹	C	C	C						C			
Antique Shop	C		C ⁴⁵		P ⁷⁹	P						
Art Gallery ⁴²	C		C		P ⁷⁹	P						
Asphalt Batch Plant & Continuous Mix Asphalt Plant												P
Auto Repair, Minor					P ⁷⁸	P	P					
Auto Towing	C		C	C								
Bakery					P ⁷⁸	P						
Bakery, Farm ⁹⁷	P	P	P		P			P		P	P	
Bed and Breakfast Guesthouse ⁵⁸	C		C		P				C	C	A	
Bed and Breakfast Inn ⁵⁸	C		C		P				C	C	C	
Boarding House	P ¹⁵	P ¹⁵	P ¹⁵						P ¹⁵		P ¹⁵	
Boat Launch, Commercial ³¹		C								C		
Boat Launch, Non-commercial ³¹	C		C	C	C				C	C		
Campground										C ³²		
Caretaker's Quarters	P		C	C				P				P
Carport	P	P	P	P	P	P	P	P	P	P	P	P
Cemetery, Columbarium, Crematorium, Mausoleum ⁴¹	P		C									
Church ⁴¹	P		C		C	P						
Cleaning Establishment												
Club												
Cold Storage								P				
Commercial Vehicle Home Basing			C ³³	C ³³								
Commercial Vehicle Storage Facility					C			P				
Community Club	P		C		P	P						
Construction Contracting					P ^{80, 81}							
Country Club	C		C		P							
Craft Shop ²¹					P							
Dams, Power Plants, & Associated Uses										P		
Day Care Center ²					P	P	P					
Distillation of Alcohol	C ³⁴		C ³⁴								C ³⁴	
Dock & Boathouse, Private, Non-commercial ^{3, 41}	P	P	P	P	P				P	P	P	
Drug Store					P ⁷⁹	P						
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.											
A - Administrative Conditional Use												
C - Conditional Use												

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30.22.110 Rural and Resource Zone Categories: Use Matrix

Type of Use	Rural Zones								Resource Zones			
	RD	RRT-10	R-5	R-5 w/ MRO ^{AA}	RB	CRC	RFS	RI	F	F&R	A-10	MC
Dwelling, Duplex	P	P	P	P					P		P	
Dwelling, Mobile Home	P	P	P	P		P ⁶			P	P	P	P
Dwelling, Single Family	P	P	P	P		P			P	P	P	P
Equestrian Center ^{41, 70, 72}	P	C	C						C	P	C ⁷⁰	
Excavation & Processing of Minerals ²⁸	A,C	A,C	A,C	A,C				A,C	P ²⁸ , A,C	A,C	E	A,C
Explosives, Manufacturing		C										
Explosives, Storage	C		C	C				C	P	C		C
Fabrication Shop								P				
Fallout Shelter, Individual	P	P	P	P	P	P	P	P	P	P	P	P
Fallout Shelter, Joint ⁷	P		P		P	P	P	P	P	P	P	P
Family Day Care Home ⁸	P		P		P	P			P		P	
Farm Product Processing Up to 5,000 sq ft Over 5,000 sq ft ³⁴	P A	P A	P A		P A			P A	P A		P A	
Farm Support Business ³⁴	A	A	A		A			P			A	
Farm Stand Up to 400 sq ft ⁹ 401 – 5,000 sq ft ^{99, 100}	P P	P P	P ¹⁰⁰ P, A ₁₀₀		P P	P P	P P	P P	P P	P P	P P	P
Farm Workers Dwelling											P ¹⁰	
Farmers Market ⁹³	P	P	P ¹⁰¹ A ¹⁰¹		P	P	P	P			P	
Farmland Enterprises ⁹⁵		A	A								A	
Financial Institutions												
Fish Farm	P	P	P						P	P	P	
Fix-it Shop					P ⁷⁸	P		P				
Forestry	P	P	P					P	P	P	P	P
Forestry Industry Storage & Maintenance Facility	P ³⁰	P						P	P	P		
Foster Home	P	P	P	P	P				P		P	
Garage, Private	P	P	P	P	P	P			P	P	P	P
Golf Course and Driving Range ⁷⁴	C		C								C ⁷⁴	
Government Structures & Facilities ^{27, 41}	C	C	C		C	P		C	C	C		C
Greenhouse, Lath House, Nurseries: ⁵¹ Retail	P	P	P		P	P		P	P		P	
Greenhouse, Lath House, Nurseries: ⁵² Wholesale ⁴⁸	P	P	P		P	P		P	P		P	
Grocery Store					P ⁸⁰	P	P ⁷⁹					
Grooming Parlor						P						
Guesthouse ⁸⁵	P	P	P		P				P	P	P	
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see											
A - Administrative Conditional Use												

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C - Conditional Use	
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Type of Use	Rural Zones								Resource Zones			
	RD	RRT-10	R-5	R-5 w/ MRO ^{AA}	RB	CRC	RFS	RI	F	F&R	A-10	MC
Gym												
Hardware Store					P ⁸⁰	P						
Hazardous Waste Storage & Treatment Facilities Onsite ⁴⁵	P				P		P	P	P	P		
Health and Social Service Facility ⁹⁰												
Level I	P	P	P		P	P			P	P	P	P
Level II ^{41, 91}			C		C							
Level III												
Home Improvement Center					P ⁸⁰	P						
Home Occupation ^{11, 81}	P ⁶⁴	P ⁶⁴	P ⁶⁴	P ⁶⁴	P ⁶⁴	P			P ⁶⁴	P ⁶⁴	P ⁶⁴	P ⁶⁴
Homestead Parcel ⁴⁰	C		C								C	
Hotel/Motel ⁸⁹					P		P					
Kennel, ⁴¹ Commercial ¹²	P	P	P						P		C	
Kennel, ⁴¹ Private-Breeding ¹³	P	P	P						P		P	
Kennel, ⁴¹ Private-Non-Breeding ¹³	P	P	P		P				P		P	
Library ⁴¹	C		C		P							
Licensed Practitioner ^{28, 41}					P ⁷⁹							
Livestock Auction Facility	C ⁴⁸		C ⁴⁸			P		P			C ⁴⁸	
Locksmith					P	P						
Log Scaling Station	C	C	C					P	P	P	P	
Lumberyard								P				
Manufacturing-All Other Forms Not Specifically Listed					C			C				
Metal Working Shop					P ⁷⁸			P				
Mini-equestrian Center ^{41, 71, 72}	P	P	P		P			P	P	P	P ⁷¹	
Model Hobby Park ⁷⁵			A								A	
Model House/Sales Office	P	P	P						P	P		
Motor Vehicle & Equipment Sales						P ²³						
Museum ⁴¹	C		C		P						C ⁶¹	
Office, General					P	P						
Park, Public ¹⁴	P	P	P		P	P		P	P	P	P	P
Park-and-Pool Lot					P	P	P	P				
Park-and-Ride Lot	C	C	C	C	P		P		C	C	C	
Personal Services Shop					P ⁷⁹	P						
Pet Shop												
Petroleum Products & Gas Storage – Bulk								P ⁴³				
Photo Processing Shop												
Print shop					P							
Public Events/Assemblies on Farmland ⁹⁶											P ⁹⁶	
P – Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see											

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A – Administrative Conditional Use	SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.
C – Conditional Use	

30.22.110 Rural and Resource Zone Categories: Use Matrix

30.22.110 Rural and Resource Zone Categories: Use Matrix

Type of Use	Rural Zones								Resource Zones			
	RD	RRT-10	R-5	R-5 w/ MRO ^{AA}	RB	CRC	RFS	RI	F	F&R	A-10	MC
Race Track ^{24, 41}			C									
Railroad Right-of-way	C	C	C			P		P	C	C	C	C
Recreational Facility Not Otherwise Listed	C		C			P		P ⁷⁹				
Recreational Vehicle ¹⁹	P	P	P	P					P	P	P	
Recreational Vehicle Park										C		
Resort										C		
Restaurant					P ⁸⁰	P	P					
Retail Store					P ⁸⁰	P						
Rural Industries ⁴¹	P ²⁵											
Sanitary Landfill	C	C	C						C			C
Sawmill	C ²⁶	C ²⁶	C ²⁶					P	P	P		
Schools K-12 & Preschool ^{41, 68} College ^{41, 68} Other ^{41, 68}	C C		C C		P C			C				
Second Hand Store					P ⁷⁸	P						
Service Station ⁴¹					P	P	P					
Shake & Shingle Mill	C ²⁶	C ²⁶	C ²⁶					P	P			
Shooting Range ³³	C	C	C	C					C			
Sludge Utilization ³⁹	C	C, P	C						C		C	C ⁵⁶
Small Animal Husbandry ⁴¹	P		P	P		P			P	P	P	P
Specialty Store					P ⁷⁸	P						
Stables	P	P	P	P	P			P	P	P	P	
Stockyard or Slaughter House								C ⁴⁸				
Storage, Retail Sales Livestock Feed			P ⁵⁴		P			P			P	
Storage Structure Over 1,000 sq. ft. On Less Than Three Acres ^{41, 59}	C	C	C		P ⁷⁹			P ⁷⁸	C	C	C	P
Studio ⁴¹	C ⁷⁷		C ⁷⁷									
Swimming/Wading Pool ^{17, 41}	P	P	P						P	P	P	P
Tavern ⁴¹					P	P						
Temporary Dwelling During Construction	A	A	A	A	A	T	A	A	A	A	A	A
Temporary Dwelling For Relative ¹⁸	A	A	A	A					A	A	A	A

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Temporary Logging Crew Quarters									P	P		
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.											
A - Administrative Conditional Use												
C - Conditional Use												

30.22.110 Rural and Resource Zone Categories: Use Matrix

Type of Use	Rural Zones								Resource Zones			
	RD	RRT-10	R-5	R-5 w/ MRO ^{AA}	RB	CRC	RFS	RI	F	F&R	A-10	MC
Temporary Residential Sales Coach ⁷³	A		A									
Temporary Woodwaste Recycling ⁶³	A							A	A			
Temporary Woodwaste Storage ⁶³	A								A			
Tire Store						P						
Tool Sales & Rental					P	P						
Transit Center	C	C	C		P		P		C	C	C	
Ultralight Airpark ²⁸	C	C	C						C			
Utility Facilities, Electromagnetic Transmission & Receiving Facilities ²⁷	C	C	C	C	C	P	C	P	C	C	C	C
Utility Facilities, Transmission Wires or Pipes & Supports ²⁷	P	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities-All Other Structures ^{27, 41}	C	C	C	C	C	P	C	P	C	C	C	C
Veterinary Clinic	P		C		P	P					C	
Wedding Facility ⁸⁷		P	P								P	
Woodwaste Recycling ⁵⁷	C	C	C	C				C	C			
Woodwaste Storage ⁵⁷	C	C	C	C				C	C			
Yacht/Boat Club					P			P				
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.											
A - Administrative Conditional Use												
C - Conditional Use												

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Section 6. Snohomish County Code Section 30.22.120, last amended by Ordinance 04-074, July 28, 2004, is amended to read:

Amended Ordinance No. 05-083 AMENDING SEVERAL CHAPTERS OF TITLE 30 SCC TO IMPLEMENT THE MINERAL LANDS SUBELEMENT OF THE GROWTH MANAGEMENT COMPREHENSIVE PLAN INCLUDING CHAPTER 30.22 SCC, CHAPTER 30.23 SCC, CHAPTER 30.25 SCC, CHAPTER 30.28 SCC, CHAPTER 30.31D SCC, CHAPTER 30.32C SCC, CHAPTER 30.41A SCC, CHAPTER 30.41B SCC CHAPTER 30.41C SCC, CHAPTER 30.64 SCC, CHAPTER 30.66B SCC AND CHAPTER 30.91 SCC

30.22.120 Other Zone Categories: Use Matrix

Type of Use	Other Zones					
	SA-1	RC	RU	R20,000	R12,500	WFB
Accessory Apartment ⁶²	A	A	A	A	A	A
Agriculture ⁴¹	P	P	P	P	P	P
Airport, Stage 1 Utility ¹	C	C	C	C	C	C
Antique Shop			C ⁴⁵			
Art Gallery ⁴¹	C	C	P	C	C	C
Bakery, Farm ⁹⁷		P				
Bed and Breakfast Guesthouse ⁵⁸	C	C	C	C	C	C
Bed and Breakfast Inn ⁵⁸		C				
Boarding House	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵
Boat Launch, Non-commercial ³¹	C	C	C	C	C	C
Caretaker's Quarters		C				
Carport	P	P	P	P	P	P
Cemetery, Columbarium, Crematorium, Mausoleum ⁴¹	C	C	C	C	C	C
Church ⁴¹	C	C	P	C	C	C
Community Club	C	C	P	C	C	C
Country Club	C	C	C	C	C	C
Day Care Center ²	C		P	C	C	C
Distillation of Alcohol		C ³⁴	C ³⁴			
Dock & Boathouse, Private, Non-commercial ^{3, 42}	P	P	P	P	P	P
Dwelling, Duplex	P	P	P ⁴²	P	P ⁴²	P ⁴²
Dwelling, Mobile Home	P	P	P ⁶	P	P ⁶	P ⁶
Dwelling, Single Family	P	P	P	P	P	P
Dwelling, Townhouse						P, C ⁵
Equestrian Center ^{41, 70, 72}		P				
Excavation & Processing of Minerals ²⁸	E	A, C	E	E	E	E
Explosives Storage		C	C			
Fallout Shelter, Individual	P	P	P	P	P	P
Fallout Shelter, Joint ⁷	P	P	P	P	P	P
Family Day Care Home ⁸	P	P	P	P	P	P
Farm Product Processing Up to 5,000 sq ft Over 5,000 sq ft		P P	A			
Farm Support Businesses ⁹⁴		A				
Farm Stand Up to 400 sq ft ⁹ 401 to 5,000 sq ft ⁹⁹	P	P P	P	P	P	P
Farmers Market ⁹³		P ¹⁰¹ A ¹⁰¹				
Farmland Enterprises ⁹⁵		A				
Fish Farm	P	P	P			
Forestry	P	P	P			
Foster Home	P	P	P	P	P	P
Garage, Private	P	P	P	P	P	P
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.					
A - Administrative Conditional Use						
C - Conditional Use						

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30.22.120 Other Zone Categories: Use Matrix

Type of Use	Other Zones					
	SA-1	RC	RU	R20,000	R12,500	WFB
Golf Course and Driving Range ⁷⁴	C	C	C	C	C	C
Government Structures & Facilities ^{27, 41}	C	C	C	C	C	C
Greenhouse, Lath House, Nurseries: ⁵² Retail	P					
Greenhouse, Lath House, Nurseries: ⁵² Wholesale ⁴⁷	P		P	C		
Guesthouse ⁸⁵	P	P	P	P	P	P
Health and Social Service Facility ⁹⁰ Level I Level II ^{41, 91} Level III	P C	P C	P C	P C	P C	P C
Home Occupation ¹¹	P ^{64, 84}	P ^{64, 84}	P ^{64, 84}	P	P	P
Homestead Parcel ⁴⁰		C				
Kennel, ⁴¹ Commercial	C	C	P	C	C	C
Kennel, ⁴¹ Private-Breeding ¹³	C	P	P	P	P	P
Kennel, ⁴¹ Private-Non-Breeding ¹³	P	P	P	P	P	P
Kitchen, Farm		P	P			
Library ⁴¹	C	C	P	C	C	C
Livestock Auction Facility		C ⁴⁸	C ⁴⁸			
Log Scaling Station		C				
Mini-equestrian Center ^{41, 71, 72}		P				
Model House/Sales Office	P	P	P	P	P	P
Museum ⁴¹	C	C	P	C	C	C
Park, Public ¹⁴	P	P	P	P	P	P
Park-and-Pool Lot				C	C	
Park-and-Ride Lot	C	C	C	C	C	
Petroleum Products & Gas Storage - Bulk			C ⁴³			
Race Track ^{24, 41}		C	C			
Railroad Right-of-way	C	C	C	C	C	C
Recreational Facility Not Otherwise Listed ⁹⁵	C	C	P	C	C	C
Recreational Vehicle ¹⁹	P	P	P			
Sanitary Landfill	C	C	C	C	C	C
Sawmill			C ²⁶			
Schools K-12 & Preschool ^{41, 68} College ^{41, 68}	C C	C C	C C	C C	C C	C C
Shake & Shingle Mill			C ²⁶			
Shooting Range ⁹³		C	C			
Sludge Utilization ³⁹	C	C	C	C	C ⁵⁶	C ⁵⁶
Small Animal Husbandry ⁴¹	P	P	P	C ³⁷	C ³⁷	C ³⁷
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if					
A - Administrative Conditional Use						

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C - Conditional Use	your use is not listed above.
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30.22.120 Other Zone Categories: Use Matrix

Type of Use	Other Zones					
	SA-1	RC	RU	R20,000	R12,500	WFB
Stables	P	P	P	P	P	P
Stockyard or Slaughter House			C ⁴⁸			
Storage, Retail Sales Livestock Feed		P ⁵⁴				
Storage Structure Over 1,000 sq. ft. On Less Than Three Acres ^{41, 59}	C	C	P	C	C	C
Studio ⁴¹	C ⁷⁷	C ⁷⁷	P	C ⁷⁷	C ⁷⁷	C ⁷⁷
Swimming/Wading Pool ^{17, 41}	P	P	P	P	P	P
Temporary Dwelling During Construction	A	A	A	A	A	A
Temporary Dwelling For Relative ¹⁸	A	A	A	A	A	A
Temporary Residential Sales Coach ⁷³	A	A	A	A	A	A
Transit Center	C	C	C	C	C	
Ultralight Airpark ²⁰		C				
Utility Facilities, Electromagnetic Transmission & Receiving Facilities ²⁷	C	C	C	C	C	C
Utility Facilities, Transmission Wires, Pipes & Supports ²⁷	P	P	P	P	P	P
Utility Facilities-All Other Structures ^{27, 41}	C	C	C	C	C	C
Veterinary Clinic	C	C	P			
Yacht/Boat Club						C
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.					
A - Administrative Conditional Use						
C - Conditional Use						

Section 7. Snohomish County Code Section 30.22.130, last amended by Ordinance 04-074, July 28, 2004, is amended to read:

30.22.130 Reference notes for use matrix

- (1) Airport, Stage 1 Utility:
 - (a) Not for commercial use and for use of small private planes; and
 - (b) In the RU zone, they shall be primarily for the use of the resident property owner.
- (2) Day Care Center:
 - (a) In WFB, R-7,200, R-8,400, R-9,600, R-12,500, R-20,000, and SA-1 zones, shall only be permitted in connection with and secondary to a school facility or place of worship; and
 - (b) Outdoor play areas shall be fenced or otherwise controlled, and noise buffering provided to protect adjoining residences.

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- (3) Dock and Boathouse, Private, Non-commercial:
- (a) The height of any covered over-water structure shall not exceed 12 feet as measured from the line of ordinary high water;
 - (b) The total roof area of covered, over-water structures shall not exceed 1,000 square feet;
 - (c) The entirety of such structures shall have a width no greater than 50 percent of the width of the lot at the natural shoreline upon which it is located;
 - (d) No over-water structure shall extend beyond the mean low water mark a distance greater than the average length of all preexisting over-water structures along the same shoreline and within 300 feet of the parcel on which proposed. Where no such preexisting structures exist within 300 feet, the pier length shall not exceed 50 feet;
 - (e) Structures permitted hereunder shall not be used as a dwelling, nor shall any boat moored at any wharf be used as a dwelling while so moored; and
 - (f) Covered structures are subject to a minimum setback of three feet from any side lot line or extension thereof. No side yard setback shall be required for uncovered structures. No rear yard setback shall be required for any structure permitted hereunder.
- (4) Dwelling, Single family: In PCB zones, shall be allowed only if included within the same structure as a commercial establishment.
- (5) Dwelling, Townhouse shall be:
- (a) Subject to all conditions of Chapter 30.31E SCC;
 - (b) Subject to the maximum density allowed by the appropriate implementing zone for the comprehensive plan designation applied to the site;
 - (c) A permitted use when placed on individual lots created by the subdivision process; and
 - (d) A conditional use when located on individual lots not created through the subdivision process.
- (6) Dwelling, Mobile Home:
- (a) Shall be multi-sectioned by original design, with a width of 20 feet or greater along its entire body length;
 - (b) Shall be constructed with a non-metallic type, pitched roof;
 - (c) Except where the base of the mobile home is flush to ground level, shall be installed either with:
 - (i) skirting material which is compatible with the siding of the mobile home; or
 - (ii) a perimeter masonry foundation;
 - (d) Shall have the wheels and tongue removed; and
 - (e) In the RU zone the above only applies if the permitted lot size is less than 20,000 square feet.
- (7) Fallout Shelter, Joint, by two or more property owners:
Side and rear yard requirements may be waived by the department along the boundaries lying between the properties involved with the proposal, and zone; provided that its function as a shelter is not impaired.
- (8) Family Day Care Home:

- (a) No play yards or equipment shall be located in any required setback from a street; and
- (b) Outdoor play areas shall be fenced or otherwise controlled.
- (9) Farm Stand:
 - (a) There shall be only one stand on each lot; and
 - (b) At least 50% by farm product unit of the products sold shall be grown, raised or harvested in Snohomish County, and 75% by farm product unit of the products sold shall be grown, raised or harvested in the State of Washington.
- (10) Farm Worker Dwelling:
 - (a) At least one person residing in each farm worker dwelling unit shall be employed full time in the farm operation;
 - (b) An agricultural farm worker dwelling unit affidavit must be signed and recorded with the county attesting to the need for such dwellings to continue the farm operation;
 - (c) The number of farm worker dwellings shall be limited to one per each 40 acres under single contiguous ownership to a maximum of six total dwellings, with 40 acres being required to construct the first accessory dwelling unit. Construction of the maximum number of dwelling units permitted shall be interpreted as exhausting all residential potential of the land until such time as the property is legally subdivided; and
 - (d) All farm worker dwellings must be clustered on the farm within a 10-acre farmstead which includes the main dwelling. The farmstead's boundaries shall be designated with a legal description by the property owner with the intent of allowing maximum flexibility while minimizing interference with productive farm operation. Farm worker dwellings may be located other than as provided for in this subsection only if environmental or physical constraints preclude meeting these conditions.
- (11) Home Occupation: See SCC 30.28.050(1).
- (12) Kennel, Commercial: There shall be a five-acre minimum lot area; except in the R-5 and RD zones, where 200,000 square feet shall be the minimum lot area.
- (13) Kennel, Private-breeding, and Kennel, Private Non-breeding: Where the animals comprising the kennel are housed within the dwelling, the yard or some portion thereof shall be fenced and maintained in good repair or to contain or to confine the animals upon the property and restrict the entrance of other animals.
- (14) Parks, Publicly-owned and Operated:
 - (a) No bleachers are permitted if the site is less than five acres in size;
 - (b) All lighting shall be shielded to protect adjacent properties; and
 - (c) No amusement devices for hire are permitted.
- (15) Boarding House: There shall be accommodations for no more than two persons.
- (16) RESERVED for future use (Social Service Center - DELETED by Amended Ord. 04-010 effective March 15, 2004)
- (17) Swimming/Wading Pool (not to include hot tubs and spas): For the sole use of occupants and guests:
 - (a) No part of the pool shall project more than one foot above the adjoining

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ground level in a required setback; and

(b) The pool shall be enclosed with a fence not less than four feet high, of sufficient design and strength to keep out children.

(18) Temporary Dwelling for a relative:

(a) The dwelling shall be occupied only by a relative, by blood or marriage, of the occupant(s) of the permanent dwelling;

(b) The relative must receive from, or administer to, the occupant of the other dwelling continuous care and assistance necessitated by advanced age or infirmity;

(c) The need for such continuous care and assistance shall be attested to in writing by a licensed physician;

(d) The temporary dwelling shall be occupied by not more than two persons;

(e) Use as a commercial rental unit shall be prohibited;

(f) The temporary dwelling shall be situated not less than 20 feet from the permanent dwelling on the same lot and shall not be located in any required yard of the principal dwelling;

(g) A land use permit binder shall be executed by the landowner, recorded with the Snohomish County Auditor and a copy of the recorded document submitted to the department for inclusion in the permit file;

(h) Adequate screening, landscaping, or other measures shall be provided to protect surrounding property values and ensure compatibility with the immediate neighborhood;

(i) An annual renewal of the temporary dwelling permit, together with recertification of need, shall be accomplished by the applicant through the department in the same month of each year in which the initial mobile home/building permit was issued;

(j) An agreement to terminate such temporary use at such time as the need no longer exists shall be executed by the applicant and recorded with the Snohomish County Auditor; and

(k) Only one temporary dwelling may be established on a lot. The temporary dwelling shall not be located on a lot on which a detached accessory apartment is located.

(19) Recreational Vehicle:

(a) There shall be no more than one per lot; and

(b) Shall not be placed on a single site for more than 180 days in any 12-month period.

(20) Ultralight Airpark:

(a) Applicant shall submit a plan for the ultralight airpark showing the location of all buildings, ground circulation, and parking areas, common flight patterns, and arrival and departure routes;

(b) Applicant shall describe in writing the types of activities, events, and flight operations which are expected to occur at the airpark; and

(c) Approval shall be dependent upon a determination by the decision maker that all potential impacts such as noise, safety hazards, sanitation, traffic, and parking

are compatible with the site and neighboring land uses, particularly those involving residential uses or livestock or small animal husbandry; and further that the proposed use can comply with Federal Aviation Administration regulations (FAR Part 103), which state that ultralight vehicle operations will not:

- (i) create a hazard for other persons or property;
- (ii) occur between sunset and sunrise;
- (iii) occur over any substantially developed area of a city, town, or settlement, particularly over residential areas or over any open air assembly of people; or
- (iv) occur in an airport traffic area, control zone, terminal control area, or positive control area without prior authorization of the airport manager with jurisdiction.

(21) Craft Shop:

- (a) Articles shall not be manufactured by chemical processes;
- (b) No more than three persons shall be employed at any one time in the fabricating, repair, or processing of materials; and
- (c) The aggregate nameplate horsepower rating of all mechanical equipment on the premises shall not exceed two.

(22) Grocery and Drug Stores: In the FS zone, there shall be a 5,000-square foot floor area limitation.

(23) Motor Vehicle and Equipment Sales: In the CB and CRC zone, all display, storage, and sales activities shall be conducted indoors.

(24) Race Track: The track shall be operated in such a manner so as not to cause offense by reason of noise or vibration beyond the boundaries of the subject property.

(25) Rural Industry:

- (a) The number of employees shall not exceed 10;
- (b) All operations shall be carried out in a manner so as to avoid the emission or creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water pollution, or other emissions which are unduly or unreasonably offensive or injurious to properties, residents, or improvements in the vicinity;
- (c) The owner of the rural industry must reside on the same premises as the rural industry and, in the RD zone, the residence shall be considered as a caretaker's quarters; and

(d) Outside storage, loading or employee parking in the RD zone shall provide 15-foot wide Type A landscaping as defined in SCC 30.25.017.

(26) Sawmill, Shake and Shingle Mill:

- (a) Such uses shall not include the manufacture of finished wood products such as furniture and plywood, but shall include lumber manufacturing;
- (b) The number of employees shall not exceed 25 during any eight-hour work shift;
- (c) All operations shall be carried out in a manner so as to avoid the emission or creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water pollution, or other emissions which are unduly or unreasonably offensive or injurious to properties, residents or improvements in the vicinity; and
- (d) Sawmills and shakemills adjacent to a state highway in the RU zone shall

provide 25 feet of Type A landscaping as defined in SCC 30.25.017.

(27) Governmental and Utility Structures and Facilities:

Special lot area requirements for this use are contained in SCC 30.23.200.

(28) Excavation and Processing of Minerals: ~~See SCC 30.28.035.~~

(a) This use, as described in SCC 30.31D.010(2), is allowed in the identified zones only where these zones coincide with the mineral lands designation in the comprehensive plan (mineral resource overlay or MRO), except for the MC zone where mineral lands designation is not required.

(b) An Administrative Conditional Use Permit or a Conditional Use Permit is required pursuant to SCC 30.31D.030.

(c) Excavation and processing of minerals exclusively in conjunction with forest practices regulated pursuant to chapter 76.09 RCW is permitted outright in the Forestry zone.

(29) Medical Clinic, Licensed Practitioner:

(a) A prescription pharmacy may be permitted when located within the main building containing licensed practitioner(s).

(30) Forest Industry Storage & Maintenance Facility (except harvesting) adjacent to property lines in the RU zone shall provide 15-foot wide Type A landscaping as defined in SCC 30.25.017.

(31) Boat Launch Facilities, Commercial or Non-commercial:

(a) The hearing examiner may regulate, among other factors, required launching depth, lengths of existing docks and piers;

(b) Off-street parking shall be provided in an amount suitable to the expected usage of the facility. When used by the general public, the guideline should be 32 to 40 spaces capable of accommodating both a car and boat trailer for each ramp lane of boat access to the water;

(c) A level vehicle-maneuvering space measuring at least 50 feet square shall be provided;

(d) Pedestrian access to the water separate from the boat launching lane or lanes may be required where it is deemed necessary in the interest of public safety;

(e) Safety buoys shall be installed and maintained separating boating activities from other water-oriented recreation and uses where this is reasonably required for public safety, welfare, and health; and

(f) All site improvements for boat launch facilities shall comply with all other requirements of the zone in which it is located.

(32) Campground:

(a) The maximum overall density shall be seven camp or tent sites per acre; and

(b) The minimum site size shall be 10 acres.

(33) Commercial Vehicle Home Basing:

(a) The vehicles may be parked and maintained only on the property wherein resides a person who uses them in their business;

(b) Two or more vehicles may be so based; and

(c) The vehicles shall be in operable conditions.

- (34) Distillation of Alcohol:
- (a) The distillation shall be from plant products, for the purpose of sale as fuel, and for the production of methane from animal waste produced on the premises;
 - (b) Such distillation shall be only one of several products of normal agricultural activities occurring on the premises; and
 - (c) By-products created in this process shall be used for fuel or fertilizer on the premises.
- (35) RESERVED for future use (Group Care Facility - DELETED by Amended Ord. 04-010 effective March 15, 2004)
- (36) Mobile Home and Travel Trailer Sales:
- (a) Property shall directly front upon a principal or minor arterial in order to reduce encroachment into the interior of IP designated areas;
 - (b) The hearing examiner shall consider the visual and aesthetic characteristics of the use proposal and determine whether nearby business and industrial uses, existing or proposed, would be potentially harmed thereby. A finding of potential incompatibility shall be grounds for denial;
 - (c) The conditional use permit shall include a condition requiring mandatory review by the hearing examiner at intervals not to exceed five years for the express purpose of evaluating the continued compatibility of the use with other IP uses. The review required herein is in addition to any review which may be held pursuant to Chapter 30.42C SCC;
 - (d) Such use shall not be deemed to be outside storage for the purpose of SCC 30.25.024; and
 - (e) Such use shall be temporary until business or industrial development is timely on the site or on nearby IP designated property.
- (37) Farm Product Processing - DELETED by Amended Ord. 04-074 effective August 23, 2004)
- (37) Small Animal Husbandry: There shall be a five-acre minimum site size.
- (38) Mobile Home Park: Such development must fulfill the requirements of Chapter 30.42E SCC.
- (39) Sludge Utilization: See SCC 30.28.085.
- (40) Homestead Parcel: See SCC 30.28.055.
- (41) Special Setback Requirements for this use are contained in SCC 30.23.110.
- (42) Minimum Lot Size for duplexes shall be one and one-half times the minimum lot size for single family dwellings. In the RU zone, this provision only applies when the minimum lot size for single family dwellings is 12,500 square feet or less.
- (43) Petroleum Products and Gas, Bulk Storage:
- (a) All above ground storage tanks shall be located 150 feet from all property lines; and
 - (b) Storage tanks below ground shall be located no closer to the property line than a distance equal to the greatest dimensions (diameter, length or height) of the buried tank.
- (44) Auto Wrecking Yards and Junkyards: A sight-obscuring fence a minimum of

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seven feet high shall be established and maintained in the LI zone. For requirements for this use, SCC 30.25.020 and 30.25.050 applies.

(45) Antique Shops when established as a home occupation as regulated by SCC 30.28.050(1); provided further that all merchandise sold or offered for sale shall be predominantly "antique" and antique-related objects.

(46) Billboards: See SCC 30.27.080 for specific requirements.

(47) Nursery, Wholesale: In R-20,000 zone, a wholesale nursery is permitted on three acres or more; a conditional use permit is required on less than three acres.

(48) Stockyard and Livestock Auction Facility: The minimum lot size is 10 acres.

(49) Restaurants and Personal Service Shops: Located to service principally the constructed industrial park uses.

(50) Sludge Utilization: A conditional use permit is required for manufacture of materials by a non-governmental agency containing stabilized or digested sludge for a public utilization.

(51) Single Family and Multifamily Dwellings are a prohibited use, except for the following:

(a) Existing dwellings that are nonconforming as a result of a county-initiated rezone to BP may make improvements or additions provided such improvements are consistent with the bulk regulations contained in Chapter 30.23 SCC; provided further that such improvements do not increase the ground area covered by the structural portion of the nonconforming use by more than 100 percent of that existing at the existing date of the nonconformance; and

(b) New single family and multifamily dwellings in the BP zone authorized pursuant to the provisions of SCC 30.31A.140.

(52) Greenhouses, Lath Houses, and Nurseries:

(a) Incidental sale of soil, bark, fertilizers, plant nutrients, rocks, and similar plant husbandry materials is permitted;

(b) The sale of garden tools and any other hardware or equipment shall be prohibited; and

(c) There shall be no on-site signs advertising other than the principal use.

(53) Retail Store: See SCC 30.31A.120 for specific requirements for retail stores in the BP zone.

(54) Retail Sales of Hay, Grain, and Other Livestock Feed are permitted on site in conjunction with a livestock auction facility.

(55) Noise of Machines and Operations in the LI and HI zones shall comply with Chapter 10.01 SCC and machines and operations shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness.

(56) Sludge Utilization only at a completed sanitary landfill or on a completed cell within a sanitary landfill, subject to the provision of SCC 30.22.130(39):

(57) Woodwaste Recycling and Woodwaste Storage Facility: See SCC 30.28.095.

(58) Bed and Breakfast Guesthouses and Bed and Breakfast Inns: See SCC 30.28.020.

(59) Storage Structure over 1,000 sq. ft. on less than three acres: This use is subject to the following requirements:

- (a) Special setback requirements for this use are contained in SCC 30.23.110;
- (b) Artificial lighting shall be hooded or shaded so that direct outside lighting, if any, will not result in glare when viewed from the surrounding property or rights-of-way;
- (c) The applicant shall submit building elevations that document a residential appearance through the design and through depiction of appropriate building materials for the exterior finish; and

- (d) The applicant shall propose a screening plan which will result in a building screened from the view of neighboring property owners. Landscaping will be required on the subject property's boundary line or lines and/or around the building sides, as necessary, to effectively accomplish this objective.

(60) Storage Structures Over 1,000 sq. ft. in the R-7,200 and R-8,400 zones are limited to 20 feet in building height.

(61) Museums: Museums within the agriculture A-10 zone are permitted only in structures which are legally existing on October 31, 1991.

(62) Accessory Apartments: See SCC 30.28.010.

(63) Temporary Woodwaste Recycling and Temporary Woodwaste Storage Facilities: See SCC 30.28.090.

(64) Home Occupation: See SCC 30.28.050(2).

(65) On-site Hazardous Waste Treatment and Storage Facilities are allowed only as an incidental use to any use generating hazardous waste which is otherwise allowed; provided that such facilities demonstrate compliance with the state siting criteria for dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter amended.

(66) An application for a conditional use permit to allow an off-site hazardous waste treatment and storage facility shall demonstrate compliance with the state siting criteria for dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter amended.

(67) Adult Entertainment Uses: See SCC 30.28.015.

(68) Special Building Height provisions for this use are contained in SCC 30.23.050(4).

(69) Bakery: In the NB zone, the gross floor area of the use shall not exceed 1,000 square feet and the bakery business shall be primarily retail in nature.

(70) Equestrian Centers are allowed with a conditional use permit on all lands zoned A-10 except in that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated density fringe as described in Chapter 30.65 SCC.

(71) Mini-equestrian Centers are allowed as a permitted use on all lands zoned A-10 except in that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated density fringe as described in Chapter 30.65 SCC.

(72) Equestrian Centers and Mini-equestrian Centers require the following:

- (a) Five-acre minimum site size for a mini-equestrian center;

(b) Covered riding arenas shall not exceed 15,000 square feet for a mini-equestrian center; provided that stabling areas, whether attached or detached, shall not be included in this calculation;

(c) Any lighting of an outdoor or covered arena shall be shielded so as not to glare on surrounding properties or rights-of-way;

(d) On sites located in RC and R-5 zones, Type A landscaping as defined in SCC 30.25.017 is required to screen any outside storage, including animal waste storage, and parking areas from adjacent properties;

(e) Riding lessons, rentals, or shows shall only occur between 8 a.m. and 9 p.m.;

(f) Outside storage, including animal waste storage, and parking areas shall be set back at least 30 feet from any adjacent property line. All structures shall be set back as required in SCC 30.23.110(8); and

(g) The facility shall comply with all applicable building, health, and fire code requirements.

(73) Temporary Residential Sales Coach (TRSC):

(a) The commercial coach shall be installed in accordance with all applicable provisions within Chapter 30.54A SCC;

(b) The TRSC shall be set back a minimum of 20 feet from all existing and proposed road rights-of-way and five feet from proposed and existing property lines;

(c) Vehicular access to the temporary residential sales coach shall be approved by the or state; and

(d) Temporary residential sales coaches may be permitted in approved preliminary plats, prior to final plat approval, when the following additional conditions have been met:

(i) plat construction plans have been approved;

(ii) the fire marshal has approved the TRSC proposal;

(iii) proposed lot lines for the subject lot are marked on site; and

(iv) the site has been inspected for TRSC installation to verify compliance with all applicable regulations and plat conditions, and to assure that grading, drainage, utilities infrastructure, and native growth protection areas are not adversely affected.

(74) Golf Course and Driving Range: In the A-10 zone, artificial lighting of the golf course or driving range shall not be allowed. Grading shall be limited in order to preserve prime farmland. At least 75 percent of prime farmland on site shall remain undisturbed.

(75) Model Hobby Park: SCC 30.28.060.

(76) Commercial Retail Uses are not allowed in the Light Industrial and Industrial Park zones when said zones are located in the Maltby UGA of the comprehensive plan, and where such properties are, or can be served by railway spur lines.

(77) Studio: Studio uses may require the imposition of special conditions to ensure compatibility with adjacent residential, multiple family, or rural-zoned properties. The hearing examiner may impose such conditions when deemed necessary pursuant to the provisions of Chapter 30.42C SCC. The following criteria are provided for hearing examiner consideration when specific circumstances necessitate the imposition

of conditions:

(a) The number of nonresident artists and professionals permitted to use a studio at the same time may be limited to no more than 10 for any lot 200,000 square feet or larger in size, and limited to five for any lot less than 200,000 square feet in size;

(b) The hours of facility operation may be limited; and

(c) Landscape buffers may be required to visually screen facility structures or outdoor storage areas when the structures or outdoor storage areas are proposed within 100 feet of adjacent residential, multiple family, and rural-zoned properties. The buffer shall be an effective site obscuring screen consistent with Type A landscaping as defined in SCC 32.25.017

(78) The gross floor area of the use shall not exceed 1,000 square feet.

(79) The gross floor area of the use shall not exceed 2,000 square feet.

(80) The gross floor area of the use shall not exceed 4,000 square feet.

(81) The construction contracting use in the Rural Business zone shall be subject to the following requirements:

(a) The use complies with all of the performance standards required by SCC 30.31F.100 and 30.31F.110;

(b) Not more than 1,000 square feet of outdoor storage of materials shall be allowed and shall be screened in accordance with SCC 30.25.024;

(c) In addition to the provisions of SCC 30.22.130(81)(b), not more than five commercial vehicles or construction machines shall be stored outdoors and shall be screened in accordance with SCC 30.25.020 and 30.25.032;

(d) The on-site fueling of vehicles shall be prohibited; and

(e) The storage of inoperable vehicles and hazardous or earth materials shall be prohibited.

(82) Manufacturing, Heavy includes the following uses: Distillation of wood, coal, bones, or the manufacture of their by-products; explosives manufacturing; manufacture of fertilizer; extraction of animal or fish fat or oil; forge, foundry, blast furnace or melting of ore; manufacturing of acid, animal black/black bone, cement or lime, chlorine, creosote, fertilizer, glue or gelatin, potash, pulp; rendering of fat, tallow and lard, rolling or booming mills; tannery; or tar distillation and manufacturing. See SCC 30.91M.026.

(83) "All other forms of manufacture not specifically listed" is a category which uses manufacturing workers, as described under the Dictionary of Occupational Titles, published by the US Department of Labor, to produce, assemble or create products and which the director finds consistent with generally accepted practices and performance standards for the industrial zone where the use is proposed. See SCC 30.91M.024 and 30.91M.026.

(84) Home Occupations: See SCC 30.28.050(3).

(85) A single family dwelling may have only one guesthouse.

(86) Outdoor display or storage of goods and products is prohibited on site.

(87) Wedding Facility:

(a) Such use is permitted only on undeveloped land or in structures which are legally existing on January 1, 2001;

(b) The applicant shall demonstrate that the following criteria are met with respect to the activities related to the use:

- (i) compliance with the noise control provisions of Chapter 10.01 SCC;
- (ii) adequate vehicular site distance and safe turning movements exist at the access to the site consistent with the EDDS as defined in title 13 SCC; and
- (iii) adequate sanitation facilities are provided on site pursuant to Chapter 30.52A SCC and applicable Snohomish Health District provisions;

(c) Adequate on-site parking shall be provided for the use pursuant to SCC 30.26.035;

(d) A certificate of occupancy shall be obtained pursuant to Chapter 30.52A SCC for the use of any existing structure. The certificate of occupancy shall be subject to an annual inspection and renewal pursuant to SCC 30.53A.060 to ensure building and fire code compliance;

(e) In the A-10 zone, the applicant must demonstrate that the activities related to the use are subordinate to the use of the site for agricultural purposes; and

(f) In the A-10 zone, any grading or disturbances required to support the use shall be limited to preserve prime farmland. At least 90 percent of prime farmland on site shall remain undisturbed.

(88) Public/Institutional Use Designation (P/IU): When applied to land that is (a) included in an Urban Growth Area and (b) designated P/IU on the Snohomish County Future Land Use Map concurrent with or prior to its inclusion in a UGA, the R-7,200, R-8,400 and R-9,600 zones shall allow only the following permitted or conditional uses: churches and school instructional facilities. All other uses are prohibited within areas that meet criteria (a) and (b), unless the P/IU designation is changed.

(89) Hotel/Motel uses are permitted in the Light Industrial zone when the following criteria are met:

- (a) The Light Industrial zone is located within a municipal boundary;
- (b) The municipal airport boundary includes no less than 1000 acres of land zoned light industrial; and
- (c) The hotel/motel use is served by both public water and sewer.

(90) Health and social service facilities regulated under this title do not include secure community transition facilities (SCTFs) proposed pursuant to Chapter 71.09 RCW. See SCC 30.91H.095.

(a) Snohomish County is preempted from regulation of SCTFs. In accordance with the requirements of state law the county shall take all reasonable steps permitted by Chapter 71.09 RCW to ensure that SCTFs comply with applicable siting criteria of state law. Every effort shall be made by the through the available state procedures to ensure strict compliance with all relevant public safety concerns, such as emergency response time, minimum distances to be maintained by the SCTF from "risk potential" locations, electronic monitoring of individual residents, household security measures and program staffing.

(b) Nothing herein shall be interpreted as to prohibit or otherwise limit the county from evaluating, commenting on, or proposing public safety measures to the state of

Washington in response to a proposed siting of a SCTF in Snohomish .

(c) Nothing herein shall be interpreted to require or authorize the siting of more beds or facilities in Snohomish County than the county is otherwise required to site for its SCTFs pursuant to the requirements of state law.

(91) Level II health and social service uses are allowed outside the UGA only when the use is not served by public sewer.

(92) The area of the shooting range devoted to retail sales of guns, bows, and related equipment shall not exceed one-third (1/3) of the gross floor area of the shooting range and shall be located within a building or structure.

(93) Farmers Market: See SCC 30.28.036.

(94) Farm Product Processing and Farm Support Business: See SCC 30.28.038.

(95) Farmland Enterprise: See SCC 30.28.037.

(96) Public Events/Assemblies on Farmland: Such event or assembly shall:

(a) Comply with the requirements of Chapter 6.37 SCC; and

(b) Not exceed two events per year. No event shall exceed two weeks in duration.

(97) Bakery, Farm: The gross floor area of the use shall not exceed 1,000 square feet.

(98) Recreational Facility Not Otherwise Listed: See SCC 30.28.076.

(99) Farm Stand: See SCC 30.28.039.

(100) Farm Stand: Allowed as a Permitted Use (P) when sited on land designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan. Allowed as an Administrative Conditional Use (A) when sited on land not designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan.

(101) Farmers Market: Allowed as a Permitted Use (P) when sited on land designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan. Allowed as an Administrative Conditional Use (A) when sited on land not designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan.

(AA) R-5 w/ MRO: Uses are restricted where the Mineral Resource Overlay (MRO) coincides with the R-5 zone to prevent development which would preclude future access to the mineral resources. Residential subdivision is restricted pursuant to 30.32C.150.

Section 8. Snohomish County Code Section 30.23.030, last amended by Amended Ordinance 03-107 on September 10, 2003, is amended to read:

30.23.030 Bulk matrix.

The bulk matrix contains standard setback, lot coverage, building height, and lot dimension regulations for zones in unincorporated Snohomish County. Additional

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setback and lot area requirements and exceptions are found at SCC 30.23.100 - 30.23.260

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Table 30.23.030(1)
BULK MATRIX

		Lot Dimension (ft)				Setback Requirements From: (ft) ⁽²⁸⁾							
Category	Zone	Max. Bldg. Height (ft) ²⁷	Min. Lot Area ^{22, 28}	Min. Lot Width	Min. Corner Lot Width	Public Right of Way under 60' ⁴³	Public and Private Right of Way ^{9, 11, 43}	Commercial and Industrial Zones ¹¹	Residential, Multifamily, and Rural Zones ¹¹	Resource	Lands Forest	Water Bodies ¹²	Max. Lot Coverage ⁸
Resource	MC ³¹		10 ac ³²			50	50		100 ³³				
	F ³⁶	45 ⁶	20 ac ³	300	300	130 ^{10, 13}	100 ¹³	100 ^{13, 33}	50 ²⁰		100 ^{21, 30}	25 ¹³	35%
	F&R ^{38, 39}	25 ⁷	200,000 sf ^{2, 23}	100	100	50 ¹⁰	20	5	5 ³³	50 ²⁰	100 ^{21, 30}	25	35%
	A-10 ^{37, 38, 40}	45	10 ac	None	none	50 ¹⁰	20	5	5 ³³	50 ²⁰	100 ^{21, 30}	25	none
Rural	RRT-10	45	10 ac	225	225	50	20	5	5 ³³	50 ²⁰	100 ^{21, 30}	25	35%
	R-5 ^{37, 38, 39, 40, 46}	45 ²⁵	200,000 sf ^{2, 23, 25}	165 ²⁵	165 ²⁵	50 ¹⁰	20	5	5 ³³	50 ²⁰	100 ^{21, 30}	25	35%
	RC ^{37, 38, 39, 40}	35	100,000 sf ^{23, 25}	165 ²⁵	165 ²⁵	50 ¹⁰	20	5	5 ³³	50 ²⁰	100 ^{21, 30}	25	35%
	RD ³⁸	45	200,000 ²³	165	165	50 ¹⁰	20	5	5 ³³	50 ²⁰	100 ^{21, 30}	25	35%
	RB	35	None	None	none	55	25	none	50 ³³	50	100 ²¹	none	35%
	CRC	35 ⁽⁴³⁾	None	None	None	25 ⁽²⁶⁾	25 ⁽²⁶⁾	None	25	50	100 ⁽²²⁾	none	50% ⁽⁴⁴⁾ 30% ⁽⁴⁵⁾
	RFS	35	None	None	none	55	25	none	50	50	100 ²¹	None	35%
Other	RI	50	None	None	none	55	25	none	100 ³³	100	100 ²¹	none	35%
	SA-1 ^{37, 39}	35	1 ac/ 43,560 sf ⁴¹	150	150	50 ¹⁰	20	5	5 ³³	50 ²⁰	100 ²¹	25	35%
	RU ^{37, 39}	35		60	65	50 ¹⁰	20	5	5 ³³	50 ²⁰	100 ²¹	25	35%
	R20,000 ^{37, 39}	25	20,000 sf	85	90	50 ¹⁰	20	5	5	50 ²⁰	100 ²¹	25	35%
	R12,500 ⁴⁰	25	12,500 sf	75	80	50 ¹⁰	20	5	5	50 ²⁰	100 ²¹	25	35%
	WFB	25	7,200 sf ²⁴	60	65	50 ¹⁰	20	5	5	50 ²⁰	100 ²¹	25	35%

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Table 30.23.030(1) (continued)

Category	Zone	Max. Bldg. Height (ft) ²⁷	Lot Dimension (ft)				Setback Requirements From: (ft) ²⁸						
			Min. Lot Area ^{22, 29}	Min. Lot Width	Min. Corner Lot Width	Public Right of Way under 60' ³⁴	Public and Private Right of Way ^{9, 11, 34}	Commercial and Industrial Zones ¹¹	Residential, Multiple Family, and Rural Zones ¹¹	Resource Lands	Water Bodies ¹²	Max. Lot Coverage ⁸	
Urban	R9,600	25	9,600 sf ²⁴	70	75	50 ¹⁰	20	5		50 ²⁰	100 ²¹	25	35%
	R8,400	25	8,400 sf ²⁴	65	70	50 ¹⁰	20	5		50 ²⁰	100 ²¹	25	35%
	R7,200	25	7,200 sf ²⁴	60	65	50 ¹⁰	20	5		50 ²⁰	100 ²¹	25	35%
	T	35		35	35	50 ^{14, 10}	20 ¹⁴	5 ¹⁴		50 ²⁰	100 ²¹	25 ¹⁴	35
	LDMR	35	7,200 sf ⁴	60	70	55 ^{15, 10}	25 ¹⁵	36		50 ²⁰	100 ²¹	25 ¹⁵	30%
	MR	35	7,200 sf ⁵	60	70	55 ^{15, 10}	25 ¹⁵	36		50 ²⁰	100 ²¹	25 ¹⁵	40%
	FS	35	none	none	none	25 ²⁵	25 ²⁶	5/15 ¹⁶			100 ²¹	none	None
	NB ¹	25	none	none	none	25 ²⁵	25 ²⁶	none			100 ²¹	none	35%
	PCB ¹	40	none ¹⁹	none	none	55 ²⁵	25 ^{18, 26}	none			100 ²¹	none	none
	CB ¹	35	none	none	none	25 ²⁵	25 ²⁶	none			100 ²¹	none	50%
	GC ¹	45	none	none	none	25 ²⁵	25 ²⁶	none			100 ²¹	none	50%
	IP	65	none	none	none	30 ^{17, 25}	25 ^{17, 26}	none ¹⁷			100 ²¹	none	50%
	BP ¹	50	none ¹⁹	none	none	30 ²⁵	25 ²⁶	none			100 ²¹	none	35%
	LI	50	none	none	none	25 ²⁵	25 ²⁶	none			100 ²¹	none	none
	HI	65	none	none	none	25 ²⁵	25 ²⁶	none			100 ²¹	none	none

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Section 9. Snohomish County Code Section 30.23.040 adopted by Amended Ord. 02-064, December 9, 2002, is amended to read:

30.23.040 Reference notes for bulk matrix:

- (1) MR bulk requirements shall apply for all residential development permitted in urban commercial zones.
- (2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.
- (3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.
- (4) In the LDMR zone, the maximum density shall be calculated based on 4,000 square feet of land per dwelling unit.
- (5) In the MR zone, the maximum density shall be calculated based on 2,000 square feet of land per dwelling unit.
- (6) Commercial forestry structures shall not exceed 65 feet in height.
- (7) Non-residential structures shall not exceed 45 feet in height.
- (8) Lot coverage includes all buildings on the given lot.
- (9) Includes public rights-of-way 60 feet and wider; public rights-of-way under 60 feet in a recorded plat with curbs and gutters; and private roads and easements. These setbacks shall be measured from the edge of the right-of-way.
- (10) Applies to public rights-of-way under 60 feet. These setbacks shall be measured from the center of the right-of-way.
- (11) These setbacks shall be measured from the property line.
- (12) These setbacks shall be measured from the ordinary high-water mark and shall apply only to the rear setback. In the LDMR and MR zones this setback applies to single family dwellings only. Greater setbacks than those listed may apply to areas subject to Shoreline Management Master Program jurisdiction. Some uses have special setbacks. See SCC 30.23.110 for specifics.
- (13) The listed setbacks apply where the adjacent property is zoned F. In all other cases, setbacks are the same as in the R-8,400 zone. In the F zone, the setbacks for residential structures on 10 acres or less which were legally created prior to being zoned to F shall be the same as in the R-8,400 zone.
- (14) The listed setbacks apply to single family detached structures. For a townhouse, see chapter 30.31E SCC.
- (15) MR and LDMR setbacks.
 - (a) Single family detached structures and duplexes shall have the minimum setbacks required in the R-8,400 zone. Building separation between single family detached structures or duplexes shall be a minimum of 10 feet.
 - (b) Other structures shall have minimum side and rear setbacks of five feet (10 feet where abutting residential, rural, or resource zones). Building separation between primary MR and LDMR structures shall be a minimum of 15 feet. Building separation between primary structures and secondary/accessory structures, including but not

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limited to carports and garages, and separation between secondary structures themselves, shall be determined by the applicable sections of the Uniform Building Code (UBC).

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

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

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

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

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

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

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

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

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

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

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

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

(27) See SCC 30.23.050 for height limit exceptions.

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

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

(30) SCC 30.32A.120 (Siting of new structures: commercial forest land) requires an application for a new structure on parcels designated commercial forest, but not within a

designated commercial forest-forest transition area, to provide a minimum 500-foot setback, which shall be a resource protection area, from the property boundaries of adjacent commercial forest lands except that if the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain the maximum setback possible, as determined by the department.

(31) ~~Performance standards and minimum zoning criteria to establish and continue a MC zone are set forth in chapter 30.31D SCC.~~ Setback requirements for mineral excavation and processing are in SCC 30.23.110(25). Performance standards and permit requirements are in chapter 30.31D SCC.

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

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

(34) See SCC 30.23.120 for other setback exceptions.

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

(36) See SCC 30.23.040(15) for MR and LDMR setbacks.

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

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

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

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

(40) Land designated local commercial farmland shall not be divided into lots of less than 10 acres unless:

(a) A properly executed deed restriction which runs with the land and which provides that the land divided is to be used exclusively for agriculture, forestry, utility purposes, or for gift or dedication to a public or not-for-profit park or conservation agency and specifically not for a dwelling(s), is recorded with the Snohomish County Auditor; or

(b) A rural cluster subdivision at the underlying zoning is approved, as provided for in SCC 30.32B.120.

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

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

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

(44) The 50% maximum lot coverage limitation applies solely to the portion of the area within the CRC comprehensive plan designation and zone that is centered at 180th Street SE and SR 9, generally extending between the intersection of 172nd Street/SR 9 to just south of 184th Street/SR 9, as indicated on the county's FLUM and zoning map.

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

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

Section 10. Snohomish County Code Section 30.23.110, last amended by Amended Ordinance 04-010, March 3, 2004, is amended to read:

30.23.110 Special setbacks for certain uses.

This section supplements the normal setbacks required by the underlying zone for the specified use.

(1) Agriculture: All structures used for housing or feeding animals, not including household pets, shall be located at least 30 feet from all property lines and dwellings.

(2) Amusement Facilities: Theaters must be at least 300 feet from the property line of any preschool or K-12 school. Other amusement facilities must be at least 500 feet from the property line of any park, playground, preschool, or K-12 school. Distances shall be measured horizontally by following a straight line from the nearest point in the building in which the amusement facility will be located, to the nearest property line of a parcel which contains a park, playground, preschool, or K-12 school.

(3) Art Gallery: All buildings must be at least 20 feet from any other lot in a residential zone.

(4) Cemetery, Mausoleum, and Crematoriums: All buildings must be at least 50 feet from external boundaries of the property.

(5) Church: All buildings must be at least 25 feet from any other lot in a residential zone.

(6) Dock and Boathouse: Covered structures must be at least three feet from any

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side lot line or extension thereof. No setback from adjacent properties is required for any uncovered structure, and no setback from the water is required for any structure permitted hereunder.

(7) Educational Institutions:

(a) All buildings must be at least 35 feet from all external property lines; and

(b) All buildings must be at least 75 feet from the centerlines of all street rights-of-way, or 45 feet from the edges of all such rights-of-way, whichever is greater.

(8) Equestrian Center and Mini-Equestrian Center: Open or covered arenas must be at least 50 feet from any external property line. New structures located on or adjacent to lands subject to Chapter 30.32A SCC shall comply with all applicable setbacks.

(9) Governmental Structure or Facility: All structures must be at least 20 feet from any other lot in a residential zone.

(10) Health and Social Service Facility, Level II: All buildings must be at least 30 feet from all external property boundaries.

(11) Kennel, Commercial; Kennel, Private-Breeding; or Kennel, Private-Non-Breeding: All animal runs, and all buildings and structures devoted primarily to housing animals, must be at least 30 feet from all external property lines.

(12) Library: All buildings must be at least 20 feet from any other lot in a residential zone.

(13) Museum: All buildings must be at least 20 feet from any other lot in a residential zone.

(14) Office, Licensed Practitioners: All buildings must be at least 20 feet from any other lot in a residential zone.

(15) Race Track: The track must be at least 50 feet from all external property lines.

(16) Rural Industry: All buildings and structures, storage areas, or other activities (except sales stands) occurring outside of a residential structure must be at least 20 feet from any property line.

(17) School Preschool and K-12:

(a) All buildings must be at least 35 feet from all external property lines; and

(b) All buildings must be at least 75 feet from the centerlines of all street rights-of-way, or 45 feet from the edges of all such rights-of-way, whichever is greater.

(18) Service Station:

(a) Where the right-of-way is less than 60 feet, pump islands shall meet a minimum setback of 45 feet from the centerline of the right-of-way. Where the right-of-way is 60 feet or more, pump islands shall meet a minimum set-back on one-half the right-of-way plus 15 feet. Setbacks shall apply to private rights-of-way and easements.

(b) Where the right-of-way is less than 60 feet, canopies shall meet a minimum setback of 35 feet from the centerline of the right-of-way. Where the right-of-way is 60 feet or more, canopies shall meet a minimum setback of one-half the right-of-way plus five feet. Setbacks shall apply to private rights-of-way and easements.

(19) Small Animal Husbandry: All structures used for housing or feeding animals

must be at least 30 feet from all property lines.

(20) Storage structure over 1,000 square feet on less than three acres: The building must be at least 15 feet from any external property line.

(21) Studio: All buildings must be at least 20 feet from any other lot in a residential, multiple-family, or rural zone. The hearing examiner may require an additional setback distance when necessary to maintain compatibility of the proposed building with residential uses on adjoining properties.

(22) Swimming or Wading Pool: The pool must be at least five feet from any property line.

(23) Tavern: The use must be at least 500 feet from the external property lines of all public school grounds and public parks or playgrounds.

(24) Utility Structures: All structures must be at least 20 feet from any other lot in a residential zone.

(25) Excavation and Processing of Minerals:

(a) Minimum setbacks, as measured from the nearest edge of active mining or processing, shall be established as follows:

(i) Distance from property line: 50 feet;

(ii) Distance from any public street or right-of-way: 50 feet;

(iii) Distance from residences: 100 feet, provided that the residence is located on a site(s) designated and zoned for residential use;

(iv) Distance from parks, schools, hospitals and/or libraries in existence at the time of permit application: ¼ mile (1,320 ft);

(v) Distance from UGA boundary: ¼ mile (1,320 ft)

(b) No mining, processing or permanent buildings shall be located within the setback.

(c) Structures or buildings associated with mineral operations shall be located at least 100 feet from a developed residential property line.

Section 11. A new section is added to Chapter 30.25 SCC to read:

30.25.026 Excavation and Processing of Minerals

Whenever property developed for excavation is adjacent to developed residential property, public roads, streets or highways, streams, lakes, or other public installations, there shall be installed and maintained or cultivated in addition to any required fence, a view-obscuring planting screen at least 50 feet in width, in a location to be determined by the approval authority. A planting screen shall be shrubs, bushes, or trees which shall be selected to be evergreen, indigenous, fast-growing, compatible with the soil, and on the basis of size, form, and minimum maintenance requirements. The planting screen shall be planted according to acceptable practice in good soil, irrigated as necessary, and maintained in a good condition at all times at the expense of the operator. A required view-obscuring planting screen shall be installed as a yard improvement at or before the time excavation operations commence or within a

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reasonable time as determined by the approval authority, giving due consideration of local planting conditions. A view-obscuring fence may also be required by the department on the interior edge of the planting screen and if required, shall satisfy the requirement of SCC 30.31D.100(4).

Section 12. Snohomish County Code Section 30.28.035, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is repealed.

Section 13. Snohomish County Code Section 30.31D.010, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.31D.010 Purpose and applicability.

~~This chapter regulates mineral excavation in and establishes zoning criteria for the mineral conservation (MC) zone. It sets forth procedures and standards to be followed for mineral excavation and reclamation activities.~~

(1) The purpose of this chapter is to provide standards for excavation and processing of minerals; protect adjacent existing and planned land uses from significant conflicts; and ensure that mineral excavation, processing and transport are conducted consistent with the public health, safety and general welfare.

(2) Excavation and processing of minerals:

(a) This use shall allow only the primary reduction, treatment, and processing of minerals and materials, together with any necessary accessory buildings.

(b) At least one of the major mineral or material constituents being exploited shall be from the property on which the mineral operations are proposing to locate.

(c) Allowed uses shall include, but not be limited to, extraction, excavation, washing, crushing, stock piling, blasting, transporting, recycling, concrete batching, asphalt mixing, and the manufacturing of terra cotta, tile, brick, and concrete products.

(d) The use shall not be detrimental to the existing, developing, or projected land use.

(3) Excavation and processing of minerals is allowed only on mineral resource lands designated in the comprehensive plan, lands zoned Mineral Conservation (MC) or mining claims officially recognized by the state or federal government and recorded with the auditor, with the exception of:

(a) The extraction and processing of rock and gravel exclusively for forest practices shall be permitted in the Forestry (F) zone pursuant to chapter 76.09 RCW.

(b) Existing, legally established non-conforming mineral operations will be allowed to continue subject to the provisions and requirements of chapter 30.28 SCC.

(c) Expansion of existing legally established mineral operations onto adjacent undesignated land where a portion of the existing site has been designated mineral resource land or zoned MC.

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(4) If a parcel contains any portion of designated mineral resource lands it will be considered fully designated for the purpose of determining eligibility to apply for the permits required for excavation and processing of minerals.

Section 14. Snohomish County Code Section 30.31D.020, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.31D.020 Minimum zoning criteria. Relationship to comprehensive plan.

- ~~(1) The following minimum criteria apply to an application for MC zoning:~~
- ~~— (a) The site shall be a contiguous geographic area and have a size of at least 10 acres, except in the case of subsurface shaft excavations, no minimum acreage is required. An MC zone classification is required for all sites which meet this criterion before mining can legally commence unless the hearing examiner finds that excavation operations are scheduled to begin within six months of the date of application, or unless the site is designated both RR 10 (rural residential 10 acres) and mineral lands by the comprehensive plan, and zoned AG 10;~~
 - ~~— (b) The site shall contain minerals or materials of a commercial quantity and quality as verified in writing by an engineer licensed in mining engineering, or such person or persons deemed qualified by the hearing examiner to testify as to the amount and quality of the material contemplated to be removed;~~
 - ~~— (c) The site shall not be located in any area having substantial residential development or which is substantially developing residentially in accordance with the comprehensive plan. This provision shall be interpreted to include areas planned for residential development and showing signs of actual development within a relatively short period of time; and~~
 - ~~— (d) For a site designated agriculture on the comprehensive plan, the site shall not contain prime farmland. This shall be determined by a soil survey of the site conducted by a qualified soils scientist or soils engineer. In cases for which all of the following can be demonstrated to the satisfaction of the , excavation may be permitted on limited prime farmland:~~
 - ~~— (i) the prime farmland constitute no more than 25 percent of the proposed excavation;~~
 - ~~— (ii) excavation of the soils is necessary to the conduct of the excavation on portions overlain by other than prime farmland; and~~
 - ~~— (iii) it can be demonstrated that the use of the land underlying prime farmland does not threaten other prime farmland beyond the proposed excavation through encroachment, or disruptions due to operation of the excavation; and~~
 - ~~— (e) Approval of the rezone furthers the goals and objectives of the comprehensive plan.~~
- ~~— (2) With respect to any applications for MC zoning, recommendations shall be made relative to the manner in which the subject land meets the purposes of this zoning code and of this chapter. In addition, specific recommendations may be made by the~~

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department on matters of concern to the application at hand including, but not limited to, the following:

—(a) The adequacy of environmental safeguards bearing on public health, safety, and welfare, as evaluated against the standards of federal, state, and local pollution control agencies;

—(b) Revocations of previous permits and/or forfeiture of bonds unless corrective action has been undertaken without cost to the or state;

—(c) Ecological impact; and

—(d) Impact on agricultural operations in the vicinity.

—(3) The zoning of land for mineral conservation reserves the affected area for future excavation and provides reasonable assurance that such operation will not be disqualified by reason of site location for issuance of a conditional use permit by the hearing examiner. Sites not eligible for MC zone classification may be operated only as a conditional use where permitted.

—(4) Land rezoned to MC may be reviewed as deemed necessary by the department and at intervals not to exceed 10 years to determine whether substantial changes in the comprehensive plan and local conditions beyond any such developments anticipated in granting the zone have occurred, and to consider the current mineral status of the land, all to determine whether a rezone to another classification is warranted.

(1) Sites are eligible for administrative conditional use permit or conditional use permit consideration if they meet the criteria in SCC 30.31D.010(3).

(2) Sites may be proposed for Mineral Resource designation and shall be considered in accordance with the provisions in chapter 30.74 SCC using the criteria for designation set forth in the General Policy Plan Policies LU 9.A.1 through LU 9.A.13.

(3) Designation as Mineral Resource Lands in the General Policy Plan signifies that the use of mineral lands has been anticipated and evaluated at an area-wide level in terms of potential environmental impacts. The Mineral Resource Lands Designation environmental documents, the Draft Supplemental EIS Snohomish County Mineral Lands Designation (November, 2001), Draft Supplemental EIS Addendum Snohomish County Mineral Lands Designation (July, 2002), and the Final Supplemental EIS Snohomish County Mineral Lands Designation (August, 2003), may be relied on when making threshold determinations, preparing site specific environmental documents, identifying mitigation measures in accordance with chapter 30.61 SCC, or developing administrative rules and procedures in accordance with chapter 30.82 SCC.

Section 15. A new section is added to Snohomish County Code Chapter 30.31D to read:

30.31D.030 Process for review of mining applications.

(1) A conditional use permit, pursuant to chapter 30.42C SCC, or an administrative conditional use permit, pursuant to chapter 30.43A SCC, shall be required for mineral

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excavation and processing proposals. An administrative conditional use permit process may be used only when the mining proposal meets the following criteria:

- (a) total site disturbance, including all phases of excavation, internal haul roads and reclamation, comprises 20 acres or less;
- (b) no processing, crushing or blasting will occur accessory to mining;
- (c) the operation will generate less than 50 total vehicle trips per day; and
- (d) the duration of the operation will be 5 years or less.

Where the proposal does not meet (a) through (d) above, it shall require a conditional use permit.

(2) All proposals shall be subject to the requirements of the State Environmental Policy Act and shall be reviewed pursuant to chapter 30.61 SCC.

Section 16. A new section is added to Snohomish County Code Chapter 30.31D to read:

30.31D.040 Submittal requirements

An application for an administrative conditional use permit or a conditional use permit for mineral excavation shall comply with the requirements set out in the application checklist as provided by the department pursuant to SCC 30.70.030. A pre-application meeting is strongly recommended pursuant to SCC 30.70.020.

Section 17. Snohomish County Code Section 30.31D.100, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.31D.100 General performance standards.

In granting an administrative conditional use permit or a conditional use permit and ~~setting performance standards for mineral excavations in land-zoned Mineral Conservation or land regulated solely by conditional use permit~~, the following conditions shall apply in all cases, except when more restrictive conditions are imposed by the ~~hearing examiner~~ approval authority:

- (1) The operator shall bury or remove all metal, lumber, or other refuse on the site in a method approved by the hearing examiner;
- (2) After completion of excavation operations, the operator shall dismantle and remove within three months all equipment introduced to the site in support of the operations, with the exception of equipment necessary for reclamation for excavations not regulated by the state pursuant to cChapter 78.44 RCW, which equipment shall not be removed until such reclamation is completed to the satisfaction of the state or local authorities. For excavations regulated by the state pursuant to cChapter 78.44 RCW, removal of reclamation equipment shall be determined by the applicable reclamation

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plan. This three month period shall not be assumed to include time between projects or times when the plan is temporarily inoperative due to economic, weather, or other similar conditions recognized as reasonable by the hearing examiner. Such temporary discontinuance of operations shall not be the cause for removal of equipment;

(3) All excavation operations and trucking directly related to such operations may be permitted only between the hours of 7:00 a.m. and 5:30 p.m., Monday through Saturday, unless the ~~hearing examiner~~ approval authority determines at a ~~public hearing~~ that no nuisance exists, or that unusual and justifying circumstances are present, in which case the relaxation of this regulation shall terminate when such conditions and circumstances are deemed by the ~~hearing examiner~~ approval authority to no longer exist;

(4) If property to be developed for excavation has an exterior boundary line which shares a common property line with developed property, or if in the judgment of the ~~hearing examiner~~ approval authority, the nature and location of the operation is such as to constitute a hazard to public safety, then a solid wall or fence at least five feet in height shall be installed and maintained at least 50 feet from the excavated area. All openings in the fence shall be barred by locked gates when the permittee or the permittee's agent are not on the premises;

(5) The area shall be posted with signs having letters at least three inches high and two inches wide, giving clear warning of the dangerous conditions resulting from the excavation. The signs shall be not more than 50 feet apart around the periphery of the subject property and shall be maintained in good repair until excavation and reclamation operations are completed; and

(6) One copy of approved excavation and reclamation plans and specifications for reclamation of excavations not regulated by the state pursuant to Chapter 78.44 RCW shall be kept on the site at all times during the progress of the excavation operation.

(7) In no case shall mineral operations impair lateral support or cause earth movements or erosion to extend beyond the exterior boundary lines of property being excavated.

(8) Impacts resulting from traffic generated by mineral operations shall be addressed pursuant to chapter 30.66B SCC.

Section 18. Snohomish County Code Section 30.31D.110, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.31D.110 Landscaping: ~~planting screen.~~

~~Whenever property developed for excavation is adjacent to developed residential property, public roads, streets or highways, streams, lakes, or other public installations, there shall be installed and maintained or cultivated in addition to any required fence, a view-obscuring planting screen at least 150 feet in width, in a location to be determined by the department. In such planting screen shall be shrubs, bushes, or trees which shall be selected to be evergreen, indigenous, fast-growing, compatible with the soil,~~

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~~and on the basis of size, form, and minimum maintenance requirements. The planting screen shall be planted according to acceptable practice in good soil, irrigated as necessary, and maintained in a good condition at all times at the expense of the operator. Such view obscuring planting screen herein required shall be installed as a yard improvement at or before the time excavation operations commence or within a reasonable time thereafter, in the judgment of the hearing examiner, giving due consideration of local planting conditions. A view obscuring fence may also be required by the department on the interior edge of the planting screen and if required, shall satisfy the requirement of SCC 30.31D.100(4).~~

Landscaping shall be in accordance with SCC 30.25.026.

Section 19. Snohomish County Code Section 30.31D.120, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.31D.120 Setbacks.

~~Excavation operations shall be at least 25 feet from any property line, street, road, or highway. In no case shall mining operations impair lateral support or cause earth movements or erosion to extend beyond the exterior boundary lines of property being excavated. Structures or buildings shall be located at least 100 feet from a developed residential property line. Office buildings shall maintain a 25-foot setback.~~

Mineral excavation and processing operations, as well as related structures and buildings, shall be set back in accordance with SCC 30.23.110(25).

Section 20. Snohomish County Code Section 30.31D.130, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.31D.130 Protection of water quality.

(1) Operators shall divert or protect all natural drain courses to prevent pollution or reduction of natural flow, shall impound runoff as necessary to hold run-off to levels existing prior to the introduction of excavation operations, shall protect streams and grounds from acid-forming or toxic materials exposed or produced by excavation operations, shall seal off, to the extent directed by the hearing examiner approval authority, any breakthrough of acid water creating a hazard, and shall not allow water to collect nor permit stagnant water to remain in excavations. Wherever possible, the operator shall refrain from disturbing natural drainage course, streams, rivers, and lakes.

(2) All applications for an administrative conditional use permit or a conditional use permit for mineral excavation shall also include a hydrogeologic site evaluation pursuant to chapter 30.64 SCC. The evaluation shall identify an adequate separation between the bottom of the excavation and the groundwater table.

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(3) As part of the monitoring program established pursuant to SCC 30.31D.235, the approval authority may require summer testing of groundwater levels and quality.

Section 21. A new section is added to Snohomish County Code Chapter 30.31D to read:

30.31D.135 Noise.

Excavation and processing of minerals shall be conducted so as to comply with the maximum permissible noise levels established in chapter 10.01 SCC.

Section 22. Snohomish County Code Section 30.31D.140, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.31D.140 Blasting.

Blasting or other activities producing ground vibration shall not constitute a nuisance to, or damage in any way, the property of adjacent land owners. ~~The hearing examiner approval authority~~ may require testimony by technical specialists in order to determine appropriate amounts and placement of explosives and other vibration producing equipment, and may place such restrictions as are appropriate to ~~resolve the problem~~ avoid such nuisance or damage.

Section 23. A new section is added to Snohomish County Code Chapter 30.31D to read:

30.31D.145 Air quality.

Extraction and processing shall be conducted to comply with state air quality standards and any permit requirements as set forth by the Puget Sound Clean Air Agency. The approval authority may, as a condition of approval, require the use of best management practices (such as watering of the site and equipment) to control emissions of suspended particulates.

Section 24. Snohomish County Code Section 30.31D.160, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.31D.160 Grading, Reclamation and Topsoil Retention.

(1) Where applicable pursuant to SCC 30.63B.020, excavation and processing of minerals, and other mining-related development activities, including but not limited to road construction, drainage facilities and detention ponds, and reclamation of mining

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sites not subject to chapter 78.44 RCW, shall be in accordance with chapter 30.63B SCC.

(2) Topsoil that exists on a site shall be retained on the site in sufficient quantities to ensure an adequate supply for reclamation purposes for excavations not regulated by the state pursuant to chapter 78.44 RCW.

Section 25. Snohomish County Code Section 30.31D.200, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is repealed.

Section 26. Snohomish County Code Section 30.31D.210, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.31D.210 Decision criteria.

—(1) Applications for an administrative conditional use permit or a conditional use permit on sites zoned MC which meet the criteria in SCC 30.31D.010(2) and (3) shall not be denied unless the hearing examiner approval authority makes a finding of fact and a determination that any of the following situations exist:

(a1) It is determined that the reclamation plans and operating procedures for excavations not regulated by the state pursuant to chapter 78.44 RCW proposed by the applicant are not adequate to protect the general welfare and adjoining properties or the natural environment to an extent deemed reasonable as conditioned by these local circumstances:

(ia) The operation will probably endanger the health, comfort, welfare, or safety of the public by the pollution of any waters or the atmosphere, or create unusual and dangerous traffic conditions; and

(ib) The operation probably will endanger life or property by the storage of explosives, unduly decreasing property values or the removal of subjacent lateral support;

(b2) The applicant has ever had a previous permit permanently revoked for cause; or

(c3) The applicant has previously forfeited a bond attached to a previous operation, unless corrective measures have taken place without cost to the or state.

—(2) ~~Application for conditional use permits on sites not zoned MC may be denied upon the unfavorable findings of the hearing examiner under subsection (1) above or the provisions of chapter 30.42C SCC and the following:~~

—(a) ~~The authorization for the location within the applicable zone; and~~

—(b4) ~~The suitability of the location and the operation considering the nature and degree of surrounding development, and the purposes of the applicable zone.~~

Section 27. Snohomish County Code Section 30.31D.220, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.31D.220 Additional conditions.

Additional conditions may be established or imposed on an administrative conditional use permit or a conditional use permit for excavation and processing of minerals and may include, but are not limited to, the following:

- (1) Regulation of the height and location of all equipment installed on the site, above and beyond the setback restrictions of this chapter, if unusual circumstances bearing on public safety or other vital concerns are deemed to exist;
- (2) The number and locations of points of ingress and egress to and from any mining operation;
- (3) Wherever possible the operator shall schedule his excavation sequence in such a manner as to provide either natural or reclaimed buffers between the operation and adjoining properties;
- (4) Lighting to minimize visibility from adjacent property and preclude it from shining directly onto adjoining property;
- (5) Stockpiles and tailings shall not exceed the height, slope and moisture content limits determined by the hearing examiner, nor shall such stockpiles or tailings be so located as to threaten adjacent slopes or properties. In making this determination, the hearing examiner approval authority may consult with the Washington State Department of Transportation, the Department of Natural Resources, the director of the department of public works, or other authoritative sources;
- (6) Selective cutting of timber in power line corridors;
- (7) Control of signs;
- (8) The selection of building materials in scenic areas;
- (9) The preservation of animal trails by use of trestle and culverts;
- (10) Public access to unexcavated areas ~~within MC-zoned lands~~, especially if the areas include waterfront property;
- (11) Closed aggregate washing systems;
- (12) The location of mining towns, mills, tailing dump sites, settling ponds; and
- (13) The removal of access roads in wilderness areas after the completion of mining, as well as their restriction from public use during such operations-;
- (14) Provisions for groundwater testing;
- (15) The establishment of a haul route agreement; and
- (16) Required participation in a monitoring program.

Section 28. Snohomish County Code Section 30.31D.240, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.31D.240 Suspension and/or Revocation of approval.

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Administrative conditional use permits or cConditional use permits for excavation may be suspended or revoked in accordance with SCC 30.85.115 and/or 30.85.117.

Section 29. Snohomish County Code Section 30.32C.100, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.32C.100 ~~Mineral~~Excavation and processing of minerals: regulations and standards.

~~For regulations and zoning provisions related to mineral conservation zoning and mineral excavation see chapter 30.31D SCC. Performance standards, permit procedures and requirements, and decision criteria for excavation and processing of minerals related to designated mineral resource lands and mineral conservation zoning shall be in accordance with chapter 30.31D SCC.~~

Section 30. A new section is added to Snohomish County Code Chapter 30.32C to read:

30.32C.150 Provisions for subdivision of designated mineral resource lands and lands adjacent to mineral resource lands

(1) The county shall prohibit residential subdivision where the MRO coincides with a 5-acre rural residential designation or R-5 zoning category. Where the MRO covers only a portion of a rural 5-acre designated parcel, that portion of the parcel *not* covered by the MRO may be subdivided provided that:

- (a) minimum lot size requirements can be met according to underlying zoning;
- (b) rural cluster subdivision is used; and
- (c) the mineral resource deposit is protected for future resource use by adequate setbacks pursuant to SCC 30.23.110(25) and open space provisions pursuant to SCC 30.41C.210.

(2) Any subdivision of mineral resource land outside of 5-acre rural residential designations (e.g. 1 du/10 acres, 1 du/20 acres, or local forest) shall utilize site planning and design opportunities, including rural cluster subdivisions, to retain the maximum amount of land for potential mineral resource use. Open space provisions will preserve the option for future mineral resource extraction. Open space should be configured to maximize preservation of the mineral resources and provide buffers between mineral resource areas and residential uses. The option to utilize such open space for mineral operations should be preserved as provided in SCC 30.41C.210.

Section 31. Snohomish County Code Section 30.32C.200, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

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30.32C.200 Notice and disclosure required.

The disclosure text set forth in SCC 30.32C.210 shall be used under the following circumstances and in the following manners:

(1) Within 90 days of July 10, 1995 (the effective date of this requirement), and each ~~three~~five years after the effective date, Snohomish County shall mail a copy of the notice text in SCC 30.32C.210, with an explanatory informational attachment, to owners of ~~established mines on~~ designated mineral resource land and to owners of real property within approximately 2,000 feet of ~~established mines on~~ designated mineral resource land.

(2) Development permits and building permits for land that is designated mineral resource land or land that is within 2,000 feet of designated mineral resource land shall include the notice contained in SCC 30.32C.210. The notice requirement shall apply to the real property which is subject to the development or building permit only so long as the subject property is designated or is within 2,000 feet of land that is designated mineral resource land.

~~(3) Prior to the closing of a transfer of real property comprising an established mine on designated mineral resource land or real property adjacent to or within 2,000 feet of an established mine on designated mineral resource land, by sale, exchange, gift, real estate contract, lease with option to purchase, any other option to purchase, or any other means of transfer (except transfers made by testamentary provisions or the laws of descent), the transferor shall provide the transferee a copy of the disclosure text in SCC 30.32C.210 and shall record with the auditor a copy of the same showing an acknowledgment of receipt executed by the transferee in a form prescribed by the director of the department. The form of the acknowledged disclosure text shall include a statement that the disclosure notice applies to the subject real property as of the date of the transfer, and may not be applicable thereafter if areas designated mineral resource land are changed from designated mineral resource land.~~

Section 32. Snohomish County Code Section 30.41A.100 adopted by Amended Ordinance 02-064, December 9, 2002, is amended to read:

30.41A.100 Decision criteria - general.

(1) The hearing examiner and the department shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The hearing examiner shall approve a preliminary subdivision only if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, sites for schools and school grounds, fire protection and other public facilities. The hearing examiner shall consider all other relevant facts, including the physical characteristics of the site and sidewalks and other planning features that assure safe walking conditions

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for students who walk to and from school to determine whether the public interest will be served by the subdivision and dedication.

(2) If the hearing examiner finds that the proposed preliminary subdivision makes appropriate provisions for the matters listed in SCC 30.41A.100(1) and enters written findings that the subdivision conforms to all applicable development regulations and construction codes, then it shall be approved. If the hearing examiner finds that the proposed subdivision does not make such appropriate provisions or that development regulations requirements are not met, or the public use and interest will not be served, then the hearing examiner may deny the proposed preliminary subdivision.

(3) Dedication of land or payment of fees to any public body may be required as a condition of preliminary subdivision approval. Evidence of such dedication and/or payment shall accompany final subdivision approval.

(4) The hearing examiner shall not, as a condition of preliminary subdivision approval, require the applicant to obtain a release from damages from other property owners.

(5) All subdivisions are also subject to the requirements of chapters 30.32A, and 30.32B, and 30.32C SCC, regarding forest, and agricultural and mineral lands and the right to practice forestry and to farm. In the event of a conflict between the provisions of this chapter and the ~~forest and agricultural~~ resource lands chapters, the resource lands chapters shall control.

Section 33. Snohomish County Code Section 30.41B.070 adopted by Amended Ordinance 02-064, December 9, 2002, is amended to read:

30.41B.070 Resource lands.

The provisions of this chapter are subject to the requirements of chapters 30.32A SCC, ~~and 30.32B SCC, and 30.32C SCC.~~ In the event of a conflict between a provision of this chapter and chapters 30.32A SCC, ~~or 30.32B SCC, or 30.32C SCC,~~ the requirements of chapters 30.32A SCC, ~~and 30.32B SCC, and 30.32C~~ shall control.

Section 34. Snohomish County Code Section 30.41C.020 adopted by Amended Ordinance 02-064, December 9, 2002, is amended to read:

30.41C.020 Applicability.

(1) This chapter may be used for development of single family and/or duplex dwellings in the following zones subject to the limitations in SCC 30.41C.020(2):

- (a) Forestry;
- (b) Forestry and recreation;
- (c) Rural resource transition - 10 acre;
- (d) Rural five-acre;
- (e) Rural conservation; ~~((and))~~
- (f) Rural diversification; and

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(g) Mineral conservation.

(2) The provisions of this chapter shall not be used in the zones listed in SCC 30.41C.020(1) if the properties are designated commercial forest, commercial forest-forest transition area, upland commercial farmland, riverway commercial farmland, rural residential-RD outside a rural/urban transition area overlay, or are located within an urban growth area. The provisions of this chapter shall not be used where the mineral resource overlay (MRO) coincides with the rural 5-acre zone.

Section 35. Snohomish County Code Section 30.41C.200 adopted by Amended Ordinance 02-064, December 9, 2002, is amended to read:

30.41C.200 Design standards - general.

In addition to all other requirements of state law and code for approval of a subdivision or short subdivision, a rural cluster subdivision or short subdivision shall meet all the following design standards:

(1) When environmentally sensitive areas such as streams, shorelines, wetlands, fish and wildlife habitat areas and corridors, areas of unique vegetation or wildlife species, steep slopes, and other critical areas are present, and when such areas are identified and protected pursuant to 30.62 SCC and/or other applicable ordinances or policies, the areas shall be designated as native growth protection areas;

(2) The transition from any proposed residences within the rural cluster subdivision or short subdivision to uses on adjoining property or adjoining public roadways classified as an arterial (any type) or a non-arterial collector, according to the Snohomish County Arterial Plan and the EDDS, shall be provided with a sight obscuring buffer of native vegetation, or where no native vegetation exists, landscape screening comprised of fast growing, low maintenance, native trees and shrubs in accordance with the requirements of SCC Table 30.41C.210(1). Existing wind resistant vegetation providing such a screen shall be preserved. Between proposed residences and any adjoining natural resource lands, a setback shall be established consistent with the setback shown in SCC Table 30.41C.210(1);

(3) All roads, whether public or private, shall be provided in accordance with the EDDS. Access to the boundary of a rural cluster subdivision by a private road may be permitted as specified in notes (1) and (8) of SCC Table 30.41A.210. Location of public or private roads and access points to the existing public roadway system shall be carefully controlled, with no more than two access points allowed per cluster unless specifically requested by the engineer;

(4) Electric, telephone, and other utility lines shall be designed, located, and screened so as to minimize their visibility from adjacent properties and the site or shall be located underground;

(5) All unbuildable lands shall be designated as native growth protection areas unless

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designated as natural resource lands within restricted open space;

(6) When agricultural, ~~or forestry, or mineral~~ uses are proposed for the open space area(s), adequate buffers to minimize conflicts between resource and residential uses shall be provided;

(7) When agricultural, ~~or forestry, or mineral~~ uses are proposed within an open space tract within a rural cluster subdivision or short subdivision, a disclosure statement, as described in SCC 30.41C.200(8), shall be placed on the final plat or final short plat in a location determined by the department. The disclosure statement shall apply to the real property that is subject to the final subdivision or final short subdivision as of the date of approval and may not be applicable thereafter if the agricultural, ~~or forestry, or mineral~~ uses are discontinued.

(8) The following disclosure statements shall constitute the disclosure required by this section for notice of ~~agricultural or forestry~~ resource uses within required or optional open space:

(a) Notice for agricultural or forestry uses within required or optional open space:

Lots within a rural cluster subdivision or short subdivision, and adjacent to or within 1,300 feet of agricultural or forestry uses located in a designated open space tract may be subject to inconvenience or discomforts arising from agricultural or forestry activities, including but not limited to noise, odors, fumes, dust, smoke, the operation of machinery of any kind, timber harvest, brush control, the storage and disposal of manure, the application by spraying or otherwise of chemical or organic fertilizers, soil amendments, herbicides and pesticides, hours of operation, and other agricultural or forestry activities.

(b) Notice for mineral uses within required or optional open space:

Lots within a rural cluster subdivision or short subdivision, and adjacent to or within 2,000 feet of mineral uses located in a designated open space tract may be subject to inconvenience or discomforts arising from mineral operations, including but not limited to noise, vibration, odors, fumes, dust, smoke, the operation of machinery of any kind, heavy truck traffic, hours of operation, and other mineral-related activities.

(9) Where practicable, open space tracts within a rural cluster subdivision or short subdivision shall be located contiguous to designated open space tracts on adjacent properties;

(10) A management plan which details the required maintenance and management tasks and responsibilities may be required by the department for all restricted open space and other open space areas which require continuing maintenance or management;

(11) Each rural cluster subdivision or short subdivision shall be divided into physically separated clusters with a maximum of 30 residential lots per cluster. The minimum physical separation shall consist of a buffer of wind resistant native vegetation with an average width of 75 feet and a minimum width of 50 feet (see SCC Table 30.41C.210(1));

(12) At least 75 percent of the residential lots within a rural cluster subdivision or short subdivision shall abut a required buffer or open space tract;

(13) The rural cluster subdivision or short subdivision shall be designed, to the

greatest extent possible, to configure the residential lots in accordance with the natural features of the site and minimize topographic alteration, to maintain rural character, and to maximize the visibility of the open space tracts from adjoining collector roads, arterials, or state and federal highways;

(14) Rural cluster subdivisions or short subdivisions shall not be served by public sanitary sewers unless the Snohomish Health District requires the development to connect to a public sewer system to protect public health;

(15) Each cluster of lots within the subdivision or short subdivision shall be located near the interior of the site, if feasible, and also located where the cluster and/or the building sites are within existing forested areas of the site; except individual clusters shall be sited as far as possible from adjacent natural resource lands as permitted in chapters 30.32A - 30.32C SCC. Individual clusters shall not be located on ridgelines and other prominent topographic features visible to adjacent and vicinity properties when other locations are available;

(16) Rural cluster subdivisions or short subdivisions shall be located in a rural fire district; and

(17) Rural cluster subdivisions or short subdivisions shall meet applicable rural concurrency standards.

Section 36. Snohomish County Code Section 30.41C.210 adopted by Amended Ordinance 02-064, December 9, 2002, is amended to read:

30.41C.210 Design standards - restricted open space and bulk regulations.

(1) SCC Table 30.41C.210(1) establishes the bulk regulations for all proposed rural cluster subdivisions or short subdivisions including the minimum percentage of the original gross development area which shall be retained in restricted open space tracts for rural cluster subdivisions or short subdivisions located outside of designated rural/urban transition areas. No more than 65 percent of the total restricted open space area may consist of unbuildable land.

Table 30.41C.210(1)
REQUIREMENTS FOR RESTRICTED OPEN SPACE AREA AND BULK REGULATIONS

	Forestry F&R With or without MRO ⁽¹⁰⁾	(1) R-5 in RR-5 w/out MRO ⁽¹⁰⁾ (2) RRT-10, RC, R-5, & RD in RR-10(RT) or LCF ⁽⁸⁾ w/out MRO ⁽¹⁰⁾ (3) RRT-10, RC & RD in RR-10(RT) or LCF ⁽⁸⁾ with MRO ⁽¹⁰⁾	R-5 in RR ⁽⁸⁾ without MRO ⁽¹⁰⁾ RD in RR-RD With RUTA
Minimum Restricted Open Space Natural Resource Lands	60% 60%	45% 60%	45% 60%
Minimum Bonus Density ⁽¹⁾ Natural Resource Lands	15% - 35% 10%	15% - 35% 10%	None

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Required Buffer - Adjacent Property Roads ⁽²⁾⁽³⁾ and Adjacent Property Average Width:	75'	(4) 50'	75'	(4) 50'	50'	(4) 35'
Minimum Width:	50'	35'	50'	35'	35'	25'
Required Setback for Single Family Residential/Duplex from Adjacent Resource Areas ⁽²⁾ Setback Width: ⁽⁵⁾	100' (forest and mineral lands) 50' (farmland)	100' (forest and mineral lands) 50' (farmland)	100' (forest and mineral lands) 50' (farmland)	100' (forest and mineral lands) 50' (farmland)	100' (forest and mineral lands) 50' (farmland)	100' (forest and mineral lands) 50' (farmland)
Required Buffers - Between Clusters Average Width:	75'		75'		75'	
Minimum Width:	50'		50'		50'	
Lot Dimensions, Setbacks	R-7,200					
Maximum Lots per Cluster	30		30		30	
Minimum Lot Size ^{(6) (7)}						
Maximum Lot Size ⁽⁹⁾						
(1) Bonus density as provided in SCC 30.41C.240. (2) Buffers required adjacent to public roads as provided in SCC 30.41C.200(2). (3) Required buffers shall not include any portion of the required minimum lot area or required minimum setbacks of any proposed lot. Notwithstanding any other requirement in this table, the sum of all buffers and/or setbacks shall not exceed 40 percent of the average width of the parcel or tract proposed for rural cluster subdivision or rural cluster short subdivision. (4) When more than 75 percent of the proposed lots in the cluster are one acre or greater in size. (5) For subdivision and short subdivision applications determined to be complete pursuant to chapters 30.41A or 30.41B SCC before December 14, 1992, and which are converted to a rural cluster subdivision or short subdivision under chapter 30.41A or chapter 30.41B SCC, setback width shall be 75 feet. (6) Minimum lot size is determined per SCC 30.23.220. (7) Minimum lot size for duplexes is determined per SCC 30.23.030. (8) This table applies only to zoning classifications contained within stated comprehensive plan designations. (9) Maximum lot size in rural/urban transition area shall be 20,000 square feet. (10) Mineral Resource Lands Overlay (MRO) is a comprehensive plan designation overlay which overlaps other designations in many areas depending on the location of mineral resources. Where the MRO coincides with R-5 zone or 5-acre rural residential designation, residential subdivision is prohibited pursuant to SCC 30.32C.150.						

- (2) To qualify as a restricted open space, an area must meet the following standards:
- (a) It must be used for buffering, critical area protection, resource production, conservation, recreation, community utility purposes, or general preservation;
 - (b) Subject to the requirements of subtitle 30.2 SCC, the following recreational and community utility uses are permitted in restricted open space tracts:
 - (i) beaches, docks, swimming areas, picnic areas, trails/pedestrian walkways, equestrian trails, playgrounds, equestrian centers or any non-motorized passive recreational facilities;
 - (ii) community wells, well houses, water lines, community drainfields, retention and detention ponds, water recharge and infiltration facilities, water system appurtenances and biofiltration swales;
 - (c) At least 25 percent of the restricted open space tract shall be accessible by all residents of the rural cluster subdivision or short subdivision for passive recreation;

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(d) Vegetation removal within the restricted open space tract shall be in accordance with an approved open space management plan. Permanent vegetation removal within the restricted open space shall not be permitted, except that the following activities shall be allowed where vegetation removal is the minimum necessary to conduct the activity:

- (i) construction of pedestrian or equestrian trails;
- (ii) construction and maintenance of equestrian centers or playfields;
- (iii) maintenance of existing pastures;
- (iv) forestry, or agricultural activities, or mineral operations;
- (v) removal of dead, diseased or hazardous vegetation, consistent with best wildlife management practices;
- (vi) selective thinning and enhancement of vegetation; and
- (vii) fire breaks provided in accordance with fire district requirements; and

(e) Forest practices within restricted open space shall occur as provided for in the applicable forest practices permit and/or in an approved open space management plan and shall consist of selective timber harvesting that retains trees representative of all size classes, of sufficient quality with good crown cover, deep root system, and in a healthy condition to survive once the timber harvest has been completed. Trees shall be retained in stands or clusters where feasible.

(3) In that portion of the open space of a rural cluster subdivision or short subdivision which is not restricted open space, all recreational uses as listed in SCC 30.22.100 are allowed when otherwise allowed by the applicable zone and when in compliance with applicable provisions of subtitle 30.2 SCC.

(4) At the time of application or consideration, the site shall not be subject to any pending enforcement action or in violation of federal, state, or county regulations.

Section 37. Snohomish County Code Section 30.41C.230 adopted by Amended Ordinance 02-064, December 9, 2002, is amended to read:

30.41C.230 Design standards - lot yield.

(1) Basic lot yield shall be obtained by dividing the gross site area by the minimum required lot area of the zone in which the rural cluster subdivision or short subdivision is to be located (with both numbers expressed in the same units); except that for lots designated RR and for lots designated RR-10 (RT) on the comprehensive plan which are located outside of the Tulalip subarea and not subject to the mineral resource overlay (MRO), basic lot yield shall be calculated using a minimum lot size of 100,000 square feet and 200,000 square feet respectively.

(2) The maximum lot yield shall be obtained by multiplying the basic lot yield by one plus the density bonus, expressed as a fraction, as specified in SCC 30.41C.240; except the maximum lot yield for lots designated RR-RD within a RUTA overlay and for lots designated RR outside of the mineral resource overlay shall be the basic lot yield calculated in SCC 30.41C.230(1), and the residential density bonus provisions of SCC 30.41C.240 shall not apply.

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(3) In determining the lot yield, a designated duplex lot shall be considered as two lots.

(4) Whenever the resulting yield results in a fractional equivalent of 0.5 or more, the yield shall be rounded up to the next whole number; fractions of less than 0.5 shall be rounded down.

Section 38. Snohomish County Code Section 30.41C.240 adopted by Amended Ordinance 02-064, December 9, 2002, is amended to read:

30.41C.240 Design standards - bonus residential density.

(1) For all lands, except those designated local forest, and RR or subject to the mineral resource lands overlay, a rural cluster subdivision or short subdivision shall be awarded a residential density bonus of 15 percent of the maximum density allowed by the underlying zone if the amount of restricted open space equals the amount required in SCC 30.41C.210(1).

(2) If additional restricted open space is proposed beyond the minimum amount required, a rural cluster subdivision or short subdivision shall be awarded an additional one percent density bonus for every additional one percent of restricted open space designated up to a maximum total density bonus of 35 percent.

(3) A rural cluster subdivision or short subdivision on lands designated local forest or subject to the mineral resource overlay shall be awarded a residential density bonus of 10 percent if the amount of restricted open space meets or exceeds the amount required in SCC 30.41C.210(1).

Section 39. Snohomish County Code Section 30.64.020, adopted by Amended Ordinance 02-064, December 9, 2002, is amended to read:

30.64.020 Review for groundwater impacts.

(1) Regulations adopted under this chapter shall not prohibit uses legally existing on any parcel prior to June 1, 1992.

(2) Only project permit applications subject to SEPA will be evaluated to determine their impacts upon the groundwater resource.

(3) The project types listed below will be required to submit, in addition to an environmental checklist, a hydrogeologic site evaluation (see SCC 30.64.040) or proof of compliance with federal and/or state requirements.

SCC Table 30.64.020(3) shall determine how projects shall comply with this chapter:

Table 30.64.020(3)
Specific Project Compliance Chart

Project	Hydrogeologic Site Evaluation	Best Management Practices
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1.	Underground storage tanks (UST)		XX Proof of compliance w/DOE. License # of installer
2.	Commercial, industrial institutional facilities which use hazardous substances		XX
3.	Large on-site sewage systems	Proof of compliance with DOE and/or DOH criteria.	
4.	Petroleum pipelines	XX	XX
5.	Surface mining which needs DNR permit Excavation & processing of minerals	XX	XX
6.	Solid waste facilities	XX	XX
7.	Land application of sewage sludge. Study determines application rate.	XXXX	
8.	Project in known area of salt water intrusion	DOE pump test if salt water intrusion is within 1 mile.	XX

- (1) Underground storage tanks as defined by chapter 173-360 WAC;
(2) Commercial, industrial, institutional or other facilities which store, use, handle, or produce hazardous substances or waste products (as defined by WAC 173-303-101;
(3) On-site sewage disposal systems serving large development, or any single use, generating sufficient effluent over 3,500 gallons per day, require approval of its plans by the department of health under chapter 246-272 WAC or the department of ecology under chapter 173-240 WAC;
(4) Petroleum pipelines;
(5) ~~Surface mining operations requiring a permit from the state department of natural resources;~~ Excavation and processing of minerals requiring administrative conditional use permits or conditional use permits pursuant to Chapter 30.31D SCC.
(6) Solid waste facilities;
(7) Land application of sewage sludge from sewage treatment works which combine industrial waste and commercial waste with domestic waste or any sewage sludge application exceeding two acres in size; and
(8) Projects in known areas of contamination as evidenced by depletion of fresh water quality and quantity, i.e., salt water intrusion.

Section 40. Snohomish County Code Section 30.66B.015, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.66B.015 Development mitigation requirements.

Any application for approval of or a permit for a development shall be reviewed by the department of public works to determine any mitigation requirements that may be applicable for the following:

- (1) Impact on road system capacity;
- (2) Impact on specific level-of-service deficiencies;
- (3) Impact on specific inadequate road condition locations;
- (4) Frontage improvements requirements;
- (5) Access and transportation system circulation requirements;
- (6) Dedication or deeding of right-of-way requirements;

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- (7) Impact on state highways, city streets, and other counties' roads; and
- (8) Transportation demand management measures.
- (9) Impact on highways, roads and/or streets from large trucks generated by mineral operations permitted in accordance with chapter 30.31D SCC.

Section 41. Snohomish County Code Section 30.66B.035, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.66B.035 Traffic study- when required.

(1) A development adding more than fifty peak-hour trips shall be required to provide a traffic study to enable the department of public works to make a concurrency determination in accordance with SCC 30.66B.125, unless the department determines at the pre-submittal conference that a study is not required.

(2) Applicants for mineral operations submitted in accordance with chapter 30.31D SCC shall be required to provide a traffic study to enable the department of public works to analyze and assess appropriate mitigation for impacts to the road system resulting from the activity.

~~((2))~~ (3) A traffic study may be required of a developer to analyze a potential inadequate road condition pursuant to SCC 30.66B.210.

~~((3))~~ (4) A developer shall provide a traffic study for developments that add three or more peak-hour trips when the department of public works determines there is a need for additional information on:

(a) Impacts of the development on any arterial units in arrears and/or designated ultimate capacity arterial units;

(b) A development's traffic distribution;

(c) A possible inadequate road condition;

(d) Adequacy of any road system impact fee required pursuant to this chapter, in representing reasonable and/or adequate mitigation for that particular development; or

(e) A suspected traffic impact that may warrant mitigation beyond that provided through the road system impact fee payment system.

~~((4))~~ (5) The traffic study will consist of at least a traffic generation and distribution analysis but may be as extensive as analyzing all arterial units on the road system wherever three or more peak-hour trips from the development are added.

~~((5))~~ (6) A traffic study or other additional information may be required as a result of changes in the development proposal.

~~((6))~~ (7) The director of public works may waive the requirement for a traffic study and so state the finding in the pre-submittal conference-scoping sheet, if the director finds there is sufficient information known about a development's road system from previous traffic studies. In such cases, the existing information will be used to establish any necessary traffic mitigation requirements to be recommended in the review of the development.

~~((7))~~ (8) Developments impacting roads under the jurisdiction of the WSDOT, a city

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or another county, shall provide a traffic study to address impacts of the development, as may be required in an interlocal agreement pursuant to SCC 30.61.110(9) with the WSDOT, city or other county.

Section 42. Snohomish County Code Section 30.66B.080, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.66B.080 Authorization for administrative rules.

The director of public works is hereby authorized to adopt administrative rules pursuant to chapter 30.82 SCC to administer this chapter. The administrative rules shall set forth any necessary procedural requirements for developers to follow to allow efficient processing of development applications. The director of public works shall adopt administrative rules on at least the following topics:

- (1) Traffic studies: scope, format, required elements, processing and review in accordance with sound transportation engineering and planning principles;
- (2) Level-of-service determination: methodology, data collection, forecasting;
- (3) Transit compatibility: transit supportive criteria for arterials, compatibility of development;
- (4) Inadequate road conditions: criteria for identification;
- (5) Frontage improvements: standards, variables;
- (6) Mitigation measures: extent, timing, and agreements;
- (7) Master road improvement programs: processing; and
- (8) Transportation demand management (TDM) for developments((-)); and
- (9) Review of applications for mineral operations submitted in accordance with chapter 30.31D SCC generating significant numbers of large trucks including traffic study requirements, impact analysis, and mitigation requirements.

Section 43. Snohomish County Code Section 30.66B.430, adopted by Amended Ordinance 02-064 on December 9, 2002, is amended to read:

30.66B.430 Extent of improvements.

(1) The extent of frontage improvements, offsite road improvements, or access and transportation circulation improvements necessary to meet the requirements of this chapter and Title 13 SCC will be established by the director of public works. The developer may be responsible for preparing any aspect of engineering design or investigation necessary to establish the extent of improvements if the director of public works does not have the design or investigation programmed or under way consistent with the development's schedule. The traffic study shall contain analysis of the extent of any improvements determined to be necessary by the director of public works.

(2) Design of improvements shall be in accordance with the EDDS. Where an interim or partial improvement is implemented through SCC 30.66B.440, the improvement

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design shall be compatible with the adopted standard.

(3) In determining improvements required, the director of public works will consider, with other relevant factors, the following:

- (a) Extent of the development proposed;
- (b) Priority of improvements to involved county roads in the county's six-year transportation improvement plan;
- (c) Condition of existing transportation facilities in comparison to adopted standards;
- (d) Existing and projected land uses and development densities;
- (e) Current and projected levels of service on the affected road system;
- (f) Availability of public transit;
- (g) Any traffic study submitted;
- (h) Availability of a specific improvement program;
- (i) The number of dwelling units currently using the road system that must be improved and projected to use the road system after full occupancy of the development;
- (j) The needs of low-income persons for decent, affordable, low-cost housing;
- (k) Transportation system or demand management measures proposed by the developer;
- (l) The need for pedestrian and bicycle facilities;
- (m) Continuity with existing and proposed improvements;
- (n) Development standards of adjacent cities; ((and))
- (o) The need for safety improvements for school children((-)); and
- (p) The types, sizes and performance of vehicles generated by the development, including but not limited to large trucks.

Section 44. Snohomish County Code Section 30.91E.170, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is repealed.

Section 45. Snohomish County Code Section 30.91E.230, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.91E.230 "Excavation" shall mean the mining or quarrying or other mechanical removal of ~~natural deposits sand, gravel, bedrock or precious metals~~ including underground shaft operations, but excluding:

- (1) Excavations and grading for building construction where such construction is authorized by a valid building permit; or
- (2) Tilling of soil for agricultural purposes; or
- (3) Any excavation:
 - (a) Which does not alter a drainage course, and

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(b) Which has less than two feet of mean average depth, or which does not create a cut slope greater than five feet in height and steeper than one and one-half horizontal to one vertical and

(c) Located in an MR, LDMR, R-7200, R-8400, R-9600, R-12,500 or WFB zone, where the cubic yardage excavated from contiguous land under common ownership shall never exceed 500 cubic yards, and

(d) Located in any zone other than those listed in the preceding subsection, where the cubic yardage excavated from contiguous land under common ownership shall never exceed 2,000 cubic yards. The distinction between zones which is provided in this and the preceding subsections shall be observed notwithstanding cross-referencing between zones which may be found elsewhere in this title. *This definition applies only to chapters 30.22, 30.23, 30.25, 30.28, 30.31D, ~~and~~ 30.32C, and 30.64 SCC.*

Section 46. A new section is added to Snohomish County Code Chapter 30.91L to read:

30.91L.045 “Large Truck” means a truck or a truck-trailer unit with more than two axles.

Section 47. A new section is added to Snohomish County Code Chapter 30.91M to read:

30.91M.095 “Mineral Operations” shall mean activities related to mining including but not limited to extraction, excavation, washing, crushing, stock piling, blasting, processing, transporting and recycling of minerals.

Section 48. A new section is added to Snohomish County Code Chapter 30.91P to read:

30.91P.115 “Passenger Car Equivalents” is a measure of the operational or structural impact on the road system of a specified type and size of heavy vehicle expressed in terms of the number of standard passenger cars that would create the same impact as the specified heavy vehicle. For example, a large truck determined to be four passenger car equivalents, would be expected to cause the same impacts on the level of service of the road system as four standard passenger cars.

Section 49. Applicability. The provisions of this ordinance, except all procedural provisions, shall not apply to any development permit application that is complete prior to the effective date of this ordinance. An applicant for any pending application may

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choose to withdraw and resubmit the pending application to apply all applicable provisions of this ordinance to such application upon written request to the Department.

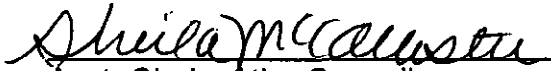
Section 50. Effective Date. The provisions of this ordinance shall take effect on February 1, 2006.

Section 51. 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 a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this 21st day of Dec, 2005.

SNOHOMISH COUNCIL
Snohomish, Washington

ATTEST:

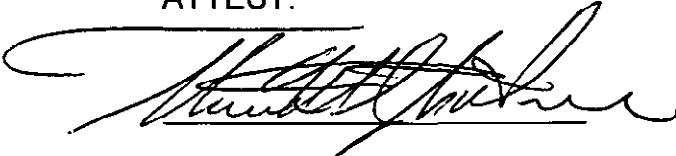

Asst. Clerk of the Council



Council Vice-Chair

- ☒ APPROVED
☐ EMERGENCY
☐ VETOED

Date: 12/30/05

ATTEST:




Aaron G. Reardon
Executive

Approved as to form only:

Deputy Prosecuting Attorney

D-20

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