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SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 05-089

RELATING TO THE CONSERVATION OF AGRICULTURAL LANDS OF LONG-TERM COMMERCIAL SIGNIFICANCE, AMENDING SECTIONS; 30.23.040; 30.23.100; 30.32B.020; 30.32B.110; 30.32B.120; 30.32B.130; 30.32B.200; 30.32B.220; 30.41C.020; AND TABLES 30.41C.210(1) AND 30.23.030(1) OF THE SNOHOMISH COUNTY CODE

WHEREAS, RCW 36.70A.130(3) directs counties planning under the Growth Management Act (GMA) to take legislative action to review and, if needed, revise their comprehensive plans and development regulations to ensure that the plans are capable of accommodating forecasted population growth for the succeeding 20-year period; and

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

WHEREAS, Snohomish County has amended its comprehensive plan several times since its adoption, most recently in December 2004 to conclude the "7-year compliance review" required by RCW 36.70A.130(1); and

WHEREAS, the County must also review its plan every ten years, pursuant to RCW 36.70A.130(3) to ensure that it is capable of accommodating projected population growth for the succeeding 20-year period; 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 County 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, Lynnwood on February 6, 2003, Monroe on February 10, 2003, and Arlington on February 19, 2003; and

WHEREAS, on July 22, 2003, a joint public hearing before the County Council and Planning Commission was held in Everett concerning the seven-year compliance review and 10-year update; and

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WHEREAS, on November 8, 2003, all-day events referred to as "Planners in the Library" were 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 through updates to the county website; and

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

WHEREAS, on May 15, 2004, all-day events known as "Planners in the Library" were 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, Monroe on June 16, 2004, and Arlington on June 17, 2004; and

WHEREAS, on June 29, 2004, a joint public hearing before the County Council and Planning Commission hearing was held 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 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 county 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, agricultural lands and others; and

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WHEREAS, on April 19, 21 and 28, 2005, PDS held public open houses on the department's recommended package of comprehensive plan amendments for the 10-Year Update, including amendments to the General Policy Plan, the Transportation Element, the Capital Facilities Plan, the Comprehensive Park and Recreation Plan, the Future Land use Map, the County zoning map, and selected sections of the code; and

WHEREAS, on May 24, 2005, May 26, 2005, June 1, 2005 and June 2, 2005, the Snohomish County Planning Commission and the Snohomish County Council held joint public hearings to receive public testimony concerning the proposed amendments to the comprehensive plan; and

WHEREAS, on June 7, 2005, June 9, 2005, June 14, 2005 and June 16, 2005, the Snohomish County 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. 05-069;

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.

WHEREAS, the Growth Management Act (GMA), RCW 36.70A.110 requires Snohomish County to designate agricultural lands of long-term commercial significance and to conserve these natural resource lands; and

WHEREAS, on November 18, 2004, the Chair of the Snohomish County Council and the County Executive hosted a successful countywide farming conference in which the County and its farming professionals discussed methods to remove barriers and increase opportunities for commercial agriculture; and

WHEREAS, PDS staff worked with an ad-hoc group from the Agricultural Advisory Board and farming community members which provided valuable review and comment on the proposed revision to the agricultural policies of the GMACP; and

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WHEREAS, in 2004, PDS staff worked with the Agriculture Advisory Board to significantly expand and enhance the economic viability of commercial farming by authorizing new economic initiatives related to agriculture under the Zoning Code on agricultural lands which resulted in the adoption of Amended Ordinance No. 04-074; and

WHEREAS, The Executive's Agriculture Action Plan, released in March 2005, was created from the work and knowledge gained at the Focus on Farming Conference, and highlights farm regulation reform, economic development, outreach and education, and the support and preservation of farming cultural heritage; and

WHEREAS, The Executive's Citizen Cabinet Final Report on Economic Development contained several recommendations to support the long-term commercial viability of agriculture in Snohomish County;

NOW, THEREFORE, BE IT ORDAINED:

**Section 1.** The County Council hereby adopts and incorporates the foregoing recitals by this reference as findings of fact as if set forth fully herein.

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

A. The amendments adopted by this ordinance comply with the goals and requirements of the GMA.

B. The amendments adopted by this ordinance are consistent with the GPP policies relating to agriculture and, specifically, Policy LU-7 of the GMACP which requires the County to "[c]onserve and enhance the agricultural industry through development and adoption of supporting programs and code amendments."

C. Snohomish County's farming community has identified conflicts between non-farm uses on lands adjacent to designated farmlands as a major concern that should be addressed to conserve the viability of commercial agriculture.

D. The amendments adopted by this ordinance are sought to minimize the introduction of residential and other non-farm uses within designated farmland, reduce opportunities for land use conflicts and nuisance complaints, limit loss of prime agricultural soils, minimize pressure to bring in residential support services such as convenience stores, public water supplies and upgraded roads as well as to help ensure consistency with Growth Management Hearings Board decisions.

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**Section 3.** The County Council makes the following conclusions.

A. There has been early and continuous public participation in the review of the proposed amendments, as required by the GMA and consistent with chapter 30.73 and 30.74.

B. The proposal has been broadly disseminated and opportunities have been provided for written comments and public hearing after effective notice.

C. The amendments to the development regulations satisfy the procedural and substantive requirements of, and are consistent with, the GMA.

D. The County has complied with the State Environmental Policy Act in the adoption of this ordinance.

**Section 4.** Council bases its findings of fact and conclusions on the entire record of the Planning Commission and the County Council, including all testimony and exhibits in the record.

**Section 5.** Snohomish County Code Section 30.23.040, last amended by Ordinance No. 02-064, on December 9, 2002, is amended to read:

(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.

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(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 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.

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(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.

(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 )~~ 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))~~ agricultural 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.



**Section 6.** Snohomish County Code Section 30.23.110, last amended by Ordinance No. 04-010 on 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 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.

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- (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.

**Section 7.** Snohomish County Code Section 30.32B.020, adopted by Ordinance No. 02-064 on December 9, 2002 is amended to read:

**30.32B.020 Resource protection areas.**

(1) Applicants for building permits for new dwellings proposed to be located on existing legal lots within designated farmlands or on parcels adjacent to designated farmlands may establish a resource protection area.

(2) Subdivisions, short subdivisions, and rural cluster subdivisions of parcels adjacent to designated farmland shall establish a resource protection area which implements the minimum setback requirements of 30.32B.130 ~~((of a minimum ((50)) foot width along farmland boundaries))~~.

(3) Resource protection areas shall be recorded in the manner required by law for covenants running with the land.

(4) Dwellings shall not be located in the resource protection area and this use restriction shall be considered in calculating the assessed value of the property.

**Section 8.** Snohomish County Code Section 30.32B.110, adopted by Ordinance No. 02-064 on December 9, 2002 is amended to read:

**30.32B.110 Subdivision and short subdivision restrictions: upland commercial farmland.**

Land designated upland commercial farmland and not zoned agriculture 10-acre, shall not be divided into lots of less than 10 acres unless a properly executed deed restriction that runs with the land is recorded with the Snohomish County Auditor which provides that the land divided is to be used exclusively for ~~((agriculture, or forestry, or utility))~~ agricultural purposes ~~((, or for gift or dedication to a public or not-for-profit park or conservation agency,))~~ and specifically not for any dwelling.

**Section 9.** Snohomish County Code Section 30.32B.120, adopted by Ordinance No. 02-064 on December 9, 2002 is amended to read:

**30.32B.120 ~~((Subdivision and short))~~ Rural cluster subdivision restrictions: local commercial farmland.**

Areas designated local commercial farmland shall not be divided into lots of less than 10 acres unless:

~~((--(1)--))~~ 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, or~~

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utility)) agricultural 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

~~—(2) Rural cluster subdivision is approved; provided that minimum lot size in the rural cluster subdivision shall be at least one acre)).~~

**Section 10.** Snohomish County Code Section 30.32B.130, adopted by Ordinance No. 02-064 on December 9, 2002 is amended to read:

**30.32B.130 Setbacks for new dwellings.**

An application for a new dwelling shall require a setback from the boundary lines of abutting designated farmland as follows: ~~((on designated farmland or on parcels adjacent to farmland shall provide a minimum 50-foot setback from the boundaries of farmlands, except as follows))~~

(a) Dwellings within designated farmland shall be setback 50 feet.

(b) Dwellings on parcels adjacent to designated farmland shall be setback 50 feet.

~~((4))~~ (c) If the size, shape, and/or physical site constraints of an existing legal lot do not allow for ~~((a))~~ the required setback ~~((of 50 feet))~~, the new dwelling shall maintain the maximum setback possible within the physical constraints of the lot as determined by the department; or

~~((2))~~ (d) If the owner of the land on which the new dwelling is proposed and the owner of the adjacent designated farmland each sign and record with the county auditor, in the manner required by law for covenants running with the land, a document which establishes an alternative setback for one or both of the adjacent properties, an alternative setback ~~((of less than 50 feet))~~ may be maintained.

**Section 11.** Snohomish County Code 30.32B.200, adopted by Ordinance No. 02-064 on December 9, 2002 is amended to read:

**30.32B.200 Agricultural activities – Presumed reasonable and not a nuisance.**

Agricultural activities conducted on designated farmland in compliance with acceptable agriculture practices ~~((and established prior to surrounding non-agricultural activities))~~ are presumed to be reasonable and shall not be found to constitute a nuisance unless the activities have a substantial adverse effect on the public health or safety. Nothing in this chapter shall affect or impair any right to sue for damages.

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**Section 12.** Snohomish County Code 30.32B.220, adopted by Ordinance 02-064 on December 9, 2002 is amended to read:

**30.32B.220 Disclosure text.**

The following shall constitute the disclosure required by this part:

Your real property is on, adjacent to, or within 1,300 feet of designated farmland; therefore, you may be subject to inconveniences or discomforts arising from agricultural activities, including but not limited to, noise, odors, fumes, dust, smoke, the operation of machinery of any kind (including aircraft), 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 activities.

Snohomish County has adopted an Agricultural Lands Regulations (chapter 30.32B SCC) which may affect you and your land. You may obtain a copy of chapter 30.32B SCC from Snohomish County.

A provision of chapter 30.32B SCC provides that "agricultural activities conducted on designated farmland in compliance with acceptable agriculture practices (~~and established prior to surrounding non-agricultural activities~~) are presumed to be reasonable and shall not be found to constitute a nuisance unless the activities have a substantial adverse effect on the public health or safety."

This disclosure applies to the real property upon any development or building permit approval; or, in the case of real property transfers, the disclosure applies to the subject property as of the date of the transfer. This disclosure may not be applicable thereafter if areas designated as farmland are changed from the farmland designation.

Nothing in chapter 30.32B SCC shall affect or impair any right to sue for damages.

**Section 13.** Snohomish County Code 30.41C.020, adopted by 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.

AMENDED ORDINANCE NO. 05-089 RELATING TO THE CONSERVATION OF AGRICULTURAL LANDS OF LONG-TERM COMMERCIAL SIGNIFICANCE, AMENDING SECTIONS 30.23.37; 30.23.040; 30.23.100; 30.32B.020; 30.32B.110; 30.32B.120; 30.32B.130; 30.32B.200; 30.32B.220; 30.41C.020; AND TABLES 30.41C.210(1) AND 30.23.030(1) OF THE SNOHOMISH COUNTY CODE

(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, local commercial farmland, riverway commercial farmland, rural residential-RD outside a rural/urban transition area overlay, or are located within an urban growth area.

**Section 14.** Snohomish County Code Table 30.41C.210(1), adopted by Ordinance No. 02-064, December 9, 2002 is amended to read:

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

	Forestry F&R		R-5 in RR-5 RRT-10, RC, R-5, & RD in RR-10(RT) or (LCF <sup>(1)</sup> ))		R-5 in RR <sup>(8)</sup> RD in RR-RD With RUTA	
Minimum Restricted Open Space Natural Resource Lands	60%	60%	45%	60%	45%	60%
Minimum Bonus Density <sup>(1)</sup> Natural Resource Lands	15% - 35% 10%		15% - 35% 10%		None	
Required Buffer - Adjacent Property Roads <sup>(2)(3)</sup> and Adjacent Property Average Width:	75'	<sup>(4)</sup> 50'	75'	<sup>(4)</sup> 50'	50'	<sup>(4)</sup> 35'
Minimum Width:	50'	35'	50'	35'	35'	25'
Required Setback for Single Family Residential/Duplex from Adjacent Resource Areas <sup>(2)</sup> Setback Width: <sup>(5)</sup>	100' (forest lands)  50' (farmland)		100' (forest land)  50' (farmland)		100' (forest land)  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 <sup>(6) (7)</sup>						
Maximum Lot Size <sup>(9)</sup>						
<sup>(1)</sup> Bonus density as provided in SCC 30.41C.240. <sup>(2)</sup> Buffers required adjacent to public roads as provided in SCC 30.41C.200(2). <sup>(3)</sup> 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. <sup>(4)</sup> When more than 75 percent of the proposed lots in the cluster are one acre or greater in size. <sup>(5)</sup> 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. <sup>(6)</sup> Minimum lot size is determined per SCC 30.23.220. <sup>(7)</sup> Minimum lot size for duplexes is determined per SCC 30.23.030. <sup>(8)</sup> This table applies only to zoning classifications contained within stated comprehensive plan designations. <sup>(9)</sup> Maximum lot size in rural/urban transition area shall be 20,000 square feet.						

AMENDED ORDINANCE NO. 05-089 RELATING TO THE CONSERVATION OF AGRICULTURAL LANDS OF LONG-TERM COMMERCIAL SIGNIFICANCE, AMENDING SECTIONS 30.23.37; 30.23.040; 30.23.100; 30.32B.020; 30.32B.110; 30.32B.120; 30.32B.130; 30.32B.200; 30.32B.220; 30.41C.020; AND TABLES 30.41C.210(1) AND 30.23.030(1) OF THE SNOHOMISH COUNTY CODE

**Section 15.** Relating to residential setbacks on agricultural lands, it is the intent of the Council that, consistent with LU Policy 7.B.3, there is an exception for existing dwellings and rebuilding on the previous dwelling site to the general setback requirements in SCC 30.32B.020. Until a clarifying code amendment can be processed, the Director of Planning and Development Services will issue a rule stating that, where new dwellings are proposed, existing dwellings and rebuilt dwellings on pre-existing dwelling sites shall be excluded from development setbacks intended for new dwellings on previously undeveloped sites.

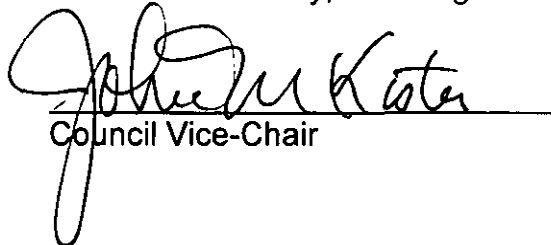
**Section 16.** Applicability. The provisions of this ordinance shall not apply to any development permit application that is complete prior to the effective date of this ordinance. An applicant for any vested application may voluntarily choose to apply the entirety of this ordinance to such application upon written request to PDS.

**Section 17.** Effective Date. The provisions of this ordinance shall take effect on February 1, 2006.


**Section 18.** Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by a 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 21<sup>st</sup> day of December, 2005.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington


  
Council Vice-Chair

ATTEST:

  
Asst. Clerk of the County Council


- Approved
- Emergency
- Vetoed

Date 12/30/05

  
County Executive

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy Prosecuting Attorney



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