



CO00014628

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 06-004

AN ORDINANCE RELATING TO THE GROWTH MANAGEMENT ACT, CHAPTER 36.70A RCW, (GMA) AND PLAYING FIELDS ON DESIGNATED RECREATIONAL LAND, AMENDING THE UNIFIED DEVELOPMENT CODE, CHAPTER 30.22 SCC USES ALLOWED IN ZONES, CHAPTER 30.23 SCC GENERAL DEVELOPMENT STANDARDS – BULK REGULATIONS, CHAPTER 30.86 SCC FEES, CHAPTER 30.91P SCC “P” DEFINITIONS, AND CHAPTER 30.91R SCC “R” DEFINITIONS, AND ADDING A NEW CHAPTER 30.33B SCC PLAYING FIELDS ON DESIGNATED RECREATIONAL LAND, IN ACCORDANCE WITH THE GMA AS AMENDED BY THE LAWS OF WASHINGTON 2005, CHAPTER 423

WHEREAS, on April 18, 2005, the Washington State Legislature passed Engrossed House Bill (EHB) 2241 (Laws of Washington 2005, chapter 423) authorizing limited recreational activities, playing fields, and supporting facilities existing before July 1, 2004, on designated recreational lands in jurisdictions planning under RCW 36.70A.040; and

WHEREAS, EHB 2241 was approved by the Governor on May 12, 2005, and became effective the same day; and

WHEREAS, the legislature recognizes the need for playing fields and supporting facilities for sports played on grass as well as the need to preserve agricultural land of long-term commercial significance; and

WHEREAS, the legislature recognizes citizens responded to a lack of playing fields and supporting facilities by constructing playing fields and supporting facilities on agricultural lands of long-term commercial significance; and

WHEREAS, it is the intent of the legislature to permit the continued existence and use of these fields and facilities in very limited circumstances if specific criteria are satisfied within a limited timeframe; and

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WHEREAS, EHB 2241 authorized the continued existence and use of existing grass playing fields and supporting facilities located on designated commercial farmland in existence as of July 1, 2004; and

WHEREAS, the legislature added a new subsection to the Growth Management Act (GMA), RCW 36.70A.1701, requiring playing fields to comply with applicable permitting requirements and development regulations; and

WHEREAS, following the adoption of EHB 2241, the county established a playing fields registration process which allowed applicants with eligible fields to register with the county at least 90 days before redesignating as recreational land; and

WHEREAS, in response to publication of the registration requirements, applicants registered eligible playing field sites with the county; and

WHEREAS, amendments are proposed to the Snohomish County Code (SCC) to establish permitting requirements and development regulations applicable to existing playing fields on designated recreational land; and

WHEREAS, the Planning Commission was briefed October 25, 2005, held a public hearing for the development code amendments November 15, 2005, and forwarded a recommendation to the County Council November 15, 2005; and

WHEREAS, the County Council held a public hearing on March 15, 2006, to consider the entire record and hear public testimony on Ordinance 06-004 and adopt amendments to the development regulations.

NOW, THEREFORE, BE IT ORDAINED:

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

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

- A. Amended Ordinance No. 04-074 included a new section (SCC 30.28.076 Recreational Facility Not Otherwise Listed) with special development standards to allow the use in the Agriculture-10 acre zone except within lands designated in the comprehensive plan (GPP) as local commercial farmland, upland commercial farmland, or riverway commercial farmland.

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- B. Playing fields and supporting facilities are included in the recreational facility not otherwise listed use in the use matrix in chapter 30.22 SCC.
- C. SCC 30.28.076 allows the recreational facility not otherwise listed use in the Agriculture - 10 acre zone if not designated as commercial farmland.
- D. Engrossed House Bill (EHB) 2241 (Laws of Washington 2005, chapter 423) set forth three criteria for redesignation of property to recreational land. The eligible property shall (1) contain grass playing fields and supporting facilities, (2) be located on designated commercial farmland, and (3) be in existence before July 1, 2004.
- E. EHB 2241 requires playing fields meeting the criteria to register with the county at least 90 days before redesignation from commercial farmland to recreational land. The deadline for redesignation of the fields is June 30, 2006.
- F. In accordance with EHB 2241 lands designated "Recreational Land" may only be used for athletic or related activities, playing fields, and supporting facilities for sports played on grass playing fields or for agricultural use.
- G. EHB 2241 requires playing fields to comply with applicable permitting requirements and development regulations, but the legislation does not specify the requirements and regulations.
- H. To implement EHB 2241 the County established the Playing Fields Program with an interdepartmental team of staff from Planning and Development Services (PDS), Public Works (DPW), and Parks, to determine how to meet the intent of the bill and retain the health, safety and welfare of the public.
- I. The team identified four steps in order to implement the legislation: (1) registration, (2) redesignation, (3) code amendments, and (4) permitting.
- J. Amendments to the General Policy Plan (GPP) and the Future Land Use Map (FLUM) for the redesignation to recreational land are proposed in a separate ordinance.
- K. The code amendments provide a permit process for property owners to legalize existing playing fields and supporting facilities registered under the Playing Fields Program. Future development of the registered fields will require compliance with all permitting requirements and development regulations in place at the time of application.

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- L. Due to state and federal regulations and public safety, specific permits are required for playing fields and supporting facilities.
- M. Compliance with the State Environmental Policy Act, chapter 43.21C RCW (SEPA) is satisfied by SEPA Addendum No. 46 to the Final Environmental Impact Statement (FEIS) for the Snohomish County GMA Comprehensive Plan (dated June 21, 1995), issued October 28, 2005, addressing this proposal.
- N. The information in Addendum No. 46 expanded on previous identified alternatives, but did not substantially change the analysis of significant impacts and alternatives analyzed in the county's existing adopted environmental documents. No additional significant impacts beyond those identified in the original EIS were expected to occur.
- O. The County published legal notices in The (Everett) Herald providing notice of public hearings held by the Planning Commission and the County Council.

Section 3. The County Council makes the following conclusions:

- A. Property owners of playing fields proposed for redesignation to recreational land registered at least 90-days before the effective date of the redesignation in accordance with Engrossed House Bill (EHB) 2241 (Laws of Washington 2005, chapter 423).
- B. EHB 2241 requires registered playing fields to comply with applicable permitting requirements and development regulations. Due to the existence of these playing fields and supporting facilities, the County is adopting code amendments and a new chapter for fields registered under EHB 2241.
- C. SCC 30.28.076 allows the recreational facility not otherwise listed use in the Agriculture - 10 acre zone if not designated as commercial farmland. EHB 2241 allows lands with existing playing fields to be redesignated; thus, removing the exception for this use on commercial farmland. These amendments are specifically written for playing fields redesignated, registered and permitted in accordance with EHB 2241.
- D. The county cannot waive the permit requirements mandated by state and federal regulations (shoreline, flood hazard, and critical areas), nor should public safety be affected, especially where children are involved. Therefore, any development, including playing fields, located within designated shoreline or flood hazard areas or that potentially affect critical areas require permits consistent with shoreline regulations (chapter 30.44 SCC), flood hazard regulations (chapters 30.43C and 30.65 SCC), and

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critical area regulations (chapter 30.62 SCC). Therefore, the code amendments to implement EHB 2241 require that existing playing fields meet these regulations and that property owners apply for the appropriate permits.

- E. The eligible fields offer a necessary public service by providing the public with much needed playing fields. Because the eligible fields are existing, limited in number and provide a necessary service to the public, it is in the county's best interest to permit the fields under a specific code section with a sunset date and with applicable permit fees set at zero dollars (\$0.0).
- F. The County broadly disseminated the proposed amendments and made available to the public opportunities to provide written comments and testimony at public hearings after effective notice. Public hearings were held by the Planning Commission on November 15, 2005, and by the County Council on March 15, 2006. Therefore, the review and adoption of this amendment meets the procedural, coordination and public participation goals of the GMA and the public participation requirements of chapter 30.73 SCC.
- G. The amendments to chapters 30.22, 30.23, 30.86, 30.91P and 30.91R SCC, and the addition of chapter 30.33B SCC are consistent with the County's GMA comprehensive plan policies related to agricultural resource lands in general and the specific policies for the new "Recreational Land" designation pursuant to EHB 2241. The amendments establish development regulations specifically for existing playing fields located within the new land use designation that were added to the comprehensive plan and mapped on the Future Land Use map.

Section 4. The County Council bases its findings and conclusions on the entire record of the Planning Commission and the County Council, including all testimony and exhibits. Any finding, which should be deemed a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

Section 5. Snohomish County Code Section 30.22.110, last amended by Ordinance No. 05-094 on September 14, 2005, is amended to read:

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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	RB	CRC	RFS	RI	F	F&R	A-10	MC
Accessory Apartment ⁶²	A	A	A	A				A	A	A	A
Agriculture ⁴¹	P	P	P	P	P	P	P	P	P	P	P
Airport: Stage 1 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								
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		
Campground									C ³²		
Caretaker's Quarters	P		C				P				P
Carport	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								
Commercial Vehicle Storage Facility				C			P				
Community Club	P		C	P	P						
Community Facilities for Juveniles ¹⁰³											
1 to 8 residents			P ¹⁰²	P	P						
9 to 24 residents			S ¹⁰³	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		C	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	
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 S - Special Use											

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	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Dwelling, Duplex	P	P	P					P		P	
Dwelling, Mobile Home	P	P	P		P ⁶			P	P	P	P
Dwelling, Single Family	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	C	C	C				C	P,C	C	C	C
Explosives, Manufacturing		C									
Explosives, Storage	C		C				C	P	C		C
Fabrication Shop							P				
Fallout Shelter, Individual	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	P	P	P	P			P	P		P	
Over 5,000 sq ft ⁹⁴	A	A	A	A			A	A		A	
Farm Support Business ⁹⁴	A	A	A	A			P			A	
Farm Stand											
Up to 400 sq ft ⁹	P	P	P ¹⁰⁰	P	P	P	P	P	P	P	P
401 – 5,000 sq ft ^{99, 100}	P	P	P, A ¹⁰⁰	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 Fac	P ³⁰	P					P	P	P		
Foster Home	P	P	P	P				P		P	
Garage, Private	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	
Hardware Store				P ⁸⁰	P						
Hazardous Waste Storage & Treatment Facilities Onsite ⁶⁵	P			P		P	P	P	P		
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	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Health and Social Service Facility ⁹⁰ Level I Level II ^{41 91} Level III	P	P	P C	P C	P			P	P	P	P
Home Improvement Center				P ⁸⁰	P						
Home Occupation ^{11, 84}	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	
Kitchen, farm	P	P	P	P			P			P	
Library ⁴¹	C		C	P							
Licensed Practitioner ^{29, 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- 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	P		P		C	C	C	
Personal Services Shop				P ⁷⁹	P						
Petroleum Products & Gas Storage – Bulk							P ⁴³				
Print shop				P							
Public Events/Assemblies on Farmland ⁹⁶										P ⁹⁶	
Race Track ^{34, 41}			C								
Railroad Right-of-way	C	C	C		P		P	C	C	C	C
Recreational Facility Not Otherwise Listed ⁹⁸	C		C		P		P ⁷⁹			C, P ^x A ^z	
Recreational Vehicle ¹⁹	P	P	P					P	P	P	
Recreational Vehicle Park									C		
Resort									C		
Restaurant				P ⁸⁰	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.										
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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}	C		C	P							
College ^{41, 68}	C		C								
Other ^{41, 68}				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 ⁹³	C	C	C					C			
Sludge Utilization ³⁹	C	C, P	C					C		C	C ³⁶
Small Animal Husbandry ⁴¹	P		P		P			P	P	P	P
Specialty Store				P ⁷⁸	P						
Stables	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	T	A	A	A	A	A	A
Temporary Dwelling For Relative ¹⁸	A	A	A					A	A	A	A
Temporary Logging Crew Quarters								P	P		
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 ²⁰	C	C	C					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.										
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30.22.110 Rural and Resource Zone Categories: Use Matrix

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	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Utility Facilities, Electromagnetic Transmission & Receiving Facilities ²⁷	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
Utility Facilities-All Other Structures ^{27, 41}	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			
Woodwaste Storage ⁵⁷	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.										
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Section 6. Snohomish County Code Section 30.22.130, last amended by Ordinance No. 05-094 on September 14, 2005, is amended to read:

(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.

(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:

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- (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

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(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 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

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(c) Approval shall be dependent upon a determination by the county 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

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(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.

(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)

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- (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 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.

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- (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.

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(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 county 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 county or state; and

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(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 county 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 County.

(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.

(102) Community Facilities for Juveniles in R-5 zones must be located within one mile of an active public transportation route at the time of permitting.

(103) All community facilities for juveniles shall meet the performance standards set forth in SCC 30.28.025.

(x) Recreational Facility Not Otherwise Listed: Playing fields permitted in accordance with chapter 30.33B SCC are allowed as a Permitted Use (P) when sited on designated recreational land as identified on the future land use map in the county's comprehensive plan.

(z) Recreational Facility Not Otherwise Listed: Playing fields not permitted in accordance with chapter 30.33B SCC are allowed as as Administrative Conditional Use (A) when sited on designated recreational land as identified on the future land use map in the county's comprehensive plan.

Section 7. Snohomish County Code Section 30.23.030, last amended by Ordinance No. 05-094 on September 14, 2005, is amended to read:

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, 29}	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	Ag	Forest	Water Bodies ¹²	Max. Lot Coverage ⁸
Resource	MC ³¹		10 ac ³²						³³				
	F ³⁸	45 ⁶	20 ac ³	300	300	130 ^{10, 13}	100 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, 39, 40x}	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}	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
Other	RFS	35	none	none	none	55	25	none	50	50	100 ²¹	none	35%
	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	Lot Dimension (ft)				Setback Requirements From: (ft) ²⁸							Water Bodies ¹²	Max. Lot Coverage ⁸
		Max. Bldg. Height (ft) ²⁷	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	Forest			
Urban	R9,600	25	9,600 sf ²⁴	70	75	50 ¹⁰	20	5	5	50 ²⁰	100 ²¹	25		35%
	R8,400	25	8,400 sf ²⁴	65	70	50 ¹⁰	20	5	5	50 ²⁰	100 ²¹	25		35%
	R7,200	25	7,200 sf ²⁴	60	65	50 ¹⁰	20	5	5	50 ²⁰	100 ²¹	25		35%
	T	35	35	35	35	50 ^{14, 10}	20 ¹⁴	5 ¹⁴	5 ¹⁴	50 ²⁰	100 ²¹	25 ¹⁴		35
	LDMR	35	7,200 sf ⁴	60	70	55 ^{15, 10}	25 ¹⁵	36	15	50 ²⁰	100 ²¹	25 ¹⁵		30%
	MR	35	7,200 sf ⁵	60	70	55 ^{15, 10}	25 ¹⁵	36	15	50 ²⁰	100 ²¹	25 ¹⁵		40%
	FS	35	none	none	none	25 ²⁵	25 ²⁶	5/15 ¹⁶	25		100 ²¹	none		none
	NB ¹	25	none	none	none	25 ²⁵	25 ²⁶	none	10		100 ²¹	none		35%
	PCB ¹	40	none ¹⁹	none	none	55 ²⁵	25 ^{18, 26}	none	25		100 ²¹	none		none
	CB ¹	35	none	none	none	25 ²⁵	25 ²⁶	none	10		100 ²¹	none		50%
	GC ¹	45	none	none	none	25 ²⁵	25 ²⁶	none	10		100 ²¹	none		50%
	IP	65	none	none	none	30 ^{17, 25}	25 ^{17, 26}	none ¹⁷	25 ¹⁷		100 ²¹	none		50%
	BP ¹	50	none ¹⁹	none	none	30 ²⁵	25 ²⁶	none	25		100 ²¹	none		35%
	LI	50	none	none	none	25 ²⁵	25 ²⁶	none	50		100 ²¹	none		none
	HI	65	none	none	none	25 ²⁵	25 ²⁶	none	50		100 ²¹	none		none

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Section 8. Snohomish County Code Section 30.23.040, last amended by Ordinance No. 05-094 on September 14, 2005, 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.

(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.

(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 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.

(y) See SCC 30.33B.020 for bulk regulations related to existing playing fields on designated recreational land.

Section 9. A new chapter (30.33B Playing Fields on Designated Recreational Land) is added to subtitle 30.3 of the Snohomish County Code, to read:

30.33B Playing Fields on Designated Recreational Land

30.33B.010 Purpose and applicability.

30.33B.020 Development standards.

30.33B.030 Submittal requirements.

30.33B.040 Procedures - director's decision.

30.33B.050 Sunset clause.

30.33B.010 Purpose and applicability.

(1) The purpose of this chapter is to address the Laws of Washington 2005, chapter 423 effective May 2005, and the related amendments to the Growth Management Act (GMA) which allow the continued existence and use of playing fields and supporting facilities for sports played on grass, located on commercial farmland in existence as of July 1, 2004.

(2) This chapter applies to existing playing fields and supporting facilities located on designated recreational land on the future land use map of the county's GMA comprehensive plan.

(3) Existing playing fields and supporting facilities on designated recreational land are considered a recreational facility not otherwise listed use and include the following temporary

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improvements: ball fields, dugouts, seating, fencing, field equipment, storage structures for sports and field maintenance equipment, concession stands, parking areas, and other such temporary improvements as may be associated with the proposed recreational use.

(4) Permissible recreational uses shall include only non-motorized field games or sports and shall be conducted on uncovered grass fields under private ownership and control.

(5) Applicants of playing fields and supporting facilities shall obtain all applicable land use and building permits.

30.33B.020 Development standards.

To permit existing playing fields in accordance with RCW 36.70A.1701(4), applicants shall comply with the following:

(1) Site development shall be depicted on a site development plan and shall include only the temporary improvements listed in SCC 30.33B.010(3).

(2) If the recreational use produces adverse conditions that unduly affect an adjacent agricultural use, the director may impose a specific setback in order to alleviate the effects of such adverse conditions, which include but are not limited to noise, vibration, dust, and light.

(3) Applicants with existing playing fields may be required to construct on-site and/or off-site improvements and/or commit to strategies that provide safe access to and from the fields, consistent with any traffic safety, access and circulation issues including, but not limited to, road width, access points, sight distance, parking capacity, pedestrian safety, and emergency access.

(4) Parking

(a) Adequate parking will be provided, and

(b) Parking areas shall be developed only with gravel or earthen materials.

(5) Fencing of the property and the fields is allowed, but not required, with open wire mesh or similar type fence at six feet or less in height.

(6) Field maintenance, consistent with chapter 7.53 SCC, shall include generally accepted best management practices to prevent or reduce impacts to surface and groundwater and shall be designed to protect water quality by controlling erosion, runoff, nutrients, pesticides and other contaminants.

(7) Signage requirements

(a) No sign shall obstruct in any way the vision of motorists entering or leaving public or private rights-of-way;

(b) Signs shall be located so that they permit an unobstructed sight distance of at least 300 feet at street intersections along the intersecting rights-of-way; and

(c) All signs must be a distance of 100 feet or more from all road crossings of railroad rights-of-way. They must be placed in a manner that they do not block the view of the crossing by operating personnel aboard the trains or by motorists approaching the crossing from either direction.

(8) All buildings shall be less than 300 square feet in size.

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- (9) A maximum of two concession stands are allowed and shall not include permanently installed food service equipment.
- (10) No outdoor lighting is allowed.
- (11) Uses are restricted to daylight hours only.
- (12) Structures shall meet all provisions of federal, state and local statute and laws, including provisions to assure water quality and flood protection.

30.33B.030 Submittal requirements.

- (1) A pre-application conference is required pursuant to chapter 30.70 SCC.
- (2) Prior to application submittal, a site visit with the Playing Fields Review Team may be required to determine applicable permits and public safety upgrades.
- (3) A Playing Fields Application Packet shall include:
 - (a) A site development plan identifying the playing fields and supporting facilities existing as of July 1, 2004; and
 - (b) A field maintenance plan, consistent with SCC 30.33B.020(6).
- (4) An application permit submittal for each permit, as applicable.
- (5) A completed SEPA checklist, if applicable.

30.33B.040 Procedures - director's decision.

- (1) Following project and application review, the director shall either approve, approve with conditions, or deny the proposed project based on SCC 30.33B.020 and related permit requirements.
- (2) As a condition of approval, a land use permit binder with an aerial photograph and map showing the area designated as recreational land with the playing fields and supporting facilities existing as of July 1, 2004, shall be executed by the landowner and recorded with the County Auditor, and a copy of the recorded document submitted to the department for inclusion in the permit file.

30.33B.050 Sunset clause.

This chapter shall expire two years from the effective date of this ordinance.

Section 10. Snohomish County Code Section 30.86.300, adopted by Amended Ord. 02-064 on December 9, 2002, is amended to read:

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Table 30.86.300 - SPECIAL FLOOD HAZARD AREA PERMIT FEES

FLOOD HAZARD AREA PERMIT	\$300
FLOOD HAZARD AREA VARIANCE	See Table 30.86.230
PRE-APPLICATION CONFERENCE FEE ⁽¹⁾	\$400
<u>FLOOD HAZARD AREA PERMIT FOR PLAYING FIELDS ON DESIGNATED RECREATIONAL LAND IN ACCORDANCE WITH SCC 30.28.076 and CHAPTER 30.33B SCC</u>	<u>\$0</u>
Reference note: (1) When an applicant chooses to utilize the pre-application process, the pre-application conference fee shall be credited toward the application fee upon submittal of said application if received within 12 months from the date of the pre-application conference.	

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Section 11. Snohomish County Code Section 30.86.310, adopted by Amended Ord. 02-064 on December 9, 2002, is amended to read:

30.86.310 Shoreline Management Permit fees.

Shoreline Variance	\$1,200
Shoreline single family residence variance	\$800
Shoreline substantial Development permit or shoreline conditional use permit:	
Up to \$10,000	\$650
\$10,001 to \$100,000	\$1,300
\$101,001 to \$500,000	\$3,900
\$500,001 to \$1,000,000	\$5,200
More than \$1,000,000	\$6,500
Shoreline Management Hearing Fee (if required)	\$1,040⁽¹⁾
Shoreline Exemptions	\$450
<u>Shoreline Fees for playing fields on designated recreational land in accordance with SCC 30.28.076 and chapter 30.33B SCC</u>	
	\$0
Reference notes:	
(1) The additional fee shall be paid prior to scheduling the proposed permit for public hearing.	

Section 12. Snohomish County Code Section 30.86.400 last amended by Amended Ord. 04-116, November 23, 2004, is amended to read:

30.86.400 Uniform Building Code fees.

(1) **Occupancies defined.** Fees established in 30.86.400(2) shall be assessed based on whether an occupancy type is commercial or residential. SCC Table 30.86.400(3) defines the occupancy groups in these two occupancy types. See also chapter 30.52A SCC.

(2) **Outstanding fees.** Any outstanding fees or portions thereof shall be added to the required fee(s) of any future plan review or permit prior to application acceptance or permit issuance. Any fee shall not relieve the applicant from a duty to obtain permits for moving buildings upon

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roads and/or highways from the appropriate authorities. The permit fee for construction of a new foundation, enlargement, or remodeling of the move-in building shall be in addition to the pre-move fee. The fee for a factory built structure as approved by the Washington State Department of Labor and Industries as a modular structure is specified in SCC 30.86.180.

(3) Commercial and residential occupancies defined.

Table 30.86.400(3) - COMMERCIAL AND RESIDENTIAL OCCUPANCIES DEFINED

OCCUPANCY TYPES	OCCUPANCY GROUPS
COMMERCIAL	A , I , R-1 , E , H , F , LC ⁰ , M , S, B
RESIDENTIAL	R-3, U
Reference note: (1) Except adult-family homes as defined in chapter 70.128 RCW.	

(4) **Commercial pre-application review.**⁽¹⁾ See also chapter 30.52A SCC.

Table 30.86.400(4) - COMMERCIAL PRE-APPLICATION REVIEW

REVIEW FEE ⁽²⁾	\$400
SITE REVIEW (at applicant's request)	\$100
ADDED SERVICES REQUEST	\$60/hour
<u>REVIEW FEE FOR PLAYING FIELDS ON DESIGNATED RECREATIONAL LAND IN ACCORDANCE WITH SCC 30.28.076 and CHAPTER 30.33B SCC</u>	<u>\$0</u>
Reference notes: (1) Prior to making application for a commercial building permit, an applicant may request pre-application review to learn about submittal requirements. The department will provide a written outline of requirements, and may include identification of site-specific issues when known, depending on the detail and scope of the submitted materials. (2) Includes a conference with only a senior planner in attendance, and does not include review of detailed construction plans and specifications.	

AMENDED ORDINANCE NO. 06-004 RELATING TO PLAYING FIELDS ON DESIGNATED RECREATIONAL LAND, AMENDING THE UNIFIED DEVELOPMENT CODE, CHAPTER 30.22 SCC USES ALLOWED IN ZONES, CHAPTER 30.23 SCC GENERAL DEVELOPMENT STANDARDS – BULK REGULATIONS, CHAPTER 30.86 SCC FEES, CHAPTER 30.91P SCC “P” DEFINITIONS, AND CHAPTER 30.91R SCC “R” DEFINITIONS, AND ADDING A NEW CHAPTER 30.33B SCC PLAYING FIELDS ON DESIGNATED RECREATIONAL LAND

(5) **Base permit fees.**⁽¹⁾ See also chapter 30.52A SCC.

Table 30.86.400(5) - BASE PERMIT FEES

COMMERCIAL	\$250
COMMERCIAL PLUMBING	\$125
COMMERCIAL MECHANICAL	\$125
COMMERCIAL MECHANICAL AND PLUMBING (not in conjunction with a commercial building permit)	\$125
MECHANICAL, PLUMBING, OR MECHANICAL, AND PLUMBING	\$80
RESIDENTIAL	\$80
<u>COMMERCIAL REVIEW FEE FOR PLAYING FIELDS ON DESIGNATED RECREATIONAL LAND IN ACCORDANCE WITH SCC 30.28.076 and CHAPTER 30.33B SCC</u>	<u>\$0</u>
Reference notes: (1) Base fees shall compensate the department for preliminary application screening and the establishment and administration of the permit application file.	

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(6) **Plan review fees.**⁽¹⁾ See also chapter 30.52A SCC.

Table 30.86.400(6) - PLAN REVIEW FEES

PLAN, DRAWING, OR DOCUMENT BEING REVIEWED	
•R-3, U-1 and U-3 Occupancies	65% of building permit fee
•A, I, R-1, E, H, F, LC, M, S, U-2 and B Occupancies	85% of building permit fee
EXCEPTIONS	
Successive construction ^{(2) (3)}	
•R-3, U-1 and U-3 Occupancies	20% of building permit fee
•R-1 Occupancies	45% of building permit fee
The plan review fee shall be supplemented for A, I, R-1, E, H, F, LC, M, S, U-2 and B Occupancies as follows:	
•Commercial permit application for 1 or more buildings or additions requiring site review	\$640
•Commercial permit application for 1 or more buildings or additions with a previously approved official site plan	\$500
•Tenant improvements not requiring site plan review	\$100

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ADDITIONAL REVIEW ⁽⁴⁾	\$200 or 25% of the plan review fee, whichever is less.
<u>PLAN REVIEW FEE FOR PLAYING FIELDS ON DESIGNATED RECREATIONAL LAND IN ACCORDANCE WITH SCC 30.28.076 and CHAPTER 30.33B SCC</u>	<u>\$0</u>

Reference notes:

- (1) Plan review fees shall compensate the department for the plan review necessary to determine compliance with the adopted uniform codes and other county regulations.
- (2) A plan review fee for successive construction will be assessed where more than one building or structure is proposed to be constructed in accordance with a single basic plan for the following classifications of buildings and structures:
 - (a) Group R-3 occupancies.
 - (b) Garages, carports, storage buildings, agricultural buildings, and similar structures for private use, none of which are located in commercial or industrial zones per chapter 30.21 SCC.
- (3) Procedures for approval of basic plans for successive construction shall be established by the director. Basic plans are transferable from one applicant to another only by explicit written permission of the owner.
- (4) This fee is charged whenever an applicant re-submits documents failing to make county-required corrections noted on "markup" plans, drawings, or such other documents during plan review; or whenever as a result of changes, additions, or revisions to previously approved plans, drawings or such other documents, a subsequent plan review is required.

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(7) Building permit fees.⁽¹⁾ See also chapter 30.52.A SCC.

Table 30.86.400(7) - BUILDING PERMIT FEES

TOTAL BUILDING/STRUCTURAL VALUATION ⁽²⁾	PERMIT FEE ^{(3) (4)}
\$1-\$500	\$23.50
\$501-\$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, including \$2,000
\$2001-\$25,000	\$69.25 for the first \$2,000 plus \$14.00 for each additional \$1,000 or fraction thereof, including \$25,000
\$25,001-\$50,000	\$391.25 for the first \$25,000 plus \$10.10 for each additional \$1000 or fraction thereof, including \$50,000
\$50,001-\$100,000	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1,000 or fraction thereof, including \$100,000
\$100,001-\$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, including \$500,000
\$500,001-\$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof, including \$1,000,000
Over \$1,000,000	\$5,608.75 for the first \$1,000,000 plus \$3.15 for each additional \$1,000 or fraction thereof.
FIRE SPRINKLER SYSTEM PLAN REVIEW	100% of valuation plus \$1.50/square foot

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BUILDING/STRUCTURAL PERMITS INCLUDING REQUIRED FIRE SPRINKLER SYSTEM PLANS	100% of valuation plus \$1.50/square foot
Reference notes: (1) Permit fees shall compensate the department for inspections necessary to determine compliance with the adopted uniform codes, other county regulations, and the approved plan. The fee table shall be applied separately to each building within a project and used for the calculation of all plan review and permit fees, except those for which a separate permit fee is required to be paid in accordance with subtitle 30 SCC. (2) Building valuation shall be based on the building valuation data sheet contained within each year's May/June "Building Standards" magazine published by the International Conference of Building Officials to be applied effective January 1, of each subsequent year. (3) Plan review and permit fees are based on 100% of the building valuation with these exceptions: >Accessory farm buildings & storage utility sheds 80% of valuation >Additions w/plumbing 110% of the main floor valuation >Dwellings without plumbing 90% of the main floor valuation >Foundation (existing structure) 10% of main floor valuation >Greenhouse (dirt floor, light frame/ plastic cover) 40% of valuation >Pole and roof only/no sides 40% of valuation (4) <u>Permit fees for playing fields on designated recreational land in accordance with SCC 30.28.076 and chapter 30.33B SCC shall be set at \$0, regardless of valuation. All buildings on the site shall be permitted on one permit.</u>	

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(8) Certificates of occupancy/changes of use fees. See also chapter 30.52A SCC.

Table 30.86.400(8) - CERTIFICATES OF OCCUPANCY/CHANGE OF USE FEES

CERTIFICATE OF OCCUPANCY	
Home occupation	\$100
Temporary or final, when applicant requests phased issuance for each structure or structures	
COMMERCIAL BUILDING CHANGE OF USE OR OCCUPANCY ⁽¹⁾	
Under 10,000 square feet	\$250
Over 10,000 square feet	\$500
Reference note: (1) This fee shall be deducted from the permit fee if a permit is required.	

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(9) **Special inspections and investigation fees.** See also chapter 30.52A SCC.

Table 30.86.400(9) - SPECIAL INSPECTIONS AND INVESTIGATION FEES

BUILDING AND MOBILE HOME PRE-MOVE INSPECTIONS	
Snohomish County inspection	\$60/hour-2 hour min
Outside Snohomish County inspection for move to Sno. Co.	\$120 plus \$0.28/mile
INSPECTIONS OUTSIDE NORMAL COUNTY BUSINESS HOURS	\$60/hour-2 hour min
INSPECTIONS FOR WHICH NO FEE IS OTHERWISE INDICATED	
REINSPECTION FEE ⁽¹⁾	\$60
INVESTIGATION FEE ⁽²⁾	100% of permit fee
Reference notes: (1) A fee assessed for work requiring an inspection or re-inspection when said work is not complete at the last inspection or re-inspection. No further inspection or re-inspection of the work will be performed until the required fees have been paid. (UBC Section 108.8). (2) A fee charged for work requiring a permit, which is commenced without first obtaining said permit. This fee shall be collected regardless of whether a permit is subsequently issued or not. (UBC Section 107.5).	

(10) Miscellaneous review and permit fees. ⁽¹⁾ See also chapter 30.52A SCC.

TABLE 30.86.400(10) - MISCELLANEOUS REVIEW AND PERMIT FEES

PRE-APPLICATION SITE REVIEW (\$200 to be applied towards site review/permit fees at time of application)	\$250
ACCESSORY BUILDINGS LESS THAN 1000 SQUARE FEET	50% of site review fee
BUILDING ADDITIONS	
CONVERSION OPTION HARVEST PLAN REVIEW	\$300
Sites larger than 10 acres	\$5/acre
CRITICAL AREA REVIEW FEE pursuant to chapter 30.62 SCC for: ⁽²⁾	
Single family residential dwellings, duplexes and accessory structures, and commercial structures with a complete professional critical area study and/or habitat management plan submitted at the time of application:	\$250
Delineation and categorizing services provided for erosion and landslide hazard areas only:	\$450
Delineation and categorizing services provided for streams and wetlands with or without erosion and landslide hazards:	\$1,200
Delineation, categorizing and habitat management plan services provided for endangered or threatened critical species pursuant to SCC 30.62.110:	\$1,600
COMPLETION PERMIT	\$50
CONDOMINIUM CONVERSION PERMIT (per unit)	\$50
DECK PERMIT	\$50
DEMOLITION PERMIT	\$50

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DOCK PERMIT	\$50
FIREPLACE PERMIT	\$50
SWIMMING POOL PERMIT	\$50
TEMPORARY BUILDING PERMIT	\$50
TITLE ELIMINATION	\$30
LOT STATUS DETERMINATION	\$100
ROOFING PERMIT ⁽²⁾	
11 to 25 squares	\$37
More than 25 squares	\$55
SITE REVIEW FOR NEW BUILDINGS OR ADDITIONS ⁽⁴⁾	\$100
SUCCESSIVE CONSTRUCTION SET-UP FEE	\$200
Reference notes:	
(1) These fees are charged in addition to building/structural plan and permit fees.	
(2) For single family residential (SFR) dwellings, duplexes, and accessory structures, and commercial structures 8,000 square feet or less subject to critical areas review per chapter 30.62 SCC.	
(3) No permit is required for use of 10 squares or less of roofing material.	
(4) If permits are sought for more than one lot within the same subdivision and the subdivision has been recorded within the previous year, and all the permit applications are submitted at the same time, the first lot's site review fee shall be for the full amount and the site review fee for each of the other lots shall be one-half the full fee amount.	

(11) Fee refunds. See also chapter 30.52A SCC.

The director shall refund all fees collected in error. In all other cases, upon request by an applicant within 180 days of fee payment, the director is authorized to refund 80 percent of any fee paid only if no work has commenced under the issued permit or plan review and the issued permit is surrendered with the request.

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Section 13. Snohomish County Code Section 30.86.500, adopted by Amended Ord. 02-064 on December 9, 2002, is amended to read:

Table 30.86.500 - SEPA FEES

CHECKLIST REVIEW/THRESHOLD DETERMINATION (TD) ^{(2), (3) (7)}	
Single family dwellings or duplex	\$350
Short Subdivisions	
0 to 4 lots	\$550
5 to 9 lots	\$650
Subdivisions	
0 to10 lots	\$650
11 to 20 lots	\$750
21 to 50 lots	\$900
51 to 100 lots	\$1,100
101 to 200 lots	\$1,350
Greater than 200 lots	\$1,600
Commercial (project actions requiring commercial zoning or commercial building permits, and multiple family construction in any zone:	
0 to 2 acres	\$500
3 to 5 acres	\$700
6 to 10 acres	\$850
11 to 20 acres	\$1,000

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21 to 100 acres	\$1,200
Greater than 100 acres	\$1,400
<u>ENVIRONMENTAL REVIEW FEES FOR PLAYING FIELDS ON DESIGNATED RECREATIONAL LAND IN ACCORDANCE WITH SCC 30.28.076 and CHAPTER 30.33B SCC</u>	<u>\$0</u>
Industrial (project actions requiring industrial zoning):	
0 to 2 acres	\$600
3 to 5 acres	\$800
6 to 10 acres	\$1,000
11 to 20 acres	\$1,200
21 to 100 acres	\$1,500
Greater than 100 acres	\$2,000
Threshold determinations for all other project actions not specifically listed:	\$500
Staff review of special studies submitted to supplement the environmental checklist	\$60/Hour
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS) ⁽⁴⁾⁽⁷⁾	
Review fee for school, park, and road mitigation	\$150
Review fee for wetland and related critical areas mitigation	\$600
Review fee for wetland and related critical areas mitigation for an individual single family residence	\$150
County professional staff time spent in making the determination beyond the scope of initial review of mitigation	\$60/Hour

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ENVIRONMENTAL IMPACT STATEMENT - See Footnote 6	
WITHDRAWAL OF DETERMINATION OF SIGNIFICANCE (DS) AND NEW TD ^{(5), (7), (8)}	Fee equal to original fee for environmental checklist review
<p>Reference notes:</p> <p>(1) These fees, which are in addition to any other fees provided for by law, shall be charged when Snohomish County is the lead agency for a non-county proposal.</p> <p>(2) The fee shall be collected prior to undertaking the threshold determination. Time periods provided in SCC 30.61.060 for making a threshold determination shall not begin to run until fee payment occurs.</p> <p>(3) Threshold determination fees required for these actions shall be reduced by the amount of the critical area review fee for such actions when critical area review is required: SFR dwellings, duplexes, accessory structures, and commercial structures 8,000 square feet or less per SCC 30.86.400(9); grading of 500 cubic yards or less per SCC 30.86.520; and short subdivisions per SCC 30.86.110.</p> <p>(4) For every mitigated threshold determination considered as provided by SCC 30.61.120 and WAC 197-11-350, one, or a combination of the following fees, shall be paid by the applicant. If after 30 days of the date an applicant receives "Notice of Payment Due" by certified mail, the required fees remain unpaid, the county shall discontinue action on the proposal, including postponement of scheduled hearings, until the fees are paid. Such fees are in addition to the initial threshold determination fees above.</p> <p>(5) This fee shall be charged for the additional environmental review conducted when a determination of significance is withdrawn and a new threshold determination is made for the same proposal. The fee shall be paid prior to issuance of the new threshold determination.</p> <p>(6)(a) The following EIS preparation and distribution costs shall be borne by the applicant or proponent:</p> <p>(i) Actual cost of the time spent by regular county professional, technical, and clerical employees required for the preparation and distribution of the applicant's impact statement. The costs shall be accounted for properly. No costs shall be charged for processing of the application which would be incurred with or without the requirement for an EIS or which are covered by the regular application fee;</p> <p>(ii) Additional costs, if any, for experts not employed by the county, texts, printing, advertising, and for any other actual costs required for the preparation and distribution of the EIS; and</p> <p>(iii) When an EIS is to be prepared by a consultant, actual consultant fees which shall be solely the responsibility of and billed directly to the applicant or proponent. The applicant or proponent shall also bear such additional county costs as provided for in (i) and (ii) above as are incurred in the review, revision, approval, and distribution of the EIS.</p> <p>(b) When an EIS is to be prepared by the county, following consultation with the applicant, the lead department shall inform the applicant of estimated costs and completion date for the draft EIS prior to accepting the deposit required by (4) above. Such estimate shall not constitute an offer or covenant by the lead department nor shall it be binding upon the county. In order to assure payment of the above county costs, the applicant or proponent shall post with the county cash, surety bond, or other sufficient and acceptable bond in the minimum amount of \$1,500 in accordance with chapter 30.84 SCC regarding bonding security administration.</p> <p>(c) If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected pursuant to reference note (4) above which remain after incurred costs are paid.</p> <p>(7) The county shall collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this title relating to the applicant's proposal.</p> <p>(8) The county may charge any person for copies of any document prepared under this title, and for mailing the document in the manner provided by chapter 42.17 RCW.</p>	

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Section 14. Snohomish County Code Section 30.86.510, adopted by Amended Ord. 02-064 on December 9, 2002, is amended to read:

30.86.510 Drainage. See also chapter 30.63A SCC.

(1) Purpose. This section establishes the fees required for all drainage reviews, approvals, and inspections conducted by the county in order to compensate the department for the costs of administering this title. These fees apply when a drainage review is a required component of a permit application or is a condition of a land use approval. Such fees are in addition to any other fees required by law.

(2) Drainage Fees.

Table 30.86.510(2) - DRAINAGE FEES

BASE FEE ⁽¹⁾	
Small parcel development (residential or other)	\$100
All other applications	\$250
DRAINAGE PLAN REVIEW FEES ^{(2),(3)}	
Targeted drainage plan	\$125
Full drainage plan for small parcel development (residential or other)	\$60/lot
Small parcel development (residential or other)	\$60
Commercial building permit or redevelopment (based on total impervious area)	\$0.023/square foot
Roads, private roads	\$0.25/lineal foot
Total maximum fee	\$300
Subdivision ⁽⁴⁾	\$375

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Plus \$ per lot	60
Short subdivision ⁽⁴⁾	\$250
Plus \$ per lot	60
All other drainage plan reviews	\$375
Plus \$ per acre	60
SUBSEQUENT REVIEW FEES ⁽⁵⁾	
Corrections or minor additions/revisions	50% of drainage plan review fee
Total maximum fee	\$200
Major additions/revisions	50% of drainage plan review fee
WAIVER OR MODIFICATION APPLICATION	\$200
DRAINAGE CONSTRUCTION INSPECTION FEE ^{(6),(7)}	Equal to drainage plan review fee
<u>DRAINAGE REVIEW FEES FOR PLAYING FIELDS ON DESIGNATED RECREATIONAL LAND IN ACCORDANCE WITH SCC 30.28.076 AND CHAPTER 30.33B SCC</u>	<u>\$0</u>
SECURITY ADMINISTRATION FEES	
Performance Security	\$19.50 per subdivision or short subdivision lot or \$0.005 per square foot of impervious area for commercial building permits
Warranty Security	\$26.00 per subdivision or short subdivision lot or \$0.007 per square foot of impervious area for commercial building permits
Maintenance Security	\$15.00 per subdivision or short subdivision lot or \$0.003 per square foot of impervious area for commercial building permits

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Reference notes:

(1) These fees are in addition to any other fees provided for by law, and apply when a drainage plan is a required component of a permit application or is a condition of a land-use approval. The fees consist of a plan check fee and a drainage construction permit fee.

(2) To be paid upon submittal of a drainage plan application. Drainage reviews associated with projects administered by Snohomish Soil Conservation District shall not be subject to the plan review and construction permit fee.

(3) Drainage plan check fees are cumulative for all that apply.

(4) When three or more contiguous lots are to be developed with a single townhouse building (zero lot line construction), a plan check fee of \$60.00 per building will be charged and the plan check fee will not be based on the number of lots. For tracts or other types of non-building lots, a plan check fee of \$60.00 per tract or lot shall be charged.

(5) These fees apply whenever an applicant fails to submit required corrections noted on "markup" plans, drawings, or such other documents during plan review, or whenever, as a result of changes, additions, or revisions to previously approved plans, drawings, or such other documents a subsequent plan review is required.

(6) To be paid prior to permit issuance.

(7) Refund of drainage construction inspection fees. Upon receiving an applicant's written request, the director may give a pro-rated refund of drainage construction inspection fees for documented reductions in grading quantities, square footage of impervious surface area, lineal feet of road, number of lots, or acreage. Such a request must be received within six months of project completion or upon acceptance by the county of drawings for recordation.

Section 15. Snohomish County Code Section 30.86.520, adopted by Amended Ord. 02-064 on December 9, 2002, is amended to read:

30.86.520 Grading fees. See also chapter 30.51 SCC.

(1) Purpose. This section establishes the fees required for all grading reviews, approvals and inspections conducted by the county in order to compensate the department for the costs of administering this chapter. Such fees are in addition to any other fees required by law.

(2) Basic grading fees.

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Table 30.86.520(2) - GRADING FEES

PRE-APPLICATION SITE REVIEW FEE ⁽¹⁾	\$250
SITE REVIEW FEE	\$100
BASE FEE	\$200
PLAN REVIEW AND INSPECTION FEE	\$0.33/cubic yard of total cut or fill amount, whichever is greater, not to exceed \$23,000.
CRITICAL AREA REVIEW FEE ⁽²⁾	\$250 for 500 cubic yards of grading or less
INVESTIGATION FEE (grading without a permit/pursuant to UBC section 107.5.1)	\$200 plus \$0.33/cubic yard of earth moved
<u>GRADING REVIEW FEES FOR PLAYING FIELDS ON DESIGNATED RECREATIONAL LAND IN ACCORDANCE WITH SCC 30.28.076 AND CHAPTER 30.33B SCC</u>	<u>\$0</u>
SITE REVIEW FEE	\$100
Reference notes: (1) \$200 shall be applied towards site review/permit fees at the time of application. (2) This fee is established for earthwork proposed within "Critical Areas" as determined pursuant to SCC 30.62.040.	

(3) Grading permit applications prepared by the Snohomish Conservation District for commercial agricultural activities shall not be subject to the plan review and inspection fee.

(4) Grading permits for dike or levee construction or reconstruction, when implementing a Snohomish County approved floodplain management plan, shall be subject to a plan review and inspection fee of \$60.00/hour.

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Section 16. Snohomish County Code Section 30.86.525, adopted by Amended Ord. 02-064 on December 9, 2002, is amended to read:

30.86.525 Critical area regulation fees

Table 30.86.525 - CRITICAL AREA REGULATION FEES

Activity	Fees
Monitoring, inspection, and administration of the performance security required for mitigation planting pursuant to SCC 30.62.070	\$80/hour
Critical area study (CAS) review pursuant to SCC 30.62.340 ⁽¹⁾	\$600
Habitat management plan (HMP) review pursuant to SCC 30.62.110 ⁽¹⁾	\$600
<u>Critical area review fees for playing fields on designated recreational land in accordance with SCC 30.28.076 and chapter 30.33B SCC</u>	<u>\$0</u>
Reference notes: (1) These fees do not apply where critical area review fees are required per SCC 30.86.400(10)	

Section 17. A new section is added to Chapter 30.91P of the Snohomish County Code to read:

30.91P.245 “Playing fields” means any grass playing field on designated recreational land and used for team sports such as baseball, soccer, softball, rugby, lacrosse, paintball, and football.

This definition applies only to "Playing Fields" regulations in chapter 30.33B SCC.

Section 18. A new section is added to Chapter 30.91R of the Snohomish County Code to read:

30.91R.035 “Recreational land” refers to a land use designation on the future land use map of the county’s GMA comprehensive plan and means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term

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commercial significance under RCW 36.70A.170. Designated recreational land must have playing fields and supporting facilities existing before July 1, 2004, and may be used only for athletic or related activities, playing fields, and supporting facilities for sports played on grass playing fields or for agricultural uses.

Section 19. Snohomish County Code 30.28.076, last amended by Ordinance No. 04-074 on July 28, 2004, is amended to read:

30.28.076 Recreational facility not otherwise listed.

Recreational facilities are allowed in A-10 zones with a conditional use permit, except within lands designated in the comprehensive plan (GPP) as local commercial farmland, upland commercial farmland, or riverway commercial farmland. New playing fields and supporting facilities within lands designated as recreational land in the comprehensive plan are allowed with an administrative conditional use permit.

(a) Permissible recreational uses shall include only non-motorized field games or sports and shall be conducted on uncovered fields under private ownership and control;

(b) Site development shall be depicted on a site development plan and shall include only the following temporary improvements: ball fields, dugouts, seating, fencing, field equipment, storage structures for sports and field maintenance equipment, concession stands, parking areas, and other such temporary improvements as may be associated with the proposed recreational use;

(c) All buildings and parking areas shall be set back a minimum of 50 feet from the property boundaries. If the recreational use produces adverse conditions that will unduly affect an adjacent agricultural use, the director may impose a larger setback in order to alleviate the effects of such adverse conditions, which include but are not limited to noise, vibration, dust, and light;

(d) All buildings shall be less than 300 square feet in size and located in proximity to the parking areas;

(e) A maximum of two concession stands are allowed and shall not include permanently installed food service equipment;

(f) Parking area and perimeter landscaping are required pursuant to Chapter 30.25 SCC and Chapter 30.26 SCC;

(g) Unfenced playing fields shall be set back 50 feet from property boundaries. Fields with a perimeter fence, a minimum of six feet in height, may be placed within the setback subject to perimeter landscaping requirements;

(h) No outdoor lighting is allowed;

(i) Uses are restricted to daylight hours only; and

(j) Structures shall meet all provisions of federal, state and local statute and laws, including provisions to assure water quality and flood protection.

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Section 20. Snohomish County Council 30.86.220, adopted by Amended Ordinance No. 02-064 on December 9, 2002 is amended to read:

Table 30.86.220 ADMINISTRATIVE CONDITIONAL USE PERMIT (ACU) FEES⁽²⁾

PRE-APPLICATION CONFERENCE FEE ⁽¹⁾	\$400
ADMINISTRATIVE CONDITIONAL USE (ACU) PERMIT	\$150
Except: ACU for Expansion of a nonconforming use	
Base fee	\$1,000
Plus \$ per acre	50
Total maximum fee	\$3,000
TIME EXTENSION REQUEST	\$100
MINOR REVISION REQUEST	\$200
MAJOR REVISION REQUEST	\$800
*TEMPORARY WOODWASTE RECYCLING PERMIT	\$500
*TEMPORARY WOODWASTE STORAGE PERMIT	\$500
ANNUAL RENEWAL FEE FOR ANY TEMPORARY USE	\$40
Reference note: (1) When an applicant chooses to utilize the pre-application process, the pre-application conference fee shall be credited toward the application fee upon submittal of said application if received within 12 months from the date of the pre-application conference. (2) <u>Administrative conditional use permit fees for playing fields on designated recreational land in accordance with SCC 30.28.076 shall be set at \$0.</u>	

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Section 21. 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 15th day of March, 2006

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ATTEST:

Sheela McCallum
Asst. Clerk of the Council

Kirke Sievers
Kirke Sievers, Council Chair

- ☒ APPROVED
☐ EMERGENCY
☐ VETOED

DATE: 3/28/06

ATTEST:

Guthrie A. Reardon

Aaron G. Reardon
Aaron G. Reardon
County Executive

Approved as to form only:

Deputy Prosecuting Attorney

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