



CO00016027

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 06-046

RELATING TO THE TRANSFER OF DEVELOPMENT RIGHTS; AMENDING SNOHOMISH COUNTY CODE (SCC) SECTION 30.21.025; AMENDING SCC 30.22.110; AMENDING SCC 30.22.130; AMENDING SCC 30.35A.010; AMENDING SCC 30.35A.020; ADDING A NEW SECTION SCC 30.35A.115; AMENDING SCC 30.35A.120; ADDING A NEW SECTION SCC 30.35A.125; AND AMENDING SCC 30.35A.130

WHEREAS, Snohomish County adopted Amended Ordinance No. 05-141 on December 21, 2005, establishing the policy and land use map basis within the Growth Management Act (GMA) Comprehensive Plan: General Policy Plan (GPP) for a Transfer of Development Rights (TDR) program, including requirements for TDR sending areas and receiving areas; and

WHEREAS, GPP LU Policy 14.A.6, specifies that TDR receiving areas shall be designated on the Future Land Use Map as a TDR receiving area overlay and depicted on the official zoning maps with an "RA" suffix applied to the underlying zoning classification; and

WHEREAS, on December 21, 2005, the county adopted Amended Ordinance No. 05-141, which established a TDR receiving area overlay designation on the future land use map for receiving area properties in the Arlington vicinity and Amended Ordinance No. 05-142, which rezoned the Arlington TDR receiving area to Rural Basic-5 (R-5)-RA; and

WHEREAS, pursuant to GPP LU Policy 14.A.9, Amended Ordinance No. 05-142 expanded the Arlington UGA to include the TDR receiving area conditioned upon execution of an interlocal agreement between the City of Arlington and the county; and

WHEREAS, pursuant to GPP LU Policy 14.A.9, the required interlocal agreement must commit the county to retaining existing zoning in the receiving area prior to annexation, thus ensuring that urban development within the receiving area will be compatible with the city's development standards and be served by adequate facilities; and

WHEREAS, the county and the City of Arlington are jointly developing an interlocal agreement intended to fulfill the conditions outlined in GPP LU Policy 14.A.9, and

WHEREAS, GPP LU Policy 1.C.5 provides the opportunity to defer zoning related to a UGA expansion in situations where urban infrastructure or special regulatory controls are needed and anticipated; and

WHEREAS, in order to fully implement requirements in the comprehensive plan and interlocal agreement for deferred rezoning, the county has developed code amendments establishing additional regulatory controls to apply within the R-5-RA zone following a UGA expansion; and

WHEREAS, the proposed code amendments also include minor corrections and clarifications to existing provisions, in addition to requirements for extinguishing TDR certificates following approval of receiving area development applications and provisions authorizing the Department of Planning and Development Services (PDS) to prepare TDR educational materials and to assist in facilitating TDR transactions; and

WHEREAS, a public hearing was held before the planning commission on May 23, 2006; and

WHEREAS, the planning commission considered the entire record, including public testimony, and on May 23, 2006, voted to recommend Ordinance No. 06-046; and

WHEREAS, the county council held a public hearing on July 19, 2006, to consider the entire record, including the planning commission's recommendation, and to hear public testimony on Ordinance No. 06-046; and

WHEREAS, the county council deliberated on the planning commission recommendation and public testimony on July 19, 2006.

NOW, THEREFORE, BE IT ORDAINED:

B-Section 1. The county council adopts and incorporates the foregoing recitals as findings and adopts and incorporates the following additional findings by reference as if set forth in full:

4.A. The findings and conclusions adopted in Amended Ordinance 05-141.

B. The findings and conclusions adopted in Amended Ordinance 05-142.

Section 2. The county council makes the following conclusions, based on its findings of facts and on the entire record of testimony and exhibits, including all written and oral testimony before the planning commission and county council.

B.A. Retaining existing zoning in TDR receiving areas prior to annexation is necessary to ensure compatibility with the city's development standards and to ensure service by adequate facilities.

G.B. The amendments to chapters 30.21 SCC and 30.22 SCC adopted by this ordinance are necessary to implement the TDR program, as envisioned in the comprehensive plan and interlocal agreement being negotiated between the county and the City of Arlington.

D.C. The amendments to chapters 30.21 SCC and 30.22 SCC adopted by this ordinance implement requirements for TDR interlocal agreements executed pursuant to GPP LU Policy 14.A.9.

E.D. The county has met all state and local requirements for interjurisdictional coordination, public notice and environmental review with regard to the amendments to chapters 30.21 SCC and 30.22 SCC adopted by this ordinance.

F.E. A Determination of Non-Significance (DNS) was issued on May 10, 2006, and satisfies the requirements of the State Environmental Policy Act with respect to this ordinance.

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

Section 3. 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 4. Snohomish County Code Section 30.21.025, adopted by Amended Ordinance No. 05-101 on December 21, 2005, is amended to read:

30.21.025 Intent of zones.

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

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

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plan.

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

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

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

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

(A) provide for single family dwellings, both attached and detached, or different styles, sizes, and prices at urban densities greater than those for strictly single family detached development, but less than multifamily development;

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

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

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

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

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

(i) Neighborhood Business (NB). The intent and function of the neighborhood business zone is to provide for local facilities that serve the everyday needs of the

surrounding neighborhood, rather than the larger surrounding community. Urban villages implemented under chapter 30.34A SCC Urban Centers Demonstration Program are only permitted within the Neighborhood Business (NB) zone;

(ii) Planned Community Business (PCB). The intent and function of the planned community business zone is to provide for community business enterprises in areas desirable for business but having highly sensitive elements of vehicular circulation, or natural site and environmental conditions while minimizing impacts upon these elements through the establishment of performance criteria. Performance criteria for this zone are intended to control external as well as internal effects of commercial development. It is the goal of this zone to discourage "piecemeal" and strip development by encouraging development under unified control. Urban centers implemented under chapter 30.34A SCC Urban Centers Demonstration Program are only permitted within the Planned Community Business (PCB) zone;

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

(iv) General Commercial (GC). The intent and function of the general commercial zone is to provide for a wide variety of retail and nonretail commercial and business uses. General commercial sites are auto-oriented as opposed to pedestrian or neighborhood oriented. Certain performance standards, subject to review and approval of an official site plan, are contained in chapter 30.31B SCC;

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

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

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

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

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

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

- (i) Business Park (BP). See description under SCC 30.21.025(1)(c)(vi);
- (ii) Light Industrial (LI). See description under SCC 30.21.025(1)(c)(vii);
- (iii) Heavy Industrial (HI). See description under SCC 30.21.025(1)(c)(viii);

and

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

(e) Mixed use zone. The mixed use (MU) zone shall only be applied to properties approved for an fully contained communities (FCC) in accordance with Chapter 30.33A SCC. Allowed and/or prohibited uses for the MU zone shall be administered through the FCC permit Master Plan pursuant to SCC 30.33A.100(9).

(i) Purposes. The MU zone is established to achieve the following purposes:

(A) To enable FCC development, pursuant to this chapter, with imaginative site and building design in a compatible mixture of land uses that will encourage pedestrian rather than automotive access to employment opportunities and goods and services;

(B) To ensure sensitivity in land use and design to adjacent land uses in the MU district, and avoid the creation of incompatible land uses;

(C) To ensure that all development in the FCC gives adequate consideration to and provides mitigation for the impacts it creates with respect to transportation, public utilities, open space, recreation and public facilities, and that circulation, solid waste disposal and recycling, water, sewer and storm water systems are designed to adequately serve the FCC; and

(D) To ensure that development protects and preserves the natural environment to the maximum extent possible, including but not limited to protection of the water quality of the county's rivers, contribution to the long-term solution of flooding problems, protection of wetlands and critical areas and protection of views of the county's foothills, mountains, open space areas, or other scenic resources within the county.

(ii) Objectives. Each proposal for development within the MU zone shall be in conformity with the FCC permit master plan and advance the achievement of the foregoing purposes of the MU zone and the following objectives:

(A) The preservation or creation of open space for the enjoyment of the residents of the FCC, employees of business located within the FCC and the general

public;

(B) The creation of attractive, pedestrian-oriented neighborhoods with a range of housing types, densities, costs and ownership patterns;

(C) The provision of employment opportunities and goods and services in close proximity to, interspersed with, or attached to residential uses;

(D) The provision of a balanced mix and range of land uses within and adjacent to the development that minimize the necessity for the use of automobiles on a daily basis;

(E) The use of highest quality architectural design and a harmonious use of materials;

(F) The provision of a range of street sizes and designs, including narrow streets designed principally for the convenience of pedestrians as well as streets of greater width designed primarily for vehicular traffic;

(G) The provision of commons, greens, parks or civic buildings or spaces as places for social activity and assembly for the community; and

(H) The provision of clustered development to preserve open space within the FCC while still achieving an overall desired density for the FCC.

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

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

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

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

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

(b) Rural Resource Transition - 10 Acre (RRT-10). The intent and function of the rural resource transition - 10 acre zone is to implement the rural residential-10

(resource transition) designation and policies in the comprehensive plan, which identify and designate rural lands with forestry resource values as a transition between designated forest lands and rural lands;

(c) Rural-5 Acre (R-5). The intent and function of the rural-5 acre zone is to maintain rural character in areas that lack urban services. Land zoned R-5 and having an RA overlay, depicted as R-5-RA on the official zoning map, is a Transfer of Development Rights (TDR) receiving area and, consistent with the comprehensive plan, will be retained in the R-5-RA zone until regulatory controls are in place which ensure that TDR certificates issued pursuant to SCC 30.35A.050 will be required for development approvals within the receiving area;

(d) Rural Business (RB). The intent and function of the rural business zone is to permit the location of small-scale commercial retail businesses and personal services which serve a limited service area and rural population outside established UGAs. This zone is to be implemented as a "floating zone" and will be located where consistent with specific locational criteria. The rural business zone permits small-scale retail sales and services located along county roads on small parcels that serve the immediate rural residential population, and for a new rural business, are located two and one-half miles from an existing rural business, rural freeway service zone, or commercial designation in the rural area. Rural businesses, which serve the immediate rural population, may be located at crossroads of county roads, state routes, and major arterials;

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

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

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

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

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

(b) Forestry and Recreation (F&R). The intent and function of the forestry and recreation zone is to provide for the development and use of forest land for the

production of forest products as well as certain other compatible uses such as recreation and to protect publicly-owned parks in UGAs;

(c) Agriculture-10 Acre (A-10). The intent and function of the agricultural-10 acre zone is:

(i) To implement the goals and objectives of the County General Policy Plan, which include the goals of protecting agricultural lands and promoting agriculture as a component of the County economy;

(ii) To protect and promote the continuation of farming in areas where it is already established and in locations where farming has traditionally been a viable component of the local economy; and

(iii) To permit in agricultural lands, with limited exceptions, only agricultural land uses and activities and farm-related uses that provide a support infrastructure for farming, or that support, promote or sustain agricultural operations and production including compatible accessory commercial or retail uses on designated agricultural lands.

(iv) Allowed uses include, but are not limited to:

(A) Storage and refrigeration of regional agricultural products;

(B) Production, sales and marketing of value-added agricultural products derived from regional sources;

(C) Supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production;

(D) Support services that facilitate the production, marketing and distribution of agricultural products;

(E) Off farm and on-farm sales and marketing of predominately regional agricultural products from one or more producers, agriculturally related experiences, products derived from regional agricultural production, products including locally made arts and crafts, and ancillary sales or service activities.

(F) Accessory commercial or retail uses which shall be accessory to the growing of crops or raising of animals and which shall sell products predominately produced on-site, agricultural experiences, or products, including arts and crafts, produced on-site. Accessory commercial or retail sales shall offer for sale a significant amount of products or services produced on-site.

(v) Allowed uses shall comply with all of the following standards:

(A) The uses shall be compatible with resource land service standards.

(B) The allowed uses shall be located, designed and operated so as not to interfere with normal agricultural practices.

(C) The uses may operate out of existing or new buildings with parking and other supportive uses consistent with the size and scale of agricultural buildings but shall not otherwise convert agricultural land to non-agricultural uses.

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

(i) preserve certain areas of the county which contain minerals of commercial quality and quantity for mineral conservation purposes and to prevent

incompatible land use development prior to the extraction of such minerals and materials and to prevent loss forever of such natural resources;

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

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

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

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

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

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

(b) Rural Conservation (RC);

(c) Rural Use (RU);

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

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

(f) Waterfront beach (WFB).

Section 5. Snohomish County Code Section 30.22.110, adopted by Amended Emergency Ordinance No. 06-011 on February 15, 2006, is amended to read:

30.22.110 Rural and Resource Zone Categories: Use Matrix

Type of Use	Rural Zones								Resource Zones			
	RD	RRT-10	R-5 XXA	R-5 w/MRO 107	RB	CRC	RFS	RI	F	F&R	A-10	MC
Accessory Apartment ⁶²	A	A	A	A	A				A	A	A	A
Agriculture ⁴¹	P	P	P	P	P	P	P	P	P	P	P	P
Airport: Stage 1 Utility ¹	C	C	C						C			
Antique Shop	C		C ⁴⁵		P ⁷⁹	P						
Art Gallery ⁴¹	C		C		P ⁷⁹	P						
Asphalt Batch Plant & Continuous Mix Asphalt Plant												P
Auto Repair, Minor					P ⁷⁸	P	P					
Auto Towing	C		C	C								
Bakery					P ⁷⁸	P						
Bakery, Farm ⁹⁷	P	P	P		P			P		P	P	
Bed and Breakfast Guesthouse ⁶⁸	C		C		P				C	C	A	
Bed and Breakfast Inn ⁶⁸	C		C		P				C	C	C	
Boarding House	P ¹⁵	P ¹⁵	P ¹⁵						P ¹⁵		P ¹⁵	
Boat Launch, Commercial ³¹		C								C		
Boat Launch, Non-commercial ³¹	C		C	C	C				C	C		
Campground										C ³²		
Caretaker's Quarters	P		C	C				P				P
Carport	P	P	P	P	P	P	P	P	P	P	P	P
Cemetery, Columbarium, Crematorium, Mausoleum ⁴¹	P		C									
Church ⁴¹	P		C		C	P						
Cold Storage								P				
Commercial Vehicle Home Basing			C ³³	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 ⁴¹	P	P	P	P	P				P	P	P	
Drug Store					P ⁷⁹	P						
P - Permitted Use	A blank box indicates a use is not allowed in a specific zone. 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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30.22.110 Rural and Resource Zone Categories: Use Matrix

Type of Use	Rural Zones								Resource Zones			
	RD	RRT-10	R-5 XXX	R-5 w/MRO 107	RB	CRC	RFS	RI	F	F&R	A-10	MC
Dwelling, Duplex	P	P	P	P					P		P	
Dwelling, Mobile Home	P	P	P	P		P ⁶			P	P	P	P
Dwelling, Single Family	P	P	P	P		P			P	P	P	P
Equestrian Center ^{41, 70, 72}	P	C	C						C	P	C ⁷⁰	
Excavation & Processing of Minerals ²⁸	A,C	A,C	A,C	A,C				A,C	A,P,C	A,C		A,C
Explosives, Storage	C	C	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	P
Family Day Care Home ⁸	P		P		P	P			P		P	
Farm Product Processing Up to 5,000 sq ft Over 5,000 sq ft ⁹⁴	P A	P A	P A		P A			P A	P A		P A	
Farm Support Business ⁹⁴	A	A	A		A			P			A	
Farm Stand Up to 400 sq ft ⁹ 401 – 5,000 sq ft ^{99, 100}	P P	P P	P ¹⁰⁰ P, A ¹⁰⁰		P P	P P	P P	P P	P P	P P	P P	P
Farm Workers Dwelling											P ¹⁰	
Farmers Market ⁹³	P	P	P ¹⁰¹ A ¹⁰¹		P	P	P	P			P	
Farmland Enterprises ⁹⁶		A	A								A	
Fish Farm	P	P	P						P	P	P	
Fix-it Shop					P ⁷⁸	P		P				
Forestry	P	P	P					P	P	P	P	P
Forestry Industry Storage & Maintenance Facility	P ³⁰	P						P	P	P		
Foster Home	P	P	P	P	P				P		P	
Garage, Private ⁶⁰ Up to 1,800 sq ft	P	P	P		P	P	P	P ⁷⁸	P	P	P	P
1,801 – 4,000 sq ft on More than 3 acres ^{41, 59}	P	P	P		P	P	P	P	P	P	P	P
1,801 and > on Less than 3 acres ^{41, 59}	A	A	A		A	A	A		A	A	A	A
4,001 sq ft and Greater ^{41, 59}	A	A	A			A	A		A	A	A	A
Golf Course and Driving Range	C		C								C ⁷⁴	
Government Structures & Facilities ^{27, 41}	C	C	C		C	P		C	C	C		C
Greenhouse, Lath House, Nurseries: ⁵² Retail	P	P	P		P	P		P	P		P	
Greenhouse, Lath House, Nurseries: ⁵² Wholesale	P	P	P		P			P	P		P	
Grocery Store					P ⁸⁰	P	P ⁸⁰					
Grooming Parlor						P						
Guesthouse ⁵⁵	P	P	P		P				P	P	P	
P - Permitted Use	A blank box indicates a use is not allowed in a specific zone. 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												

30.22.110 Rural and Resource Zone Categories: Use Matrix

Type of Use	Rural Zones								Resource Zones			
	RD	RRT-10	R-5 XXX	R-5 w/MRO 107	RB	CRC	RFS	RI	F	F&R	A-10	MC
Hardware Store					P ⁸⁰	P						
Hazardous Waste Storage & Treatment Facilities Onsite ⁶⁶	P				P		P	P	P	P		
Health and Social Service Facility ⁹⁰												
Level I	P	P	P		P	P			P	P	P	P
Level II ^{41 91}			C		C							
Level III												
Home Improvement Center					P ⁸⁰	P						
Home Occupation ^{11, 84}	P ⁶⁴	P ⁶⁴	P ⁶⁴	P ⁶⁴	P ⁶⁴	P			P ⁶⁴	P ⁶⁴	P ⁶⁴	P ⁶⁴
Homestead Parcel ⁴⁰	C		C								C	
Hotel/Motel					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-All Other Forms Not Specifically Listed ⁸³					C			C				
Metal Working Shop					P ⁷⁸			P				
Mini-equestrian Center ^{41, 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						
Off-road vehicle use area, private										C ¹⁰⁹		
Park, Public ¹⁴	P	P	P		P	P		P	P	P	P	P
Park-and-Pool Lot					P	P	P	P				
Park-and-Ride Lot	C	C	C	C	P		P		C	C	C	
Personal Services Shop					P ⁷⁹	P						
Personal Wireless Communications Facilities ^{27, 41, 104, 105, 106}	C	C	C		C	C	C	C	C	C	C	C
Petroleum Products & Gas Storage – Bulk								P ⁴³				
Print shop					P							
Public Events/Assemblies on Farmland ⁹⁸											P	
Race Track ^{24, 41}			C									
Railroad Right-of-way	C	C	C			P		P	C	C	C	C
P - Permitted Use	A blank box indicates a use is not allowed in a specific zone. 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												

30.22.110 Rural and Resource Zone Categories: Use Matrix

Type of Use	Rural Zones								Resource Zones			
	RD	RRT-10	R-5 xxx	R-5 w/MRO 107	RB	CRC	RFS	RI	F	F&R	A-10	MC
Recreational Facility Not Otherwise Listed ⁹⁸	C		C			P		P ⁷⁹			C	
Recreational Vehicle ¹⁹	P	P	P	P					P	P	P	
Recreational Vehicle Park										C		
Resort										C		
Restaurant					P ⁸⁰	P	P					
Retail Store					P ⁸⁰	P						
Rural Industries ⁴¹	P ²⁵											
Sanitary Landfill	C	C	C						C			C
Sawmill	C ²⁶	C ²⁶	C ²⁶					P	P	P		
Schools												
K-12 & Preschool ^{41, 68}	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 ⁹²	C	C	C	C					C			
Sludge Utilization ³⁹	C	C, P ⁵⁰	C						C		C	C ⁵⁶
Small Animal Husbandry ⁴¹	P		P	P		P			P	P	P	P
Specialty Store					P ⁷⁸	P						
Stables	P	P	P	P	P			P	P	P	P	
Stockyard or Slaughter House								C ⁴⁸				
Storage, Retail Sales Livestock Feed			P ⁵⁴		P			P			P	
Storage Structure ⁶⁹												
Up to 1,800 sq ft	P	P	P		P ⁷⁹			P ⁷⁸	P	P	P	P
1,801 – 4,000 sq ft on More Than 3 Acres ^{41, 59}	P	P	P		P ⁷⁹			P	P	P	P	P
1,801 – 4,000 sq ft on Less Than 3 acres ^{41, 59}	A	A	A		A ⁷⁹			A	A	A	A	A
4,001 sq ft and Greater ^{41, 59}	A	A	A					A	A	A	A	A
Studio ⁴¹	C ⁷⁷		C ⁷⁷									
Swimming/Wading Pool ^{17, 41}	P	P	P						P	P	P	P
Tavern ⁴¹					P	P						
Temporary Dwelling During Construction	A	A	A	A	A	A	A	A	A	A	A	A
Temporary Dwelling For Relative ¹⁸	A	A	A	A					A	A	A	A
Temporary Logging Crew Quarters									P	P		
Temporary Residential Sales Coach ⁷³	A		A									
P - Permitted Use		A blank box indicates a use is not allowed in a specific zone. 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												

30.22.110 Rural and Resource Zone Categories: Use Matrix

Type of Use	Rural Zones								Resource Zones			
	RD	RRT-10	R-5 ΔΔΔ	R-5 w/MRO 107	RB	CRC	RFS	RI	F	F&R	A-10	MC
Temporary Woodwaste Recycling ⁸³	A							A	A			
Temporary Woodwaste Storage ⁸³	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			
Utility Facilities, Electromagnetic Transmission & Receiving Facilities ²⁷	C	C	C	C	C	P	C	P	C	C	C	C
Utility Facilities, Transmission Wires or Pipes & Supports ²⁷	P	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities-All Other Structures ^{27, 41}	C	C	C	C	C	P	C	P	C	C	C	C
Veterinary Clinic	P		C		P	P					C	
Wedding Facility ⁸⁷		P	P								P	
Woodwaste Recycling ⁸⁷	C	C	C	C				C	C			
Woodwaste Storage ⁸⁷	C	C	C	C				C	C			
Yacht/Boat Club					P			P				

P - Permitted Use	A blank box indicates a use is not allowed in a specific zone. 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	

Section 6. Snohomish County Code Section 30.22.130, adopted by Emergency Ordinance No. 06-011 on February 15, 2006, is amended to read:

30.22.130 Reference notes for use matrix.

- (1) Airport, Stage 1 Utility:
 - (a) Not for commercial use and for use of small private planes; and
 - (b) In the RU zone, they shall be primarily for the use of the resident property owner.
- (2) Day Care Center:
 - (a) In WFB, R-7,200, R-8,400, R-9,600, R-12,500, R-20,000, and SA-1 zones, shall only be permitted in connection with and secondary to a school facility or place of worship; and
 - (b) Outdoor play areas shall be fenced or otherwise controlled, and noise buffering provided to protect adjoining residences.
- (3) Dock and Boathouse, Private, Non-commercial:
 - (a) The height of any covered over-water structure shall not exceed 12 feet as measured from the line of ordinary high water;
 - (b) The total roof area of covered, over-water structures shall not exceed 1,000 square feet;

(c) The entirety of such structures shall have a width no greater than 50 percent of the width of the lot at the natural shoreline upon which it is located;

(d) No over-water structure shall extend beyond the mean low water mark a distance greater than the average length of all preexisting over-water structures along the same shoreline and within 300 feet of the parcel on which proposed. Where no such preexisting structures exist within 300 feet, the pier length shall not exceed 50 feet;

(e) Structures permitted hereunder shall not be used as a dwelling, nor shall any boat moored at any wharf be used as a dwelling while so moored; and

(f) Covered structures are subject to a minimum setback of three feet from any side lot line or extension thereof. No side yard setback shall be required for uncovered structures. No rear yard setback shall be required for any structure permitted hereunder.

(4) Dwelling, Single family: In PCB zones, shall be allowed only if included within the same structure as a commercial establishment.

(5) Dwelling, Townhouse shall be:

(a) Subject to all conditions of chapter 30.31E SCC;

(b) Subject to the maximum density allowed by the appropriate implementing zone for the comprehensive plan designation applied to the site;

(c) A permitted use when placed on individual lots created by the subdivision process; and

(d) A conditional use when located on individual lots not created through the subdivision process.

(6) Dwelling, Mobile Home:

(a) Shall be multi-sectioned by original design, with a width of 20 feet or greater along its entire body length;

(b) Shall be constructed with a non-metallic type, pitched roof;

(c) Except where the base of the mobile home is flush to ground level, shall be installed either with:

(i) skirting material which is compatible with the siding of the mobile home; or

(ii) a perimeter masonry foundation;

(d) Shall have the wheels and tongue removed; and

(e) In the RU zone the above only applies if the permitted lot size is less than 20,000 square feet.

(7) Fallout Shelter, Joint, by two or more property owners:

Side and rear yard requirements may be waived by the department along the boundaries lying between the properties involved with the proposal, and zone; provided that its function as a shelter is not impaired.

(8) Family Day Care Home:

(a) No play yards or equipment shall be located in any required setback from a street; and

(b) Outdoor play areas shall be fenced or otherwise controlled.

(9) Farm Stand:

(a) There shall be only one stand on each lot; and

(b) At least 50% by farm product unit of the products sold shall be grown, raised or harvested in Snohomish County, and 75% by farm product unit of the products sold shall be grown, raised or harvested in the State of Washington.

(10) Farm Worker Dwelling:

(a) At least one person residing in each farm worker dwelling unit shall be employed full time in the farm operation;

(b) An agricultural farm worker dwelling unit affidavit must be signed and recorded with the county attesting to the need for such dwellings to continue the farm operation;

(c) The number of farm worker dwellings shall be limited to one per each 40 acres under single contiguous ownership to a maximum of six total dwellings, with 40 acres being required to construct the first accessory dwelling unit. Construction of the maximum number of dwelling units permitted shall be interpreted as exhausting all residential potential of the land until such time as the property is legally subdivided; and

(d) All farm worker dwellings must be clustered on the farm within a 10-acre farmstead which includes the main dwelling. The farmstead's boundaries shall be designated with a legal description by the property owner with the intent of allowing maximum flexibility while minimizing interference with productive farm operation. Farm worker dwellings may be located other than as provided for in this subsection only if environmental or physical constraints preclude meeting these conditions.

(11) Home Occupation: See SCC 30.28.050(1).

(12) Kennel, Commercial: There shall be a five-acre minimum lot area; except in the R-5 and RD zones, where 200,000 square feet shall be the minimum lot area.

(13) Kennel, Private-breeding, and Kennel, Private Non-breeding: Where the animals comprising the kennel are housed within the dwelling, the yard or some portion thereof shall be fenced and maintained in good repair or to contain or to confine the animals upon the property and restrict the entrance of other animals.

(14) Parks, Publicly-owned and Operated:

(a) No bleachers are permitted if the site is less than five acres in size;

(b) All lighting shall be shielded to protect adjacent properties; and

(c) No amusement devices for hire are permitted.

(15) Boarding House: There shall be accommodations for no more than two persons.

(16) RESERVED for future use (Social Service Center - DELETED by Amended Ord. 04-010 effective March 15, 2004)

(17) Swimming/Wading Pool (not to include hot tubs and spas): For the sole use of occupants and guests:

(a) No part of the pool shall project more than one foot above the adjoining 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;

AMENDED ORDINANCE NO. 06-046

RELATING TO THE TRANSFER OF DEVELOPMENT RIGHTS; AMENDING SNOHOMISH COUNTY CODE (SCC) SECTION 30.21.025; AMENDING SCC 30.22.110; AMENDING SCC 30.22.130; AMENDING SCC 30.35A.010; AMENDING SCC 30.35A.020; ADDING A NEW SECTION SCC 30.35A.115; AMENDING SCC 30.35A.120; ADDING A NEW SECTION SCC 30.35A.125; AND AMENDING SCC 30.35A.130

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

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

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

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

(19) Recreational Vehicle:

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

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

(20) Ultralight Airpark:

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

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

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

(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:

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

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

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

(29) Medical Clinic, Licensed Practitioner: A 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.

AMENDED ORDINANCE NO. 06-046

RELATING TO THE TRANSFER OF DEVELOPMENT RIGHTS; AMENDING SNOHOMISH COUNTY CODE (SCC) SECTION 30.21.025; AMENDING SCC 30.22.110; AMENDING SCC 30.22.130; AMENDING SCC 30.35A.010; AMENDING SCC 30.35A.020; ADDING A NEW SECTION SCC 30.35A.115; AMENDING SCC 30.35A.120; ADDING A NEW SECTION SCC 30.35A.125; AND AMENDING SCC 30.35A.130

- (32) Campground:
- (a) The maximum overall density shall be seven camp or tent sites per acre; and
 - (b) The minimum site size shall be 10 acres.
- (33) Commercial Vehicle Home Basing:
- (a) The vehicles may be parked and maintained only on the property wherein resides a person who uses them in their business;
 - (b) Two or more vehicles may be so based; and
 - (c) The vehicles shall be in operable conditions.
- (34) Distillation of Alcohol:
- (a) The distillation shall be from plant products, for the purpose of sale as fuel, and for the production of methane from animal waste produced on the premises;
 - (b) Such distillation shall be only one of several products of normal agricultural activities occurring on the premises; and
 - (c) By-products created in this process shall be used for fuel or fertilizer on the premises.
- (35) RESERVED for future use (Group Care Facility - DELETED by Amended Ord. 04-010 effective March 15, 2004)
- (36) Mobile Home and Travel Trailer Sales:
- (a) Property shall directly front upon a principal or minor arterial in order to reduce encroachment into the interior of IP designated areas;
 - (b) The hearing examiner shall consider the visual and aesthetic characteristics of the use proposal and determine whether nearby business and industrial uses, existing or proposed, would be potentially harmed thereby. A finding of potential incompatibility shall be grounds for denial;
 - (c) The conditional use permit shall include a condition requiring mandatory review by the hearing examiner at intervals not to exceed five years for the express purpose of evaluating the continued compatibility of the use with other IP uses. The review required herein is in addition to any review which may be held pursuant to SCC 30.42B.100, SCC 30.42C.100 and SCC 30.43A.100;
 - (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) 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(20).
- (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.

(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 30.28.085.

(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) Private garages and storage structures are subject to the following requirements:

(a) Special setback requirements for these uses are contained in SCC 30.23.110(20);

(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) For all garages and storage structures larger than 1,800 square feet, building plans shall document a residential appearance and use building materials compatible and consistent with existing on-site or adjacent residential development exterior finishes; and

(d) The applicant shall propose a vegetative screening plan with the building permit or conditional use permit application 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 and frontage, as necessary, to effectively accomplish this objective. At the director's discretion, existing natural vegetation or other adequate visual screening may be approved if it is determined that it meets the intent of this requirement. After a site visit, the director may also determine that the vegetative screening is not warranted due to existing circumstances on the site or adjacent properties. When a vegetative screen is required, the minimum planting requirements of SCC 30.25.015(5) shall apply.

(60) The cumulative square footage of all private garages and storage structures shall not exceed 6,000 square feet on any lot less than 5 acres, except this provision shall not apply in the LDMR, MR, T, NB, GC, PCB, CB, FS, BP, IP, LI, HI, RB, RFS, CRC and RI zones.

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

(62) Accessory Apartments: See SCC 30.28.010.

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

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

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

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

(67) Adult Entertainment Uses: See SCC 30.28.015.

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

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

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

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

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

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

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

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

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

parking areas from adjacent properties;

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

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

(g) The facility shall comply with all applicable 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

(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 30.25.017.

(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:

AMENDED ORDINANCE NO. 06-046

RELATING TO THE TRANSFER OF DEVELOPMENT RIGHTS; AMENDING SNOHOMISH COUNTY CODE (SCC) SECTION 30.21.025; AMENDING SCC 30.22.110; AMENDING SCC 30.22.130; AMENDING SCC 30.35A.010; AMENDING SCC 30.35A.020; ADDING A NEW SECTION SCC 30.35A.115; AMENDING SCC 30.35A.120; ADDING A NEW SECTION SCC 30.35A.125; AND AMENDING SCC 30.35A.130

(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.028.

(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 in Ag-10 zone: 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.

AMENDED ORDINANCE NO. 06-046

RELATING TO THE TRANSFER OF DEVELOPMENT RIGHTS; AMENDING SNOHOMISH COUNTY CODE (SCC) SECTION 30.21.025; AMENDING SCC 30.22.110; AMENDING SCC 30.22.130; AMENDING SCC 30.35A.010; AMENDING SCC 30.35A.020; ADDING A NEW SECTION SCC 30.35A.115; AMENDING SCC 30.35A.120; ADDING A NEW SECTION SCC 30.35A.125; AND AMENDING SCC 30.35A.130

(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.

(104) Personal wireless telecommunications service facilities: See chapter 30.28A SCC and landscaping standards in SCC 30.25.025.

(105) Personal wireless telecommunications service facilities are subject to a building permit pursuant to SCC 30.28A.020 and the development standards set forth in chapter 30.28A SCC and landscaping standards in SCC 30.25.025.

(106) A building permit only is required for facilities co-locating on existing utility poles, towers, and/or antennas unless otherwise specified in 30.28A SCC.

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

(108) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) and located within the NB or PCB zones may include the permitted uses in these zones. Uses listed in SCC 30.34A.100(5) and conditional uses in the NB and PCB zones are prohibited in these projects.

(109) Privately operated off-road vehicle (ORV) use areas shall be allowed by conditional use permit on Forestry and Recreation (F&R) zoned property designated Forest on the comprehensive plan future land use map. These areas shall be identified by an F&R ORV suffix on the zoning map. Privately operated ORV use areas are regulated pursuant to SCC 30.28.080, SCC 30.28.085 and other applicable county codes.

(XXX) Land zoned R-5 and having an RA overlay, depicted as R-5-RA on the official zoning map, is a Transfer of Development Rights (TDR) receiving area and, consistent with the comprehensive plan, will be retained in the R-5-RA zone until regulatory controls are in place which ensure that TDR certificates issued pursuant to SCC 30.35A.050 will be required for development approvals within the receiving area.

Section 7. Snohomish County Code Section 30.35A.010, adopted on December 15, 2004, by Amended Ordinance No. 04-123, is amended to read:

30.35A.010 Transfer of development rights (TDR) – purpose and applicability.

(1) Purpose. The purpose of this chapter is to establish a voluntary and incentive-based process, based on free market principles, ((for)) to conserve natural resource and open space lands for the use and enjoyment of future generations by allowing the transfer of development rights from ((one property to another in order to preserve)) lands with significant conservation values ((, including natural resource lands and open space, for the use and enjoyment of future generations)) to lands considered more appropriate for development. Subject to the requirements of this chapter, ((T))the transfer of development rights from sites located within TDR sending areas to sites located within TDR receiving areas ((one property to another)) is allowed in order to:

(a) permanently preserve natural resource and open space lands with countywide public benefit;

(b) provide flexibility and better use of land and building techniques;

(c) help preserve commercial farmlands designated as TDR sending areas by reducing residential development within such areas; and

((d)) [RESERVED];

AMENDED ORDINANCE NO. 06-046

RELATING TO THE TRANSFER OF DEVELOPMENT RIGHTS; AMENDING SNOHOMISH COUNTY CODE (SCC) SECTION 30.21.025; AMENDING SCC 30.22.110; AMENDING SCC 30.22.130; AMENDING SCC 30.35A.010; AMENDING SCC 30.35A.020; ADDING A NEW SECTION SCC 30.35A.115; AMENDING SCC 30.35A.120; ADDING A NEW SECTION SCC 30.35A.125; AND AMENDING SCC 30.35A.130

~~((e)) [RESERVED];~~

~~((f))~~ (d) implement the goals, policies, and objectives of the countywide planning policies, the comprehensive plan, and the provisions of this chapter.

(2) Applicability. The requirements of this chapter do not apply to the processing or issuance of building permits or other development approvals. This chapter supplements county land use regulations and resource land protection efforts by establishing requirements for:

(a) determining the number of certified development rights that a sending site is eligible to transfer based on the overall developable area of the site multiplied by a transfer ratio, which is intended to provide an incentive for use of the TDR program;

(b) issuing TDR certificates reflecting the number certified development rights that a sending site is eligible to transfer;

(c) conveying TDR certificates and recording conservation easements that restrict development on ~~((a))~~ sending sites;

(d) ~~((creating))~~ qualifying TDR sending sites and TDR receiving ((areas)) sites, in accordance with the comprehensive plan;

(e) applying certified development rights to TDR receiving sites and the extent of increased development allowed on receiving sites; ~~((and))~~

(f) ~~((purchase))~~ purchasing, holding and ~~((sale of))~~ selling certified development rights by the county; and

(g) interlocal agreements providing for the use of TDR certificates within incorporated TDR receiving areas.

Section 8. Snohomish County Code Section 30.35A.020, adopted on December 15, 2004, by Amended Ordinance No. 04-123, is amended to read:

30.35A.020 Transfer of development rights (TDR) – overview.

(1) Issuance and conveyance of TDR certificates. Subject to the requirements of this chapter, sending site owners may obtain from the department serially numbered TDR certificates reflecting the number of certified development rights that may be transferred from the sending site ~~((to))~~ owner to a purchaser, and which may thereafter be freely transferred from purchaser to purchaser until ultimately applied to a receiving site located within a receiving area. The number of certified development rights credited to a sending site is determined based on the overall developable area of the sending site. TDR certificates may be ~~((transferred))~~ applied to receiving sites pursuant to the requirements of this chapter or applicable city regulations.

(2) Grant of TDR conservation easement. TDR certificates may be issued in exchange for a conservation easement granted to the county pursuant to the requirements of this chapter. The TDR conservation easement is used to conserve, for agricultural use, the sending site for which ~~((TDRs))~~ TDR certificates are certified.

(3) Application of certified development rights to receiving areas. Subject to the requirements of this chapter or applicable city regulations, certified development rights, as reflected by properly issued TDR certificates, may be used to obtain development incentives within designated TDR receiving areas ~~((created pursuant to the requirements of this chapter)).~~

(4) County purchase, holding and sale of certified development rights. Subject to the requirements of this chapter, the county may purchase certified development rights from the TDR Pilot Program sending area and hold those rights for subsequent resale.

AMENDED ORDINANCE NO. 06-046

RELATING TO THE TRANSFER OF DEVELOPMENT RIGHTS; AMENDING SNOHOMISH COUNTY CODE (SCC) SECTION 30.21.025; AMENDING SCC 30.22.110; AMENDING SCC 30.22.130; AMENDING SCC 30.35A.010; AMENDING SCC 30.35A.020; ADDING A NEW SECTION SCC 30.35A.115; AMENDING SCC 30.35A.120; ADDING A NEW SECTION SCC 30.35A.125; AND AMENDING SCC 30.35A.130

Section 9. A new section is added to Snohomish County Code Chapter 30.35A to read:

30.35A.115 Transfer of development rights (TDR) – ~~((transfer))~~ application of TDR certificates to receiving sites and extinguishment of TDR certificates.

(1) ~~((Transfer))~~ Application to a TDR receiving site. TDR certificates shall be considered ~~((transferred))~~ applied to a receiving site when a final decision has been made approving the receiving site development activity for which the TDR certificates are provided.

(2) Effect of ~~((transfer))~~ applying TDR certificates to a receiving site. TDR certificates that have been ~~((transferred))~~ applied to a receiving site pursuant to subsection 1 of this section shall be considered void by the county and may not be applied to receiving sites pursuant to this chapter; provided, however, that if a decision approving a receiving site development activity is appealed, the TDR certificates provided in connection with that approval shall not be considered void under this section unless the decision approving the development activity is affirmed following the exhaustion of all administrative and judicial appeals.

(3) TDR extinguishment document required. Upon ~~((transfer))~~ application to a receiving site pursuant to subsection 1 of this section, the applicant receiving approval of a receiving site development activity shall provide a TDR extinguishment document to the department. The TDR extinguishment document shall be on a form provided by the department and shall include the serial number of each TDR certificate that has been ~~((transferred))~~ applied to a receiving site and the legal description of the receiving site to which the certificate(s) have been applied.

Section 10. A new section is added to Chapter 30.35A SCC to read:

30.35A.125 Transfer of development rights (TDR) – interlocal agreements for incorporated TDR receiving areas.

(1) Authorization. Subject to final approval by the county council, the county executive is authorized to negotiate and execute interlocal agreements with cities providing for the use of TDR certificates issued pursuant to this chapter in connection with development approvals within incorporated TDR receiving areas designated or zoned by a city. Execution of such agreements by the county shall be subject to the applicable requirements of this chapter and the comprehensive plan.

(2) Substantive requirements. Interlocal agreements executed by the county pursuant to subsection 1 of this section shall provide for the use of TDR certificates issued by the county pursuant to SCC 30.35A.050 in connection with development applications within TDR receiving areas following annexation. Such agreements shall also contain additional provisions necessary to implement the comprehensive plan, including a process by which the city shall provide TDR certificates and an associated TDR extinguishment document to the county following transfer of the TDR certificates to an incorporated receiving site consistent with the requirements of SCC 30.35A.115.

Section 11. Snohomish County Code Section 30.35A.130, adopted on December 15, 2004, by Amended Ordinance No. 04-123, is amended to read:

AMENDED ORDINANCE NO. 06-046

RELATING TO THE TRANSFER OF DEVELOPMENT RIGHTS; AMENDING SNOHOMISH COUNTY CODE (SCC) SECTION 30.21.025; AMENDING SCC 30.22.110; AMENDING SCC 30.22.130; AMENDING SCC 30.35A.010; AMENDING SCC 30.35A.020; ADDING A NEW SECTION SCC 30.35A.115; AMENDING SCC 30.35A.120; ADDING A NEW SECTION SCC 30.35A.125; AND AMENDING SCC 30.35A.130

30.35A.130 Transfer of development rights (TDR) – purchase, holding, and sale of certified development rights.

(1) Authorization. The county may from time to time buy, hold, and sell certified development rights in accordance with the requirements of this chapter.

(2) Purchase of certified development rights. The county may, at its discretion, publish requests for proposals to purchase certified development rights from landowners of sending sites located within the TDR pilot program sending area. Requests for proposals shall be published in a newspaper of general circulation at least thirty days prior to the last date upon which proposals shall be accepted. The request shall state the requirements for submitting proposals, including the deadline for submission, the name and address of the county contact person, the proposed sale price, and any additional information required to be included in the proposal. Proposals received by the county in response to such requests shall be reviewed by the TDR advisory committee pursuant to SCC 30.35A.140, and the department shall present the committee's recommendations concerning the proposals to the county council. Subject to authorization by the county council, the purchase of certified development rights shall be conducted by the county executive consistent with the requirements of this chapter.

(3) Holding certified development rights. Certified development rights acquired by the county shall be deposited into and held in a TDR fund, established by ordinance.

(4) Sale of certified development rights. The sale of certified development rights shall be conducted by the county executive, or his or her designee, and shall be subject to the following requirements:

(a) The sale price shall equal or exceed the fair market value of the certified development rights, as determined based on prevailing market conditions.

(b) Sales shall occur through a competitive process, which shall be subject to the following requirements:

(i) A request for proposal to purchase certified development rights from the county shall be published in a newspaper of general circulation at least fourteen days before the last day upon which proposals shall be received. The request for proposal shall identify the number of certified development rights to be sold and the evaluation factors, including a minimum sale price, which shall be established by the county executive to evaluate proposals.

(ii) The request for proposal shall require that all proposals be in writing and state the number of certified development rights to be purchased.

(iii) All sales shall be made to the highest qualified bidder, provided that no offers below fair market value shall be accepted. The municipality may reject any and all proposals for good cause and request new proposals.

(c) Payment for purchase of certified development rights from the county shall be made in full at the time the certified development rights are sold, unless, at the discretion of the administrator of the property management division, payment is secured by an irrevocable letter of credit or other security.

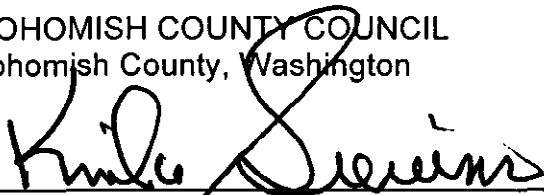
(d) The proceeds from sales of certified development rights shall be deposited into a TDR fund, established by ordinance.

(5) Exempt purchases. Compliance with ((F))the ((provisions)) proposal requirements in ((e)) subsection 2 of this section ((do not apply to)) shall not be required for the purchase of TDR certificates issued for properties ((from)) within the TDR sending areas listed in Attachment A to the "Cooperative Agreement between the United States of America Commodity Credit Corporation and Snohomish County for the Farm and Ranch Lands Protection Program," dated September 24, 2003.

Section 12. 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 19th day of July, 2006.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Kirke Sievers
Chairperson D-9

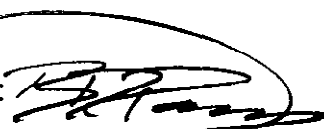
ATTEST:


Clerk of the Council

- (☒) APPROVED
() EMERGENCY
() VETOED

DATE: _____

 4/26/2006
Aaron Reardon
Snohomish County Executive

ATTEST: 

Approved as to form only:

Deputy Prosecuting Attorney