



CO00016947

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 07-090

**AN ORDINANCE RELATING TO THE MINERAL RESOURCE OVERLAY AND AMENDING SNOHOMISH COUNTY CODE CHAPTER 30.22 USES ALLOWED IN ZONES, CHAPTER 30.23 GENERAL DEVELOPMENT STANDARDS – BULK REGULATIONS, CHAPTER 30.31D MINERAL CONSERVATION (MC) ZONE, CHAPTER 30.32C MINERAL RESOURCE LANDS, CHAPTER 30.41C RURAL CLUSTER SUBDIVISIONS AND SHORT SUBDIVISIONS, AND CHAPTER 30.91M “M” DEFINITIONS TO MAINTAIN CONSISTENCY AND FURTHER IMPLEMENT THE GENERAL POLICY PLAN POLICIES**

WHEREAS, RCW 36.70A.060 and .170 require the county to adopt development regulations to assure the designation and conservation of mineral resource lands; and

WHEREAS, the development regulations adopted pursuant to RCW 36.70A.060(1)(a) shall assure that the use of lands adjacent to designated mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with the best management practices, of these designated mineral resource lands for the extraction of minerals; and

WHEREAS, on December 21, 2005, the county council adopted Amended Ordinance No. 05-083 that amended development regulations in Title 30 of the Snohomish County Code (SCC) governing the use and development of designated mineral resource lands; and

WHEREAS, Amended Ordinance 05-083 amended the Snohomish County Code by adopting development regulations implementing provisions in the General Policy Plan (GPP) adopted during the ten-year update of the Growth Management Act (GMA) comprehensive plan relating to mineral resource lands; and

WHEREAS, Amended Ordinance 05-083 had an effective date of February 1, 2006; and

WHEREAS, during the initial implementation phase of Amended Ordinance 05-083, the Snohomish County Department of Planning and Development Services (PDS) noted that code revisions were needed to clarify the regulations, to further implement the policies in the GMA comprehensive plan, and to ensure consistency between GMA comprehensive plan elements; and

WHEREAS, PDS has proposed code amendments to address these concerns, and in particular with respect to lands subject to a mineral resources overlay (MRO) designation; and

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WHEREAS, the planning commission held a briefing on October 24, 2006, on proposed code amendments related to designated mineral resource lands; and

WHEREAS, the planning commission held a public hearing on November 14, 2006, to receive public testimony concerning the proposed code amendments related to designated mineral resource lands; and

WHEREAS, at the conclusion of the planning commission's public hearing the planning commission voted to recommend adoption of the proposed code amendments, as shown in its recommendation letter dated November 14, 2006; and

WHEREAS, the county council held public hearings after proper notice on September 5, 2007, to consider the entire record, including the planning commission's recommendations on the proposed code revisions, and to hear public testimony related to the proposed code amendments; and

WHEREAS, during the September 5, 2007, public hearing, the county council deliberated on the proposed code amendments; and

WHEREAS, the proposed code amendments are consistent with the GMA.

NOW, THEREFORE BE IT ORDAINED:

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

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

- A. An amendment to SCC 30.22.110 is necessary to remove the "R-5 w/ MRO" column from the use matrix because "R-5 w/ MRO" is not a zone. This column is replaced with reference notes under the "R-5" column indicating certain uses are incompatible on lands zoned R-5 which have a MRO and which should therefore be prohibited. Uses allowed within the R-5 zone with MRO remain the same except as specified by this ordinance.
- B. GPP LU Policy 9.C.2 is implemented through SCC 30.22.110 (addressing permitted and allowed uses) and SCC 30.41C.210(1) (addressing rural cluster subdivision requirements for all zones).
- C. The following permitted or conditional uses in the R-5 zone, as set forth in SCC 30.22.110, protect and conserve mineral resources, will not prevent future extraction of such mineral resources, are compatible with the MRO designation, and are consistent with RCW 36.70C.060(1): farm bakery; forestry; guest house; health and social service facility, level I; private breeding kennel; private non-

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breeding kennel; farm kitchen; public park; swimming/wading pool; and personal wireless communication facility.

D. The following uses are proposed as permitted uses within the R-5 zone with the MRO, as set forth in SCC 30.22.110, are consistent with GPP Objective LU 9.B:

1. Bakery, farm: Farm bakery means a building or portion of a building on a farm site used to prepare baked goods for consumption or sale on or off the farm site. A farm bakery is limited to a gross floor area of 1,000 square feet. See SCC 30.91B.015 and 30.22.130(97). Since a farm bakery is limited to 1,000 square feet, it will not involve extensive development that would prevent future extraction of mineral resources from parcels zoned R-5 with the MRO.
2. Forestry: Use of a site for forestry does not remove the resource or result in extensive permanent structures over the mineral resource that would prevent future extraction of mineral resources. Forestry is a permitted use in the R-5 zone and all resource zones, including the Mineral Conservation zone.
3. Guest house: A guest house is a structure with not more than two bedrooms and no kitchen, used or designed for use primarily by guests or servants for sleeping quarters only. See SCC 30.91G.130. This use is generally incidental to a single family residence and is unlikely to prevent future extraction of mineral resources from parcels zoned R-5 with the MRO.
4. Health and social services facility (HSSF) - Level I: This use includes residential facilities for the disabled that must be accommodated in a single family zone pursuant to RCW 36.70.990 and 36.70A.410. Uses such as, but not limited to, group homes, adult family homes, and foster homes are representative of this use. See SCC 30.91H.095(1). A Level 1 HSSF is generally found in a single family residence, and by its nature, does not involve extensive development that would prevent future extraction of mineral resources from parcels zoned R-5 with the MRO.
5. Kennel, private breeding and non-breeding: Private kennels house four to ten adult dogs, and are found at or adjoining a private residence, a permitted use in R-5 zone with MRO. See SCC 30.91K.020 and 30.91K.030. A private breeding or a private non-breeding kennel is unlikely to result in extensive improvements to a site that would prevent future extraction of mineral resources from parcels zoned R-5 with the MRO.
6. Kitchen, farm: This use is a room or area on a farm site used, intended to be used, or designated to be used for the cooking or preparation of food for distribution, sale and consumption of agricultural products. See SCC 30.91K.055. This use is generally incidental to a single family residence

and is unlikely to prevent future extraction of mineral resources from parcels zoned R-5 with the MRO.

7. Park, public: A public park is land maintained for purposes of pleasure, exercise, amusement or ornament, being owned by and open to the public. Public parks are not characterized by extensive development, and are usually located on large sites. This use is well suited to those portions of a mine that have been reclaimed, or where the entire site has not yet been reclaimed and removed from the MRO. Allowing this use further implements GPP LU Policy 9.F.3 which encourages innovative post extractive uses.
  8. Swimming/wading pool: This use is associated with residential use that is allowed in R-5 zone with the MRO. A swimming or wading pool will not preclude future extraction of mineral resources. Swimming/wading pools are a permitted use in the R-5 zone and all resource zones, including Mineral Conservation.
- E. The following use is proposed as a conditional use for parcels zoned R-5 with the MRO and is consistent with GPP Objective LU 9.B:
- Personal wireless communication facility: This use includes antennae placed on existing structures or new towers, and the structures that house associated mechanical equipment. Personal wireless communication facilities are generally located in small leased areas on a site, and do not involve extensive development that would prevent future extraction of mineral resources from parcels zoned R-5 with the MRO.
- F. An amendment to SCC 30.22.130 adds the reference note described in SCC 30.22.110.
  - G. Amendments to SCC 30.23.040 and SCC 30.31D.130 are necessary to correct erroneous citations to other code sections referenced by Amended Ordinance 05-083.
  - H. An amendment to SCC 30.32C.150(1) clarifies that R-5 zoned parcels, or portions of parcels, within the MRO may not be subdivided and adds a requirement that rural cluster subdivisions and other site design techniques must be used in any proposed subdivision on R-5 zoned parcels located adjacent to the MRO. The amendment is necessary to provide consistency and to implement GPP Policy LU 9.B.2.
  - I. An amendment to SCC 30.32C.150(2) is necessary to clarify that a parcel zoned R-5 and located partially within the MRO may be subdivided so long as only the portion of the parcel outside of the MRO is subdivided and the portion of the parcel within the MRO is protected as open space. The amendment is necessary to provide consistency and to implement GPP Policy LU 9.B.2.

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- J. An amendment to SCC 30.41C.020 implements GPP Policy 9.C.3 and is necessary to clarify that parcels zoned R-5 and partially within the MRO may be subdivided for residential development subject to the provisions of SCC 30.32C.150.
- K. An amendment to SCC 30.41C.210(1) is necessary to clarify that reference note 10 applies to parcels zoned R-5.
- L. An amendment to SCC 30.41C.300 is consistent with GPP Objective LU 9.B and is necessary to ensure that parcels zoned R-5 with the MRO are subject to the provisions of SCC 30.32C.150 which requires lands designated with the MRO to be preserved for future mineral extraction.
- M. An amendment to SCC 30.91M.100 clarifies that designated mineral resource lands are defined as being designated with the MRO by the GMA comprehensive plan.
- N. There has been early and continuous public participation in the review of the proposed amendments including a planning commission briefing on October 24, 2006, a planning commission hearing November 14, 2006, and county council hearing on September 5, 2007.
- O. Snohomish county Planning and Development Services, as the lead agency, determined that these proposals do not have a probable, significant adverse impact on the environment and issued a Determination of Nonsignificance on July 10, 2007.

**Section 3.** The county council makes the following conclusions:

- A. These amendments are consistent with and implement the GPP.
- B. The State Environmental Policy Act (SEPA) requirements, with respect to this non-project action, have been satisfied.
- C. The proposed amendments have been broadly disseminated and opportunities have been provided for written comments and public hearing after effective notice.
- D. The public participation process related to the adoption of this ordinance has been early and continuous and has complied with all applicable requirements, including but not limited to, RCW 36.70A.140, chapter 30.73 SCC, and the Snohomish County Charter.
- E. The amendments will conserve designated mineral resource lands for long term extraction of minerals.

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- F. The amendments are consistent with the goals and requirements of the GMA.
- G. The amendments relating to development standards for mineral resource lands are consistent with the multi-county policies adopted by the Puget Sound Regional Council and with the countywide planning policies for Snohomish County.
- H. This ordinance is adopted pursuant to the Snohomish County Charter and the Washington State Constitution, art. XI, sec. 11.

**Section 4.** Snohomish County Code Section 30.22.110, last amended by Amended Ordinance No. 06-137 on December 13, 2006, is amended to read:

**30.22.110 Rural and resource zone categories – Use matrix.**

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Type of Use	Rural Zones										Resource Zones			
	RD	RRT-10	R-5 112	R-5 w/MRO 147	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 <sup>XX</sup>						C					
Antique Shop	C		C <sup>45, XX</sup>		P <sup>79</sup>	P								
Art Gallery 41	C		C <sup>XX</sup>		P <sup>79</sup>	P								
Asphalt Batch Plant & Continuous Mix Asphalt Plant												P		
Auto Repair, Minor					P <sup>78</sup>	P	P							
Auto Towing	C		C	E										
Bakery					P <sup>78</sup>	P								
Bakery, Farm 97	P	P	P	P	P		P		P	P	P			
Bed and Breakfast Guesthouse 58	C		C <sup>XX</sup>		P				C	C	A			
Bed and Breakfast Inn 58	C		C <sup>XX</sup>		P				C	C	C			
Boarding House	P <sup>15</sup>	P <sup>15</sup>	P <sup>15, XX</sup>						P <sup>15</sup>		P <sup>15</sup>			
Boat Launch, Commercial 31										C				
Boat Launch, Non-commercial 31	C		C	E	C				C	C				
Campground										C <sup>32</sup>				
Caretaker's Quarters	P		C	E								P		
Cemetery, Columbarium, Crematorium, Mausoleum 41	P		C <sup>XX</sup>											
Church 41	P		C <sup>XX</sup>		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.													
A - Administrative Conditional Use	Check other matrices in this chapter if your use is not listed above. A blank box indicates a use is not allowed in a specific zone.													
C - Conditional Use														
S - Special Use														

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Type of Use	Rural Zones										Resource Zones			
	RD	RRT-10	R-5 112	R-5 w/MRO <sup>487</sup>	RB	CRC	RFS	RI	F	F&R	A-10	MC		
Cold Storage								P						
Commercial Vehicle Home Basing			C <sup>33</sup>	C <sup>33</sup>										
Commercial Vehicle Storage Facility					C			P						
Community Club	P		C <sup>XXY</sup>		P	P								
Community Facilities for Juveniles <sup>103</sup>														
1 to 8 residents			P <sup>102</sup> XY		P	P								
9 to 24 residents			S <sup>103</sup> XY		P	P								
Construction Contracting					P <sup>60, 81</sup>									
Country Club	C		C <sup>XXY</sup>		P									
Craft Shop <sup>21</sup>					P									
Dams, Power Plants, & Associated Uses									P					
Day Care Center <sup>2</sup>	P		C <sup>XXY</sup>		P	P	P							
Distillation of Alcohol	C <sup>34</sup>		C <sup>34, XXY</sup>								C <sup>34</sup>			
Dock & Boathouse, Private, Non-commercial <sup>3, 41</sup>	P	P	P	P	P			P	P	P	P			
Drug Store					P <sup>79</sup>	P								
Dwelling, Duplex	P	P	P	P				P			P			
Dwelling, Mobile Home	P	P	P	R		P <sup>6</sup>		P	P	P	P	P		
Dwelling, Single Family	P	P	P	P		P		P	P	P	P	P		
Equestrian Center <sup>41, 70, 72</sup>	P	C	C <sup>XXY</sup>					C	P	P	C <sup>70</sup>			
P - Permitted Use	A blank box indicates a use is not allowed in a specific zone.													
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	RD	RRT-10	R-5 112	R-6 WMRO <sup>107</sup>	RB	CRC	RFS	RI	F	F&R	A-10	MC
Excavation & Processing of Minerals <sup>26</sup>	A C	A, C	A, C	A, C				A, C	A, P, C	A, C		A, C
Explosives, Storage	C	C	C	G				C	P	C		C
Fabrication Shop								P				
Fallout Shelter, Individual	P	P	P <sup>XX</sup>		P	P	P	P	P	P	P	P
Fallout Shelter, Joint <sup>7</sup>	P		P	P	P	P	P	P	P	P	P	P
Family Day Care Home <sup>8</sup>	P		P <sup>XX</sup>		P	P			P		P	
Farm Product Processing			P <sup>XX</sup>									
Up to 5,000 sq ft	P	P	A <sup>XX</sup>		P			P	P		P	
Over 5,000 sq ft <sup>94</sup>	A	A	A		A			A	A		A	
Farm Support Business <sup>94</sup>	A	A	A <sup>XX</sup>		A			P			A	
Farm Stand			P <sup>100, XX</sup>									
Up to 400 sq ft <sup>9</sup>	P	P	P, A <sup>100, XX</sup>		P	P	P	P	P	P	P	P
401 – 5,000 sq ft <sup>99, 100</sup>	P	P	P <sup>XX</sup>		P	P	P	P	P	P	P	P
Farm Workers Dwelling											P <sup>10</sup>	
Farmers Market <sup>93</sup>	P	P	P <sup>101, XX</sup> A <sup>101, XX</sup>		P	P	P	P			P	
Famland Enterprises <sup>95</sup>		A	A <sup>XX</sup>								A	
Fish Farm	P	P	P <sup>XX</sup>						P	P	P	
Fix-it Shop					P <sup>78</sup>	P		P				
Forestry	P	P	P					P	P	P	P	P
P - Permitted Use	A blank box indicates a use is not allowed in a specific zone.											
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Type of Use	Rural Zones										Resource Zones			
	RD	RRT-10	R-5 111	R-5 w/MRO. <sup>402</sup>	RB	CRC	RFS	RI	F	F&R	A-10	MC		
Forestry Industry Storage & Maintenance Facility	P <sup>30</sup>	P						P	P	P				
Foster Home	P	P	P	P	P				P		P			
Garage, Detached Private Accessory <sup>60</sup>														
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P		P		
2,401 - 4,000 sq ft on More than 3 Acres <sup>41, 59</sup>	P	P	P	P	P	P	P	P	P	P		P		
2,401 - 4,000 sq ft on Less than 3 acres <sup>41, 59</sup>	A	A	A	A	A	A	A	A	A	A		A		
4,001 sq ft and Greater <sup>41, 59</sup>	C	C	C	C	C	C	C	C	C	C		C		
Garage, Detached Private Non-accessory <sup>60</sup>														
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P		P		
2,401 sq ft and greater <sup>41, 59</sup>	C	C	C	C	C	C	C	C	C	C		C		
Golf Course and Driving Range	C		C <sup>XX</sup>									C <sup>74</sup>		
Government Structures & Facilities <sup>27, 41</sup>	C	C	C <sup>XX</sup>		C	P		C	C	C		C		
Greenhouse, Lath House, Nurseries: <sup>52</sup> Retail	P	P	P <sup>XX</sup>		P	P		P	P			P		
Greenhouse, Lath House, Nurseries: <sup>52</sup> Wholesale	P	P	P <sup>XX</sup>		P	P		P	P			P		
Grocery Store					P <sup>60</sup>	P	P <sup>60</sup>							
Grooming Parlor						P								
Guesthouse <sup>65</sup>	P	P	P		P				P	P		P		
Hardware Store					P <sup>60</sup>	P								
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Type of Use	Rural Zones										Resource Zones				
	RD	RRT-10	R-5 112	R-5 w/MRO <sup>49</sup>	RB	CRC	RFS	RI	F	F&R	A-10	MC			
Hazardous Waste Storage & Treatment Facilities Onsite <sup>65</sup>	P				P					P					
Health and Social Service Facility <sup>50</sup>															
Level I			P												
Level II <sup>41</sup> <sup>51</sup>	P	P	P <sup>XX</sup>		P				P	P	P	P			
Level III			C <sup>XX</sup>		C										
Home Improvement Center					P <sup>80</sup>										
Home Occupation <sup>11, 64</sup>	P <sup>64</sup>	P <sup>64</sup>	P <sup>64</sup>	P <sup>64</sup>	P <sup>64</sup>				P <sup>64</sup>	P <sup>64</sup>	P <sup>64</sup>	P <sup>64</sup>			
Homestead Parcel <sup>40</sup>	C		C <sup>XX</sup>								C				
Hotel/Motel					P			P							
Kennel, <sup>41</sup> Commercial <sup>12</sup>	P	P	P <sup>XX</sup>						P		C				
Kennel, <sup>41</sup> Private-Breeding <sup>13</sup>	P	P	P						P		P				
Kennel, <sup>41</sup> Private-Non-Breeding <sup>13</sup>	P	P	P		P				P		P				
Kitchen, farm	P	P	P		P					P	P				
Library <sup>41</sup>	C		C <sup>XX</sup>		P										
Licensed Practitioner <sup>29, 41</sup>							P <sup>79</sup>								
Livestock Auction Facility	C <sup>48</sup>		C <sup>48, XX</sup>							P		C <sup>48</sup>			
Locksmith										P					
Log Scaling Station	C	C	C <sup>XX</sup>								P	P			
Lumberyard											P				
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Type of Use	Rural Zones										Resource Zones				

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	RD	RRT-10	R-5 112	R-6 w/MRQ <sup>107</sup>	RB	CRC	RFS	RI	F	F&R	A-10	MC
Manufacturing-All Other Forms Not Specifically Listed <sup>83</sup>					C			C				
Metal Working Shop					P <sup>78</sup>			P				
Mini-equestrian Center <sup>41, 72</sup>	P	P	P <sup>XX</sup>		P			P	P	P	P <sup>71</sup>	
Model Hobby Park <sup>75</sup>			A <sup>XX</sup>								A	
Model House/Sales Office	P	P	P <sup>XX</sup>						P	P		
Motor Vehicle & Equipment Sales						P <sup>23</sup>						
Museum <sup>41</sup>	C		C <sup>XX</sup>		P						C <sup>61</sup>	
Office, General					P	P						
Off-road vehicle use area, private										C <sup>109</sup>		
Park, Public <sup>14</sup>	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	G	P		P		C	C	C	
Personal Services Shop					P <sup>79</sup>	P						
Personal Wireless Communications Facilities <sup>27, 41, 104, 105, 106</sup>	C	C	C		C	C	C	C	C	C	C	C
Petroleum Products & Gas Storage – Bulk								P <sup>43</sup>				
Print shop					P							
Public Events/Assemblies on Farmland <sup>96</sup>											P	
Race Track <sup>24, 41</sup>			C <sup>XX</sup>									
Railroad Right-of-way	C	C	C <sup>XX</sup>			P		P	C	C	C	C
P - Permitted Use	A blank box indicates a use is not allowed in a specific zone.											
A - Administrative Conditional Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130.											
C - Conditional Use	Check other matrices in this chapter if your use is not listed above. A blank box indicates a use is not allowed in a specific zone.											
S - Special Use												

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Type of Use	Rural Zones										Resource Zones			
	RD	RRT-10	R-5 112	R-5 w/MRQ <sup>102</sup>	RB	CRC	RFS	RI	F	F&R	A-10	MC		
Recreational Facility Not Otherwise Listed <sup>98</sup>	C		C <sup>XX</sup>			P		P <sup>79</sup>			C, P <sup>110</sup> A <sup>111</sup>			
Recreational Vehicle <sup>19</sup>	P	P	P	P					P	P	P			
Recreational Vehicle Park										C				
Resort										C				
Restaurant					P <sup>80</sup>									
Retail Store					P <sup>80</sup>									
Rural Industries <sup>41</sup>	P <sup>25</sup>													
Sanitary Landfill	C	C	C <sup>XX</sup>						C			C		
Sawmill	C <sup>26</sup>	C <sup>26</sup>	C <sup>26, XX</sup>					P	P	P				
Schools														
K-12 & Preschool <sup>41, 68</sup>	C		C <sup>XX</sup>		P									
College <sup>41, 68</sup>	C		C <sup>XX</sup>		C			C						
Other <sup>41, 68</sup>														
Second Hand Store					P <sup>78</sup>									
Service Station <sup>41</sup>					P				P					
Shake & Shingle Mill	C <sup>26</sup>	C <sup>26</sup>	C <sup>26, XX</sup>					P	P					
Shooting Range <sup>92</sup>	C	C	C	C						C				
Sludge Utilization <sup>39</sup>	C	C, P <sup>50</sup>	C <sup>XX</sup>							C		C <sup>56</sup>		
Small Animal Husbandry <sup>41</sup>	P		P	P					P	P	P	P		
P - Permitted Use	A blank box indicates a use is not allowed in a specific zone.													
A - Administrative Conditional Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130.													
C - Conditional Use	Check other matrices in this chapter if your use is not listed above. A blank box indicates a use is not allowed in a specific zone.													
S - Special Use														
Type of Use	Rural Zones										Resource Zones			

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	RD	RRT-10	R-5 112	R-5 w/MRO 447	RB	CRC	RFS	RI	F	F&R	A-10	MC
Specialty Store												
Stables	P	P	P	P	P			P	P	P	P	
Stockyard or Slaughter House								C <sup>48</sup>				
Storage, Retail Sales Livestock Feed			P <sup>54, 111</sup>		P			P			P	
Storage Structure, Accessory <sup>60</sup>												
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P	P
2,401 – 4,000 sq ft on More than 3 Acres <sup>41, 59</sup>	P	P	P	P	P	P	P	P	P	P	P	P
2,401 – 4,000 sq ft on Less than 3 acres <sup>41, 59</sup>	A	A	A	A	A	A	A	A	A	A	A	A
4,001 sq ft and Greater <sup>41, 59</sup>	C	C	C	C	C	C	C	C	C	C	C	C
Storage Structure, Non-accessory <sup>60</sup>												
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P	P
2,401 sq ft and greater <sup>41, 59</sup>	C	C	C	C	C	C	C	C	C	C	C	C
Studio <sup>41</sup>	C <sup>77</sup>		C <sup>77, 111</sup>									
Swimming/Wading Pool <sup>17, 41</sup>	P	P	P						P	P	P	P
Tavern <sup>41</sup>					P	P						
Temporary Dwelling During Construction	A	A	A	A	A	A	A	A	A	A	A	A
Temporary Dwelling For Relative <sup>18</sup>	A	A	A	A					A	A	A	A
Temporary Logging Crew Quarters									P	P		
Temporary Residential Sales Coach <sup>73</sup>	A		A <sup>111</sup>									
Temporary Woodwaste Recycling <sup>63</sup>	A							A	A	A		
Temporary Woodwaste Storage <sup>63</sup>	A								A	A		
P - Permitted Use	A blank box indicates a use is not allowed in a specific zone.											
A - Administrative Conditional Use	Note: Reference numbers within matrix indicate special conditions apply: see SCC 30.22.130.											
C - Conditional Use	Check other matrices in this chapter if your use is not listed above. A blank box indicates a use is not allowed in a specific zone.											
S - Special Use												

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Type of Use	Rural Zones										Resource Zones			
	RD	RRT-10	R-5 112	R-6 W/MFRO <sup>102</sup>	RB	CRC	RFS	RI	F	F&R	A-10	MC		
Tire Store						P								
Tool Sales & Rental					P									
Transit Center	C	C	C <sup>XX</sup>		P		P		C	C	C			
Ultralight Airpark <sup>20</sup>	C	C	C <sup>XX</sup>						C					
Utility Facilities, Electromagnetic Transmission & Receiving Facilities <sup>27</sup>	C	C	C	E	C	P	C	P	C	C	C	C		
Utility Facilities, Transmission Wires or Pipes & Supports <sup>27</sup>	P	P	P	R	P	P	P	P	P	P	P	P		
Utility Facilities-All Other Structures <sup>27, 41</sup>	C	C	C	E	C	P	C	P	C	C	C	C		
Veterinary Clinic	P		C <sup>XX</sup>		P							C		
Wedding Facility <sup>67</sup>		P	P <sup>XX</sup>									P		
Woodwaste Recycling <sup>57</sup>	C	C	C	E			C		C					
Woodwaste Storage <sup>57</sup>	C	C	C	E			C		C					
Yacht/Boat Club					P			P						
P - Permitted Use	A blank box indicates a use is not allowed in a specific zone.													
A - Administrative Conditional Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130.													
C - Conditional Use	Check other matrices in this chapter if your use is not listed above. A blank box indicates a use is not allowed in a specific zone.													
S - Special Use														

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**Section 5.** Snohomish County Code Section 30.22.130, last amended by Amended Ordinance No. 07-029 on April 25, 2007, 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;

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- (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.

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(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;
- (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

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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

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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.

(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;

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- (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.

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(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,

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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.

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(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

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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:

(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

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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 (FLUM) 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

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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.

(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 SCC 30.32C.150.))~~  
RESERVED for future use (R-5 w/MRO - DELETED by Ord. 07- effective \_\_\_\_\_, 2007)

(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

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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.

(110) 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.

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

(112) 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 GMA 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.

(YYY) This use is prohibited in the R-5 zone with the Mineral Resource Overlay (MRO). Public park is a permitted use on reclaimed portions of mineral excavation sites with the MRO.

**Section 6.** Snohomish County Code Section 30.23.040, last amended by Amended Ordinance No. 07-029 on April 25, 2007, is amended to read:

**30.23.040 Reference notes for bulk matrix.**

- (1) MR bulk requirements shall apply for all residential development permitted in urban commercial zones.
- (2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.
- (3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.
- (4) In the LDMR zone, the maximum density shall be calculated based on 4,000 square feet of land per dwelling unit.
- (5) In the MR zone, the maximum density shall be calculated based on 2,000 square feet of land per dwelling unit.
- (6) Commercial forestry structures shall not exceed 65 feet in height.
- (7) Non-residential structures shall not exceed 45 feet in height.
- (8) Lot coverage includes all buildings on the given lot.
- (9) Includes public rights-of-way 60 feet and wider; public rights-of-way under 60 feet in a recorded plat with curbs and gutters; and private roads and easements. These setbacks shall be measured from the edge of the right-of-way.
- (10) Applies to public rights-of-way under 60 feet. These setbacks shall be measured from the center of the right-of-way.

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- (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

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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) Setback requirements for mineral excavation and processing are in SCC 30.23.110(26). Performance standards and permit requirements are in chapter 30.31D SCC.

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

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

(34) See SCC 30.23.120 for other setback exceptions.

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

(36) RESERVED for future use (MR and LDMR setbacks - DELETED by Ord. 05-094 effective September 29, 2005.

(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, as provided in SCC 32.23.110(1).

(38) There shall be no subdivision of land designated commercial forest in the

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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 properly executed deed restriction which runs with the land and which provides that the land divided is to be used exclusively for agricultural purposes and specifically not for a dwelling(s), is recorded with the Snohomish County Auditor.

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

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

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

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

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

(46) Additional setbacks may apply to development within a rural cluster subdivision. Refer to Table 30.41C.210(1). Residential subdivision is restricted pursuant to 30.32C.150. Uses are restricted where the R-5 zone coincides with the Mineral Resource Overlay (MRO) to prevent development which would preclude future access to the mineral resources. ~~((Residential subdivision is restricted pursuant to 30.32C.150. Residential setbacks are 100 feet, pursuant to Table 30.41C.210(1).))~~

(47) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a maximum building height of 45 feet if using surface

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parking or 90 feet if using structured parking.

(48) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a minimum lot size of 5 acres unless within 120 feet of a park-and-ride facility where minimum lot area is 3 acres per SCC 30.31A.020 (2) and (3).

(49) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a setback of 5 feet minimum and 10 feet maximum.

(50) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a setback from residential, multiple family and rural zones of 10 feet minimum and 25 feet maximum.

(51) Projects submitted under the Urban Centers Demonstration Program (chapter 30.34A SCC) require a maximum lot coverage of 90 percent of net acreage.

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

**Section 7.** Snohomish County Code Section 30.31D.130, last amended by Amended Ordinance No. 05-083 on December 21, 2005, is amended to read:

**30.31D.130 Protection of water quality.**

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

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

(3) ~~((As part of the monitoring program established pursuant to SCC 30.31D.235.))~~  
Pursuant to SCC 30.31D.220, the approval authority may require summer testing of groundwater levels and quality.

**Section 8.** Snohomish County Code Section 30.32C.150, added by Amended Ordinance No. 05-083 on December 21, 2005, is amended to read:

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

(1) ~~((The county shall prohibit residential subdivision where))~~ Where the MRO coincides with ~~((a 5-acre rural residential designation or))~~ the R-5 ~~((zoning category))~~

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zone, residential subdivision is prohibited on any parcel, or portion of parcel, located within the MRO. Where the MRO covers only a portion of a ((rural-5-acre designated)) parcel zoned R-5, that portion of the parcel not covered by the MRO may be subdivided subject to the requirements of SCC 30.32C.150(2). ((provided that:))

~~((a) minimum lot size requirements can be met according to underlying zoning;~~

~~\_\_\_\_\_ (b) rural cluster subdivision is used; and~~

~~\_\_\_\_\_ (c) the mineral resource deposit is protected for future resource use by adequate setbacks pursuant to SCC 30.23.110(26) and open space provisions pursuant to SCC 30.41C.210.))~~

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

- (a) uses rural cluster subdivision methods consistent with Title 30.41C SCC;
- (b) protects the mineral resource deposit for future resource use by adequate setbacks pursuant to SCC 30.23.110(26); and
- (c) includes open space configured to maximize preservation of the mineral resources and provide buffers between the MRO designation and residential uses. The option to utilize such open space for mineral operations shall be preserved as provided in SCC 30.41C.210.

**Section 9.** Snohomish County Code Section 30.41C.020, last amended by Amended Ordinance No. 05-089 on December 21, 2005, is amended to read:

#### **30.41C.020 Applicability.**

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

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

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(g) Mineral conservation.

(2) The provisions of this chapter shall not be used in the zones listed in SCC 30.41C.020(1) if the properties are designated commercial forest, commercial forest-forest transition area, upland commercial farmland, local commercial farmland, riverway commercial farmland, rural residential-RD outside a rural/urban transition area overlay, or are located within an urban growth area. ~~((The provisions of this chapter shall not be used where))~~ Where the mineral resource overlay (MRO) ((coincides with the rural 5-acre zone)) covers a portion of a parcel zoned R-5, the provisions of this chapter may be used on that portion of the parcel located outside the MRO, if the provisions of SCC 30.32.150 are met.

**Section 10.** Snohomish County Code Section 30.41.210, last amended by Amended Ordinance No. 05-089 on December 21, 2005, is amended to read:

**30.41C.210 Design standards – Restricted open space and bulk regulations.**

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

**Table 30.41C.210(1)**

**REQUIREMENTS FOR RESTRICTED OPEN SPACE AREA AND BULK REGULATIONS**

	Forestry F&R With or without MRO <sup>(10)</sup>		(1) R-5 in RR-5 w/out MRO <sup>(10)</sup> (2) RRT-10, RC, R-5, & RD in RR-10(RT) w/out MRO <sup>(10)</sup> (3) RRT-10, RC & RD in RR-10(RT) with MRO <sup>(10)</sup>		R-5 in RR <sup>(8)</sup> without MRO <sup>(10)</sup> RD in RR-RD With RUTA	
Minimum Restricted Open Space Natural Resource Lands	60%	60%	45%	60%	45%	60%
Minimum Bonus Density <sup>(1)</sup> Natural Resource Lands	15% - 35%	10%	15% - 35%	10%	None	
Required Buffer - Adjacent Property Roads <sup>(2)(3)</sup> and Adjacent Property Average Width:	75'	<sup>(4)</sup> 50'	75'	<sup>(4)</sup> 50'	50'	<sup>(4)</sup> 35'
Minimum Width:	50'	35'	50'	35'	35'	25'
Required Setback for Single Family Residential/Duplex from Adjacent Resource Areas <sup>(2)</sup> Setback Width: <sup>(5)</sup>	100' (forest and mineral lands)  50' (farmland)		100' (forest and mineral lands)  50' (farmland)		100' (forest and mineral lands)  50' (farmland)	

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

(2) To qualify as a restricted open space, an area must meet the following standards:

(a) It must be used for buffering, critical area protection, resource production, conservation, recreation, community utility purposes, or general preservation;

(b) Subject to the requirements of subtitle 30.2 SCC, the following recreational and community utility uses are permitted in restricted open space tracts:

(i) beaches, docks, swimming areas, picnic areas, trails/pedestrian walkways, equestrian trails, playgrounds, equestrian centers or any non-motorized passive recreational facilities;

(ii) community wells, well houses, water lines, community drainfields, retention and detention ponds, water recharge and infiltration facilities, water system appurtenances and biofiltration swales;

(c) At least 25 percent of the restricted open space tract shall be accessible by all residents of the rural cluster subdivision or short subdivision for passive recreation;

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

(i) construction of pedestrian or equestrian trails;

(ii) construction and maintenance of equestrian centers or playfields;

(iii) maintenance of existing pastures;

(iv) forestry, agricultural activities, or mineral operations;

(v) removal of dead, diseased or hazardous vegetation, consistent with best

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wildlife management practices;

(vi) selective thinning and enhancement of vegetation; and

(vii) fire breaks provided in accordance with fire district requirements; and

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

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

(4) At the time of application or consideration, the site shall not be subject to any pending enforcement action or in violation of federal, state, or county regulations. **Section 11.** Snohomish County Code Section 30.41C.300, added by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

#### **30.41C.300 Ownership and preservation of restricted open space.**

(1) All restricted open space, including any proposed recreation uses, in the rural cluster subdivision or short subdivision shall be shown as separate, commonly owned tracts, tracts owned by a homeowners association established pursuant to chapters 30.41A and 30.41B SCC, or development restricted tracts under single ownership on the plat. The restricted open space areas must be protected in perpetuity by covenants, approved by the county, which restrict the use to those uses specified in the approved rural cluster subdivision or short subdivision and provide for the maintenance of the area in a manner which assures its continuing use for the intended purpose.

(2) Land may be established as restricted open space through one of the following methods:

(a) The landowner may convey, without cost, the fee simple, or any lesser interest, development rights or easement that will protect and preserve the restricted open space area for its designated purpose(s), to a public agency, the county, or approved non-profit private organization which agrees in writing to accept the conveyance and maintain and manage the restricted open space area, including resource lands, critical areas, and any buildings, structures, or improvements thereon, for its designated purpose(s) and in accordance with the requirements of all applicable state laws and county codes. The property may thereafter be conveyed or leased back to the original owner or other person(s) under such covenants or contractual arrangements as will limit the future use of the property and assure its maintenance for its designated purpose(s);

(b) The tract may be under single ownership with recorded conditions, covenants and restrictions, as required by the county approving body, which run with the land and benefit the county, and which limit the future use of the property to those allowed in SCC 30.41C.210(2) and (3) and provide for the maintenance of the property for its

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designated purpose(s) and the owner provides documentation acceptable to the county to demonstrate the feasibility of managing the tract for beneficial resource production purposes;

(c) When no maintenance of the restricted open space area is required, the owner may convey the property to all lot owners in a tenancy in common; or

(d) If maintenance of the restricted open space area is required and the applicant does not propose to use options (a) or (b) in SCC 30.41C.300(2) to provide for maintenance, a homeowners' association or similar organization shall be established to maintain the area for its designated purpose(s). Membership in the association or organization, and dues or other assessment for maintenance purposes, shall be a requirement of lot ownership.

(3) All lands classified as a natural resource lands, including all lands designated with the MRO, which are included in restricted open space areas shall be placed under a unified system of property management for the purpose of maximizing their continued or potential, future management for beneficial resource production/conservation purposes. All land designated with the MRO in restricted open space areas, shall be subject to the requirements of SCC 30.32C.150.

**Section 12.** Snohomish County Code Section 30.91M.100, added by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.91M.100 Mineral resource land, designated (Designated mineral resource land).**

"Mineral resource land, designated" ("Designated mineral resource land") means any land designated with the ~~((as a mineral resource land pursuant to RCW 36.70A.170(1)(e)))~~ Mineral Resource Overlay (MRO) by the GMA comprehensive plan.

**Section 13.** 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 14.** The county council directs the code reviser to update SCC sections 30.22.110, 30.22.130, 30.23.040, 30.31D.130, 30.32C.150, 30.41C.020, 30.41C.210, 30.41C.300, and 30.91M.100 pursuant to the authority in SCC 1.02.020(3) upon adoption of this ordinance.

**Section 15. Severability and Savings.** If any section, sentence, clause or phrase of this ordinance is held 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

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ordinance is held to be invalid or unconstitutional by the Board or a court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

PASSED this 5<sup>th</sup> day of Sept, 2007.

SNOHOMISH COUNCIL  
Snohomish, Washington

ATTEST:

Sheila M. Callista  
Asst. Clerk of the Council

Waverly Barrett  
Council Chair

APPROVED  
 EMERGENCY  
 VETOED

Date: 9/11/07

ATTEST:

Cora E. Palmer

Aaron G. Reardon  
Executive  
**MARK SOINE**  
Deputy Executive

Approved as to form only:

Jim Kant 7/13/07  
Deputy Prosecuting Attorney

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