



CO00037481

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED ORDINANCE NO. 10-011

REVISING PERIMETER LANDSCAPING REQUIREMENTS
BETWEEN DIFFERENT ZONES AND AMENDING
SNOHOMISH COUNTY CODE (SCC) CHAPTER 30.25

WHEREAS, it is desirable to have adequate buffers between industrial uses and residential uses so that businesses can operate successfully and residents can enjoy the character of residential neighborhoods; and

WHEREAS, residents of rural areas have expressed concerns about the impact of industrial uses on their neighborhoods; and

WHEREAS, some residents of rural areas believe implementation of current regulations has not provided adequate buffers, especially when a road right-of-way runs between the industrial and residential uses; and

WHEREAS, on December 15, 2009, the Snohomish County Planning Commission held a public hearing and received public testimony concerning the proposed amendments; and

WHEREAS, at the conclusion of the public hearing the planning commission deliberated on the proposed amendments and voted to recommend adoption of the proposed amendments, with certain modifications as enumerated in its recommendation letter of December 16, 2009; and

WHEREAS, the Snohomish County Council held a public hearing on March 24, 2009, to consider the entire record, including the planning commission's recommendations on the proposed amendments, and to hear public testimony on this Ordinance No. 10-011.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The Snohomish County Council adopts and incorporates the foregoing recitals as findings of fact as if set forth fully herein.

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

- A. The proposed amendments to Chapter 30.25 SCC clarify and revise standards for landscape buffers between uses in different zoning classifications.

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- 1
- 2 B. The proposed amendments to Chapter 30.25 SCC require that landscape
- 3 buffers be provided between urban and rural land uses along the boundary of
- 4 Urban Growth Areas even when roads or road rights-of-way separate the
- 5 uses.
- 6
- 7 C. The proposal is consistent with the following goals, objectives and policies of
- 8 the Snohomish County Growth Management Act Comprehensive Plan
- 9 (GMACP):
 - 10 1. Policy LU 1.C.3: The designation and siting of new industrial,
 - 11 commercial, and public facility land uses along the UGA boundary
 - 12 should include vegetative buffers.
 - 13 2. GOAL LU 6: Protect and enhance the character, quality, and
 - 14 identity of rural areas.
 - 15 3. Policy LU 10.B.1: The county shall use a variety of land
 - 16 development techniques to preserve and maintain open space
 - 17 corridors that define urban growth boundaries and provide
 - 18 separation between communities, and between urban and rural
 - 19 areas where feasible.
 - 20 4. Policy NE 8.C.2: County regulations may require, where
 - 21 appropriate, buffering or other noise mitigation measures to be
 - 22 incorporated into development proposals.
 - 23
- 24 D. There has been early and continuous public involvement in the development
- 25 of these proposed amendments, including:
 - 26 1. Meetings with Maltby residents on September 3, 2008, April 2, June
 - 27 22, July 27, and August 31, 2009.
 - 28 2. A public hearing with the planning commission on December 15,
 - 29 2009.
 - 30 3. A public hearing with the county council on March 24, 2010.
 - 31
- 32 E. A Determination of Non-Significance was issued for these proposed
- 33 amendments on December 8, 2009.

34
35 **Section 3.** The Snohomish County Council makes the following
36 conclusions:

- 37
- 38 A. The amendments adopted by this ordinance are consistent with and further
- 39 the goals, objectives, policies, and requirements of the GMACP.
- 40
- 41 B. The amendments are necessary to ensure that the development regulations
- 42 provide adequate buffers between industrial and residential uses.
- 43

- 1 C. The amendments satisfy the procedural and substantive requirements of and
 2 are consistent with the Growth Management Act (GMA) and chapter 30.73
 3 SCC.
 4
 5 D. All requirements of SEPA and chapter 30.61 SCC with respect to this non-
 6 project action have been satisfied.
 7
 8 E. The public meetings and hearings before the planning commission and the
 9 county council, and related public notices, satisfy the public participation
 10 goals and requirements of the GMA, including RCW 36.70A.020(11), RCW
 11 36.70A.035 and RCW 36.70A.140, as well as the requirements of chapter
 12 30.73 SCC.

13
 14 **Section 4.** The Snohomish County Council bases its findings and
 15 conclusions on the entire record of the planning commission and the county
 16 council, including all testimony and exhibits. Any finding, which should be
 17 deemed a conclusion, and any conclusion which should be deemed a finding, is
 18 hereby adopted as such.
 19

20 **Section 5.** Snohomish County Code Section 30.25.020, amended by
 21 Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:
 22

23 **30.25.020 Perimeter landscaping requirements**

24 (1) To reduce incompatible characteristics of abutting properties with
 25 different zoning classifications, the minimum designated landscape width and
 26 type shall be required as a buffer between uses pursuant to SCC Table
 27 30.25.020(1) or as required in SCC 30.25.030(3), unless exempted pursuant to
 28 SCC 30.25.020(4). For properties within urban zones that are separated from
 29 properties in rural zones only by public or private roads or road right-of-way, the
 30 minimum landscape requirements of SCC Table 30.25.020(1) shall also be
 31 required unless exempted pursuant to SCC 30.25.020(4). When a development
 32 proposal has multiple uses or dwelling types, the most intensive use or dwelling
 33 type within 100 feet of the property line shall determine which perimeter
 34 landscaping requirements shall apply.

35 (2) Properties zoned RFS, CRC and RB shall provide a 50 foot Type A
 36 perimeter landscape buffer when adjacent to R-5, RD, RRT-10, A-10, F, F and R
 37 and Mineral Conservation. Properties zoned RI shall provide a 100 foot Type A
 38 perimeter landscape buffer when adjacent to R-5, RD, RRT-10, A-10, F, F and R
 39 and Mineral Conservation.
 40
 41
 42
 43
 44
 45

1
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Table 30.25.020(1)
Perimeter Landscaping Requirement

		Zoning Classification of Adjacent Property																			
		R-9600(-); R-8400		R-7200		T, LDMR, MR		FS, NB, CB, PCB		GC		LI, HI		BP, IP		RB, RFS, RI		CRC		ALL OTHER ZONES	
		Width (in feet)	Type	Width (in feet)	Type	Width (in feet)	Type	Width (in feet)	Type	Width (in feet)	Type	Width (in feet)	Type	Width (in feet)	Type	Width (in feet)	Type	Width (in feet)	Type	Width (in feet)	Type
Proposed Use	Conditional Uses ⁴	20	A	20	A	20	A												20	A	
	Retail/Office and other Commercial uses	15	A	15	A	15	B												25	A	
	Business Park	25	A	25	A	15	B	10	B										25	A	
	Light Industrial ¹	25	A	25	A	15	B												25	A	
	Heavy Industrial ²	25	A	25	A	25	A												25	A	
	Single Family/Duplex/Single Family Attached ⁵																		15	A	
	Cottage Housing ⁵	10	B																15	A	
	Multi-Family/Townhouse ⁵	15	B	10	B														25	A	
	Parking Lot	10	A	10	A	10	A												25	A	
	Cell Towers ³	20	A	20	A	20	A	20	A	20	A	20	A	20	A	20	A	20	A	20	A
	Stormwater Detention Facility	See SCC 30.25.023																			
	Outside Storage and Waste Areas	See SCC 30.25.024																			
	Large Detached Garages and Storage Structures	See SCC 30.25.029																			
	Minerals Excavation and Processing	See SCC 30.25.027																			
Accessory Apartments and Temporary Dwellings	See SCC 30.25.028																				

3 Footnote 1: As defined by the Light Industrial zone in SCC 30.22.100 ((SCG)).
 4 Footnote 2: As defined by the Heavy Industrial zone in SCC 30.22.100 ((SCG)).

1 Footnote 3: Cell towers means personal wireless telecommunications services facilities.
2 Footnote 4: Conditional uses located in a residential zone according to SCC 30.22.100, SCC
3 30.22.110 and SCC 30.22.120.
4
5

6 (3) If a property abuts more than one zoning classification, the standards
7 of that portion which abuts each zone of the property shall be utilized.

8 (4) Exceptions to SCC Table 30.25.020(1) shall be as follows:

9 (a) Where a development abuts a public road that is not on the
10 boundary between a rural zone and an urban zone, the perimeter landscaping
11 along the road frontage shall be 10 feet in width and contain Type B landscaping,
12 except no perimeter landscaping is required in areas for required driveways,
13 storm drainage facility maintenance roads, pedestrian trail connections, or where
14 encumbered by utility crossings or other easements subject to permanent access
15 and maintenance;

16 (b) When any portion of a project site is developed as usable open
17 space or used as a permanently protected resource protection area, critical area
18 protection area, or equivalent, the perimeter landscaping shall consist of Type B
19 landscaping; and

20 (c) Where a perimeter lot abuts a utility or drainage easement
21 greater than 15 feet in width that is not on the boundary between a rural zone
22 and an urban zone, no perimeter landscaping will be required.

23 (5) All perimeter landscape areas shall be located within private
24 easements to be maintained pursuant to SCC 30.25.045.
25

26 **Section 6.** Snohomish County Code Section 30.25.030, amended by
27 Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:
28

29 **30.25.030 Additional landscaping requirements for PCB, BP, and IP zones.**

30 In addition to the perimeter landscaping requirements contained in SCC
31 30.25.020, requirements for PCB, BP, and IP zones are as follows:

32 (1) In any required landscaping area, significant trees shall be preserved;

33 (2) Areas zoned PCB and BP shall provide additional Type B or parking lot
34 landscaping in an amount equal to 15 percent of the area required for perimeter
35 and parking lot landscaping; and

36 (3) Any IP zone proposed in the Maltby Urban Growth Area (UGA) shall
37 provide a 50-foot wide landscaped area along the external boundary of the IP
38 zone where it either abuts ~~((the UGA boundary))~~ a rural zone, or where it is
39 separated from a rural zone only by a public or private road or road right-of-way.


40 The landscape area shall be an undeveloped area and consist of a visual screen
41 comprising dense plantings equal to or exceeding Type A landscaping,
42 decorative walls, landscaped berming, and/or other buffering techniques; and

43 (4) Removal of trees otherwise required to be retained is allowed when
44 required to meet EDDS or because of public health and safety concerns as
45 documented by a qualified arborist.
46

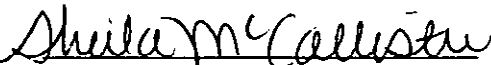
1 **Section 7. Severability and Savings.** If any section, sentence, clause or
2 phrase of this ordinance shall be held to be invalid or unconstitutional by the
3 Growth Management Hearings Board, or a court of competent jurisdiction, such
4 invalidity or unconstitutionality shall not affect the validity or constitutionality of
5 any other section, sentence, clause or phrase of this ordinance. Provided,
6 however, that if any section, sentence, clause or phrase of this ordinance is held
7 to be invalid by the Board or court of competent jurisdiction, then the section,
8 sentence, clause or phrase in effect prior to the effective date of this ordinance
9 shall be in full force and effect for that individual section, sentence, clause or
10 phrase as if this ordinance had never been adopted.

11
12 PASSED this 24th day of March, 2010.

13
14 SNOHOMISH COUNTY COUNCIL
15 Snohomish County, Washington

16
17 
18 _____
19 Council Chair

20 ATTEST:

21
22 
23 Asst. Clerk of the Council

24
25 APPROVED
26 EMERGENCY
27 VETOED

28 DATE: 3/24/10

29
30 
31 MARK SOINE
32 Deputy Executive
33 _____
34 County Executive

33 ATTEST:

34 
35 _____
36

37 Approved as to form only:

38
39 _____
40 Deputy Prosecuting Attorney

D-17