



CO00037599

1 Adopted: Oct 20, 2010

2 Effective: Nov 4, 2010

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 AMENDED ORDINANCE NO. 10-086

8
9 **RELATING TO GENERAL REQUIREMENTS FOR THE PROVISION OF SECURITY DEVICES**
10 **RELATED TO DEVELOPMENT; AMENDING, ADDING AND REPEALING SECTIONS OF**
11 **TITLE 30 SCC**

12
13 WHEREAS, pursuant to the Growth Management Act ("GMA"), chapter 36.70A RCW,
14 the Snohomish County Council has adopted the Snohomish County GMA Comprehensive Plan
15 – General Policy Plan (GPP) for the unincorporated areas of Snohomish County; and

16
17 WHEREAS, on December 9, 2002, the County Council adopted Amended Ordinance
18 No. 02-064 adding Snohomish County Code ("SCC") title 30, the Unified Development Code
19 ("UDC"), which unified all the regulations that guide development within the unincorporated
20 areas of Snohomish County; and

21
22 WHEREAS, the adoption of the UDC created unintentional conflicts, inconsistencies and
23 procedural challenges for the implementation and process of the required security devices
24 associated with development; and

25
26 WHEREAS, on August 26, 2009, the County Council adopted Amended Ordinance No.
27 09-077, amending titles 13 and 30 SCC, and reducing the bonding amount for performance and
28 warranty bonds from 150 percent to 110 percent for development within the unincorporated
29 areas of Snohomish County; and

30
31 WHEREAS, the Department of Public Works ("DPW") and the Department of Planning &
32 Development Services ("PDS") have been working with Amended Ordinance No. 02-064 and
33 have determined that additional amendments are warranted to the UDC to eliminate the
34 unintentional conflicts that occurred as a result of the adoption of the UDC, to provide additional
35 clarity and consistency with the security device provisions of the UDC, and to consolidate all the
36 UDC code requirements for security devices associated with development into one chapter
37 making the security provisions easier to understand and implement for both staff and the
38 development community; and

39
40 WHEREAS, the County has conducted early and continuous public participation in
41 developing the draft code amendments; and

42
43 WHEREAS, pursuant to RCW 36.70A.106(1), a notice of intent to adopt these code
44 amendment was transmitted to the Washington State Department of Commerce on February
45 25, 2010; and

46
47 WHEREAS, the Washington State Department of Commerce acknowledged receipt of
48 the county's notice in a letter dated March 3, 2010; and

49
50 WHEREAS, on February 25, 2010, DPW issued a threshold Determination of
51 Nonsignificance for the proposed amendments under the authority of the a State Environmental
52 Policy Act ("SEPA"), chapter 43.21C RCW; and

1
2 WHEREAS, the Snohomish County Planning Commission ("Planning Commission") held
3 a public hearing on April 27, 2010, to receive public testimony concerning the proposed code
4 amendments; and

5
6 WHEREAS, at the conclusion of the Planning Commission's public hearing, the Planning
7 Commission voted to recommend adoption of the code amendments proposed by this
8 Ordinance, as shown in its recommendation letter dated June 24, 2010; and

9
10 WHEREAS, on October 19, 2010, the County Council held a public hearing after proper
11 notice, received public testimony related to the proposed code amendments, and considered
12 the entire record, including the Planning Commission's recommendations on the proposed code
13 amendments; and

14
15 WHEREAS, immediately following the public hearing, the County Council deliberated on
16 the proposed code amendments;

17
18 NOW, THEREFORE, BE IT ORDAINED:

19
20 Section 1. The County Council adopts the foregoing recitals as findings of fact or
21 conclusions as if set forth in full.

22
23 Section 2. The County Council makes the following additional findings of fact in support
24 of this ordinance:

- 25
26 A. Amendments to SCC 30.25.033 are necessary to correct reference from bond or other type
27 of security to security device, clarify the types of security devices required and to add the
28 appropriate code citation to chapter 30.84 SCC.
- 29 B. Amendments to SCC 30.25.043 are necessary to eliminate duplicative language on the
30 required security device amount and to add language to provide the correct code citation to
31 chapter 30.84 SCC.
- 32 C. Amendments to SCC 30.25.045 are necessary to correct reference from bond or other type
33 of security to security device, eliminate duplicative language and to add language to
34 provide the correct code citation to chapter 30.84 SCC.
- 35 D. Amendments to SCC 30.26.040 are necessary to correct the reference from bond or other
36 type of surety to security, eliminate duplicative language and to add language to provide
37 the correct code citation to chapter 30.84 SCC.
- 38 E. Amendments to SCC 30.28.095 are necessary to correct reference from bond or other type
39 of security to security device.
- 40 F. Amendments to SCC 30.28A.130 are necessary to correct reference from bond or other
41 type of security to security device.
- 42 G. Amendments to SCC 30.28A.190 are necessary to correct reference from bond or other
43 type of security to security device.
- 44 H. Amendments to SCC 30.31A.120 are necessary to eliminate duplicative language that has
45 been consolidated in chapter 30.84 SCC and to add language to provide the correct code
46 citation to chapter 30.84 SCC.
- 47 I. Amendments to SCC 30.31D.210 are necessary to correct reference from bond to financial
48 security.

- 1 J. Amendments to SCC 30.41A.410 are necessary to correct reference from bond or other
2 security to security device, eliminate duplicative language and to add language to provide
3 the correct code citation to chapter 30.84 SCC.
- 4 K. Amendments to SCC 30.41A.430 are necessary to add language to provide a code citation
5 to chapter 30.84 SCC.
- 6 L. Amendments to SCC 30.41B.400 are necessary to change the language in subsection (1)
7 from "as provided by" to "in accordance with" and in subsection (3) change the requirement
8 from "may" to "shall" for compliance with SCC 30.41A.400 – 30.41A.430, update the
9 reference to the type of security device and add language to provide the correct code
10 citation to chapter 30.84 SCC.
- 11 M. Amendments to SCC 30.41D.300 are necessary to add language to provide the correct
12 code citations to the appropriate sections in chapter 30.84 SCC.
- 13 N. Amendments to SCC 30.41D.310 are necessary to change the section title from "Bond or
14 performance security" to "Performance security," eliminate duplicative language that was
15 consolidated in chapter 30.84 SCC, and to add language to provide the correct code
16 citation to chapter 30.84 SCC.
- 17 O. Amendments to SCC 30.42B.210 are necessary to add language to correct reference from
18 bond or other guarantee of performance to performance security.
- 19 P. Amendments to SCC 30.42C.100 are necessary to add language to include performance
20 security and to eliminate the words "bond or other" security so the section is a reference to
21 performance or maintenance securities.
- 22 Q. Amendments to SCC 30.42E.040 are necessary to eliminate language for a security device
23 when a site plan for a mobile home park is approved. The appropriate time to require a
24 security device is when construction is proposed, not when a plan is approved. Language
25 was added to provide the correct code citation to chapter 30.84 SCC for requiring security
26 devices.
- 27 R. Amendments to SCC 30.54A.050 are necessary to correct the reference from bond to
28 performance security, and eliminate reference to sureties or surety company.
- 29 S. Amendments to SCC 30.62.070 are necessary to change the section title from "Bond or
30 performance security" to "Performance security," eliminate unnecessary and repetitive
31 language and add language to update the reference to the appropriate code citation in
32 chapter 30.84 SCC. Portions of this section were moved to SCC 30.84.140(1).
- 33 T. Amendments to SCC 30.62.345 are necessary eliminate duplicative language as the
34 requirements are contained in chapter 30.84 SCC.
- 35 U. Amendments to SCC 30.62B.170 are necessary to add language to correct reference from
36 bonds to security devices and to correctly cite insurance requirements found in SCC
37 30.63B.170.
- 38 V. Amendments to SCC 30.63A.220 are necessary to delete references to bonding and
39 covenants and add references to chapters 30.84 and 30.63A SCC.
- 40 W. Amendments to SCC 30.63A.440 are necessary to change the word "bond" to "security
41 device" and insert a reference to chapter 30.84 SCC.
- 42 X. Amendments to SCC 30.63A.580 are necessary to eliminate language pertaining to
43 warranty security as this type of security device is being eliminated.
- 44 Y. Amendments to SCC 30.63A.585 are necessary to eliminate language pertaining to
45 warranty security as this type of security device is being eliminated.

- 1 Z. Amendments to SCC 30.63A.860 are necessary to update the reference in subsection (6)
2 concerning delayed construction to the appropriate code citation, SCC 30.84.105.
- 3 AA. Amendment to the title of Part 900 of Chapter 30.63A SCC is necessary to replace the
4 reference to performance securities with security devices.
- 5 BB. Amendments to SCC 30.63A.900 are necessary to amend the section title to reflect a
6 reference to security devices, to delete the reference to performance securities, and to
7 insert references to chapter 30.84 SCC and SCC 30.63A.940.
- 8 CC. Repeal of SCC 30.63A.910 is necessary to delete language that is duplicative of language
9 in chapter 30.84 SCC.
- 10 DD. Repeal of SCC 30.63A.920 is necessary as this type of security has been eliminated.
- 11 EE. Repeal of SCC 30.63A.930 is necessary to delete language that is duplicative of language
12 in chapter 30.84 SCC.
- 13 FF. Amendments to SCC 30.63B.050 are necessary to clarify that, when applicable, security
14 devices and insurance must be provided to and accepted by the department prior to
15 issuance of a land disturbing activity permit, and to insert references to chapter 30.84 SCC
16 and SCC 30.63A.940.
- 17 GG. Amendments to SCC 30.63B.370 are necessary to amend the title of the section and insert
18 a reference to chapter 30.84 SCC and to the insurance requirements of SCC 30.63A.940.
- 19 HH. Amendments to SCC 30.66B.070 are necessary to eliminate language requiring the
20 posting of a performance security prior to issuance of a Record of Developer Obligation.
21 The appropriate timing for a performance security is when the actual development is
22 proposed and ready for permitting.
- 23 II. Amendments to SCC 30.66B.440 are necessary to add language to reference the
24 appropriate code section in chapter 30.84 for delayed construction and to eliminate the
25 reference to bonding.
- 26 JJ. Amendments to SCC 30.66B.820 are necessary to change the language referring to
27 performance security to a security device.
- 28 KK. Repeal and readoption of chapter 30.84 SCC is necessary due to the number of
29 amendments and additions being proposed by this Ordinance to title 30 SCC.
- 30 LL. Amendments to SCC 30.86.100 are necessary to amend the language to change the
31 reference from "ROAD BOND FEE" to "SECURITY DEVICE ADMINISTRATION FEE," to
32 change the reference from "Construction bond option" to Performance Security option," to
33 change the reference from "Maintenance bond" to Maintenance security", and to correct
34 the code citation in footnote 7.
- 35 MM. Amendments to SCC 30.86.500 are necessary to amend the language in footnote 5(b) to
36 change the reference from "cash, surety bond or other sufficient and acceptable bond" to "a
37 performance security" and eliminate unnecessary language referring to the title of chapter
38 30.84 SCC.
- 39 NN. Amendments to SCC 30.86.510 are necessary to eliminate the language and fees
40 pertaining to warranty security as this type of security device is being eliminated, and
41 replace the words "commercial building" with "all other" for performance and maintenance
42 securities to clarify fee requirements.
- 43 OO. Addition of a new definition for "Security, performance monitoring" in Chapter 30.91S SCC
44 is needed to define this security device as the appropriate security for securing the viability
45 of critical area mitigation once the mitigation is completed and to establish that this type of

1 security device only applies to critical area mitigation required under chapters 30.62 and
2 30.62A SCC.

3 PP. Repealing SCC 30.91S.110 is necessary as this type of security device has been
4 eliminated.

5
6 Section 3. The County Council makes the following conclusions:
7

- 8 A. The code amendments and revisions proposed by this ordinance are consistent with the
9 goals, objectives, and policies of the GPP.
10
11 B. The amendments to title 30 SCC proposed by this ordinance are consistent with the
12 Countywide Planning Policies for Snohomish County and with the multi-county planning
13 policies adopted by the Puget Sound Regional Council.
14
15 C. SEPA requirements, with respect to this non-project action, have been satisfied through the
16 completion of an environmental checklist and the issuance of a determination of
17 nonsignificance (DNS) on February 25, 2010.
18
19 D. The amendments proposed by this ordinance have been broadly disseminated and
20 opportunities have been provided for written comments and public hearing after effective
21 notice.
22
23 E. The public participation process related to the adoption of this ordinance has been early and
24 continuous and has complied with all applicable requirements, including but not limited to,
25 the GMA, chapter 30.73 SCC, and the Snohomish County Charter.
26
27 F. The amendments are consistent with the goals and requirements of the GMA.
28
29 G. This ordinance is adopted pursuant to the Snohomish County Charter and the Washington
30 State Constitution, Article XI, Section 11.
31

32 Section 4. Snohomish County Code Section 30.25.033, adopted by Amended
33 Ordinance No. 08-087 on February 4, 2009, is amended to read:
34

35 **30.25.033 Additional landscaping requirements for rural cluster subdivisions and**
36 **short subdivisions.**

37 To protect and enhance rural character, landscaping for rural cluster subdivision development
38 under chapter 30.41C SCC shall provide screening to minimize the visibility of rural cluster
39 subdivisions from adjoining roadways and from adjacent residential property. While 100 percent
40 screening is not necessary, the view of new development should be softened and minimized to
41 the greatest extent possible.

42 (1) Retention of 50 percent of the overall tree canopy on the pre-development site is
43 recommended to minimize change to the visual character of the site.

44 (2) Visual screening shall be provided through retention of native vegetation, new landscape
45 planting, or a combination of the two, in the following locations:

46 (a) In the required setback buffer from the road rights-of-way;

47 (b) In the perimeter buffer of the site where it abuts adjacent residential property; and

48 (c) In the open space buffers between clusters.

49 (3) When retention of existing vegetation is not adequate to screen development from road
50 rights-of-way or from adjacent residential property, landscape installation shall be required for
51 additional visual screening. Landscape installation shall be in clustered plantings pursuant to

1 SCC 30.25.033(4) that are each approximately 40 feet long, aligned parallel to the development
2 boundary lines and extending the length of the property line, and 25 feet in depth measured
3 perpendicular to the development property line. Planting clusters shall be alternated in parallel
4 rows as illustrated in Figure 30.25.033 (3), to achieve an informal appearance.

5 (4) Placement requirements may be redistributed or reduced by 20 percent when the
6 landscape plan defines the local variations in topography, views, and character-defining
7 elements, both natural and manmade, and accordingly sites a variety of landscape groupings to
8 provide visual buffers at strategic points to diminish the visual impact of the housing clusters on
9 the public traveling along adjoining roads and on houses located on adjacent properties. The
10 modified planting plan also shall preserve landscape features and viewsheds for the visual
11 benefit of the public and adjacent properties whenever possible.

12 (5) Rural cluster subdivision landscaping shall meet the following standards:

13 (a) Plant combinations of trees and shrubs located in planted clusters that:

14 (i) Preserve existing vegetation wherever feasible;

15 (ii) Use native plants for new planting installations or a mix of native plants and 20 to 30
16 percent non-native plants if they are naturalized vegetation typical of established rural uses,
17 such as orchards, hedgerows or windbreaks; and

18 (iii) Incorporate both evergreen and deciduous species of trees and shrubs that are in
19 varying degrees of maturity at planting and can establish a natural succession of growth.

20 (b) For standard landscape groupings:

21 (i) Trees and shrubs must be two-thirds evergreen species;

22 (ii) Each plant grouping shall contain trees planted approximately 15' on center in a
23 triangular or offset pattern;

24 (iii) Evergreen and deciduous shrubs shall be located at no greater than 8 feet on center;

25 (iv) Evergreen trees shall have a minimum height of 8 feet at the time of planting; and

26 (v) Deciduous trees shall have a minimum 1 ½ -inch caliper (DBH) for balled stock at
27 the time of planting.

28 (c) The director shall provide and maintain a list of trees and shrubs that are native species
29 or naturalized vegetation typical of established rural uses, such as orchards, hedgerows or
30 windbreaks for landscaping in the rural districts.

31 (d) Preference shall be given to Snohomish County-grown tree and vegetation stock, to
32 help promote a viable agricultural industry and opportunity in the county.

33 (6) Existing trees shall be retained in the setback, perimeter and cluster separation buffers
34 where wind-throw loss can be minimized, as determined by a qualified landscape designer.
35 When enhancement is necessary using the provisions of subsections (2), (3), (4) and (5) of this
36 section to prevent significant wind-throw loss or to support a remnant forest environment, the
37 extent of the enhancement shall be determined by a qualified landscape designer using the
38 screening provisions of this section. The tree retention requirements of this provision do not
39 apply to any forest practice occurring on forest land as those terms are defined by RCW
40 76.09.020 of the Forest Practices Act, chapter 76.09 RCW.

41 (7) Non-native vegetation that has become part of the rural landscape and character such as
42 orchards, hedgerows and windbreaks shall be retained.

43 (8) Landscaping of stormwater detention facilities is required in accordance with SCC
44 30.25.023.

45 (9) A performance or maintenance ~~((bond or other form of))~~ security ~~((approved))~~ may be
46 required by the department in accordance with ~~((SCC 30.25.043 and 30.25.045))~~ SCC
47 30.84.150 and a plan review and inspection fee in accordance with SCC 30.86.145 shall be
48 provided to the county for landscaping.

1 Section 5. Snohomish County Code Section 30.25.043, last amended by Amended
2 Ordinance No. 09-077 on August 26, 2009, is amended to read:

3
4 **30.25.043 Landscaping installation.**

5 (1) All required landscaping shall be installed and a qualified landscape designer shall certify
6 to the department that the installation complies with the code and the approved plans prior to
7 issuance of a certificate of occupancy or final approval of the building permit.

8 (2) The department may authorize up to a 180-day delay when a qualified landscape
9 designer certifies that planting season conflicts could produce a high probability of plant loss.

10 (3) A performance security in ~~((an amount sufficient to cover up to 110 percent of the cost of~~
11 ~~purchasing and installing the approved landscaping))~~accordance with SCC 30.84.105 shall be
12 required by the department if a planting delay is authorized.

13
14 Section 6. Snohomish County Code Section 30.25.045, adopted by Amended
15 Ordinance No. 02-064 on December 9, 2002, is amended to read:

16
17 **30.25.045 Landscaping maintenance.**

18 (1) The property owner shall maintain all approved landscaping after installation. Dead or
19 significantly damaged plants and/or other landscaping material shall be replaced within three
20 months of the death or damage; provided that the department may authorize up to a 180-day
21 delay in replacement when plant death or damage occurs outside the normal planting season.

22 (2) The department may require a maintenance security device ~~((such as a bond, letter of~~
23 ~~credit, or assignment of savings for a period of at least one year from the date of installation of~~
24 ~~the required landscaping. The security shall be in an amount equal to 20 percent of the~~
25 ~~installed cost of the approved landscaping. If at the end of the one year period, the landscaping~~
26 ~~requires replanting or shows signs of significant disease or damage, the security device may be~~
27 ~~held for up to an additional two years. The department may, according to the terms of the~~
28 ~~security device, use the security funds to maintain or replace required landscaping according to~~
29 ~~the approved plans))~~in accordance with SCC 30.84.150(2).

30
31 Section 7. Snohomish County Code Section 30.26.040, last amended by Amended
32 Ordinance No. 09-077 on August 26, 2009, is amended to read:

33
34 **30.26.040 Reduction of required spaces.**

35 The department may reduce the parking requirements otherwise prescribed for any use or
36 combination of uses as set forth below:

37 (1) Retirement apartments. Approved building plans shall show one parking space per
38 dwelling unit. Installation of up to 50 percent of the required spaces may be deferred by the
39 department and held in reserve as landscaped area. Installation of the deferred parking spaces
40 and any required parking lot landscaping will be required at such time as the building is no
41 longer used as a retirement apartment. A performance ~~((bond or alternate surety))~~security may
42 be required in ~~((the amount of 150 percent of))~~accordance with SCC 30.84.020, for the cost of
43 the deferred improvements to assure installation at a future date;

44 (2) Retirement housing. The requirement of one space per dwelling unit may be reduced to
45 no less than one space for every three dwelling units as determined by the department. The
46 determination shall be based on the following:

47 (a) Demonstrated availability of private, convenient, regular transportation services to meet
48 the needs of the retirement apartment occupant;

49 (b) Accessibility to and frequency of public transportation; or

50 (c) Direct pedestrian access to health, medical, and shopping facilities; and

51 (3) All other uses. The department may reduce, by not more than 40 percent, the number of
52 required parking spaces when an applicant demonstrates that effective alternatives to

1 automobile use, including but not limited to van pooling, ride matching for carpools, and
2 provision of subscription bus service will be implemented and will provide an effective and
3 permanent reduction in parking demand.
4

5 Section 8. Snohomish County Code Section 30.28.095, adopted by Amended
6 Ordinance No. 02-064 on December 9, 2002, is amended to read:
7

8 **30.28.095 Woodwaste recycling and woodwaste storage facility.**

9 These two uses are subject to the following minimum requirements except when incidental to a
10 primary use allowed in the applicable zone:

11 (1) Siting criteria. Woodwaste recycling and woodwaste storage shall be located in
12 compliance with the following:

13 (a) The minimum site size shall be 10 acres; and

14 (b) Outside storage, recycling and processing activity areas, parking areas and other
15 outside activity areas shall be located at least 100 feet from adjacent properties used, zoned, or
16 designated for residential purposes and at least 200 feet from any stream or wetland or land
17 designated as an environmentally sensitive area by the comprehensive plan; provided,
18 however, that where such activities are fully enclosed within a structure, the minimum 200-foot
19 setback shall be reduced to 50 feet. The character of the minimum setback area and the
20 potential need for a greater setback shall be determined by the hearing examiner in accordance
21 with adopted county plans and policies, including the applicable area comprehensive plan;

22 (2) Submittal requirements to accompany a conditional use application. An application for a
23 conditional use permit to allow a woodwaste recycling or woodwaste storage facility shall
24 include the following submittals:

25 (a) A site development plan showing all woodwaste storage areas (active and reserve
26 areas), recycled material storage areas, proposed structures, equipment, parking areas, access
27 drives/fire lanes, delineation of existing vegetation, extent of clearing, buffer widths, on-site
28 sewage disposal areas (if proposed), and existing site structures/facilities that are to remain or
29 be removed;

30 (b) A water quality control and monitoring plan. The applicant shall prepare a water quality
31 control plan which demonstrates adequate protections for surface and groundwater quality
32 consistent with the requirements of Snohomish Health District Sanitary Code, chapter 3.1,
33 "Regulations Governing Solid Waste Handling." This chapter of the sanitary code contains
34 provisions for minimizing stormwater runoff contact with woodwaste and recycled materials, and
35 includes an independently-produced hydrogeologic report which analyzes the potential for
36 surface water contamination, groundwater infiltration, or other types of water degradation (on-
37 site or off-site) resulting from leachate produced by the proposal and recommends preventative
38 measures if such contamination is anticipated;

39 (c) An operational plan which contains the following elements:

40 (i) a fire prevention and protection plan which contains adequate provisions for the
41 prevention of on-site fires and includes specific measures to prevent the spread of fires and
42 protect adjacent properties. Approval of said plan shall be obtained from the county fire marshal
43 prior to conditional use approval;

44 (ii) a materials inspection plan which will ensure control over the type of woodwaste
45 entering the site. This plan shall include provisions for the visual inspection of all materials
46 brought to the site during placement in the designated storage area and procedures for the
47 immediate removal of waste material other than woodwaste and demolition or construction
48 debris as defined by this title. The operator shall be responsible for ensuring that such material
49 does not enter the site;

50 (iii) for woodwaste recycling, a requirement for use of specific equipment (crushers,
51 chippers, etc.) capable of woodwaste processing at a rate in conformance with Snohomish

1 Health District Sanitary Code, chapter 3.1, "Regulations Governing Solid Waste Handling," code
2 number 3.1-300(3)(c)(i) section; and

3 (iv) a landscaping and screening plan which demonstrates maximum retention of
4 natural vegetation around the perimeter of the site and augmentation with planted landscaping
5 materials as necessary to assure site screening capability; and

6 (d) The applicant shall be required to post a performance ~~((bond))~~ security for site
7 reclamation and other ~~((bonds))~~ security devices as determined by the hearing examiner,
8 including, but not limited to ~~((bonds))~~ security devices for facility maintenance, water quality
9 control and monitoring equipment, and recovery of fire extinguishment costs;

10 (3) Minimum Performance Standards. A conditional use permit shall be subject to the
11 following minimum performance standards:

12 (a) All woodwaste and demolition and construction debris shall be stored at or above
13 ground level. Natural or artificially created depressions in the earth shall not be used;

14 (b) The applicant shall demonstrate that an adequate water supply is available at the site
15 to sustain necessary fire flow pressure for purposes of fire protection as determined by the
16 applicable local fire district in consultation with the county fire marshal;

17 (c) The proposed operation shall be carried out so as to avoid the emission of smoke, dust,
18 fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water
19 pollution, or other emissions which are unduly or unreasonably offensive or injurious to
20 properties, residents, or improvements in the vicinity;

21 (d) The applicant shall provide an on-site leachate collection/treatment system designed,
22 constructed, and operated in a manner that disposes of the leachate when one or more of the
23 following circumstances exist:

24 (i) the hydrogeologic report prepared in accordance with SCC 30.28.095(2)(b)
25 recommends a leachate collection/treatment system due to site characteristics of topography,
26 underlying geology and hydrology; or

27 (ii) a treatment/collection system is recommended by the Snohomish Health District
28 to satisfy the requirements of Snohomish Health District Sanitary Code, chapter 3.1,
29 "Regulations Governing Solid Waste Handling," relating to surface and groundwater protection;

30 (e) Thirty-foot wide, Type A landscaping is required around the perimeter of the proposed
31 site. All outside activity areas and buildings used in recycling or processing shall be screened
32 from view from the surrounding roadways. Where feasible, natural vegetation shall be used for
33 screening purposes. If the natural buffer is inadequate to provide sight screening, additional
34 landscaping will be required;

35 (f) Woodwaste and recycled materials shall be placed in piles, and piles must be stored
36 and recycled in compliance with the Snohomish Health District's criteria for waste recycling
37 facilities, as contained in Snohomish Health District Sanitary Code, chapter 3.1, "Regulations
38 Governing Solid Waste Handling," code number 3.1-300(3)(c)(i);

39 (g) Woodwaste and recycled material in a pile shall be stored in piles no more than 40 feet
40 high and not more than one-half acre in size. Piles shall be separated by a fire lane with a
41 minimum width of 40 feet;

42 (h) For purposes of fire prevention, no more than 40 percent of the designated storage
43 area shall be devoted to active storage at any one time. At least 60 percent of the designated
44 storage area shall be cleared and identified as a reserve storage area at all times; and

45 (i) Except in the LI and HI zones, a proposed woodwaste storage or woodwaste recycling
46 facility shall be limited to wholesale distribution only, with retail sales of any woodwaste recycled
47 product being prohibited.

48
49 Section 9. Snohomish County Code Section 30.28A.130, adopted by Amended
50 Ordinance No. 05-038 on November 30, 2005, is amended to read:

51
52 **30.28A.130 Requirements for siting on Snohomish County property.**

1 The county reserves the right to deny the use of any or all county property by any or all
2 applicants for siting locations. Consideration of property located within county rights-of-way is
3 subject to the provisions of title 13 SCC, including franchise approval in accordance with
4 chapter 13.80 SCC. Consideration of the use of property that is owned or otherwise controlled
5 by county through rent, lease, easement, etc., will be the following:

6 (1) The placement of personal wireless service facilities on county property shall comply with
7 the following special requirements in addition to all applicable requirements of this chapter:

8 (a) The custodial department, as set forth in chapter 4.46 SCC, has reviewed and made a
9 recommendation regarding the proposed personal wireless telecommunications service facilities
10 to be located on county property, and this recommendation has been forwarded to Property
11 Management.

12 (b) The facilities will not interfere with the purpose for which the county property is
13 intended;

14 (c) The applicant is to obtain adequate liability insurance pursuant to SCC 13.10.100;

15 (d) The applicant will submit a ~~((letter of credit,))~~ performance ~~((bond or other))~~ security
16 acceptable to the county to cover the costs of removing the facilities in accordance with title 13
17 SCC;

18 (e) The facilities will not interfere with other users who have a higher priority as discussed
19 under SCC 30.28A.120;

20 (f) The applicant must reimburse the county for any related costs that the county incurs
21 because of the presence of the applicant's facilities;

22 (g) The applicant may be required to pay rent to license or lease county property for a
23 personal wireless telecommunications services facility according to a rate established by the
24 custodial department after consultation with a state licensed certified general real estate
25 appraiser.

26 (h) The applicant must obtain all necessary right-of-way permit, land use permit, and
27 building permit approvals.

28 (i) The applicant must execute a written license or lease agreement with the county that
29 sets forth the terms under which the applicant may use the county property.

30 (2) The placement of personal wireless telecommunications service facilities in a park will be
31 allowed only when the following additional requirements are met;

32 (a) Personal wireless telecommunications service facilities shall not be allowed in
33 designated critical areas unless they are with existing facilities.

34 (b) Personal wireless telecommunications service facilities may only be located in public
35 parks if screening as regulated in SCC 30.28A.180 minimizes visual and noise impacts, and
36 normal public use will not be disrupted as approved by the director of the Parks Department.

37 (c) Personal wireless telecommunications service facilities may be located in park
38 maintenance facilities.

39
40 Section 10. Snohomish County Code Section 30.28A.190, adopted by Amended
41 Ordinance No. 05-038 on November 30, 2005, is amended to read:

42
43 **30.28A.190 Security Device.**

44 The director may require ~~((a bond or other appropriate))~~ security ~~((device))~~ devices pursuant to
45 chapter 30.84 SCC.

46
47 Section 11. Snohomish County Code Section 30.31A.120, adopted by Amended
48 Ordinance No. 02-064 on December 9, 2002, is amended to read:

49
50 **30.31A.120 BP zone performance standards.**

51 In addition to the minimum zoning criteria and general performance standards set forth above,
52 the following are specific performance requirements in the BP zone:

1 (1) No uncovered outside storage shall be allowed of any products produced or items used in
2 the operation of the business, except vehicles used to transport either raw materials or finished
3 products of the business;

4 (2) No more than 20 percent of the constructed BP zone floor area in any development may
5 be devoted to those accessory retail commercial uses primarily intended to serve the principal
6 BP zone uses;

7 (3) The retail sale of products manufactured on the BP zone site shall be permitted;

8 (4) Prior to the issuance of any building occupancy permits in a BP zone the developer(s)
9 shall either complete all required improvements ~~((of a public nature, such as but not limited to~~
10 ~~streets, sidewalks, storm runoff and erosion control system, street signs and street lights, to the~~
11 ~~required specification, or enter into an agreement with the county to construct such~~
12 ~~development as may be approved, together with performance security to ensure the completion~~
13 ~~of such improvements in accordance with chapter 30.84 SCC. Required improvements of a~~
14 ~~private nature, such as but not limited to private roads and landscaping, shall be constructed~~
15 ~~prior to building occupancy, bonded, secured by letter of credit or other performance security,~~
16 ~~or, subject to county approval, be constructed in conformance with a performance schedule~~
17 ~~delineated as part of the final plan which shall be tied to the issuance of building, occupancy or~~
18 ~~other permits. All bonded or secured improvements shall be completed within six months of~~
19 ~~bond or security device issuance or be subject to forfeiture. Extensions may be granted by the~~
20 ~~director of the department of public works. As improvements are completed and upon~~
21 ~~application by the developer, a partial release of the bond or other security may be authorized~~
22 ~~which will leave a balance equal to the cost of completing the remaining improvements as~~
23 ~~certified by the county. The bond or security agreement shall provide for forfeiture to the county~~
24 ~~and the right to withdraw funds upon default by the developer to construct any or all of the public~~
25 ~~improvements in accordance with approved specifications within the time limit for performance.~~
26 ~~The bond or security may be issued for phased divisions of the development as may be~~
27 ~~approved by the county)) or the remaining improvements shall be secured with a security device~~
28 in accordance with SCC 30.84.105; and

29 (5) All outdoor lighting shall conform to the unified architectural lighting scheme for the BP
30 development and shall not:

- 31 (a) Shine on adjacent properties;
32 (b) Conflict with the readability of traffic control devices; or
33 (c) Rotate or flash.

34
35 Section 12. Snohomish County Code Section 30.31D.210, last amended by Amended
36 Ordinance No. 05-083 on December 21, 2005, is amended to read:

37
38 **30.31D.210 Decision criteria.**

39 Applications for an administrative conditional use permit or a conditional use permit on sites
40 which meet the criteria in SCC 30.31D.010(2) and (3) shall not be denied unless the approval
41 authority makes a finding of fact and a determination that any of the following situations exist:

42 (1) It is determined that the reclamation plans and operating procedures for excavations not
43 regulated by the state pursuant to chapter 78.44 RCW proposed by the applicant are not
44 adequate to protect the general welfare and adjoining properties or the natural environment to
45 an extent deemed reasonable as conditioned by these local circumstances:

46 (a) the operation will probably endanger the health, comfort, welfare, or safety of the public
47 by the pollution of any waters or the atmosphere, or create unusual and dangerous traffic
48 conditions; and

49 (b) the operation probably will endanger life or property by the storage of explosives,
50 unduly decreasing property values or the removal of subjacent lateral support;

51 (2) The applicant has ever had a previous county permit permanently revoked for cause; or

1 (3) The applicant has previously forfeited a ~~((bond))~~security device attached to a previous
2 operation, unless corrective measures have taken place without cost to the county or state.

3 (4) The suitability of the location and the operation considering the nature and degree of
4 surrounding development.

5
6 Section 13. Snohomish County Code Section 30.41A.410, last amended by Amended
7 Ordinance No. 09-077 on August 26, 2009, is amended to read:

8
9 **30.41A.410 Improvements - how pledged.**

10 (1) *Before requesting final approval, the applicant shall carry out minimum improvements by*
11 *any of the following methods:*

12 (a) By actual installation of improvements to the satisfaction of the department; or
13 (b) If acceptable to the department, by furnishing the county with a ~~((bond or other))~~
14 security device ~~((sufficient to secure the estimated cost of construction and installation of all~~
15 ~~required public road, drainage, and other improvements to the satisfaction of the department in~~
16 ~~accordance with chapter 30.84 SCC. Performance securities shall generally be in an amount~~
17 ~~equal to 110 percent of the estimated cost of installing the improvements))~~in accordance with
18 SCC 30.84.105.

19 (2) A maintenance ~~((bond or other))~~security shall be required in order to assure the
20 successful operation of the improvements ~~((for an appropriate period of time up to two years~~
21 ~~after final subdivision approval))~~in accordance with chapter 30.84 SCC. The maintenance
22 ~~((bond or))~~security shall be required upon completion of construction and installation of the
23 improvements to the satisfaction of the department.

24
25 Section 14. Snohomish County Code Section 30.41A.430, adopted by Amended
26 Ordinance No. 02-064 on December 9, 2002, is amended to read:

27
28 **30.41A.430 Installation of improvements - time limits.**

29 (1) All improvements required within a subdivision shall be constructed or installed, or
30 construction or installation assured in accordance with chapter 30.84 SCC, as provided by
31 chapter 30.41A SCC, within the period or term of approval of the preliminary subdivision, as set
32 forth in SCC 30.41A.300.

33 (2) All water supplies from community or public wells to serve the development shall be
34 installed and shall produce the supply required prior to the recording of the final subdivision.

35
36 Section 15. Snohomish County Code Section 30.41B.400, adopted by Amended
37 Ordinance No. 02-064 on December 9, 2002, is amended to read:

38
39 **30.41B.400 Installation of improvements.**

40 (1) Any improvements required within a short subdivision shall be installed, or installation
41 assured ~~((as provided by))~~in accordance with chapter 30.84 SCC, within the period or term of
42 approval of the preliminary short subdivision approval, as set forth in SCC 30.41B.300.

43 (2) Any water supply from community or public wells to serve the development shall be
44 installed and shall produce the supply required prior to the recording of the final short
45 subdivision.

46 (3) Where improvements are required as part of the preliminary short subdivision approval,
47 the director ~~((may))~~shall require the applicant to comply with SCC 30.41A.400 - 30.41A.430
48 related to submittal and review of construction drawings, submittal of as-built plans, and
49 ~~((performance bonding))~~security devices in accordance with chapter 30.84 SCC for installation
50 and maintenance of improvements.

Section 16. Snohomish County Code Section 30.41D.300, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.41D.300 Acceptance of site improvements.

All public and private site improvements must be completed and accepted by the county or subjected to a performance security approved by the department, pursuant to SCC 30.84.105, prior to issuing the first building permit for the site, prior to issuing the first building permit for any phase, or prior to issuing a specific building's certificate of occupancy. Alternatively, the department may condition the completion of such improvements pursuant to an approved phasing plan.

Section 17. Snohomish County Code Section 30.41D.310, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.41D.310 ((Bond or performance))Performance security.

~~((---(1)---))~~ Prior to issuing the first building permit for a site development, prior to issuing the first building permit for each phase, or prior to issuing a specific building's certificate of occupancy, ~~((the director may require performance security or security to be provided in a form and amount deemed necessary to assure that all work or actions required by this title are satisfactorily completed in accordance with the approved binding site plan, and to assure that all work or actions not satisfactorily completed will be corrected to comply with the approved binding site plan to eliminate hazardous conditions, to restore environmental damage or degradation, and to protect the health, safety, and general welfare of the public bonding in accordance with chapter 30.84 SCC))~~ a performance security shall be required pursuant to chapter 30.84 SCC. ~~((2) The bond or other security device must be conditioned on~~
~~---(a) The work or requirements being completed in accordance with the binding site plan;~~
~~---(b) On the site being left in a safe condition; and~~
~~---(c) On the site and adjacent or surrounding areas being restored in the event of damages or other environmental degradation from development activities conducted pursuant to the binding site plan.))~~

Section 18. Snohomish County Code Section 30.42B.210, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.42B.210 Official site plan - effect and recording procedure.

(1) The site plan as approved by the hearing examiner shall become the official site plan of the PRD and any changes thereto shall require review under the provisions of SCC 30.42B.220.

(2) The official site plan noted on the official zoning maps.

(3) All development within an approved PRD shall conform to the official site plan and associated conditions. In order to assure compliance, a ~~((bond or other guarantee of))~~ performance security may be required by the hearing examiner. Satisfactory performance of all conditions and required improvements must occur prior to recording required by SCC 30.42B.210(5), and occupancy of units in the PRD project.

(4) A final plat, final short plat, or binding site plan/record of survey application filed concurrently with a PRD application shall be approved by the county decision making body and filed for recording with the county auditor prior to the issuance of a building permit for any structure in a PRD development, except that building permits for model home units may be approved pursuant to the requirements of chapter 30.41A SCC.

(5) All PRD applications must be accompanied by an application which will establish all required open space areas as separate tracts. Any applicant for PRD official site plan approval who does not concurrently apply for subdivision or short subdivision approval pursuant to chapters 30.41A or 30.41B SCC respectively, must apply for binding site plan and record of

1 survey approval pursuant to chapter 30.41D SCC. This requirement applies even if the
2 applicant intends the PRD site to be held under single ownership or to be subject to a
3 declaration of condominium pursuant to chapters 64.32 and/or 64.34 RCW. The following shall
4 apply to all PRDs accompanied by a concurrent application under chapter 30.41D SCC:

5 (a) An approved PRD official site plan shall constitute a previously approved site plan
6 pursuant to SCC 30.41D.120 for purposes of chapter 30.41D SCC compliance;

7 (b) Open space tracts shall be depicted on a record of survey and properly recorded
8 pursuant to the applicable provisions of chapter 30.41D SCC;

9 (c) The record of survey shall depict an accurate location of open space tracts, and shall
10 include necessary dedications, covenants and restrictions, and maintenance provisions as may
11 be prescribed by the director. Projects subject to a declaration of condominium may include
12 the information required pursuant to this section on the record of survey otherwise required
13 pursuant to chapters 64.32 and/or 64.34 RCW; and

14 (d) The record of survey for PRDs located in the R-7,200, R-8,400, and R-9,600 zones
15 shall also include the location of all proposed structures, access roadways, and parking areas.

16 (6) A homeowners association used for purposes of tract ownership and maintenance
17 responsibility for tracts established pursuant to this section shall remain in effect until alternative
18 ownership and maintenance responsibility is authorized by the department. The homeowners
19 association shall have by-laws and other documents, including covenants, approved by the
20 county and recorded with the county auditor, guaranteeing maintenance of commonly owned
21 tracts and restricting use of the tracts to that specified in the approved PRD official site plan.
22 Membership in the homeowners association and payment of dues or other assessments for
23 maintenance purposes shall be a requirement of home ownership.

24
25 Section 19. Snohomish County Code Section 30.42C.100, adopted by Amended
26 Ordinance No. 02-064 on December 9, 2002, is amended to read:

27
28 **30.42C.100 Decision criteria - conditional use permit.**

29 (1) The hearing examiner may approve, approve with conditions, or deny a conditional use
30 permit only when all the following criteria are met:

31 (a) The proposal is consistent with the comprehensive plan;

32 (b) The proposal complies with applicable requirements of this title;

33 (c) The proposal will not be materially detrimental to uses or property in the immediate
34 vicinity; and

35 (d) The proposal is compatible with and incorporates specific features, conditions, or
36 revisions that ensure it responds appropriately to the existing or intended character,
37 appearance, quality of development, and physical characteristics of the site and surrounding
38 property.

39 (2) As a condition of approval, the hearing examiner may:

40 (a) Increase requirements in the standards, criteria, or policies established by this title;

41 (b) Stipulate the exact location as a means of minimizing hazards to life, limb, property
42 damage, erosion, landslides, or traffic;

43 (c) Require structural features or equipment essential to serve the same purpose set forth
44 in 30.42C.100(2)(b);

45 (d) Impose conditions similar to those set forth in items 30.42C.100(2)(b) and
46 30.42C.100(2)(c) as may be deemed necessary to establish parity with uses permitted in the
47 same zone in their freedom from nuisance generating features in matters of noise, odors, air
48 pollution, wastes, vibration, traffic, physical hazards, and similar matters. The hearing examiner
49 may not in connection with action on a conditional use permit, reduce the requirements
50 specified by this title as pertaining to any use nor otherwise reduce the requirements of this title
51 in matters for which a variance is the remedy provided;

1 (e) Assure that the degree of compatibility with the purpose of this title shall be maintained
2 with respect to the particular use on the particular site and in consideration of other existing and
3 potential uses, within the general area in which the use is proposed to be located;

4 (f) Recognize and compensate for variations and degree of technological processes and
5 equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors, and hazard
6 or public need;

7 (g) Require the posting of ~~((construction))~~performance and maintenance~~((bonds or other))~~
8 ~~((security))~~securities sufficient to secure to the county the estimated cost of construction and/or
9 installation and maintenance of required improvements when required in accordance with
10 chapter 30.84 SCC; and

11 (h) Impose any requirement that will protect the public health, safety, and welfare.

12
13 Section 20. Snohomish County Code Section 30.42E.040, adopted by Amended
14 Ordinance No. 02-064 on December 9, 2002, is amended to read:

15
16 **30.42E.040 Official site plan.**

17 The site plan, as approved by the hearing examiner, shall become the official site plan of the
18 mobile home park. In order to ensure development and maintenance as per the approved plan,
19 ~~((one or more of the following may be required by the hearing examiner:))~~security devices shall
20 be required in accordance with chapter 30.84 SCC.

21 ~~((1) A performance security acceptable to the hearing examiner and in accordance with the~~
22 ~~bonding provisions of chapter 30.84 SCC;~~

23 ~~—(2) Construction or development of all, or a portion of, the improvements shown on the~~
24 ~~official site plan prior to occupancy. Improvements for which a bond is established, shall not~~
25 ~~also be subject to this subsection; and~~

26 ~~—(3) A maintenance security acceptable to the hearing examiner and securing to the county~~
27 ~~the successful operation of required improvements for an appropriate period of time up to two~~
28 ~~years from construction and installation shall be required upon completion of said improvements~~
29 ~~to the satisfaction of the hearing examiner. The administration of the maintenance security shall~~
30 ~~be in accordance with the maintenance securities and bonding administration sections of~~
31 ~~chapter 30.84 SCC.))~~

32
33 Section 21. Snohomish County Code Section 30.54A.050, adopted by Amended
34 Ordinance No. 02-064 on December 9, 2002, is amended to read:

35
36 **30.54A.050 Inspection approval.**

37 (1) Upon location of a mobile home upon the site, the permit holder shall notify the
38 department, who shall make such inspection as is appropriate to the purpose, and shall approve
39 the mobile home for occupancy at the site and so note upon the records of the department, and
40 may attach an insignia to the mobile home which, when attached, shall not be removed so long
41 as the mobile home remains on the identical site when it has been determined:

42 (a) That the home bears such insignia of approval as delineated in SCC 30.54A.020;

43 (b) That it is located in an area zoned therefore and is so positioned upon the site as to
44 meet applicable yard or building setback requirements for the zone in which located;

45 (c) That it complies with any applicable condition imposed by the provisions of the county
46 zoning code, including a conditional use permit or variance if applicable;

47 (d) That the mobile home will comply with pertinent laws and regulations relating to
48 sewage disposal; and

49 (e) That the mobile home is placed upon a permanent foundation in the manner as
50 provided by applicable building codes; or

51 (f) Where applicable, is placed upon a temporary foundation and has completely enclosed
52 the area under the mobile home by a skirt enclosure.

(2) In the case of mobile homes to be temporarily occupied either:

- (a) During construction of a building for which a valid building permit has been issued and maintained;
- (b) As a temporary office caretaker quarters at a construction site; or
- (c) In compliance with express permission of a variance, conditional use permit, or other zoning control; then the occupancy period permitted upon temporary approval may be increased to the time requested by the applicant but not more than either:
 - (i) one year; or
 - (ii) that period permitted by applicable variance, conditional use permit or other zoning control; provided that if the permit holder at the time of application submitted a ~~((bond to the county with two or more sureties or with a surety company as surety and the penal sum))~~ performance security in the amount of \$500.00, with the condition that the applicant shall promptly remove the mobile home at the expiration of the time period or upon the earlier lapse of the qualifying permit. The ~~((bond))~~ performance security shall be administered in accordance with chapter 30.84 SCC.

Section 22. Snohomish County Code Section 30.62.070, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.62.070 ~~((Bond or performance))~~ Performance security.

Prior to issuance of any permit or approval which authorizes site disturbance to which this chapter applies, the director shall require performance security in accordance with ~~((chapter 30.84 SCC to assure that all work or actions required by this chapter are satisfactorily completed in accordance with the approved plans, specifications, permit or approval requirements, and applicable regulations, and to assure that all work or actions not satisfactorily completed will be corrected to comply with approved plans, specifications, requirements, and regulations, to eliminate hazardous conditions, to restore environmental damage or degradation, and to protect fish and wildlife habitat and the health, safety and general welfare of the public))~~ SCC 30.84.140.

Section 23. Snohomish County Code Section 30.62.345, last amended by Emergency Ordinance No. 04-024 on March 10, 2004, is amended to read:

30.62.345 Mitigation plan requirements.

(1) Unless otherwise provided by this chapter, mitigation shall be required for loss of area or functional value of wetlands, streams, and buffers regulated under this chapter. When mitigation is required by this chapter, it shall address restoration, rehabilitation, and compensation as set forth below. Mitigation may be provided through the use of a wetland mitigation bank approved pursuant to SCC 30.62.375 which may include deviations from the requirements of this section.

(a) Restoration is required when a wetland, stream, or buffer regulated under this chapter has been altered prior to project approval unless the alteration was authorized by law; or when streams, wetlands and/or buffers are temporarily affected by construction or any other temporary phase of a project;

(b) Mitigation is required when a wetland, stream, or buffer regulated under this chapter is permanently altered as a result of project approval or activity;

(c) Wetland function and values shall be replaced in kind at a minimum ratio of one (replacement value) to one (existing value);

(d) On-site mitigation is preferred so as to assure, to the greatest extent feasible, that the plan results in mitigation for direct impacts resulting from the alteration;

(e) Off-site mitigation will be used only in those situations where appropriate, adequate, on-site mitigation is not feasible to achieve. When off-site mitigation is allowed, it must occur within the same sub-drainage basin as the project impact;

(f) Mitigation shall be completed prior to granting of temporary or final occupancy, or the completion or final approval of any development activity for which mitigation measures have been required.

(2) The mitigation plan shall:

(a) Include a base line study that analyzes the existing functional values of the critical area and buffer, functional values that will be lost, and the system's functional values after mitigation;

(b) Specify how lost functional values will be replaced;

(c) Specify when mitigation will occur relative to project construction and to the requirements of permits required by other jurisdictions;

(d) Include provisions for monitoring the mitigation area on a long-term basis to determine whether the plan was successful;

(e) ~~((Include provisions for a bond or a series of bonds to assure that work is completed in accordance with the plan and that restoration or rehabilitation is performed if any portion of the mitigation project fails within three years of implementation. The bonds shall be administered in accordance with chapter 30.84 SCC))~~ and

~~((f))~~ Address the need for and, when appropriate, determine the width of the buffer adjacent to any altered wetland edge.

(3) The director may allow mitigation plans to be submitted in two phases; a conceptual phase and a detailed plan phase for those projects which require approval by the hearing examiner or those which receive phased administrative, conditional, or preliminary approvals by the department. For all other projects, phasing of mitigation plans is not allowed.

(4) Mitigation plans, including drainage plans, shall be approved prior to any development activity.

(5) To identify plant species which may be approved for mitigation purposes, applicants may refer to the National List of Plant Species that Occur in Wetlands: Northwest (Region 9)/ Biological Report 88 (F26.9), published by the U.S. Fish and Wildlife Service, May, 1988 or the 1993 Supplement to the List of Plant Species that Occur in Wetlands: Northwest (Region 9) December, 1993. Applicants may propose plant species which are not on these lists. All plant species proposed for mitigation must be approved by the county.

Section 24. Snohomish County Code Section 30.62B.170, adopted by Amended Ordinance No. 06-061 on August 1, 2007, is amended to read:

30.62B.170 ~~((Bonding))~~Security devices and insurance requirements.

(1) The director shall require ~~((bonds))~~a security device ~~((or insurance))~~ pursuant to chapter 30.84 SCC or insurance pursuant to SCC 30.63A.940 when the depth of any proposed excavation will exceed four (4) feet and the bottom elevation of the proposed excavation will be below a one hundred (100) percent slope line originating from the elevation of any adjacent property lines.

(2) The director may require ~~((bonds))~~a security device~~((or insurance))~~ pursuant to chapter 30.84 SCC or insurance pursuant to SCC 30.63A.940 adequate to cover potential claims for property damage which may arise from or be related to development activities within a landslide hazard area or in other circumstances where there is potential for significant harm to a wetland, fish and wildlife habitat conservation area or buffer or a public right of way during the construction process.

1 Section 25. Snohomish County Code Section 30.63A.220, adopted by Amended
2 Ordinance No. 10-026 on June 9, 2010, with an effective date of September 30, 2010, is
3 amended to read:
4

5 **30.63A.220 Exemption for county projects.**

6 Projects performed by the county shall be exempt from the ~~((bonding, covenant,))~~ security
7 requirements of chapter 30.84 SCC and the insurance requirements of ((SCC 30.63A.900
8 through-)) SCC 30.63A.940.
9

10 Section 26. Snohomish County Code Section 30.63A.440, adopted by Amended
11 Ordinance No. 10-026 on June 9, 2010, with an effective date of September 30, 2010, is
12 amended to read:
13

14 **30.63A.440 Minimum requirement 1: Stormwater site planning process step 7.**

15 This section establishes the minimum requirements of step 7 of the stormwater site planning
16 process. A completed stormwater site plan shall include the following documents:

17 (1) A project overview narrative that provides a general description of the project, pre-
18 developed and developed conditions of the site, site area and size of the improvements, and the
19 pre- and post-developed stormwater runoff conditions. The overview should summarize difficult
20 site parameters, the natural drainage system, and drainage to and from adjacent properties,
21 including bypass flows;

22 (2) A vicinity map that clearly locates the property, identifies all roads bordering the site,
23 shows the route of stormwater off-site to the natural receiving waters, and shows significant
24 geographic features and critical areas (streams, wetlands, lakes, steep slopes, etc.);

25 (3) Stormwater site planning sheets which display the:

26 (a) Acreage and boundaries of all drainage basins;
27 (b) Existing stormwater drainage to and from the site to the natural receiving waters or one
28 mile off-site, whichever is nearer to the site;

29 (c) Routes of existing drainage courses, construction pipes, ditches and future flows at all
30 discharge points;

31 (d) Length of travel from the farthest upstream end of a proposed storm drainage system
32 to any proposed flow control and treatment facility;

33 (e) Significant geographical features;

34 (f) Critical areas; and

35 (g) Soils within the project site;

36 (4) Existing conditions summary;

37 (5) Any areas of site limitation;

38 (6) Off-site analysis (upstream and downstream) and mitigation report;

39 (7) Drainage design;

40 (8) SWPPP prepared pursuant to SCC 30.63A.445 through 30.63A.510;

41 (9) Permanent stormwater control plan;

42 (10) Special reports, studies and maps conducted to prepare the stormwater site plan (e.g.,
43 soil testing, critical areas reports and delineations);

44 (11) A list of other necessary permits and approvals as required by other regulatory agencies
45 if those permits or approvals include conditions that affect the stormwater site plan or contain
46 more restrictive drainage-related requirements;

47 (12) An operation and maintenance manual for each flow control and treatment facility. The
48 manual should contain a description of the facility. The manual must identify and describe the
49 maintenance tasks and the frequency of each task meeting the standards established in volume
50 V, chapter 4 of the Drainage Manual. A maintenance activity log shall be provided that indicates
51 what maintenance actions will be taken, by whom and when, pursuant to SCC 7.53.140; and

1 (13) Documentation to establish the appropriate ~~((bond))~~security device amount when
2 required under ~~((part 900 of this chapter))~~chapter 30.84 SCC.

3
4 Section 27. Snohomish County Code Section 30.63A.580, adopted by Amended
5 Ordinance No. 10-026 on June 9, 2010, with an effective date of September 30, 2010, is
6 amended to read:

7
8 **30.63A.580 Minimum requirement 9: Interim maintenance responsibility for facilities**
9 **and BMPs in the county right-of-way after construction acceptance.**

10 (1) Any private party who constructs, locates, builds or otherwise places one or more
11 drainage facilities, stormwater facilities and/or other stormwater BMPs in, on, above, upon, over,
12 under, across or through any portion of a county right-of-way or other county-owned property
13 shall be responsible for the inspection, maintenance and operation of such facilities and/or
14 BMPs during one of the following two periods, whichever is longer:

15 (a) A two-year period following construction acceptance by the county pursuant to SCC
16 30.63A.870; or

17 (b) Through such time as any ~~((warranty security and/or))~~ maintenance security is released
18 pursuant to ~~((SCC 30.63A.920 and 30.63A.930))~~SCC 30.84.120.

19 (2) The county may periodically inspect the drainage facilities, stormwater facilities or other
20 stormwater BMPs to ensure maintenance is being properly performed.

21 (3) The private party responsible for interim inspection, maintenance and operation of
22 drainage facilities, stormwater facilities and/or other stormwater BMPs pursuant to this section
23 shall provide a ~~((warranty security and-))~~ maintenance security as required pursuant to ~~((SCC~~
24 ~~30.63A.920 through 30.63A.930))~~SCC 30.84.120.

25
26 Section 28. Snohomish County Code Section 30.63A.585, adopted by Amended
27 Ordinance No. 10-026 on June 9, 2010, with an effective date of September 30, 2010, is
28 amended to read:

29
30 **30.63A.585 Minimum requirement 9: Release of owner and applicant from maintenance**
31 **responsibility for certain facilities and BMPs.**

32 The county may release the ~~((warranty security and-))~~ maintenance security required pursuant to
33 ~~((SCC 30.63A.920 and 30.63A.930))~~SCC 30.84.120 and accept maintenance responsibility for
34 drainage facilities, stormwater facilities and/or other stormwater BMPs located in, on, above,
35 upon, over, under, across or through any portion of a county right-of-way or other county-owned
36 property in accordance with the provisions of ~~((SCC 30.63A.920 and 30.63A.930))~~SCC
37 30.84.120. After such release and acceptance by the county, the private party who constructed,
38 located, built or otherwise placed the facilities and/or other BMPs shall no longer be responsible
39 for maintaining those elements of the approved drainage system. The county may accept the
40 offer of dedication for drainage facilities, stormwater facilities and/or other stormwater BMPs
41 located outside the county right-of-way, if the private party owning same offers to dedicate the
42 facilities to the county and if the director of public works determines that such facilities should
43 become a part of a county maintained drainage system.

44
45 Section 29. Snohomish County Code Section 30.63A.860, adopted by Amended
46 Ordinance No. 10-026 on June 9, 2010, with an effective date of September 30, 2010, is
47 amended to read:

48
49 **30.63A.860 Drainage inspection process.**

50 When new development or redevelopment meets the minimum thresholds pursuant to part 300
51 of this chapter and no exemption under SCC 30.63A.200 applies, the inspection processes set
52 forth in this section apply.

1 (1) The certified erosion sediment control lead (CESCL) for the development activity shall
2 complete inspections necessary to manage the project and comply with minimum requirement 2
3 (SCC 30.63A.445 through SCC 30.63A.510).

4 (2) New development sites and redevelopment sites shall be inspected by the county prior to
5 land disturbing activity.

6 (3) All temporary erosion and sedimentation BMPs shall be regularly inspected by the county
7 and the CESCL when a CESCL is required.

8 (4) New development and redevelopment shall be inspected by the county and the CESCL,
9 when a CESCL is required, throughout construction to verify proper installation and
10 maintenance of required soil erosion and sediment controls.

11 (5) New development and redevelopment sites shall be inspected by the county and CESCL,
12 when a CESCL is required, upon completion of construction and before final
13 approval/occupancy to verify proper installation of permanent erosion controls, stormwater
14 facilities, and BMPs.

15 (6) When the construction of drainage facilities is completed in accordance with the approved
16 construction and stormwater site plans, the applicant shall request an inspection by the
17 department. The department shall inspect and approve the installed or constructed drainage
18 facilities either, before construction acceptance; before issuance of a certificate of temporary or
19 permanent occupancy; or at the single-family residential final inspection pursuant to SCC
20 30.63A.870(5) depending on the type of development activity. The department shall determine
21 in writing that construction is complete or identify construction items which are incomplete. After
22 county inspection and upon request of the applicant, the department may accept a drainage
23 performance security to guarantee the completion of the required drainage facilities pursuant to
24 ~~((SCC 30.63A.910(2)))~~ SCC 30.84.105.

25 (7) When the department determines that a special inspection is required for water quality
26 monitoring pursuant to chapter 17 of the International Building Code, the applicant or owner
27 shall engage consultants with the appropriate expertise to provide the professional inspections.
28 The consultants shall prepare and submit periodic inspection reports to the county. The county
29 shall determine the frequency of the reports. The county shall respond within seven working
30 days as to the acceptability of the reports. The applicant or owner shall act as a coordinator
31 between the consultant inspector, the contractor, and the county inspector. In the event of
32 changed soil or groundwater conditions between the time of submitting a stormwater site plan
33 and construction acceptance, the applicant or owner shall be responsible for informing the
34 county inspector of such change and shall provide revised plans pursuant to SCC 30.63A.825
35 as necessary to mitigate potential water quality or drainage impacts. The revised plans shall
36 require review and approval by the department pursuant to SCC 30.63A.825.

37 (8) The county's inspection program shall include procedures for keeping records of
38 inspections and enforcement actions by staff, including inspection reports, warning letters,
39 notices of violations, and other enforcement records. Records of maintenance inspections and
40 maintenance activities shall also be maintained.

41
42 Section 30. Snohomish County Code Chapter 30.63A Part 900 title, adopted by
43 Amended Ordinance No. 10-026 on June 9, 2010, with an effective date of September 30, 2010,
44 is amended to read:

45
46 **PART 900 (~~((PERFORMANCE SECURITIES))~~)SECURITY DEVICES AND INSURANCE**

47
48 Section 31. Snohomish County Code Section 30.63A.900, adopted by Amended
49 Ordinance No. 10-026 on June 9, 2010, with an effective date of September 30, 2010, is
50 amended to read:

1 **30.63A.900 Drainage (~~((performance security))~~)security devices and insurance – general.**
2 ~~((Drainage performance securities))~~Security devices shall be provided as required by chapter
3 30.84 SCC and insurance, in forms acceptable to the director, shall be provided as required by
4 ~~((this chapter and chapter 30.84 SCC))~~SCC 30.63A.940 to ensure that all work or actions
5 required by this chapter are satisfactorily performed, installed and completed in accordance with
6 applicable approved plans, specifications, permit and/or approval requirements and conditions.

7
8 Section 32. Snohomish County Code Section 30.63A.910, adopted by Amended
9 Ordinance No. 10-026 on June 9, 2010, with an effective date of September 30, 2010, is
10 repealed.

11
12 Section 33. Snohomish County Code Section 30.63A.920, adopted by Amended
13 Ordinance No. 10-026 on June 9, 2010, with an effective date of September 30, 2010, is
14 repealed.

15
16 Section 34. Snohomish County Code Section 30.63A.930, adopted by Amended
17 Ordinance No. 10-026 on June 9, 2010, with an effective date of September 30, 2010, is
18 repealed.

19
20 Section 35. Snohomish County Code Section 30.63B.050, adopted by Amended
21 Ordinance No. 10-023 on June 9, 2010, with an effective date of September 30, 2010, is
22 amended to read:

23
24 **30.63B.050 Permit approval criteria.**

- 25 (1) A land disturbing activity permit shall only be issued after:
26 (a) The project complies with the requirements of this chapter;
27 (b) Stormwater site plan approvals and all other permits and approvals required by the
28 county for site development have been obtained;
29 (c) Written evidence has been submitted that approvals required from other jurisdictions
30 and agencies will be issued;
31 (d) Clearing limits have been marked on the land disturbing activity site plan;
32 (e) A land disturbing activity site plan and specifications have been approved;
33 (f) ~~((Bonding))~~Security devices pursuant to chapter 30.84 SCC and insurance
34 ~~((securities))~~pursuant to SCC 30.63A.940 have been accepted by the department ~~((pursuant to~~
35 ~~chapter 30.63A SCC,))~~ when applicable;
36 (g) Environmental review under chapter 30.61 SCC has been completed, if applicable; and
37 (h) The project complies with all other applicable requirements of title 30 SCC.
38 (2) A land disturbing activity permit shall not be issued for land disturbing activity in shorelines
39 until all required permits and approvals have been granted pursuant to chapter 30.44 SCC.

40
41 Section 36. Snohomish County Code Section 30.63B.370, adopted by Amended
42 Ordinance No. 10-023 on June 9, 2010, with an effective date of September 30, 2010, is
43 amended to read.

44
45 **30.63B.370 (~~((Bonds or performance security))~~)Security devices and insurance.**

- 46 (1) The department may require ~~((bonds or a performance-))~~security devices pursuant to
47 chapter 30.84 SCC and insurance pursuant to SCC 30.63A.940 to ensure that the land
48 disturbing activity, if not completed in accordance with the approved land disturbing activity site
49 plan and construction plans, will be corrected.
50 (2) For drainage facilities and improvements required pursuant to this chapter and chapter
51 30.63A SCC, the department may require security devices pursuant to chapter 30.84 SCC and
52 insurance ((in accordance with chapter 30.63A SCC, part 900))pursuant to SCC 30.63A.940.

Section 37. Snohomish County Code Section 30.66B.070, last amended by Amended Ordinance No. 03-127 on November 5, 2003, is amended to read:

30.66B.070 Record of development obligations.

(1) Satisfaction of development obligations is required as a pre-condition to development approval, unless the development obligation is deferred to issuance of subsequent building permit necessary to initiate the development.

(a) For subdivisions and short-subdivisions, any development obligations that will be deferred to the building permit stage will be recorded on the final plat. All development obligations related to subdivisions and short-subdivisions that are not deferred to building permit issuance shall be satisfied prior to the recording of the final plat.

(b) For all development other than subdivisions and short-subdivisions in which satisfaction of development obligations is deferred, the record of development obligations shall be recorded on the title of the property on which the development is located.

(2) The form of the record of development obligations shall be as follows:

(a) For all developers required as a condition of approval under this chapter to meet transportation demand management requirements, or to mitigate impacts on roads under the jurisdiction of another agency, the record of development obligations shall state the measures proposed by the developer pursuant to SCC 30.66B.055(4).

(b) For developers choosing to construct offsite improvements to satisfy a transportation impact mitigation obligation of a development, the record of development obligations shall describe the offsite improvements to be constructed by the developer.

(c) For all developments required as a condition of approval to pay a road system impact fee under the authority provided to the county under RCW 82.02.050(2), the document stating the mitigation requirements imposed shall be a record of development obligations.

(d) The record of development obligation shall document the concurrency determination for the development including the concurrency determination date, the concurrency expiration date, and any conditions that have to be satisfied by the developer prior to building permit issuance.

(3) Where the developer is not the legal owner of the property on which the development is proposed, the legal owner shall sign a statement agreeing that the mitigation measures imposed will be binding on the real property and will run with the land until the development approval has expired or the obligations contained within the document or agreement have been fulfilled. The statement shall be attached to the record of development obligations.

(4) The record of development obligations shall contain, as appropriate, a complete legal description of the real property which is the subject of the development, an adequate description of the mitigation measures, the development and/or road system events triggering subsequent phases or parts of the mitigation measures, ~~((performance security,))~~ and notice to subsequent purchasers of the mitigation obligations related to development of the property. The continued validity of the development permit approval shall be conditioned upon adequate compliance with terms and conditions of the mitigation measures and the written agreement.

(5) Voluntary agreements and records of development obligations shall be recorded as a precondition to approval of conditional and administrative conditional use permits, and rezone applications accompanied by an official site plan, or at the time of recording for binding site plans for nonresidential use. If the development is a subdivision or short subdivision for non residential use, voluntary agreements and records of development obligations shall be recorded prior to or at the time of recording.

(6) Voluntary agreements and records of development obligations will be released from the title of the property on which the development is proposed upon request to the director of public works once the development approval has expired or the obligations contained within the document or agreement have been fulfilled.

Section 38. Snohomish County Code Section 30.66B.440, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.66B.440 Timing of improvements.

Construction of frontage improvements, offsite road improvements, and access and transportation circulation improvements is required prior to approval for occupancy or final inspection, except that if the development is a subdivision or short subdivision, construction is required prior to the recording unless ~~((bonding of))~~ with the approval of the county engineer, construction is assured with a performance security in accordance with SCC 30.84.105 ~~((is acceptable to the department of public works))~~. When no building permit will be associated with a conditional or administrative conditional use permit, construction of improvements is required as a precondition to approval, unless some later time of construction is recommended by the director of public works and imposed by the approving authority as a condition of approval.

Section 39. Snohomish County Code Section 30.66B.820, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.66B.820 Variations--public agencies.

(1) If the applicant for a development is a public agency, the director of public works may recommend and any hearing body may allow a variation of procedures and requirements contained in this chapter, based on individual location and development circumstances, and the extent to which the proposed development improves services to the public or meets demands for public services due to growth in population and other requirements within the county.

(2) The county may enter into an interagency agreement with the public agency involved in order to document clearly the special conditions and considerations for development approval. The agreement shall not diminish the mitigation requirements of this chapter, but may allow for the issuance of a building permit and certificate of occupancy on a time frame other than as specified in this chapter. It shall be the responsibility of the sponsoring public agency to offer adequate evidence to the county that the public interest would be better served under the terms of the special agreement between the parties.

(3) In accordance with RCW 36.32.590, ~~((a performance security in the form of a bond))~~ a security device shall not be required as a condition of development. However, all requirements shall be fully enforceable and all building permit and/or occupancy restrictions to ensure compliance shall remain in effect.

Section 40. Snohomish County Code Chapter 30.84, adopted by Amended Ordinance No. 02-064 on December 9, 2002, and last amended by Amended Ordinance No. 09-077 on August 26, 2009, is repealed.

Section 41. A new Chapter 30.84 of the Snohomish County Code is adopted to read:

**Chapter 30.84
SECURITY DEVICES**

Sections:

- 30.84.010 Purpose and applicability.
- 30.84.015 Types of security devices.
- 30.84.020 Security devices - general provisions.
- 30.84.030 Extension of security device.
- 30.84.050 Notice of noncompliance and forfeiture of proceeds.
- 30.84.060 Emergency work by the county.
- 30.84.070 Release of security device.

1 30.84.080 Reimbursement of costs.
2 30.84.105 Delayed construction – Performance security.
3 30.84.110 Right of Way.
4 30.84.120 Drainage.
5 30.84.130 Land Disturbing Activity.
6 30.84.140 Critical Area Mitigation.
7 30.84.150 General Landscaping.

8
9 **30.84.010 Purpose and applicability.**

10 (1) The purpose and applicability of this chapter is to establish requirements and procedures
11 for administering security devices as authorized in and required by this title.

12 (2) Security devices shall be provided, as required by title 30 SCC and this chapter to ensure
13 that all development activity authorized pursuant to title 30 SCC is satisfactorily performed and
14 completed in accordance with the requirements of title 30 SCC and the approved plans,
15 specifications, permit or approval requirements or conditions, and to assure that all work or
16 actions not satisfactorily completed will, to the satisfaction of the director, be corrected to
17 comply with said approved plans, specifications, permit or approval requirements or conditions.

18 (3) In accordance with RCW 36.32.590, state agencies and units of local government,
19 including school districts, shall not be required to secure the performance of permit or approval
20 conditions or requirements with a security device. State agencies and units of local
21 government, including school districts, are required to comply with all requirements, terms, and
22 conditions of the permit or approval, and the county may enforce compliance by withholding
23 certificates of occupancy or occupancy approval, by administrative enforcement action, or by
24 any other legal means.

25 (4) Private utilities not exempted under RCW 36.32.590 holding a franchise issued pursuant
26 to chapter 13.80 SCC and having a current franchise bond or other franchise security device in
27 place, shall not be required to post a performance security or maintenance security under this
28 chapter if the available amount of the franchise security device is greater than or equal to the
29 amount of the security device that would otherwise be required by this chapter.

30 **30.84.015 Types of security devices.**

31 The following types of security devices may be required under this title:

32 (1) Performance security shall have the meaning given in SCC 30.91S.100.

33 (a) Unless otherwise provided in this title the amount of a performance security will be 110
34 percent of the cost of covered work or improvements calculated at the time of expiration of the
35 device.

36 (b) Unless otherwise provided in this title, a performance security shall remain in effect
37 until final inspection and construction acceptance by the county of all facilities specified by the
38 plans, including those improvements whose construction is secured with the performance
39 security.

40 (2) Maintenance security shall have the meaning given in SCC 30.91S.090.

41 (a) Unless otherwise provided in this title the amount of a maintenance security will be at
42 least 20 percent of the actual documented in place cost of the work or improvements secured by
43 the device. If the cost exceeds one million dollars the amount will be 15 percent.

44 (b) Unless otherwise provided in this title a maintenance security shall remain in effect for
45 a period of two (2) years after final inspection and construction acceptance by the county of all
46 facilities specified by the approved plans for which a performance security was required and the
47 release of the performance security.

48 (3) Performance monitoring security shall have the meaning given in SCC 30.91S.105.

49 (a) Unless otherwise provided in this title the amount of the performance monitoring
50 security guaranteeing workmanship and materials shall be 20 percent of the actual documented

1 in place construction costs of the mitigation that the department determines to be a fair
2 representation of the cost of the mitigation.

3 (b) Unless otherwise provided in this title the performance monitoring security period shall
4 be for a length of time sufficient to determine if mitigation performance standards have been
5 achieved.

6
7 **30.84.020 Security devices- general provisions.**

8 (1) A security device shall be made on the forms as provided by the department or in a form
9 acceptable to the director. The following general types of financial sureties may be used as
10 security devices:

- 11 (a) Bond;
12 (b) Letter of credit;
13 (c) Assignment of funds or account; or
14 (d) Other form of security device as may be specifically approved by the director of
15 finance.

16 (2) All security devices shall provide for:

17 (a) Forfeiture to the county and the right for the county to withdraw funds upon failure of
18 the permittee to construct any or all of the improvements in accordance with the approved
19 plans, specifications, permit or approval requirements or conditions, and time limits.

20 (b) The county's interest in any security device required pursuant to this chapter to be
21 assignable, without obtaining a re-issuance of the security device, to an annexing municipality in
22 the event the real property covered by the security device is annexed prior to either completion
23 of the work secured by a performance security or final acceptance and release of the security
24 device for that work covered by a maintenance or performance monitoring security.

25 (3) The amount of all security devices shall include an inflation factor calculated for the term
26 of the security device together with the term of any allowed extensions.

27 (4) In the event a development completes improvements to existing right-of-way pursuant to a
28 title 13 SCC permit or future right-of-way and drainage facilities pursuant to a title 30 SCC
29 permit, the maintenance securities required in accordance with SCC 13.10.108(1) and
30 30.84.120 shall be combined into one maintenance security with the same start and end date.

31 (5) The combined maintenance security may be divided into separate securities for right-of-
32 way and drainage if special circumstances exist and approval is granted by both the director
33 and the county engineer.

34
35 **30.84.030 Extension of security device.**

36 The director may require the duration of a maintenance security to be extended for a sufficient
37 time not to exceed two years past the original maintenance security end date to ensure the
38 repairs will perform as required when:

39 (1) Curative or restorative improvements have been made to the work and additional time is
40 required to verify whether such improvements will function and operate as required; or

41 (2) The applicant has failed to cure defective work or has failed to maintain the improvements
42 after notice from the county, and the director determines the applicant has made, or is making, a
43 good faith commitment to ensure that the work will be completed and the improvements will
44 operate as required.

45
46 **30.84.050 Notice of noncompliance and forfeiture of proceeds.**

47 (1) If the director determines that work covered by a security device has not been completed
48 or is not operating in conformance with the approved plans, specifications, permit or approval
49 requirements or conditions, the director shall notify the permittee, and the issuer of the security
50 device of said nonconformance. The notice shall:

51 (a) Describe the work or improvements that must be done to prevent the forfeiture of the
52 security device;

1 (b) Provide a date certain by which the required work or improvements must be completed
2 to the directors satisfaction; and

3 (c) State that if the work or improvements are not completed within the time specified, the
4 county will proceed with forfeiture of the security device and use the funds to complete the
5 required work or improvements.

6 (2) After having given notice pursuant to SCC 30.84.050(1), the director may issue a stop
7 work order prohibiting any additional work until the conditions are corrected.

8 (3) If the work to correct the noncompliance is not completed within the time specified the
9 director may seek forfeiture of the security device, or a portion thereof, to correct the
10 nonconformance. After the county receives payment from a security device, the county will use
11 the funds to complete the required work or improvements. The permittee may not proceed with
12 work until the required amount of the security device has been re-established.

13 (4) In the event the county proceeds with forfeiture of a security device, the issuer of the
14 security device shall, within thirty (30) days of demand of the county, make a written
15 commitment to the county that it will either:

16 (a) Remedy the noncompliance itself with reasonable diligence pursuant to a time
17 schedule acceptable to the county; or

18 b) Tender to the county within fifteen (15) days the amount necessary, as determined by
19 the county, to remedy the nonconforming conditions.

20 (5) Upon completion of either of SCC 30.84.050(3)(a) or (b), the issuer of the security device
21 shall then have fulfilled its obligations under the applicable security device for only those
22 improvements identified by the county in its notice. If the issuer of the security device elects to
23 fulfill its obligation pursuant to the requirements of SCC 30.84.050(3)(b), the county, upon
24 completion of the remedy, shall notify the issuer of the actual cost of the remedy. The county
25 shall return, without interest, any overpayment made by the issuer of the security device, and
26 the issuer of the security device shall pay to the county any actual costs which exceeded the
27 county's estimate, limited to the total security device amount.

28
29 **30.84.060 Emergency work by the county.**

30 (1) The director may determine an emergency exists when:

31 (a) work covered by a security device has not been completed, was not completed in
32 conformance with the approved plans, specifications, or permit requirements, or is not operating
33 as required and the director determines an emergency situation has been or may be created
34 that may endanger the public health, safety, and welfare; and

35 (b) The nature or timing of the emergency precludes notification of the applicant and
36 security device issuer as provided in SCC 30.84.050 or the department has attempted to
37 contact the permittee and received no response or the permittee was unable to perform the
38 emergency work required,

39 (2) When the director determines that an emergency exists as provided above, the county
40 may take action to correct the emergency at the permittee's expense.

41 (3) The department shall notify the permittee and security device issuer within four days after
42 commencing emergency work. The notice must state the work that was commenced and the
43 nature or timing of the emergency that necessitated the county to perform emergency work
44 without prior notification.

45 (4) After the county completes any emergency work the county shall provide the permittee
46 and issuer of the security device with an itemized statement of expenditures.

47 (5) If funds are collected from a security device the permittee may not proceed with work
48 covered by the security device until the required amount of the security device has been re-
49 established.

1 **30.84.070 Release of security device.**

2 (1) A performance security shall be released when:

3 (a) All work covered by the performance security has been completed by the permittee and
4 accepted by the director; and

5 (b) If required, a maintenance security or performance monitoring security have been
6 accepted.

7 (2) A maintenance security shall be released at the end of the time covered by the
8 maintenance security provided that the facility, as determined by the director, is operating as
9 designed.

10 (3) A performance monitoring security shall be released when mitigation performance
11 standards have been achieved as determined by the director.

12 (4) The amount released shall be reduced by any sum forfeited to the county.

13 (5) Release by the county of the final performance security related to construction permitted
14 pursuant to this title shall constitute final acceptance of the constructed facilities.

15
16 **30.84.080 Reimbursement of costs.**

17 (1) If the county completes work under SCC 30.84.050 or 30.84.060, the permittee shall
18 reimburse the county all costs incurred by the county in completing the work. If the county
19 seeks reimbursement of expenditures by collecting on a security device, the permittee shall
20 reimburse the county for reasonable costs exceeding the amount of the security device.

21 (2) When the county uses the proceeds of a security device under SCC 30.84.050 or
22 30.84.060, the county shall provide the permittee and issuer of the security device with an
23 itemized statement of expenditures. For funds collected pursuant to SCC 30.84.050 the county
24 shall return, without interest, any overpayment made by the issuer of the security device.

25 (3) The county may enforce the provisions of this section using any and all available legal or
26 equitable remedies.

27 **30.84.105 Delayed construction – Performance security.**

28 (1) The director, with the concurrence of the county engineer, may approve the delayed
29 construction of certain public improvements in a subdivision or short subdivision when:

30 (a) The delay will not create adverse operational or safety impacts or create a threat of
31 significant adverse environmental impacts;

32 (b) The permittee provides the department with a performance security in accordance with
33 SCC 30.84.105(4);

34 (c) The request is not to delay the construction of stormwater retention or detention
35 facilities, storm water treatment facilities, stormwater conveyance systems, or erosion and
36 sedimentation control facilities; and

37 (d) The delayed facilities are constructed to a minimum level of construction as determined
38 by, and acceptable to, the director and county engineer.

39 (2) Except as approved in SCC 30.84.105(3), construction delayed pursuant to SCC
40 30.84.105(1) shall be completed within two years of issuance of the performance security.

41 (3) The director may allow construction approval of a subdivision or short subdivision
42 without the final placement of hot mix asphalt paving on new public roads. The placement of
43 hot mix asphalt paving shall be completed within one year of recording of the subdivision or
44 short subdivision.

45 (4) The performance security required by SCC 30.84.105(1) shall be in the amount of 150
46 percent of the estimated cost of all delayed improvements, as determined in good faith by the
47 director taking in to account the following:

48 (a) The costs of constructing all facilities as specified in the approved plan;

49 (b) The costs of monitoring the facilities' performance;

(c) The costs of designing and constructing any corrective work including other mitigation measures which may be necessary to correct the effects on-site and off-site of inadequate or failed workmanship, materials or design; and

(d) Any related incidental and consequential costs, inflation, and the cost of inspection of the work by the department.

(5) The performance security shall remain in effect until final inspection and construction acceptance by the county of all facilities specified by the plans whose construction is secured with the performance security.

(6) For good cause shown, the director, with concurrence from the county engineer, may grant an extension of the deadline for completion of construction imposed by SCC 30.84.105(2) for a time period not to exceed twelve months.

(7) The performance security required pursuant to this section shall not be released or reduced until a maintenance security or performance monitoring security, if required, is accepted pursuant to this chapter.

30.84.110 Right of Way.

To ensure that work or actions proposed within existing public right-of-way requiring a permit pursuant to title 13 SCC is satisfactorily performed and completed in accordance with the approved plans, specifications, permit or approval requirements or conditions, security devices shall be provided as required by title 13 SCC.

30.84.120 Drainage.

To ensure that any development activity for which a full drainage plan is required by chapters 30.63A, 30.63B and 30.63C SCC is satisfactorily performed and completed in accordance with the approved plans, specifications, permit or approval requirements or conditions, security devices shall be provided as follows:

(1) Prior to the issuance of any permit or approval for any development activity for which a full drainage plan is required, the applicant shall furnish the department a performance security. The performance security shall be for the installation and maintenance of erosion and sediment control measures in compliance with the approved plans, specifications, requirements, and regulations. The performance security shall not be released until a maintenance security is accepted.

(2) A maintenance security shall be provided for all installed drainage facilities after final inspection and acceptance by the department and prior to recordation of a subdivision or short subdivision, approval of occupancy of the first new single-family detached unit (SFDU), issuance of a certificate of occupancy for condominiums, or any type of commercial project.

30.84.130 Land Disturbing Activity.

To ensure that land disturbing activity governed by chapter 30.63B SCC for which a full stormwater site plan is not required is satisfactorily performed and completed in accordance with the approved plans, specifications, permit or approval requirements or conditions, security devices may be required as follows:

(1) The director may require a performance security to ensure that the installation and maintenance of erosion and sediment control measures will be completed and maintained in accordance with the approved plans, specifications and requirements.

(2) After final inspection and acceptance of all work the department may require a maintenance security.

30.84.140 Critical Area Mitigation.

To ensure that all mitigation required by chapters 30.62 and 30.62A SCC is completed and operates in accordance with the approved plans, specifications, permit or approval requirements or conditions, security devices shall be provided as follows:

(1) Prior to issuance of any permit or approval which authorizes site disturbance which requires mitigation pursuant to chapters 30.62 or 30.62A SCC, the director shall require a performance security to assure that all mitigation required by chapters 30.62 or 30.62A SCC is satisfactorily completed in accordance with the approved plans, specifications, permit or approval requirements, and applicable regulations, will be corrected to comply with approved plans, specifications, requirements.

(2) The performance security shall be released when all mitigation is completed to the satisfaction of the department, pursuant to the plans, specifications and permit conditions and the department has accepted a performance monitoring security.

(3) A performance monitoring security shall be provided for all installed mitigation after final inspection and acceptance by the department and prior to recordation of a subdivision or short subdivision, approval of occupancy of the first new single-family detached unit (SFDU), issuance of a certificate of occupancy for condominiums, or any type of commercial project or final of a single family residence or duplex permit.

30.84.150 General Landscaping.

(1) If the director approves a planting delay pursuant to SCC 30.25.043(2), a performance security shall be required pursuant to SCC 30.84.105(1), (2), (4) and (5) to ensure that all actions required by chapter 30.25 SCC are satisfactorily performed and completed in accordance with the approved plans, specifications, permit or approval requirements or conditions.

(2) The director may require a maintenance security prior to releasing a performance security accepted pursuant to SCC 30.84.150(1).

Section 42. Snohomish County Code Section 30.86.100, last amended by Amended Ordinance No. 09-018 on June 3, 2009, is amended to read:

30.86.100 Subdivision fees.

Table 30.86.100 - SUBDIVISION FEES

OTHER FEES: All necessary fees for subdivision approval/recording are not listed here. Examples of fees not collected by the department include: (1) Applicable private well and septic system approvals (Snohomish Health District); (2) right-of-way permit (department/department of public works), see SCC 13.110.020; and (3) subdivision recording fees (auditor).

PRE-APPLICATION CONFERENCE FEE¹	\$480
PRELIMINARY SUBDIVISION FILING FEE ^{(1), (2)}	
Base fee	\$4,680
Plus \$ per lot	\$132
Plus \$ per acre	\$78
Total maximum fee	\$21,600
SUBDIVISION MODIFICATIONS	\$1,200
REVISIONS TO APPROVED PRELIMINARY SUBDIVISIONS	

Minor revision-administrative	\$312
Major revision-public hearing	\$1,248
CONSTRUCTION PLAN CHECK FEE ⁽³⁾	
Per lot ⁽⁵⁾	\$192
Per tract or non-building lot	\$192
ROAD INSPECTION FEE	
Per lot ⁽⁴⁾	\$192
Per tract or non-building lot	\$192
FINAL SUBDIVISION FEES	
Filing fee	\$2,400
Document check and sign installation fee	\$264/lot and unit cost/sign required
ROAD ((BOND))SECURITY DEVICE ADMINISTRATION FEE ⁽⁵⁾	
((Construction bond))Performance security option ⁽⁶⁾	\$24.50/Lot
((Maintenance bond))Maintenance security ⁽⁷⁾	\$31.00/Lot
"MARKUP" CORRECTIONS FEE ⁽⁸⁾	\$240
SUBDIVISION ALTERATION	PLACEHOLDER POSITION
MODEL HOME FEES ⁽⁹⁾	
Base fee	\$360
Plus \$ per subdivision NOTE: For reference notes, see table following SCC 30.86.110.	120
PRELIMINARY SUBDIVISION EXTENSION⁽¹⁰⁾	\$500
Reference notes for subdivision and short subdivision fee tables: (1) A preliminary filing fee consists of the sum of a base fee, a per lot fee, a per acre fee, and a supplemental fee if applicable. (2) When a preliminary subdivision application is considered in conjunction with a rezone for the same property, the total preliminary subdivision fee shall be reduced by 25 percent. If a preliminary subdivision application is considered in conjunction with a planned residential development , with or without a rezone, the total preliminary subdivision fee shall be reduced by 50 percent. The sum of the above fees shall be limited to \$1,680. (3) Collected when the preliminary subdivision applicant submits the construction plan. (4) When three or more contiguous lots are to be developed with a single townhouse building (zero lot line construction), then a plan check fee of \$192.00 per building will be charged and the plan check or inspection fee will not be based on the number of lots. (5) Paid by the applicant to cover the costs of administering ((bonds or other))security devices as provided by chapter 30.84 SCC. (6) This fee applies if the developer elects to carry out minimum improvements using the provisions of SCC 30.41A.410(1)(b) before requesting final approval, and is in addition to	

subsequent subdivision road inspection fees.

(7) Collected in accordance with ((~~SCC 30.41A.410(1)(b))~~) SCC 30.41A.410(2).

(8) This fee applies whenever an applicant fails to submit required corrections noted on "markup" final subdivision drawings or other documents during the final subdivision review.

(9) This fee is in addition to the residential building permit fees for plan check, site review and access permit.

(10) This fee applies to preliminary subdivision approval extensions pursuant to SCC 30.41A.300.

Section 43. Snohomish County Code Section 30.86.500, last amended by Amended Ordinance No. 10-025 on June 9, 2010, with an effective date of September 30, 2010, is amended to read:

30.86.500 SEPA (environmental review) fees.

Table 30.86.500 - SEPA FEES ⁽¹⁾

CHECKLIST REVIEW/THRESHOLD DETERMINATION (TD) ^{(2), (6)}	
Single family dwellings or duplex	\$350
Short Subdivisions	
0 to 4 lots	\$660
5 to 9 lots	\$780
Subdivisions	
0 to10 lots	\$780
11 to 20 lots	\$900
21 to 50 lots	\$1,080
51 to 100 lots	\$1,320
101 to 200 lots	\$1,620
Greater than 200 lots	\$1,920
Commercial (project actions requiring commercial zoning or commercial building permits, and multiple family construction in any zone:	
0 to 2 acres	\$600
3 to 5 acres	\$840
6 to 10 acres	\$1,020
11 to 20 acres	\$1,200
21 to 100 acres	\$1,440
Greater than 100 acres	\$1,680
Industrial (project actions requiring industrial zoning):	

0 to 2 acres	\$720
3 to 5 acres	\$960
6 to 10 acres	\$1,200
11 to 20 acres	\$1,440
21 to 100 acres	\$1,800
Greater than 100 acres	\$2,400
Threshold determinations (TD) for all other project actions not specifically listed	\$600
Staff review of special studies submitted to supplement the environmental checklist	\$72/Hour
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS) ^{(3), (6)}	
Review fee for school, park, and road mitigation	\$180
County professional staff time spent in making the determination beyond the scope of initial review of mitigation	\$72/Hour
ENVIRONMENTAL IMPACT STATEMENT ^{(5), (6)}	
WITHDRAWAL OF DETERMINATION OF NONSIGNIFICANCE (DNS) OR DETERMINATION OF SIGNIFICANCE (DS) AND NEW TD ^{(4), (6)}	Fee equal to original fee for environmental checklist review
<p>Reference notes:</p> <p>(1) These fees, which are in addition to any other fees provided for by law, shall be charged when Snohomish County is the lead agency for a non-county proposal.</p> <p>(2) The fee shall be collected prior to undertaking the threshold determination. Time periods provided in SCC 30.61.060 for making a threshold determination shall not begin to run until fee payment occurs.</p> <p>(3) For every mitigated threshold determination considered as provided by SCC 30.61.120 and WAC 197-11-350, one, or a combination of the following fees, shall be paid by the applicant. If after 30 days of the date an applicant receives "Notice of Payment Due" by certified mail, the required fees remain unpaid, the county shall discontinue action on the proposal, including postponement of scheduled hearings, until the fees are paid. Such fees are in addition to the initial threshold determination fees above.</p> <p>(4) This fee shall be charged for the additional environmental review conducted when a determination of significance is withdrawn and a new threshold determination is made for the same proposal. The fee shall be paid prior to issuance of the new threshold determination.</p> <p>(5)(a) The following EIS preparation and distribution costs shall be borne by the applicant or proponent:</p> <p>(i) Actual cost of the time spent by regular county professional, technical, and clerical employees required for the preparation and distribution of the applicant's impact statement. The costs shall be accounted for properly. No costs shall be charged for processing of the application which would be incurred with or without the requirement for an EIS or which are covered by the regular application fee;</p> <p>(ii) Additional costs, if any, for experts not employed by the county, texts, printing, advertising, and for any other actual costs required for the preparation and distribution of the EIS; and</p>	

(iii) When an EIS is to be prepared by a consultant, actual consultant fees which shall be solely the responsibility of and billed directly to the applicant or proponent. The applicant or proponent shall also bear such additional county costs as provided for in (i) and (ii) above as are incurred in the review, revision, approval, and distribution of the EIS.

(b) When an EIS is to be prepared by the county, following consultation with the applicant, the lead department shall inform the applicant of estimated costs and completion date for the draft EIS prior to accepting the deposit required by (4) above. Such estimate shall not constitute an offer or covenant by the lead department nor shall it be binding upon the county. In order to assure payment of the above county costs, the applicant or proponent shall post with the county (~~cash, surety bond, or other sufficient and acceptable bond~~)a performance security in the minimum amount of \$1,800 in accordance with chapter 30.84 SCC (~~regarding bonding security administration~~).

(c) If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected pursuant to reference note (4) above which remain after incurred costs are paid.

(6) The county shall collect a reasonable fee from an applicant pursuant to SCC 30.70.045(6) to cover the cost of meeting the public notice requirements of this title relating to the applicant's proposal.

Section 44. Snohomish County Code Section 30.86.510, last amended by Amended Ordinance No. 10-025 on June 9, 2010, with an effective date of September 30, 2010, is amended to read:

30.86.510 Drainage and land disturbing activity fees.

(1) This section establishes fees for plan review and inspection conducted by the county to compensate the department for the costs of administering this title and issuing land disturbing activity permits and approvals. These fees apply when drainage or land disturbing activity review is a required component of a permit application or is a condition of a land use approval. Such fees are in addition to any other fees required by law.

(2) Fees for plan review and inspection of drainage plans and land disturbing activities are established in SCC Table 30.86.510(2)(A) and (B). SCC Table 30.86.510(2)(A) and (B) includes fees for plan review and inspection of independent activities as well as fees for plan review and inspection of multiple activities. Whenever two or more proposed activities subject to fees in SCC Table 30.86.510(2) are submitted concurrently as part of the same project, the applicant shall only pay one fee; the applicable fee shall be the one associated with the proposed activity that meets the highest threshold level in SCC Table 30.86.510(2)(A) and (B).

(3) Drainage and land disturbing activity fees shall be paid at the time of application.

**Table 30.86.510(2) -
FEES FOR DRAINAGE AND LAND DISTURBING ACTIVITIES**

(A) FEE LEVELS FOR PLAN REVIEW AND INSPECTION ⁽¹⁾	DRAINAGE (new, replaced, or new plus replaced impervious surface in square feet)	GRADING (cut or fill in cubic yards, whichever is greater)	FEE
Level 1(a): Drainage only	1 – 1,999		\$ 375
Level 1(b): Grading only		1 – 500	\$ 350

Level 1(a)+(b): Drainage and Grading	1 – 1,999	and	1 – 500	\$ 725
Level 2	2,000 – 4,999	and/or	1 – 500	\$ 1,575
Level 3	5,000 – 9,999	and/or	501 – 4,999	\$ 2,450
Level 4	10,000 – 39,999	and/or	5,000 – 14,999	\$ 4,800
Level 5	40,000 – 99,999	and/or	15,000 – 69,999	\$ 12,700
Level 6	100,000 or more	and/or	70, 000 or more	\$ 34,700
(B) FEE LEVELS FOR PLAN REVIEW AND INSPECTION⁽¹⁾	CLEARING⁽²⁾			FEE
Level 1	1 – 6,999 sq. ft.			\$ 750
Level 2	7,000 sq. ft. or more			\$ 1,650
Level 3: Conversion only	Converts three-quarters of an acre (32,670 sq. ft.) or more of native vegetation to lawn/landscaped areas, or converts 2.5 acres (108,900 sq. ft.) or more of native vegetation to pasture.			\$ 2,800
(C) FEES FOR ACTIVITIES NOT OTHERWISE LISTED:				
Pre-application site review				\$ 250
Subsequent plan review ⁽³⁾				\$ 350
Field revisions ⁽⁴⁾				\$ 350
Modification, waiver, or reconsideration issued pursuant to SCC 30.63A.830 through 30.63A.842				See SCC 30.86.515
Investigation pursuant to SCC 30.52A.210				\$ 350 plus \$ 0.33 per cubic yard of earth moved
Renewal of a land disturbing activity approval or permit ⁽⁵⁾				\$400 plus a percentage of the original permit fee equal to the percentage of approved or permitted activity to be completed
Dike or levee construction or reconstruction grading plan review and inspection fee when implementing a Snohomish County approved floodplain management plan				\$ 60 per hour
Drainage plan review for mining operations ⁽⁶⁾				\$ 156 per acre
Monitoring associated with drainage plan review for mining operations				\$ 141 per hour
Consultation pursuant to SCC 30.63B.030(2) or 30.63B.100(2) (a) Land Use (b) Engineering (a)+(b) Land Use and Engineering Combination				(a) \$ 850 (b) \$ 975 (a)+(b) \$ 1,655
(D) SECURITY DEVICE ADMINISTRATION FEES:				

Performance Security	\$ 19.50 per subdivision or short subdivision lot or \$0.005 per square foot of impervious area for ((commercial building)) all other permits
((Warranty Security))	((\$ 26.00 per subdivision or short subdivision lot or \$0.007 per square foot of impervious area for commercial building permits))
Maintenance Security	\$ 15.00 per subdivision or short subdivision lot or \$0.003 per square foot of impervious area for ((commercial building)) all other permits

REFERENCE NOTES:

- (1) Drainage and land disturbing activity reviews associated with projects administered by Snohomish Conservation District shall not be subject to plan review and inspection fees.
- (2) Fee includes drainage plan review and inspection for clearing activity only. When clearing is combined with other land disturbing activities in SCC Table 30.86.510(2)(A), fee levels 1 – 6 for drainage and/or grading plan review and inspection also apply.
- (3) These fees apply on third and subsequent plan review submittals when an applicant fails to submit required corrections noted on "markup" plans, drawings, or other required submittal documents.
- (4) These fees apply whenever an applicant proposes changes, additions, or revisions to previously approved plans, drawings, or other required submittal documents.
- (5) Requests for renewals of land disturbing activity approvals or permits must include a written statement of the percentage of approved or permitted activity that remains to be completed. Applicants may provide this written statement for all level 1 projects. The engineer of record must provide the written statement for all other projects.
- (6) Acreage for drainage plan review for mining operations is based on mined area. Mined area includes all area disturbed in conjunction with the mining operation which shall include, but is not limited to, areas cleared, stock piles, drainage facilities, access roads, utilities, mitigation areas, and all other activity which disturbs the land.
Fees for phased mine developments and mining site restoration plans of phased mine developments shall be calculated separately for each phase of mining based upon the area for each phase.

Section 45. A new Section is added to Chapter 30.91S of the Snohomish County Code to read:

30.91S.105 - Security, performance monitoring (Performance monitoring security).

"Security, performance monitoring" ("Performance monitoring security") means a cash deposit, surety bond, assignment of funds, escrow agreement, irrevocable letter of credit, or other financial security device acceptable to the director, received from the applicant to ensure that the work required performs within the duration specified in the security device in accordance with the approved plans, specifications, permit or approval requirements or conditions, and all applicable federal, state and local laws, regulations and policies.

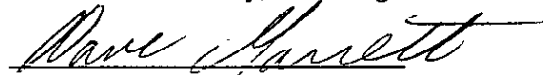
1 This definition applies only to "Critical area impact mitigation" regulations in chapters 30.62 and
2 30.62A SCC.

3
4 Section 46. Snohomish County Code Section 30.91S.110, adopted by Amended
5 Ordinance No. 02-064 on December 9, 2002, is repealed.

6
7
8 Section 47. Severability and Savings. If any section, sentence, clause or phrase of this
9 ordinance is held invalid or unconstitutional by the Growth Management Hearings Board
10 (Board), or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect
11 the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.
12 Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be
13 invalid or unconstitutional by the Board or a court of competent jurisdiction, then the section,
14 sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full
15 force and effect for that individual section, sentence, clause or phrase as if this ordinance had
16 never been adopted.

17
18
19 PASSED this 20th day of October, 2010.
20

21 SNOHOMISH COUNTY COUNCIL
22 Snohomish County, Washington

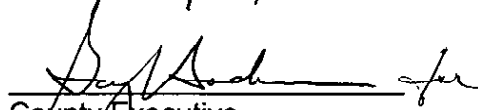
23 
24 Council Chair

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27 ATTEST:

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29 Asst. Clerk of the Council

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31
32
33 (☒) APPROVED
34 () EMERGENCY
35 () VETOED

36 DATE: 10/25/10

37
38 
39 County Executive

40 GARY HAAKENSEN
41 Deputy County Executive

42 ATTEST:

43 
44

45
46
47 Approved as to form only:

48
49
50
51 Deputy Prosecuting Attorney
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