

1 SNOHOMISH COUNTY COUNCIL
2 Snohomish County, Washington

3
4 AMENDED ORDINANCE NO. 13-050

5
6 RELATING TO GROWTH MANAGEMENT, REGULATING REVISIONS AFTER
7 DEVELOPMENT APPLICATION APPROVAL AND AMENDING SCC 30.23A.100, SCC
8 30.28.086, SCC 30.28.105, 30.31A.500, 30.31B.300, 30.31F.300, 30.34A.180, 30.41A.330,
9 30.41B.310, 30.41D.320, 30.42B.220, 30.42C.110, 30.42E.120, 30.43A.105, 30.72.020,
10 REPEALING SCC 30.66B.075, AND ADDING NEW SECTIONS TO CHAPTER 30.70 SCC

11
12 WHEREAS, a recent land use appeal raised questions about the amount and kind of
13 changes that can be approved as revisions to an approved preliminary subdivision while
14 retaining the original vesting date; and

15
16 WHEREAS, there is a need to clarify the process for processing and approving
17 revisions after development application approval to reduce the risk of future confusion for
18 applicants and the public; and

19
20 WHEREAS, the Snohomish County Planning Commission ("Planning Commission")
21 held a public hearing on March 26, 2013, to receive public testimony concerning the code
22 amendments contained in this ordinance; and

23
24 WHEREAS, at the conclusion of the Planning Commission's public hearing, the
25 Planning Commission did not make a recommendation on the code amendments contained
26 in this ordinance, as shown in its recommendation letter dated April 9, 2013; and

27
28 WHEREAS, on July 31, 2013, continued to August 7 and 28, 2013, the Snohomish
29 County Council held a public hearing after proper notice, and considered public comment
30 and the entire record related to the code amendments contained in this ordinance; and

31
32 WHEREAS, following the public hearing, the Snohomish County Council deliberated
33 on the code amendments contained in this ordinance;

34
35 NOW, THEREFORE, BE IT ORDAINED:

36
37 Section 1. The County Council adopts the following findings in support of this
38 ordinance:

- 39
40 A. The foregoing recitals are adopted as findings as if set forth in full herein.
41
42 B. This is a proposal to amend Snohomish County Code (SCC) Title 30 to clarify the
43 regulations for processing minor and major revisions to approved development
44 applications.
45
46 C. Requests for substantial revisions to approved development applications may become
47 more common due to changes in ownership and other factors.
48

- 1 D. In addition to state laws and county codes, permitting practices and standards have
2 changed over the past several years. This complicates the County's ability to
3 consistently determine which standards should be applied when processing revisions to
4 projects that were approved under regulations that have been changed.
5
- 6 E. Revisions to approved projects have the potential to impact communities and the
7 environment in ways that are different from the original projects.
8
- 9 F. Applicants have a right to have permit applications processed under all the standards to
10 which they are vested, but that right does not extend to subsequent applications for
11 revisions.
12
- 13 G. The County Council expressly intends to apply these regulations to all requests for
14 revisions, regardless of the dates of the original applications.
15
- 16 H. The amendments are in the best interest of the public health, safety, and welfare
17 because they clarify the extent to which approved development applications can be
18 administratively revised and the extent to which they can be revised through the same
19 process as, and under the same regulations as, the original applications.
20
- 21 I. The amendments and revisions are consistent with and fulfill GPP Goal ED 2, Objective
22 ED 2.A and Policy ED 2.A.1 because they provide increased fairness, clarity,
23 coordination and understandability to the regulations, which will facilitate growth.
24
- 25 J. Procedural requirements.
26
- 27 1. State Environmental Policy Act (SEPA) requirements with respect to this non-
28 project action have been satisfied through the completion of an environmental
29 checklist and the issuance of a determination of non-significance on March 29,
30 2013.
31
 - 32 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
33
 - 34 3. Pursuant to RCW 36.70A.106, a notice of intent to adopt this ordinance was
35 transmitted to the Washington State Department of Commerce for distribution
36 to state agencies.
37
 - 38 4. The public participation process used in the adoption of this ordinance has
39 complied with all applicable requirements of the Growth Management Act
40 (chapter 36.70A RCW) (GMA) and the SCC.
41
 - 42 5. The Washington State Attorney General last issued an advisory
43 memorandum, as required by RCW 36.70A.370, in December of 2006 entitled
44 "Advisory Memorandum: Avoiding Unconstitutional Takings of Private
45 Property" to help local governments avoid the unconstitutional taking of private
46 property. The process outlined in the State Attorney General's 2006 advisory
47 memorandum was used by Snohomish County in objectively evaluating the
48 regulatory changes proposed by this ordinance.
49

1 K. This ordinance is consistent with the record for the amendments.

- 2
- 3 1. This ordinance consolidates language in twelve sections within title 30 SCC
4 related to revisions after approval of a development application including
5 revisions after preliminary subdivision and preliminary short subdivision
6 approval into one new section in chapter 30.70 SCC. The twelve sections are
7 replaced with a cross reference to this new section in chapter 30.70 SCC.
8
- 9 2. This ordinance includes a new code section that establishes a three tier
10 system of revisions: minor, major and new application.
11
- 12 3. This ordinance includes criteria to determine what constitutes a minor revision
13 and a major revision.
14

15 Section 2. Based on the foregoing findings, the County Council makes the following
16 conclusions:
17

- 18 A. The proposal is consistent with the goals, objectives and policies of the GPP.
19
- 20 B. The proposal is consistent with the GMA and the SCC.
21

22 Section 3. The Snohomish County Council bases its findings and conclusions on the
23 entire record, including all testimony and exhibits. Any finding, which should be deemed a
24 conclusion, and any conclusion which should be deemed a finding, is hereby adopted as
25 such.
26

27 Section 4. Snohomish County Code Section 30.23A.100, last amended by Amended
28 Ordinance No. 10-072 on September 8, 2010, is amended to read:
29

30 **30.23A.100 Administrative site plan review.**
31

32 (1) An administrative site development plan shall be required for all residential
33 development subject to the requirements of this chapter. The elements of an administrative
34 or official site plan required by chapters 30.41F and 30.42B shall be combined with the
35 administrative site plan required by this chapter.

36 (2) Administrative site plan review.

37 (a) Administrative site plan review is a Type 1 decision and is subject to the review
38 procedures in chapter 30.71 SCC, except that consolidated permit review shall be granted if
39 requested by the applicant pursuant to SCC 30.70.120(2). When an administrative site plan
40 is consolidated with a Type 2 decision, notwithstanding subsection (2)(b) of this section, the
41 administrative site plan shall be processed as a Type 2 decision concurrent with the Type 2
42 decision with which it is consolidated.

43 (b) When residential development requires both an administrative site plan approval
44 pursuant to this section and a Type 2 decision issued by the hearing examiner after an open
45 record hearing, the administrative site plan shall not be approved until the hearing examiner
46 has issued a decision.

47 (c) To approve an administrative site plan pursuant to this section, the director must find
48 that the administrative site plan is consistent with the applicable requirements of Subtitle

1 30.2. The director's decision on the administrative site plan shall be consistent with any
2 hearing examiner decision issued for the residential development.

3 (3) The administrative site plan application shall meet the submittal requirements
4 established by SCC 30.70.030 and shall include the following:

5 (a) The building envelope of all structures and the location of all on-site recreation open
6 space areas, buffers, points of egress, ingress, and internal circulation, pedestrian facilities
7 and parking;

8 (b) Existing and proposed topography at contour intervals of five or less feet;

9 (c) Name, address, and phone number of the owner and plan preparer(s);

10 (d) Calculations showing acreage of the site, number of dwelling units proposed, zoning,
11 site density and on-site recreation open space acreage;

12 (e) Scale and north arrow;

13 (f) Vicinity sketch (drawn to approximately 1" = 2,000' scale) showing sufficient area and
14 detail to clearly locate the project in relation to arterial streets, natural features, landmarks
15 and municipal boundaries; and

16 (g) Natural drainage courses and probable alterations which will be necessary to handle
17 the expected drainage from the proposal, and the general method proposed to comply with
18 chapter 30.63A SCC.

19 (4) An administrative site shall also meet the submittal requirements established by SCC
20 30.70.030, and shall be subject to the notice requirements for a notice of application in
21 chapter 30.70 SCC.

22 (5) Revisions to an administrative site plan that ((have)) has been approved by the
23 department ((are allowed according to the following:

24 ~~—(a) Minor revisions may be approved by an administrative action of the department.~~

25 ~~—(b) Major revisions shall be considered a new application and shall be reviewed pursuant~~
26 ~~to SCC 30.23A.100(2).~~

27 ~~—(c) The determination of whether a proposed revision is major or minor shall be made by~~
28 ~~the director based on the following criteria:~~

29 ~~—(i) Any proposed change which causes an increase in traffic generated by the~~
30 ~~development or relocates a point of access shall be determined to be a major or minor~~
31 ~~revision pursuant to SCC 30.66B.075;~~

32 ~~—(ii) Any proposed change to the type of residential development, such as changing from~~
33 ~~detached single-family to townhouse construction, shall constitute a major revision;~~

34 ~~—(iii) Any proposed change that increases the total lot coverage by more than 10 percent~~
35 ~~shall constitute a major revision; and~~

36 ~~—(iv) Any proposed change that the director determines significantly modifies any of the~~
37 ~~conditions of approval for the administrative site plan shall constitute a major revision)) shall~~
38 ~~be processed pursuant to SCC 30.70.210 or SCC 30.70.220.~~

39
40 Section 5. Snohomish County Code Section 30.28.086, adopted by Amended
41 Ordinance No. 05-146 on January 18, 2006, is amended to read:

42
43 **30.28.086 Off-road vehicle (ORV) use areas - submittal requirements and development**
44 **standards for ORV use areas.**

45
46 (1) Submittal requirements. Conditional use permit applications for a proposed ORV use
47 area are subject to the submittal requirements of SCC 30.70.030 and shall include the
48 following additional information:

1 (a) A proposed ORV site plan pursuant to subsection 3 of this section, which shall be
2 clear, precise, and drawn to scale.

3 (b) A proposed ORV operations plan pursuant to subsection 4 of this section.

4 (c) The following maps, which may be submitted separately or included with the proposed
5 ORV site plan required by subsection 3 of this section:

6 (i) a vicinity map;

7 (ii) a zoning map of the proposed site and surrounding properties;

8 (iii) a DNR forest grade map of the property, if available; and

9 (iv) a map depicting surrounding land uses at a scale no smaller than fifty feet to one
10 inch. Distances from residential dwellings, bed and breakfast inns or guesthouses, schools,
11 resorts, hospitals, sanitarium, nursing or convalescent facilities shall be noted on the site
12 plan. Owners of such properties located within 2,000 feet of the ORV use area boundaries
13 shall be identified by name and address on a map.

14 (d) A signed statement agreeing to indemnify and hold harmless the county, its
15 employees, agents, representatives, and elected and appointed officials from any and all
16 claims made against them arising from the operation or use of the ORV use area. If the ORV
17 use area operator designated pursuant to SCC 30.28.085(2)(a) is a person or an entity other
18 than the applicant for the ORV use area permit, then that person or entity shall also submit a
19 signed statement agreeing to indemnify and hold harmless the county, its employees,
20 agents, representatives, and elected and appointed officials from any and all claims made
21 against them arising from the operation or use of the ORV use area.

22 (2) Development standards. Conditional use permits for ORV use areas shall require
23 compliance with the site plan and operations plan approved by the hearing examiner
24 pursuant to subsections 3 and 4 of this section, respectively, and shall include conditions that
25 ensure compliance with the following requirements:

26 (a) ORV use areas shall be located so as to minimize impacts to nearby communities and
27 other land uses. ORV use areas shall be located no less than 250 feet from the boundary of
28 any existing residential dwelling unit, bed and breakfast inn or guesthouse, school, hospital,
29 sanitarium, resort, church, or nursing or convalescent facility, unless the conditional use
30 permit application includes a written affidavit from the current owner of the residence or
31 facility approving of the proposed ORV use area.

32 (b) ORV use areas shall be planned and designed so as to minimize the disturbance and
33 conversion of commercial forest land. To the greatest extent possible, development activity
34 shall be located on the lowest feasible timber land grade available on the subject property as
35 graded by DNR or other grading system approved by the department. The ORV use area
36 shall be subject to conditions that minimize impacts to forest practices and avoid forest
37 practice conversion.

38 (c) Trailheads shall be located on access roads that adequately meet projected travel
39 demand.

40 (d) Trail design shall meet U.S. Forestry Standards and Specifications for Construction
41 and Maintenance of Trails, United States Department of Interior, USFS for control of erosion,
42 drainage management, soil stability and safety.

43 (e) No land clearing shall be allowed for the primary purpose of providing spectator
44 seating or viewing areas.

45 (f) Off-road vehicle use shall comply with all applicable county codes.

46 (g) Parking shall only be allowed in the ORV park trailhead, or other approved parking
47 areas in campgrounds, and shall not be permitted in the rights-of-way of county access
48 roads.

49 (h) Signage shall be allowed pursuant to SCC 30.27.060(5).

1 (i) Campgrounds may be located within an ORV use area boundary. The area included in
2 the campground shall not be considered in determining whether a proposed ORV use area
3 satisfies the minimum size or locational requirements in SCC 30.28.080(2). Campground
4 design shall be considered in conjunction with an ORV park conditional use permit review
5 subject to all applicable regulations including, but not limited to SCC 30.22.130 (32).

6 (j) Conditional use permit contact information, indemnification documentation, and
7 required affidavits shall be kept current. Within two weeks of any transfer of ownership or
8 responsibility, the contact information, indemnification documentation, including the agency
9 name, contact name, address, and telephone and fax numbers, shall be submitted to the
10 department referencing the conditional use permit file number.

11 (3) ORV site plan. Site plans submitted for a proposed ORV use area pursuant to
12 subsection 1 of this section shall be approved by the hearing examiner, consistent with ORV
13 permit conditions imposed pursuant to subsection 2 of this section. An ORV site plan must
14 include the following:

15 (a) One or more maps showing:

16 (i) The area and dimension of the proposed ORV use area.

17 (ii) All adjoining right-of-ways and access points.

18 (iii) The location of all existing and proposed uses, public road crossings, and perimeter
19 setbacks required by SCC 30.32A.120, as well as the dimensions of any existing or
20 proposed structure, trailhead, camping area, or special activity area.

21 (iv) The general location of trails and any alternate trails and their design standards.

22 (v) Critical areas located in proposed ORV use area, as well as all applicable buffers and
23 proposed stream crossings.

24 (vi) The location of all signage, including boundary, interpretative, regulatory, safety and
25 directional signage.

26 (vii) The location of on-site waste collection facilities, which shall be required.

27 (b) Narrative text addressing each of the following:

28 (i) The location and physical features of the proposed ORV use area.

29 (ii) The existing and proposed uses of the proposed ORV use area.

30 (iii) The types of special events, if any, which would occur at the proposed ORV use
31 area.

32 (iv) Trail construction standards and classes of trails for the proposed ORV use area.

33 (v) If the trails are proposed for organized competitive events, a statement describing
34 how the trail designs for the proposed ORV use area comply with insurance industry
35 standards;

36 (vi) If the proposed ORV use area is to be developed in phases, a description of each
37 project phase and a timetable for completion.

38 (vii) The name of the proposed ORV use area.

39 (viii) The name of the owner and operator, with address and phone numbers.

40 (ix) A legal description of the proposed ORV use area.

41 (x) The name, address and telephone number of the firm that prepared the site plan.

42 (4) ORV operations plan. Operations plans submitted for a proposed ORV use area
43 pursuant to subsection 1 of this section shall be approved by the hearing examiner,
44 consistent with permit conditions imposed pursuant to subsection 2 of this section. An ORV
45 operations plan must address the following:

46 (a) The name, address and phone number of the property owner, or an entity authorized
47 by the property owner, that will be responsible for operation of the proposed ORV use area.

48 (b) Best management practices for proposed ORV use area, including trail design,
49 construction, and maintenance, as well as forest practices stewardship.

1 (c) Environmental monitoring to evaluate trail usage problems and environmental impacts
2 of the proposed ORV use area, as well as a description of expected impacts on critical areas,
3 visual resources, cultural sites, wildlife and surrounding land uses.

4 (d) Park development and management of the proposed ORV use area, including
5 required or proposed insurance policies.

6 (e) Safety training and education for the proposed ORV use area, to be coordinated with
7 dedicated clubs and user groups.

8 (f) Security measures to be implemented for the proposed ORV use area, including
9 fencing (if any), boundary protection, accident reporting procedures, and trespassing
10 management plans.

11 (g) Special event programming and management for the proposed ORV use area, which
12 must comply with the requirements of chapter 6.37 SCC for events and assemblies.

13 (h) Park rules and regulations for the proposed ORV use area, which must be posted at
14 trailheads and trail access points. At a minimum, the rules and regulations for an ORV use
15 area must address the following:

16 (i) Hours of operation for the proposed ORV use area and a prohibition on ORV use
17 outside of those hours.

18 (ii) Schedules for facility and trail maintenance, as well as waste collection.

19 (iii) A prohibition on ORV use in or upon any waters of any stream, bog, river, creek,
20 wetland, or marsh unless specifically permitted by the ORV use area permit.

21 (iv) A requirement that all lighting be directed away from adjoining properties.

22 (5) Alterations to approved ORV site plan or operations plan. Proposed alterations to a site
23 plan or operations plan approved for an ORV use area pursuant to this section shall be
24 considered a minor permit revision ((pursuant to ~~SCC 30.42C.110~~)), provided that the
25 revision would minimize environmental damage or improve safety. All other revisions shall be
26 considered major revisions and shall require approval pursuant to the requirements of this
27 section.

28
29 Section 6. Snohomish County Code Section 30.28.105, adopted by Amended
30 Ordinance No. 06-137 on December 13, 2006, is amended to read:

31
32 **30.28.105 Motocross racetracks--submittal requirements, development standards and**
33 **operation plan.**

34
35 (1) Submittal requirements. Conditional use permit applications for a proposed motocross
36 racetrack are subject to the submittal requirements of SCC 30.70.030 and shall include the
37 following additional information:

38 (a) A proposed motocross racetrack site plan pursuant to subsection (3) of this section,
39 which shall be clear, precise, and drawn to scale.

40 (b) A proposed motocross racetrack operations plan pursuant to subsection (4) of this
41 section.

42 (c) The following maps, which may be submitted separately or included with the proposed
43 motocross racetrack site plan required by subsection (3) of this section:

44 (i) a vicinity map;

45 (ii) a DNR forest grade map of the property when located on commercial forest land, if
46 available; and

47 (iii) a map depicting surrounding land uses at a scale no smaller than fifty feet to one
48 inch. Distances from existing residential dwelling units, bed and breakfast inns or
49 guesthouses, schools, resorts, and level I and level II health and social service facilities shall

1 be noted on the site plan. Owners of such properties located within 2,000 feet of the
2 motocross racetrack boundaries shall be identified by name and address on a map.

3 (d) A signed statement agreeing to indemnify and hold harmless the county, its
4 employees, agents, representatives, and elected and appointed officials from any and all
5 claims made against them arising from the operation or use of the motocross racetrack. If the
6 motocross racetrack operator designated pursuant to SCC 30.28.085(2)(a) is a person or an
7 entity other than the applicant for the motocross racetrack permit, then that person or entity
8 shall also submit a signed statement agreeing to indemnify and hold harmless the county, its
9 employees, agents, representatives, and elected and appointed officials from any and all
10 claims made against them arising from the operation or use of the motocross racetrack.

11 (e) A traffic study providing information on the number of new vehicle trips generated by
12 the racetrack use (both competitive events and daily use), and the distribution and impact of
13 these new vehicle trips on the road system consistent with the requirements of chapter
14 30.66B SCC.

15 (2) Development standards. Conditional use permits for motocross racetracks shall require
16 compliance with the site plan and operations plan approved by the hearing examiner
17 pursuant to subsections (3) and (4) of this section, respectively, and shall include conditions
18 that ensure compliance with the following requirements:

19 (a) Motocross racetracks shall be located so as to minimize impacts to adjacent and
20 nearby properties and other land uses. The development activity areas on motocross
21 racetrack site shall be located no less than 500 feet from the property boundary of any
22 existing residential dwelling unit, bed and breakfast inn or guesthouse, school, resort, or level
23 I or level II health and social service facility, unless the conditional use permit application
24 includes a written affidavit from the current owner of the residence or facility approving of the
25 proposed motocross racetrack.

26 (b) Motocross racetracks located on commercial forest land shall be planned and
27 designed so as to minimize the disturbance and conversion of commercial forest land. To the
28 greatest extent possible, development activity shall be located on the lowest feasible timber
29 land grade available on the subject property as graded by DNR or other grading system
30 approved by the department.

31 (c) Motocross racetracks shall provide a minimum 100 feet wide vegetated area
32 surrounding the development activity area of the site. Private access drives to and from
33 private and public roadways may extend through the vegetated area. The vegetated area
34 shall be effective in providing a visual screen from adjacent properties comparable to the
35 Type A perimeter landscaping requirement of SCC 30.25.020(2), except as provided in SCC
36 30.28.105(2)(d).

37 (d) Motocross racetracks located on commercial forest land shall provide a perimeter
38 buffer area with an average width of no less than 1000 feet, provided that, no buffer shall be
39 less than 500 feet in width. The buffer area need not provide a visual screen, but shall be
40 retained and managed as commercial forest land.

41 (e) Motocross racetracks shall not exceed the maximum sound levels at the site's
42 property boundaries as specified in Chapter 10.01 SCC. The applicant for a motocross
43 racetrack shall submit a noise study prepared by a qualified professional that identifies
44 projected noise levels at the site's property boundaries. The projected noise levels in the
45 study shall be based upon the worst-case noise generation scenario for the racetrack use.
46 When projected noise levels exceed maximum levels permitted by county code, noise
47 mitigation measures shall be included in the proposal to reduce noise levels to acceptable
48 levels. Noise mitigation berms may be used to reduce noise levels. Noise mitigation berms

1 may be placed in the perimeter vegetated area required by SCC 30.28.105(2)(c). The county
2 may request third party verification of the noise study results at the expense of the applicant.

3 (f) Parking shall only be allowed in approved parking areas or in campgrounds, and shall
4 not be permitted in the rights-of-way of county access roads. The number of parking spaces
5 to be required for all types of vehicles shall be determined pursuant to SCC 30.26.035.

6 (g) Signage shall be allowed pursuant to SCC 30.27.060(5).

7 (h) Campgrounds may be located within a motocross racetrack boundary. Campground
8 design shall be considered in conjunction with a motocross racetrack conditional use permit
9 review subject to all applicable regulations including, but not limited to SCC 30.22.130 (32)
10 and chapter 7.24 SCC.

11 (i) Conditional use permit contact information, indemnification documentation, and
12 required affidavits shall be kept current. Within two weeks of any transfer of ownership or
13 responsibility, the contact information, indemnification documentation, including the agency
14 name, contact name, address, and telephone and fax numbers, shall be submitted to the
15 department referencing the conditional use permit file number.

16 (3) Motocross racetrack site plan. Site plans submitted for a proposed motocross racetrack
17 pursuant to subsection (1) of this section shall be approved by the hearing examiner,
18 consistent with motocross racetrack permit conditions imposed pursuant to subsection (2) of
19 this section. A motocross racetrack site plan must include the following:

20 (a) One or more maps showing:

21 (i) the area and dimension of the proposed motocross racetrack components and
22 perimeter vegetated areas.

23 (ii) all adjoining right-of-ways and access points.

24 (iii) the location of all existing and proposed uses, access drives and connections to
25 public and private roads, and perimeter setbacks required by SCC 30.32A.120, as well as
26 the dimensions of any existing or proposed structure, parking area, camping area, or special
27 activity area.

28 (iv) critical areas located on the subject property pursuant to the requirements of chapter
29 30.62 SCC.

30 (v) the location of all signage, including boundary, interpretative, regulatory, safety and
31 directional signage.

32 (vi) the location of all required on-site waste collection facilities.

33 (vii) the location and directional orientation of all lights.

34 (b) Narrative text addressing each of the following:

35 (i) the name of the applicant and contact person(s).

36 (ii) the location of the proposed motocross racetrack site and the physical characteristics
37 of the site.

38 (iii) if the proposed motocross racetrack is to be developed in phases, a description of
39 each project phase, and a timetable for completion.

40 (iv) the name of the proposed motocross racetrack.

41 (v) the name of the property/track owner and operator, with address and phone
42 numbers.

43 (vi) a legal description of the proposed motocross racetrack site.

44 (vii) the name, address and telephone number of the firm that prepared the site plan.

45 (4) Motocross racetrack operations plan. Operations plans submitted for a proposed
46 motocross racetrack pursuant to subsection (1) of this section shall be approved by the
47 hearing examiner, consistent with permit conditions imposed pursuant to subsection (2) of
48 this section. A motocross racetrack operations plan must address the following:

1 (a) The name, address and phone number of the property owner, or an entity authorized
2 by the property owner, that will be responsible for operation of the proposed motocross
3 racetrack.

4 (b) The type and number of annual motocross competitive events that will occur at the
5 motocross racetrack, including the anticipated number of riders and spectators at a typical
6 competitive event.

7 (c) A description of the daily use of the motocross racetrack when competitive events are
8 not scheduled.

9 (d) Best management practices for proposed motocross racetrack, including, construction,
10 and maintenance, as well as forest practices stewardship for perimeter buffer areas when
11 located on designated forest lands.

12 (e) Environmental monitoring to evaluate environmental impacts of the proposed
13 motocross racetrack, including noise levels at property boundaries, as well as a description
14 of expected impacts on critical areas, visual resources, cultural sites, wildlife and surrounding
15 land uses.

16 (f) Development and management of the proposed motocross racetrack, including
17 required or proposed insurance policies.

18 (g) Safety training and education for the proposed motocross racetrack users, to be
19 coordinated with dedicated clubs, associations and user groups.

20 (h) Security measures to be implemented for the proposed motocross racetrack during
21 competitive events including fencing (if any), boundary protection, accident reporting
22 procedures, spectator management, and trespassing management plans.

23 (i) Motocross competitive event programming and management at the proposed
24 motocross racetrack, including traffic/access control, sanitary facilities, fire protection devices
25 and equipment, and crowd/spectator control, which must comply with the requirements of
26 chapter 6.37 SCC for public events and assemblies. A separate public event/assembly
27 permit is not required for each competitive event when the conditional use permit includes
28 conditions that will satisfy chapter 6.37 SCC requirements, and the applicant can
29 demonstrate that monitoring for compliance of all conditions will be accomplished for each
30 event. Compliance with the provisions of chapter 30.53A SCC, Uniform Fire Code related to
31 fire safety including, but not limited to emergency vehicle access and water availability shall
32 be required.

33 (j) Rules and regulations for the proposed motocross racetrack, which must be posted at
34 the entrance to the racetrack. At a minimum, the rules and regulations for a motocross
35 racetrack must address the following:

36 (i) hours of operation for the proposed motocross racetrack and a prohibition on
37 racetrack use outside of those hours. Hours of operation may be limited by the hearing
38 examiner to ensure compatibility of the facility with adjacent properties.

39 (ii) schedules for facility maintenance, as well as waste collection.

40 (iii) a prohibition on motorcycle use in or upon any waters of any stream, bog, river,
41 creek, wetland, or marsh unless specifically permitted by the motocross racetrack permit.

42 (iv) a requirement that all lighting be directed away from adjoining properties.

43 (5) Alterations to approved motocross racetrack site plan or operations plan. Proposed
44 alterations to a site plan or operations plan approved for an motocross racetrack pursuant to
45 this section shall be considered a minor permit revision (~~((pursuant to SCC 30.42C.110))~~),
46 provided that the revision would minimize environmental damage or improve safety. All other
47 revisions shall be considered major revisions and shall require approval pursuant to the
48 requirements of this section.

49

1 Section 7. Snohomish County Code Section 30.31A.500, adopted by Amended
2 Ordinance No. 02-064 on December 9, 2002, is amended to read:

3
4 **30.31A.500 Revisions to approved plans.**

5
6 Revisions of an approved plan shall be ~~((permitted as set forth below:~~

7 ~~—(1) Minor revisions. Minor revisions or changes in the plan may be permitted by~~
8 ~~administrative action of the department and shall be properly recorded as a part of the~~
9 ~~records for the approved building permits or rezone. A "minor" revision means any proposed~~
10 ~~change in a plan which does not involve a substantial alteration of the character of the plan;~~

11 ~~—(2) Major revisions. Major revisions of an approved plan shall be processed in the same~~
12 ~~manner as an original application. Major revision means any proposed changes in the~~
13 ~~primary use shown on the plan, or any proposed change in the plans and specifications for~~
14 ~~structures or location of features that substantially modifies or changes in any material~~
15 ~~respect or degree the plan; and~~

16 ~~—(3) Determining major or minor status. The determination of whether a proposed change~~
17 ~~is a "major" or "Minor" revision shall be made by the department as a code interpretation in~~
18 ~~accordance with the foregoing principles and chapter 30.83 SCC; provided that any revision~~
19 ~~proposing an increase in trip generation or a change in access points shall be reviewed~~
20 ~~pursuant to SCC 30.66B.075)) processed pursuant to SCC 30.70.210 or SCC 30.70.220.~~

21
22 Section 8. Snohomish County Code Section 30.31B.300, adopted by Amended
23 Ordinance No. 02-064 on December 9, 2002, is amended to read:

24
25 **30.31B.300 Revisions to approved official site plans.**

26
27 Revisions ~~((of))~~ to an approved official site plan shall be ~~((permitted as set forth below:~~

28 ~~—(1) Minor revisions. Minor revisions or changes in the official site plan may be permitted~~
29 ~~by administrative action of the department and shall be properly recorded as a part of the~~
30 ~~records for the approved building permits or rezone. A "minor" revision means any proposed~~
31 ~~change in an official site plan which does not involve a substantial alteration of the character~~
32 ~~of the official site plan;~~

33 ~~—(2) Major revisions. Major revisions of an official site plan shall be processed in the same~~
34 ~~manner as an original application. Major revision means any proposed change in the~~
35 ~~primary use shown on the official site plan, or any proposed change in the plans and~~
36 ~~specifications for structures or location of features that substantially modifies or changes in~~
37 ~~any material respect or to any material degree the official site plan; and~~

38 ~~—(3) Determining major or minor status. The determination of whether a proposed change~~
39 ~~is a "major" or "minor" revision shall be made by the department as a code interpretation in~~
40 ~~accordance with the foregoing principles and chapter 30.83 SCC; provided that any revision~~
41 ~~proposing an increase in trip generation or a change in access points shall be reviewed~~
42 ~~pursuant to SCC 30.66B.075)) processed pursuant to SCC 30.70.210 or SCC 30.70.220.~~

1 Section 9. Snohomish County Code Section 30.31F.300, adopted by Amended
2 Ordinance No. 02-064 on December 9, 2002, is amended to read:

3
4 **30.31F.300 Revisions to approved official site plan.**

5
6 Revisions to an approved RFS official site plan (~~((are permitted in accordance with the~~
7 ~~provisions of SCC 30.31B.300))~~ shall be processed pursuant to SCC 30.70.210 or SCC
8 30.70.220.
9

10 Section 10. Snohomish County Code Section 30.34A.180, adopted by Amended No.
11 Ordinance No. 09-079 on May 12, 2010, is amended to read:

12
13 **30.34A.180 Review process and decision criteria.**

14
15 (1) Development Agreement Process: Approval under this subsection shall be as follows:

16 (a) Upon submittal of a complete application meeting the requirements of SCC
17 30.34A.170, the applicant shall immediately initiate negotiations of one agreement with the
18 city or town in whose urban growth area or MUGA the proposed development will be located
19 and any city or town whose municipal boundaries border the proposed urban center
20 development site.

21 (i) The parties shall have forty-five (45) days to reach an agreement on elements of the
22 urban center development such as design, location, density or other aspects of the proposed
23 development. The agreement must be consistent with Snohomish County development
24 regulations.

25 (ii) If the parties cannot reach agreement within forty-five (45) days, the parties may
26 mutually agree in writing to extend the deadline.

27 (iii) If the parties cannot reach agreement and do not agree to an extension, the
28 applicant shall notify the department in writing and the application shall be reviewed as a
29 Type 2 process under subsection (2) of this section.

30 (iv) Any party may withdraw from negotiations at any time and any party may decide that
31 an agreement is not possible, the applicant shall notify the department in writing of the
32 withdrawal and the application shall be reviewed as a Type 2 process under subsection (2) of
33 this section.

34 (v) If the parties reach agreement, the agreement shall be memorialized in writing and
35 submitted to the department. The department shall review the agreement for consistency
36 with the Snohomish County Code.

37 (b) Following review of the agreement reached under subsection (1)(a) of this section,
38 the department shall negotiate a development agreement with the applicant and process the
39 application under chapter 30.75 SCC. If the department and the applicant cannot reach
40 agreement on a development agreement, the applicant may choose to have the application
41 reviewed under subsection (2) of this section.

42 (2) Type 2 Permit Decision Process: If any party withdraws from the negotiation of an
43 agreement under subsection (1)(a) above, the forty-five (45) day period expires without the
44 parties agreeing to an extension, or if the department and applicant cannot reach agreement
45 for a development agreement, the application shall be reviewed as follows:

46 (a) The design review board established by SCC 30.34A.175 shall hold one open public
47 meeting with urban center project applicants, county staff, neighbors to the project, members
48 of the public, and any city or town whose municipal boundaries are within one mile of the
49 proposed urban center development or whose urban growth area includes the subject site or

1 whose public utilities or services would be used by the proposed urban center development
2 to review and discuss proposed site plans and project design.

3 (b) Following the public meeting held pursuant to subsection (2)(a) of this section, the
4 design review board shall provide written recommendations to the department and the
5 applicant on potential modifications regarding the project, such as: scale, density, design,
6 building mass and proposed uses of the project. The recommendations shall become part of
7 the project application and they should:

8 (i) Synthesize community input on design concerns and provide early design guidance to
9 the development team and community; and

10 (ii) Ensure fair and consistent application of the design standards of this chapter and
11 any neighborhood-specific design guidelines.

12 (c) The urban center development application shall then be processed as a Type 2
13 application as described in chapter 30.72 SCC and the hearing examiner may approve or
14 approve with conditions the proposed development when all the following are met:

15 (i) The development complies with the requirements in this chapter, chapters 30.24 and
16 30.25 SCC, and requirements of other applicable county code provisions;

17 (ii) The proposal is consistent with the comprehensive plan;

18 (iii) The proposal will not be materially detrimental to uses or property in the immediate
19 vicinity; and

20 (iv) The development demonstrates high quality design by incorporating elements such
21 as:

22 (A) Superior pedestrian- and transit-oriented architecture;

23 (B) Building massing or orientation that responds to site conditions;

24 (C) Use of structural articulation to reduce bulk and scale impacts of the development;

25 (D) Use of complementary materials; and

26 (E) Use of lighting, landscaping, street furniture, public art, and open space to achieve
27 an integrated design;

28 (v) The development features high density residential and/or non-residential uses;

29 (vi) Buildings and site features are arranged, designed, and oriented to facilitate
30 pedestrian access, to limit conflict between pedestrians and vehicles, and to provide transit
31 linkages; and

32 (vii) Any urban center development abutting a shoreline of the State as defined in RCW
33 90.58.030(2)(c) and SCC 30.91S.250 shall provide for public access to the water and
34 shoreline consistent with the goals, policies and regulations of the Snohomish County
35 Shoreline Management Master Program.

36 (d) Whenever an urban center development application is reviewed as a Type 2 permit
37 decision process under subsection (2) of this section, the county shall involve the cities or
38 towns in the review of urban center development permit applications proposed within their
39 urban growth area or MUGA or whose municipal boundaries border the proposed urban
40 center development site using the following procedures:

41 (i) The county shall notify any such city or town and provide contact information for the
42 applicant;

43 (ii) Following notice the relevant city(ies) or town(s) shall contact the county on their
44 need for level of involvement and issues of particular concern;

45 (iii) The county shall invite a staff representative from any city or town who contacts the
46 county pursuant to subsection (2)(d)(ii) of this section to attend pre-application, submittal and
47 re-submittal meetings;

48 (iv) The city's or town's recommendation shall:

1 (A) Contain the name, mailing address, and daytime telephone number of the city's or
2 town's representative;

3 (B) Identify proposed changes to the application, specific requirements, actions, and/or
4 conditions that are recommended in response to impacts identified by the city or town;

5 (C) State the specific grounds upon which the recommendation is made; and

6 (D) Where applicable, identify and provide documentation of the newly-discovered
7 information material to the decision.

8 (v) The county shall respond to a city's or town's comments and recommendations in its
9 final decision reached pursuant to this section.

10 (e) An applicant may sign a concomitant agreement in a form approved by the county.
11 The concomitant agreement shall reference the required conditions of approval, including the
12 site plan, design elements and all other conditions of project approval. The concomitant
13 agreement shall be recorded, run with the land, and shall be binding on the owners, heirs,
14 assigns, or successors of the property.

15 (f) The hearing examiner may deny an urban center development application without
16 prejudice pursuant to SCC 30.72.060. If denied without prejudice, the application may be
17 reactivated under the original project number and without additional filing fees or loss of
18 project vesting if a revised application is submitted within six months of the date of the
19 hearing examiner's decision. In all other cases a new application shall be required.

20 (3) All urban center development applications shall be subject to the following
21 requirements:

22 (a) In addition to the notice required by chapter 30.70 SCC and subsection (2)(d)(i) of this
23 section, the department shall distribute copies of the urban center development application to
24 each of the following agencies and shall allow 21 days from the date of published notice for
25 the agencies to submit comments on the proposal:

26 (i) Snohomish Health District;

27 (ii) Department of public works;

28 (iii) Washington State Department of Transportation; and

29 (iv) Any other federal, state, or local agencies as may be relevant.

30 (b) ~~((Any revision which substantially alters the approved site plan is no longer vested
31 and re-submittal of a complete application is required pursuant to SCC
32 30.34A.170. Revisions not requiring re-submittal are vested to the regulations in place as of
33 the date the original application was submitted. Revisions after approval of the development
34 which cause an increase in traffic generated by the proposed development shall be reviewed
35 pursuant to SCC 30.66B.075))~~ Revisions shall be processed pursuant to SCC 30.70.210 or
36 SCC 30.70.220.

37 (c) Urban center project approval expires after six years from the date of approval unless
38 a complete application for construction of a project or for installation of the main roads and
39 utilities has been submitted to the department.

40
41 Section 11. Snohomish County Code Section 30.41A.330, last amended by
42 Amended Ordinance No. 12-108 on January 9, 2013, is amended to read:

43
44 **30.41A.330 Revisions after preliminary subdivision approval.**

45
46 ~~(((1) Approved preliminary subdivisions may be revised prior to installation of
47 improvements and recording of the final subdivision. The provisions in subsections (2) and
48 (3) of this section apply to all applications for revisions to approved preliminary subdivisions,~~

1 regardless of the date of preliminary subdivision application completeness and date of
2 preliminary subdivision approval.

3 (2) Minor revisions may be administratively approved by the department using the date of
4 the preliminary subdivision approval; provided, that any change in access points shall be
5 reviewed pursuant to SCC 30.66B.075. Relevant county departments and agencies shall be
6 notified of any minor revision. A minor revision does not extend the life or term of the
7 preliminary subdivision approval, which shall run from the original date of preliminary
8 approval. A minor revision must meet all of the following criteria when compared to the
9 original preliminary subdivision application:

- 10 (a) No more than a 10 percent increase in the number lots or units;
- 11 (b) No change in the boundary that increases the area of the project;
- 12 (c) No more than a 10 percent increase in trip generation;
- 13 (d) No change in access points that results in a change in trip distribution;
- 14 (e) No more than a 10 percent reduction in designated open space; and
- 15 (f) No change in proposed types of uses.

16 (3) Major revisions shall require processing through the same process as a new
17 preliminary subdivision using the date of preliminary subdivision approval. A major revision
18 does not extend the life or term of the preliminary subdivision approval, which shall run from
19 the original date of preliminary approval. A major revision must meet all of the following
20 criteria when compared to the original preliminary subdivision application:

- 21 (a) No more than a 20 percent increase in the number of lots or units;
- 22 (b) No change in the boundary that increases the area of the project;
- 23 (c) No more than a 20 percent increase in trip generation;
- 24 (d) No more than a 20 percent reduction in designated open space; and
- 25 (e) No change in proposed types of uses.

26 (4) Any proposed change that does not meet the criteria for a minor revision or a major
27 revision cannot be processed as a revision. Such a change requires a new application for a
28 preliminary subdivision and a new completeness determination.)) Revisions of approved
29 preliminary subdivisions prior to installation of improvements and recording of the final
30 subdivision shall be processed pursuant to SCC 30.70.210 or SCC 30.70.220.

31
32 Section 12. Snohomish County Code Section 30.41B.310, last amended by
33 Amended Ordinance No. 12-108 on January 9, 2013, is amended to read:

34
35 **30.41B.310 Revisions after preliminary short subdivision approval.**

36
37 (((1) Approved preliminary short subdivisions may be revised prior to installation of
38 improvements and recording of the final short subdivision. The provisions in subsections (2)
39 and (3) of this section apply to all applications for revisions to approved short subdivisions,
40 regardless of the date of preliminary short subdivision application completeness and date of
41 preliminary short subdivision approval.

42 (2) Minor revisions may be administratively approved by the department using the date of
43 preliminary short subdivision approval. Relevant county departments and agencies shall be
44 notified of any minor revision. A minor revision does not extend the life or term of the
45 preliminary short subdivision approval, which shall run from the original date of preliminary
46 approval. A minor revision must meet all of the following criteria when compared to the
47 original preliminary short subdivision application:

- 48 (a) No more than a 10 percent increase in the number lots or units;
- 49 (b) No change in the boundary that increases the area of the project;

- (c) No more than a 10 percent increase in trip generation;
- (d) No change in access points that results in a change in trip distribution;
- (e) No more than a 10 percent reduction in designated open space; and
- (f) No change in proposed types of uses.

(3) Major revisions shall require processing through the same process as a new preliminary short subdivision using the date of preliminary short subdivision approval. A major revision does not extend the life or term of the preliminary short subdivision approval, which shall run from the original date of preliminary approval. A major revision must meet all of the following criteria when compared to the original preliminary short subdivision application:

- (a) No more than one additional lot or unit;
- (b) No change in the boundary that increases the area of the project;
- (c) No more than a 20 percent reduction in designated open space; and
- (d) No change in proposed types of uses.

(4) Any proposed change that does not meet the criteria for a minor revision or a major revision cannot be processed as a revision. Such a change requires a new application for a preliminary short subdivision and a new completeness determination.)) Revisions of approved preliminary short subdivisions prior to installation of improvements and recording of the final short subdivision shall be processed pursuant to SCC 30.70.210 or SCC 30.70.220.

Section 13. Snohomish County Code Section 30.41D.320, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

30.41D.320 Revisions.

~~((1) The applicant may revise a binding site plan application or may request that the department revise conditions of binding site plan approval. The department will consider revisions upon an applicant's request, payment of any fees specified by chapter 30.86 SCC, and submittal of materials required by the department.~~

~~—(2) If a revision to a previously recorded binding site plan or record of survey is approved, the applicant must record the revised binding site plan or record of survey.~~

~~—(3) Any request for a major revision to a plan previously approved by the hearing examiner or county council shall be processed in the same manner as the previously approved plan. For purposes of this section, a major revision shall be distinguished from a minor revision as follows:~~

~~—(a) A "minor" revision means any proposed change which does not involve substantial alteration of the character of the prior approval, including increases in gross floor area of no more than 10 percent;~~

~~—(b) A "major" revision means any expansion of the lot area covered by the permit or approval, or any proposed change whereby the character of the approved development will be substantially altered. A major revision exists whenever intensity of use is substantially increased, performance standards are reduced below those set forth in the original permit, detrimental impacts on adjacent properties or public rights-of-way are created or substantially increased, including increased trip generation of 10 percent or more, or the site plan design is substantially altered; and~~

~~—(c) Any increase in vehicle trip generation or change in vehicle access points shall be reviewed pursuant to SCC 30.66B.075)) Revisions to an approved binding site plan shall be processed pursuant to SCC 30.70.210 or SCC 30.70.220.~~

1 Section 14. Snohomish County Code Section 30.42B.220, adopted by Amended
2 Ordinance No. 02-064 on December 9, 2002, is amended to read:

3
4 **30.42B.220 Revision of the official site plan.**

5
6 ~~(((1) Minor revisions or changes in the official site plan may be permitted by administrative
7 action of the director and shall be properly recorded within the PRD file and as a part of the
8 records for the approved building permits. A "minor" revision means any proposed change in
9 an official site plan that does not involve a substantial alteration of the character of the PRD.~~

10 ~~—(2) Major revisions of an official site plan shall be processed in the same manner as an
11 original application. A "major" revision means any proposed change in conditions that
12 substantially alter the character of the approved development, including, but not limited to, a
13 decrease in open space or an increase in density.~~

14 ~~—(3) The determination of whether a proposed change is a "major" or "minor" revision shall
15 be made by the director.~~

16 ~~—(4) Any minor revisions or changes shall be noted on the official site plan filed with the
17 department. A major revision requires a new PRD official site plan))~~ Revisions to an
18 approved official site plan shall be processed pursuant to SCC 30.70.210 or SCC 30.70.220.

19
20 Section 15. Snohomish County Code Section 30.42C.110, adopted by Amended
21 Ordinance No. 02-064 on December 9, 2002, is amended to read:

22
23 **30.42C.110 Revision of conditional use permits.**

24
25 ~~(((1)))~~ Revisions ((ef)) to an approved conditional use permit or conditions of permit
26 approval ((is permitted as follows:

27 ~~—(a) Minor revisions. Minor revisions may be permitted by the department. No revision in
28 points of vehicular access to the property shall be approved without prior written concurrence
29 of the director of the department of public works.~~

30 ~~—(b) Major revisions and permit condition changes. Major revisions and any requested
31 change in permit conditions shall be processed in the same manner as a new application
32 using a Type 2 process.~~

33 ~~—(2) Minor and major revisions are defined as follows:~~

34 ~~—(a) A "minor" revision means any proposed change which does not involve substantial
35 alteration of the character of the prior approval, including dimensional or gross floor area
36 increases of less than 10 percent; and~~

37 ~~—(b) A "major" revision means any expansion of the lot area covered by the permit or
38 approval, or any proposed change whereby the character of the approved development will
39 be substantially altered. A major revision exists whenever intensity of use is substantially
40 increased, performance standards are reduced below those set forth in the original permit,
41 detrimental impacts on adjacent properties or public rights-of-way are created or substantially
42 increased, including increased trip generation of 10 percent or more, or the site plan design
43 is substantially altered, including dimensional or gross floor area increases of 10 percent or
44 more))~~ shall be processed pursuant to SCC 30.70.210 or SCC 30.70.220.

1 Section 16. Snohomish County Code Section 30.42E.120, adopted by Amended
2 Ordinance No. 02-064 on December 9, 2002, is amended to read:

3
4 **30.42E.120 Revisions to approved official site plans.**
5

6 Revisions ((ef)) to an approved official site plan shall be ((permitted as set forth below:

7 ~~—(1) Minor revisions. Minor revisions or changes in the official site plan may be permitted by~~
8 ~~administrative action of the department and shall be properly recorded as a part of the~~
9 ~~records for the approved mobile home park. A "minor" revision means any proposed change~~
10 ~~in an official site plan which does not involve a substantial alteration of the character of the~~
11 ~~official site plan;~~

12 ~~—(2) Major revisions. Major revisions of an official site plan shall be processed in the same~~
13 ~~manner as an original application. Major revision means any proposed change in the~~
14 ~~primary use shown on the official site plan, or any proposed change in the plans and~~
15 ~~specifications for structures or location of features that substantially modifies or changes in~~
16 ~~any material respect or to any material degree the official site plan; and~~

17 ~~—(3) Determining major or minor status. The determination of whether a proposed change is~~
18 ~~a "major" or "minor" revision shall be made by the department as a code interpretation in~~
19 ~~accordance with the foregoing principles and chapter 30.83 SCC; provided that any revision~~
20 ~~proposing an increase in trip generation or a change in access points shall be reviewed~~
21 ~~pursuant to SCC 30.66B.075)) processed pursuant to SCC 30.70.210 or SCC 30.70.220.~~
22

23 Section 17. Snohomish County Code Section 30.43A.105, adopted by Amended
24 Ordinance No. 02-064 on December 9, 2002, is amended to read:

25
26 **30.43A.105 Revision of administrative conditional use permits.**
27

28 ~~(((4)))~~ Revisions ((ef)) to an approved administrative conditional use permit or of
29 conditions of permit approval ((is permitted as follows:

30 ~~—(a) Minor revisions may be permitted by the department and shall be properly recorded in~~
31 ~~the official case file. No revision in points of vehicular access to the property shall be~~
32 ~~approved without prior written concurrence of the director of the department of public works;~~
33 ~~and~~

34 ~~—(b) Major revisions, including any requested change in permit conditions, shall be~~
35 ~~processed in the same manner as a new application.~~

36 ~~—(2) Minor and major revisions are defined as follows:~~

37 ~~—(a) A "minor" revision means any proposed change which does not involve substantial~~
38 ~~alteration of the character of the plan or previous approval, including increases in gross floor~~
39 ~~area of no more than 10 percent; and~~

40 ~~—(b) A "major" revision means any expansion of the lot area covered by the permit or~~
41 ~~approval, or any proposed change whereby the character of the approved development will~~
42 ~~be substantially altered. A major revision exists whenever intensity of use is substantially~~
43 ~~increased, performance standards are reduced below those set forth in the original permit,~~
44 ~~detrimental impacts on adjacent properties or public rights-of-way are created or increased,~~
45 ~~including increases in trip generation of more than 10 percent, or the site plan design is~~
46 ~~substantially altered.~~

47 ~~—(c) Any increase in vehicle trip generation shall be reviewed pursuant to SCC 30.66B.075~~
48 ~~to determine whether the revision is major or minor)) shall be processed pursuant to SCC~~
49 ~~30.70.210 or SCC 30.70.220.~~

1 Section 18. Snohomish County Code Section 30.66B.075, last amended by
2 Amended Ordinance No. 02-064 on December 9, 2002, is repealed:

3
4 Section 19. A new section is added to chapter 30.70 of the Snohomish County Code
5 to read:

6
7 **30.70.210 Minor revisions to approved development applications.**

8
9 The purpose and intent of this section is to provide an administrative process for minor
10 revisions to approved development applications. For the purposes of this section, approved
11 development applications shall include preliminary approval for subdivisions and short
12 subdivisions and final approval prior to construction for all other development applications.

13 (1) The minor revision process is applicable to any approved Type 1 and Type 2
14 development application where an applicant requests a minor revision of the approved plans,
15 except site plans submitted under SCC 30.28.086 and SCC 30.28.105.

16 (2) Revisions to mixed-use and urban center development applications shall be
17 considered non-residential development applications for the purposes of this section.

18 (3) A minor revision to an approved residential development application is limited to the
19 following when compared to the original development application, provided that there shall
20 be no change in the proposed type of development or use:

21 (a) Short subdivisions shall be limited to no more than one additional lot.

22 (b) Subdivisions, single family detached unit developments, cottage housing, townhomes
23 and multiple family developments shall be limited to the lesser of:

24 (i) A 10% increase in the number of lots or units; or

25 (ii) An additional 10 lots or units.

26 (c) A reduction in the number of lots or units.

27 (d) A change in access points may be allowed when combined with SCC 30.70.210(3)(a)
28 or SCC 30.70.210(3)(b) or as a standalone minor revision provided that it does not change
29 the trip distribution. No change in access points that changes the trip distribution can be
30 approved as a minor revision.

31 (e) A change to the project boundaries required to address surveying errors or other
32 issues with the boundaries of the approved development application, provided that the
33 number of lots or units cannot be increased above the number that could be approved as a
34 minor revision to the original approved development application on the original project site
35 before any boundary changes.

36 (f) A change to the internal lot lines that does not increase lot or unit count beyond the
37 amount allowed for a minor revision.

38 (g) A change in the aggregate area of designated open space that does not decrease the
39 amount of designated open space by more than:

40 (i) 10% for developments located within an urban growth area; or

41 (ii) 20% for developments located outside of an urban growth area.

42 Under no circumstances shall the amount of designated open space be decreased to an
43 amount that is less than that required by code.

44 (h) A change not addressed by the criteria in SCC 30.70.210(3)(a) through (g) which
45 does not substantially alter the character of the approved development application or site
46 plan and prior approval.

47 (4) A minor revision to an approved non-residential development application is limited to
48 the following when compared to the original development application, provided that there is

- 1 no change in the proposed type of development or use or no more than a 10 percent
2 increase in trip generation:
- 3 (a) A utility structure shall be limited to no more than a 400 square foot increase in the
4 gross floor area.
- 5 (b) All other structures shall be limited to no more than a 10% increase in the gross floor
6 area.
- 7 (c) A change in access points when combined with SCC 30.70.210(4)(a) or SCC
8 30.70.210(4)(b) or as a standalone minor revision.
- 9 (d) A change which does not substantially alter the character of the approved
10 development application or site plan and prior approval.
- 11 (5) A minor revision may be approved subject to the following:
- 12 (a) An application for a minor revision shall be submitted on forms approved by the
13 department. An application for a minor revision shall not be accepted if a variance is
14 required to accomplish the change to the approved development.
- 15 (b) An application for a minor revision shall be accompanied by any fees specified in
16 chapter 30.86 SCC.
- 17 (c) An application for a minor revision shall require notification of the relevant county
18 departments and agencies.
- 19 (d) An application for a minor revision shall be subject to the development regulations in
20 effect as of the date the original development application was determined to be complete.
- 21 (e) The director shall grant approval of the request for a minor revision if it is determined
22 that the minor revision does not substantially alter:
- 23 (i) The previous approval of the development application;
- 24 (ii) The final conditions of approval; or
- 25 (iii) The public health, safety and welfare.
- 26 (f) A minor revision shall be properly documented as a part of the records for the
27 approved development application.
- 28 (g) A minor revision does not extend the life or term of the development application
29 approval and concurrency determination, which shall run from the original date of:
- 30 (i) Preliminary approval for subdivisions or short subdivisions; or
- 31 (ii) Approval for all other development applications.
- 32 (6) The final determination of what constitutes a minor revision shall be made by the
33 director.

34
35 Section 20. A new section is added to chapter 30.70 of the Snohomish County Code
36 to read:

37
38 **30.70.220 Major revisions to approved residential development applications.**

39
40 The purpose and intent of this section is to provide a process for major revisions to approved
41 residential development applications. Residential development applications shall include
42 short subdivisions, subdivisions, single family detached unit developments, cottage housing,
43 townhomes and multiple family developments. For the purposes of this section, approved
44 residential development applications shall include preliminary approval for subdivisions and
45 short subdivisions and final approval prior to construction for all other residential
46 development applications.

47 (1) The major revision process is applicable to any approved Type 1 and Type 2 residential
48 development application where an applicant requests a major revision of the approved plans.

1 (2) A major revision to an approved residential development application is limited to the
2 following when compared to the original development application, provided there is no
3 change in the proposed type of development or use:

4 (a) Subdivisions, single family detached unit developments, cottage housing, townhomes
5 and multiple family developments shall be limited to the lesser of:

6 (i) A 20% increase in the number of lots or units; or

7 (ii) An additional 20 lots or units.

8 (b) A change in access points, when combined with SCC 30.70.220(2)(a).

9 (c) A change to the project boundaries required to address surveying errors or other
10 issues with the boundaries of the approved development application, provided that the
11 number of lots or units cannot be increased above the number that could be approved as a
12 minor revision to the original approved development application on the original project site
13 before any boundary changes.

14 (d) A change to the internal lot lines when combined with another criteria in SCC
15 30.70.220(2) that does not increase lot or unit count beyond the amount allowed for a major
16 revision.

17 (e) A change in the aggregate area of designated open space beyond that allowed as a
18 minor revision, provided that the decrease will not result in an amount that is less than that
19 required by code.

20 (f) A change not addressed by the criteria in SCC 30.70.220(2)(a) through (e) which does
21 not substantially alter the character of the approved development application or site plan and
22 prior approval.

23 (3) A major revision shall require processing through the same process as a new
24 development application subject to the following:

25 (a) An application for a major revision shall be submitted on forms approved by the
26 department. An application for a major revision shall not be accepted if a variance is
27 required to accomplish the change to the approved development.

28 (b) An application for a major revision shall be accompanied by any fees specified in
29 chapter 30.86 SCC.

30 (c) An application for a major revision shall require public notice pursuant to SCC
31 30.70.045 and SCC 30.70.050.

32 (d) An application for a major revision shall be subject to the development regulations in
33 effect as of the date the original development application was determined to be complete.

34 (e) The director (for Type 1 decisions) or the hearing examiner (for Type 2 decisions)
35 shall grant approval of the major revision if it is determined that the major revision does not
36 substantially alter:

37 (i) The previous approval of the development application;

38 (ii) The final conditions of approval; or

39 (iii) The public health, safety and welfare.

40 (f) A major revision shall be properly documented as a part of the records for the
41 approved development application.

42 (g) A major revision does not extend the life or term of the development application
43 approval and concurrency determination, which shall run from the original date of:

44 (i) Preliminary approval for subdivisions or short subdivisions; or

45 (ii) Approval for all other residential development applications.

46 (4) The final determination of what constitutes a major revision shall be made by the
47 director.

48

1 Section 21. A new section is added to chapter 30.70 of the Snohomish County Code
2 to read:

3
4 **30.70.230 Revisions not defined as minor or major.**

5
6 Any proposed revision to an approved development application that does not meet the
7 criteria in SCC 30.70.210 or SCC 30.70.220 shall require a new development application and
8 a new completeness determination. The new application shall conform to the development
9 regulations which are in effect at the time the new development application is determined
10 complete.

11
12 Section 22. Snohomish County Code Section 30.72.020, last amended by Amended
13 Ordinance No. 12-025 on June 6, 2012, is amended to read:

14
15 **30.72.020 Type 2 permits and decisions.**

16
17 The following are processed as Type 2 permits and decisions:

- 18 (1) Conditional use permit (~~and major revisions~~);
19 (2) Rezones (site-specific);
20 (3) Official site plan or preliminary plan approval when combined with a rezone request in
21 FS, IP, BP, PCB, T, RB, RFS, and RI zones;
22 (4) Flood hazard area variance, if combined with a Type 2 application;
23 (5) Preliminary subdivision approval (~~and major revisions~~);
24 (6) Planned residential developments;
25 (7) Short subdivision with dedication of a new public road;
26 (8) Shoreline substantial development, conditional use, or variance permit if forwarded
27 pursuant to SCC 30.44.210(2).
28 (9) Shoreline substantial development permit rescission pursuant to SCC 30.44.320;
29 (10) Boundary line adjustments as provided in SCC 30.41E.020; and~~(-)~~ and
30 (11) Urban center developments as provided in SCC 30.34A.180(2).

31
32 Section 23. Severability and Savings. If any section, sentence, clause or phrase of
33 this ordinance shall be held to be invalid by the Growth Management Hearings Board
34 (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or
35 unconstitutionality shall not affect the validity or constitutionality of any other section,
36 sentence, clause or phrase of this ordinance. Provided, however, that if any section,
37 sentence, clause or phrase of this ordinance is held to be invalid by the Board or
38 unconstitutional by a court of competent jurisdiction, then the section, sentence, clause or
39 phrase in effect prior to the effective date of this ordinance shall be in full force and effect for
40 that individual section, sentence, clause or phrase as if this ordinance had never been
41 adopted.
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PASSED this 28th day of August, 2013.

SNOHOMISH COUNCIL
Snohomish, Washington


Stephanie Wright
Council Chair

ATTEST:

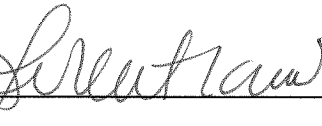

Sheila McCallister
Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE:


County Executive 9/9/13

ATTEST:



D-16