

1 SNOHOMISH COUNTY COUNCIL  
2 SNOHOMISH COUNTY, WASHINGTON

3  
4 AMENDED ORDINANCE NO. 13-064

5  
6  
7 RELATING TO GROWTH MANAGEMENT AND TRANSFER OF DEVELOPMENT  
8 RIGHTS, AMENDING CHAPTER 30.35A, REPEALING CHAPTER 30.35B, AND  
9 ADDING AND AMENDING RELATED SECTIONS OF TITLE 30  
10 OF THE SNOHOMISH COUNTY CODE  
11

12 WHEREAS, RCW 36.70A.130 and .470 direct counties planning under the  
13 Growth Management Act (GMA) to adopt procedures for interested persons to propose  
14 amendments and revisions to the GMA Comprehensive Plan (GMACP) or development  
15 regulations; and  
16

17 WHEREAS, the Snohomish County Council ("county council") has determined  
18 that the proposed amendments to the development regulations promote a county  
19 purpose as established under RCW 36.70A.130, RCW 36.70A.470 and chapter 30.73  
20 SCC; and  
21

22 WHEREAS, chapter 43.362 RCW authorizes a regional Transfer of Development  
23 Rights (TDR) program and establishes requirements for participation by cities and  
24 counties; and  
25

26 WHEREAS, chapter 39.108 RCW authorizes a funding mechanism for local  
27 infrastructure project areas and requires Snohomish County to designate all agricultural  
28 and forest land of long-term commercial significance within Snohomish County as TDR  
29 sending areas; and  
30

31 WHEREAS, the county council adopted Amended Ordinance No. 12-046 on  
32 October 17, 2012, establishing policies in the GMACP for a countywide TDR program;  
33 and  
34

35 WHEREAS, the development regulation amendments in this Ordinance  
36 implement the policy amendments adopted in Amended Ordinance No. 12-046 and  
37 comply with requirements in state law for Snohomish County to participate in and  
38 benefit from the regional TDR program; and  
39

40 WHEREAS, the Snohomish County Planning Commission ("planning  
41 commission") held a public hearing on June 25, 2013, to receive testimony concerning  
42 the code amendments contained in this ordinance; and  
43

44 WHEREAS, at the conclusion of the planning commission's public hearing, the  
45 planning commission voted on the proposed code amendments contained in this

1 ordinance and was unable to reach a majority to recommend approval or denial of the  
2 ordinance; and

3  
4 WHEREAS, after proper notice, the county council held a public hearing on  
5 August 28, 2013, continued to September 4, 2013, to consider the entire record,  
6 including the planning commission recommendation, and to hear public testimony on  
7 this ordinance; and

8  
9 WHEREAS, following the public hearing, the county council deliberated on the  
10 code amendments contained in this ordinance.

11  
12 NOW, THEREFORE, BE IT ORDAINED:

13  
14 Section 1. The county council makes the following findings of fact:

15  
16 A. The foregoing recitals are adopted and incorporated as findings as if set forth fully  
17 herein.

18  
19 B. This ordinance will amend Title 30 SCC to consolidate all TDR programs into  
20 chapter 30.35A SCC and to establish countywide regulations that will enable the  
21 transfer of residential development potential from designated resource lands and  
22 other lands with significant conservation values to areas designated for urban and  
23 rural development.

24  
25 C. This ordinance is consistent with and implements the requirements of chapter  
26 39.108 RCW (Local infrastructure project areas), including the following:

27 Designation of sending areas – Inclusion of agricultural and forest land of long-  
28 term commercial significance (RCW 39.108.030): The county is eligible to  
29 participate in the state’s local infrastructure program by designation of all  
30 agricultural and forest land of long-term commercial significance within its  
31 jurisdiction as TDR sending areas.

32  
33 D. This ordinance is consistent with and implements the requirements of chapter  
34 43.362 RCW (Regional transfer of development rights program), including the  
35 following:

36 Designation of sending and receiving areas – Inclusion of certain lands in  
37 programs for agricultural or forest land conservation (RCW 42.362.040): The  
38 county is eligible to participate in the regional transfer of development rights  
39 program by designation of all agricultural and forest land of long-term commercial  
40 significance within its jurisdiction as TDR sending areas. The county considered  
41 the guidance criteria in RCW 42.362.040 and, consistent with comprehensive  
42 plan policy intent, did not designate any additional sending areas such as  
43 existing manufactured/mobile home parks.  
44

1 This ordinance allows the county the flexibility to designate additional sending  
2 areas by interlocal or development agreement or by county council motion if it  
3 finds that the area to be designated has significant conservation, watershed,  
4 habitat, open space, or natural resource values or its conservation meets other  
5 state and regionally adopted priorities.

6  
7 The county's designation of sending areas included a process for public  
8 outreach, including meetings with stakeholder groups, consistent with the public  
9 participation requirements in chapter 36.70A RCW.

10  
11 E. This ordinance adopts by reference the TDR terms and conditions for counties in  
12 WAC 365-198-050 to facilitate the transfer of development rights from the county  
13 to cities and towns.

14  
15 1. RCW 43.362.005(4) says "Participation in a regional transfer of development  
16 rights program by counties, cities, and towns should be as simple as possible." It  
17 is simpler to have standard terms and conditions for all participating cities rather  
18 than having individual agreements negotiated with each city that wants to  
19 participate.

20  
21 2. Making it easy for cities by adopting standard terms and conditions makes it  
22 more likely that cities will accept TDR credits from Snohomish County, which will  
23 conserve more of the county's farm and forest land.

24  
25 3. The Department of Commerce adopted chapter 365-198 WAC to adopt terms  
26 and conditions for transfers of development rights between counties, cities, and  
27 towns. Counties and cities have the option of adopting the rule by reference to  
28 transfer development rights across jurisdictional boundaries as an alternative to  
29 entering into an interlocal agreement under chapter 39.34 RCW.

30  
31 F. This ordinance is consistent with and directly implements the county's GMA  
32 comprehensive plan, including the following objectives:

33  
34 1. Objective LU 14.A "Develop and implement a countywide TDR program based  
35 on free market principles for the purpose of permanently conserving specified  
36 natural resource lands."

37 The ordinance establishes a countywide and regional TDR program that  
38 promotes the transfer of residential development potential from designated  
39 resource lands to areas designated for urban and rural development.

40  
41 2. Objective LU 14.B "Establish an administrative system that facilitates the transfer  
42 of TDR credits."

43 The ordinance establishes procedures which allow TDR credits to be created and  
44 issued in exchange for recorded conservation easements prohibiting additional  
45 dwelling units and prohibiting subdivisions, short subdivisions and boundary line  
46 adjustments on the sending area parcels. The procedures require county review,

1 approval, and extinguishment of TDR credits that are transferred to receiving  
2 sites.

- 3  
4 3. Objective LU 14.C “Encourage cities in Snohomish County to create receiving  
5 areas and participate in any regional TDR program.”

6 The ordinance includes cities as designated TDR receiving areas where certified  
7 development rights from sending areas in Snohomish County can be applied  
8 through an interlocal agreement between a city and the county.

- 9  
10 4. Objective LU 14.D “The Arlington Pilot TDR Program shall be administered  
11 independently of the countywide TDR program.”

12 The ordinance allows the continuation of the Arlington Pilot TDR Program with a  
13 limited ability to convert certified development rights issued from the pilot  
14 program to the countywide and regional program.

- 15  
16 G. This ordinance includes specific code requirements that were not explicitly described  
17 in the TDR amendments to the GMA comprehensive plan in Amended Ordinance  
18 No. 12-046 and which are necessary for implementation of a viable TDR program.

- 19  
20 1. Prohibiting boundary line adjustments within a recorded TDR conservation  
21 easement reinforces the intent of the comprehensive plan to protect TDR  
22 sending areas from potential residential development and the need to effectively  
23 track the easement to ensure continued compliance. It was not the intent of the  
24 comprehensive plan TDR policies adopted by Amended Ordinance No. 12-046 to  
25 allow boundary line adjustments within recorded TDR conservation easements.

- 26  
27 2. Allowing new residential structures within TDR sending sites that are otherwise  
28 permitted, such as accessory apartments and farm worker dwellings that are  
29 subordinate to existing dwelling units, could help provide property owners with  
30 the housing flexibility to meet labor needs and to continue family ownership. It  
31 was not the intent of the comprehensive plan TDR policies adopted by Amended  
32 Ordinance No. 12-046 to restrict these uses on TDR sending sites

- 33  
34 H. Procedural requirements.

- 35  
36 1. The State Environmental Policy Act (SEPA) requirements, with respect to this  
37 non-project action, have been satisfied through the completion of an  
38 environmental checklist and the issuance, on June 28, 2013, of Addendum No.  
39 41 to the Final Environmental Impact Statement for the Snohomish County GMA  
40 Comprehensive Plan 10-Year Update.

- 41 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.

- 42 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was  
43 transmitted to the Washington State Department of Commerce for distribution to  
44 state agencies on June 25, 2013.

1 4. The county provided a public participation process for this ordinance which  
2 included outreach to stakeholder groups consistent with the public participation  
3 requirements in chapter 36.70A RCW.

4 5. The Washington State Attorney General last issued an advisory memorandum,  
5 as required by RCW 36.70A.370, in December of 2006 entitled *Advisory*  
6 *Memorandum: Avoiding Unconstitutional Takings of Private Property* to help local  
7 governments avoid the unconstitutional taking of private property. The process  
8 outlined in the State Attorney General's 2006 advisory memorandum was used  
9 by the county in objectively evaluating the regulatory changes proposed by this  
10 ordinance.

11  
12 Section 2. The county council makes the following conclusions:

13  
14 A. The ordinance complies with the county's GMA comprehensive plan.

15  
16 B. The ordinance complies with Washington State law and the county code.

17  
18 C. The county complied with all SEPA requirements with respect to this non-project  
19 action.

20  
21 D. The regulations do not result in an unconstitutional taking of private property for a  
22 public purpose.

23  
24 E. The county complied with state and local public participation requirements under the  
25 GMA and chapter 30.73 SCC.

26  
27 F. Snohomish County's adopted TDR policies, regulations, and procedures, including  
28 the procedures for transfers to cities adopted in sections 20 and 21 of this ordinance,  
29 are consistent with chapter 43.362 RCW and chapter 365-198 WAC. The county  
30 meets all of the requirements for participating in the regional TDR program through  
31 the optional method of adopting standard terms and conditions in WAC 365-198-  
32 050.

33  
34 Section 3. The county council bases its findings and conclusions on the entire record of  
35 the county council, including all testimony and exhibits. Any finding that should be  
36 deemed a conclusion and any conclusion that should be deemed a finding is hereby  
37 adopted as such.

38  
39 Section 4. Snohomish County Code Section 30.21.025, last amended by Amended  
40 Ordinance No. 09-079 on May 12, 2010, is amended to read:

41  
42 30.21.025 Intent of zones.

This section describes the intent of each use zone. Snohomish County's use zones are  
categorized and implemented consistent with the comprehensive plan. The  
comprehensive plan establishes guidelines to determine compatibility and location of

1 use zones. The intent of each zone is established pursuant to SCC Table 30.21.020  
2 and is set forth below in SCC 30.21.025(1) - (4).

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

8 (a) Single Family Residential. The intent and function of Single Family  
9 Residential zones is to provide for predominantly single family residential development  
10 that achieves a minimum net density of four dwelling units per net acre. These zones  
11 may be used as holding zones for properties that are designated Urban Medium-  
12 Density Residential, Urban High-Density Residential, Urban Commercial, Urban  
13 Industrial, Public/Institutional use (P/IU), or Other land uses in the comprehensive plan.  
14 The official Snohomish County zoning maps prepared pursuant to SCC 30.21.030 shall  
15 use the suffix "P/IU" to indicate all areas in which these zones implement the P/IU  
16 designation (e.g., R-7,200-P/IU). Single family residential zones consist of the  
17 following:

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

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

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

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

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

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

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

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

1 (iv) Mobile Home Park (MHP). The intent and function of the Mobile Home  
2 Park zone is to provide and preserve high density, affordable residential development  
3 consisting of mobile homes for existing mobile home parks as a source of affordable  
4 detached single-family and senior housing. This zone is assigned to existing mobile  
5 home parks which contain rental pads, as opposed to fee simple owned lots, and as  
6 such are more susceptible to future development.

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

11 (i) Neighborhood Business (NB). The intent and function of the Neighborhood  
12 Business zone is to provide for local facilities that serve the everyday needs of the  
13 surrounding neighborhood, rather than the larger surrounding community;

14 (ii) Planned Community Business (PCB). The intent and function of the  
15 Planned Community Business zone is to provide for community business enterprises in  
16 areas desirable for business but having highly sensitive elements of vehicular  
17 circulation, or natural site and environmental conditions while minimizing impacts upon  
18 these elements through the establishment of performance criteria. Performance criteria  
19 for this zone are intended to control external as well as internal effects of commercial  
20 development. It is the goal of this zone to discourage "piecemeal" and strip  
21 development by encouraging development under unified control;

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

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

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

37 (vi) Business Park (BP). The intent and function of the Business Park zone is  
38 to provide for those business/industrial uses of a professional office, wholesale and  
39 manufacturing nature which are capable of being constructed, maintained, and operated  
40 in a manner uniquely designed to be compatible with adjoining residential, retail  
41 commercial, or other less intensive land uses, existing or planned. Strict zoning  
42 controls must be applied in conjunction with private covenants and unified control of  
43 land; many business/industrial uses otherwise provided for in the zoning code will not  
44 be suited to the BP zone due to an inability to comply with its provisions and achieve  
45 compatibility with surrounding uses. The BP zone, under limited circumstances, may

1 also provide for residential development where sites are large and where compatibility  
2 can be assured for on-site mixed uses and for uses on adjacent properties;

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

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

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

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

21 (i) Business Park (BP). See description under SCC 30.21.025(1)(c)(vi);

22 (ii) Light Industrial (LI). See description under SCC 30.21.025(1)(c)(vii);

23 (iii) Heavy Industrial (HI). See description under SCC 30.21.025(1)(c)(viii);

24 and

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

26 (e) Urban Center (UC). The intent and function of the Urban Center zone is to  
27 implement the Urban Center designation on the future land use map by providing a  
28 zone that allows a mix of high-density residential, office and retail uses with public and  
29 community facilities and pedestrian connections located within one-half mile of existing  
30 or planned stops or stations for high capacity transit routes such as light rail or  
31 commuter rail lines, regional express bus routes, or transit corridors that contain  
32 multiple bus routes or which otherwise provide access to such transportation as set  
33 forth in SCC 30.34A.085.

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

41 (a) Rural Diversification (RD). The intent and function of the Rural Diversification  
42 zone is to provide for the orderly use and development of the most isolated, outlying  
43 rural areas of the county and at the same time allow sufficient flexibility so that  
44 traditional rural land uses and activities can continue. These areas characteristically  
45 have only rudimentary public services and facilities, steep slopes and other natural  
46 conditions, which discourage intense development, and a resident population, which



1 forms an extremely rural and undeveloped environment. The resident population of  
2 these areas is small and highly dispersed. The zone is intended to protect, maintain,  
3 and encourage traditional and appropriate rural land uses, particularly those which allow  
4 residents to earn a satisfactory living on their own land. The following guidelines apply:

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

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

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

14 (b) Rural Resource Transition - 10 Acre (RRT-10). The intent and function of  
15 the Rural Resource Transition - 10 Acre zone is to implement the Rural Residential-10  
16 (resource transition) designation and policies in the comprehensive plan, which identify  
17 and designate rural lands with forestry resource values as a transition between  
18 designated forest lands and rural lands;

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

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

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

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

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

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

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

13 (b) Forestry and Recreation (F&R). The intent and function of the Forestry and  
14 Recreation zone is to provide for the development and use of forest land for the  
15 production of forest products as well as certain other compatible uses such as  
16 recreation, including recreation uses where remote locations may be required, and to  
17 protect publicly-owned parks in UGAs;

18 (c) Agriculture-10 Acre (A-10). The intent and function of the Agricultural-10 Acre  
19 zone is:

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

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

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

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

32 (A) Storage and refrigeration of regional agricultural products;

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

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

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

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

43 (F) Accessory commercial or retail uses which shall be accessory to the  
44 growing of crops or raising of animals and which shall sell products predominately  
45 produced on-site, agricultural experiences, or products, including arts and crafts,

1 produced on-site. Accessory commercial or retail sales shall offer for sale a significant  
2 amount of products or services produced on-site.

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

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

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

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

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

13 (i) preserve certain areas of the county which contain minerals of  
14 commercial quality and quantity for mineral conservation purposes and to prevent  
15 incompatible land use development prior to the extraction of such minerals and  
16 materials and to prevent loss forever of such natural resources;

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

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

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

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

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

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

33 (b) Rural Conservation (RC);

34 (c) Rural Use (RU);

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

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

37 (f) Waterfront beach (WFB).

38  
39 Section 5. A new section is added to Chapter 30.21 of the Snohomish County Code to  
40 read:

41  
42 30.21.035 Transfer of development rights (TDR) receiving area (RA) overlay.

43  
44 The purpose of the TDR RA overlay is to identify areas where the residential density  
45 allowed may be more or less than indicated by the base zoning depending on whether  
46 TDR certificates are applied to the site pursuant to chapter 30.35A SCC. Except for

1 areas zoned Urban Center, when TDR receiving areas are designated by the county  
2 pursuant to SCC 30.35A.080(3)-(5), the zoning designation for that newly created TDR  
3 receiving area on the official zoning map shall include "-RA" as a suffix. The maximum  
4 number of lots or units permitted in the RA overlay, if TDR credits are not used, shall be  
5 limited to the number that could have been permitted under the comprehensive plan  
6 and development regulations in effect as of November 10, 2012.

7  
8 Section 6. Snohomish County Code Section 30.22.110, last amended by Amended  
9 Ordinance No. 12-040 on July 11, 2012, is amended to read:

1

2 30.22.110 Rural and Resource Use Matrix

3

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5 ((142))	RB	CRC	RFS	RI	F	F&R	A-10	MC
Accessory Apartment <sup>62</sup>	A	A	A	A				A	A	A	A
Agriculture <sup>41</sup>	P	P	P	P	P	P	P	P	P	P	P
Airport: Stage 1 Utility <sup>1</sup>	C	C	C <sup>115</sup>					C			
Antique Shop	C		C <sup>45, 115</sup>	P <sup>79</sup>	P						
Art Gallery <sup>41</sup>	C		C <sup>115</sup>	P <sup>79</sup>	P						
Asphalt Batch Plant & Continuous Mix Asphalt Plant											P
Auto Repair, Minor				P <sup>78</sup>	P	P					
Auto Towing	C		C								
Bakery				P <sup>78</sup>	P						
Bakery, Farm <sup>97</sup>	P	P	P	P			P		P	P	
Bed and Breakfast Guesthouse <sup>58</sup>	C		C <sup>115</sup>	P				C	C	A	
Bed and Breakfast Inn <sup>58</sup>	C		C <sup>115</sup>	P				C	C	C	
Boarding House	P <sup>15</sup>	P <sup>15</sup>	P <sup>15, 115</sup>					P <sup>15</sup>		P <sup>15</sup>	
Boat Launch, Commercial <sup>31</sup>		C							C		
Boat Launch, Non-commercial <sup>31</sup>	C		C	C				C	C		
Campground									C <sup>32</sup>		
Caretaker's Quarters	P		C				P				P
Cemetery, Columbarium, Crematorium, Mausoleum <sup>41</sup>	P		C <sup>115</sup>								
Church <sup>41</sup>	P		C <sup>115</sup>	C	P						
Cold Storage							P				
Commercial Vehicle Home Basing			C <sup>33</sup>								

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5 (112)	RB	CRC	RFS	RI	F	F&R	A-10	MC
Commercial Vehicle Storage Facility				C			P				
Community Club	P		C <sup>115</sup>	P	P						
Community Facilities for Juveniles <sup>103</sup>											
1 to 8 residents			P <sup>102, 115</sup>	P	P						
9 to 24 residents			S <sup>103, 115</sup>	P	P						
Construction Contracting				P <sup>80, 81</sup>							
Country Club	C		C <sup>115</sup>	P							
Craft Shop <sup>21</sup>				P							
Dams, Power Plants, & Associated Uses									P		
Day Care Center <sup>2</sup>	P		C <sup>115</sup>	P	P	P					
Distillation of Alcohol	C <sup>34</sup>		C <sup>34, 115</sup>							C <sup>34</sup>	
Dock & Boathouse, Private, Non-commercial <sup>3, 41</sup>	P	P	P	P				P	P	P	
Drug Store				P <sup>79</sup>	P						
Dwelling, Duplex	P	P	P					P		P	
Dwelling, Mobile Home	P	P	P		P <sup>6</sup>			P	P	P	P
Dwelling, Single Family	P	P	P		P			P	P	P	P
Equestrian Center <sup>41, 70, 72</sup>	P	C	C <sup>115</sup>					C	P	C <sup>70</sup>	
Excavation & Processing of Minerals <sup>28</sup>	A,C	A,C	A,C					A,C	A,P,C	A,C	A,C
Explosives, Storage	C	C	C					C	P	C	C
Fabrication Shop								P			
Fallout Shelter, Individual	P	P	P <sup>115</sup>	P	P	P	P	P	P	P	P
Fallout Shelter, Joint <sup>7</sup>	P		P	P	P	P	P	P	P	P	P
Family Day Care Home <sup>8</sup>	P		P <sup>115</sup>	P	P			P		P	

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5 (142)	RB	CRC	RFS	RI	F	F&R	A-10	MC
<b>Farm Product Processing</b>											
Up to 5,000 sq ft	P	P	P <sup>115</sup>	P			P	P		P	
Over 5,000 sq ft <sup>94</sup>	A	A	A <sup>115</sup>	A			A	A		A	
<b>Farm Support Business</b> <sup>94</sup>	A	A	A <sup>115</sup>	A			P			A	
<b>Farm Stand</b>											
Up to 400 sq ft <sup>9</sup>	P	P	P <sup>100, 115</sup>	P	P	P	P	P	P	P	P
401 – 5,000 sq ft <sup>99, 100</sup>	P	P	P, A <sup>100</sup>	P	P	P	P	P	P	P	
<b>Farm Workers Dwelling</b>										P <sup>10</sup>	
<b>Farmers Market</b> <sup>93</sup>	P	P	P <sup>101</sup>	P	P	P	P			P	
			A <sup>101, 115</sup>								
<b>Farmland Enterprises</b> <sup>95</sup>		A	A <sup>115</sup>							A	
<b>Fish Farm</b>	P	P	P <sup>115</sup>					P	P	P	
<b>Fix-it Shop</b>				P <sup>78</sup>	P		P				
<b>Forestry</b>	P	P	P				P	P	P	P	P
<b>Forestry Industry Storage &amp; Maintenance Facility</b>	P <sup>30</sup>	P					P	P	P		
<b>Foster Home</b>	P	P	P	P				P		P	
<b>Garage, Detached Private Accessory</b> <sup>60</sup>											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P		P
2,401 – 4,000 sq ft on More than 3 Acres <sup>41, 59</sup>	P	P	P	P	P	P	P	P	P		P
2,401- 4,000 sq ft on Less than 3 acres <sup>41, 59</sup>	A	A	A	A	A	A	A	A	A		A
4,001 sq ft and Greater <sup>41, 59</sup>	C	C	C	C	C	C	C	C	C		C

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5 (1142)	RB	CRC	RFS	RI	F	F&R	A-10	MC
Garage, Detached Private Non-accessory <sup>60</sup> Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P
2,401 sq ft and greater <sup>41, 59</sup>	C	C	C	C	C	C	C	C	C	C	C
Golf Course and Driving Range	C		C <sup>115</sup>							C <sup>74</sup>	
Government Structures & Facilities <sup>27, 41</sup>	C	C	C <sup>115</sup>	C	P		C	C	C		C
Greenhouse, Lath House, Nurseries: <sup>52</sup> Retail	P	P	P <sup>115</sup>	P	P		P	P		P	
Greenhouse, Lath House, Nurseries: <sup>52</sup> Wholesale	P	P	P <sup>115</sup>	P	P		P	P		P	
Grocery Store				P <sup>80</sup>	P	P <sup>80</sup>					
Grooming Parlor					P						
Guesthouse <sup>85</sup>	P	P	P	P				P	P	P	
Hardware Store				P <sup>80</sup>	P						
Hazardous Waste Storage & Treatment Facilities Onsite <sup>65</sup>	P			P		P	P	P	P		
Health and Social Service Facility <sup>90</sup> Level I	P	P	P <sup>115</sup>	P	P			P	P	P	P
Level II <sup>41 91</sup>			C <sup>115</sup>	C							
Level III											
Home Improvement Center				P <sup>80</sup>	P						
Home Occupation <sup>11, 84</sup>	P <sup>64</sup>	P <sup>64</sup>	P <sup>64</sup>	P <sup>64</sup>	P			P <sup>64</sup>	P <sup>64</sup>	P <sup>64</sup>	P <sup>64</sup>
Homestead Parcel <sup>40</sup>	C		C <sup>115</sup>							C	
Hotel/Motel				P		P					
Kennel, <sup>41</sup> Commercial <sup>12</sup>	P	P	P <sup>115</sup>					P		C	
Kennel, <sup>41</sup> Private-Breeding <sup>13</sup>	P	P	P					P		P	
Kennel, <sup>41</sup> Private-Non-Breeding <sup>13</sup>	P	P	P	P				P		P	
Kitchen, farm	P	P	P	P			P			P	



Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5 (142)	RB	CRC	RFS	RI	F	F&R	A-10	MC
Library <sup>41</sup>	C		C <sup>115</sup>	P							
Licensed Practitioner <sup>29, 41</sup>				P <sup>79</sup>							
Livestock Auction Facility	C <sup>48</sup>		C <sup>48, 115</sup>		P		P			C <sup>48</sup>	
Locksmith				P	P						
Log Scaling Station	C	C	C <sup>115</sup>				P	P	P	P	
Lumberyard							P				
Manufacturing-All Other Forms Not Specifically Listed <sup>83</sup>				C			C				
Metal Working Shop				P <sup>78</sup>			P				
Mini-equestrian Center <sup>41, 72</sup>	P	P	P <sup>115</sup>	P			P	P	P	P <sup>71</sup>	
Model Hobby Park <sup>75</sup>			A <sup>115</sup>							A	
Model House/Sales Office	P	P	P <sup>115</sup>					P	P		
Motocross Racetrack			C <sup>113</sup>						C <sup>113</sup>		
Motor Vehicle & Equipment Sales					P <sup>23</sup>						
Museum <sup>41</sup>	C		C <sup>115</sup>	P						C <sup>61</sup>	
Office, General				P	P						
Off-road vehicle use area, private									C <sup>109</sup>		
Park, Public <sup>14</sup>	P	P	P	P	P		P	P	P	P	P
Park-and-Pool Lot				P	P	P	P				
Park-and-Ride Lot	C	C	C	P		P			C	C	
Personal Services Shop				P <sup>79</sup>	P						
Personal Wireless Communications Facilities <sup>27, 41, 104, 105, 106</sup>	C	C	C	C	C	C	C	C	C	C	C
Petroleum Products & Gas Storage – Bulk							P <sup>43</sup>				
Print shop				P							
Public Events/Assemblies on Farmland <sup>96</sup>										P	
Race Track <sup>24, 41</sup>			C <sup>115</sup>								

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5 (112)	RB	CRC	RFS	RI	F	F&R	A-10	MC
Railroad Right-of-way	C	C	C <sup>115</sup>		P		P	C	C	C	C
Recreational Facility Not Otherwise Listed <sup>98</sup>	C		C <sup>115</sup>		P		P <sup>79</sup>			C,	
Recreational Vehicle <sup>19</sup>	P	P	P					P	P	P	
Recreational Vehicle Park									C		
Resort									C		
Restaurant				P <sup>80</sup>	P	P					
Retail Store				P <sup>80</sup>	P						
Rural Industries <sup>41</sup>	P <sup>25</sup>										
Sanitary Landfill	C	C	C <sup>115</sup>					C			C
Sawmill	C <sup>26</sup>	C <sup>26</sup>	C <sup>26, 115</sup>				P	P	P		
Schools											
K-12 & Preschool <sup>41, 68</sup>	C		C <sup>115</sup>	P							
College <sup>41, 68</sup>	C		C <sup>115</sup>								
Other <sup>41, 68</sup>				C			C				
Second Hand Store				P <sup>78</sup>	P						
Service Station <sup>41</sup>				P	P	P					
Shake & Shingle Mill	C <sup>26</sup>	C <sup>26</sup>	C <sup>26, 115</sup>				P	P			
Shooting Range <sup>92</sup>	C	C	C					C			
Sludge Utilization <sup>39</sup>	C	C, P <sup>50</sup>	C <sup>115</sup>					C		C	C <sup>56</sup>
Small Animal Husbandry <sup>41</sup>	P		P		P			P	P	P	P

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5 ((112))	RB	CRC	RFS	RI	F	F&R	A-10	MC
Specialty Store				P <sup>78</sup>	P						
Stables	P	P	P	P			P	P	P	P	
Stockyard or Slaughter House							C <sup>48</sup>				
Storage, Retail Sales Livestock Feed			P <sup>54, 115</sup>	P			P			P	
Storage Structure, Accessory <sup>60</sup>											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P
2,401 – 4,000 sq ft on More than 3 Acres <sup>41, 59</sup>	P	P	P	P	P	P	P	P	P	P	P
2,401 – 4,000 sq ft on Less than 3 acres <sup>41, 59</sup>	A	A	A	A	A	A	A	A	A	A	A
4,001 sq ft and Greater <sup>41, 59</sup>	C	C	C	C	C	C	C	C	C	C	C
Storage Structure, Non-accessory <sup>60</sup>											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P
2,401 sq ft and greater <sup>41, 59</sup>	C	C	C	C	C	C	C	C	C	C	C
Studio <sup>41</sup>	C <sup>77</sup>		C <sup>77, 115</sup>								
Swimming/Wading Pool <sup>17, 41</sup>	P	P	P					P	P	P	P
Tavern <sup>41</sup>				P	P						
Temporary Dwelling During Construction	A	A	A	A	A	A	A	A	A	A	A
Temporary Dwelling For Relative <sup>18</sup>	A	A	A					A	A	A	A
Temporary Logging Crew Quarters								P	P		
Temporary Residential Sales											
Coach <sup>73</sup>	A		A <sup>115</sup>								
Temporary Woodwaste Recycling <sup>63</sup>	A						A	A			
Temporary Woodwaste Storage <sup>63</sup>	A							A			
Tire Store					P						
Tool Sales & Rental				P	P						
Transit Center	C	C	C <sup>115</sup>	P		P		C	C	C	
Ultralight Airpark <sup>20</sup>	C	C	C <sup>115</sup>					C			

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5 (112)	RB	CRC	RFS	RI	F	F&R	A-10	MC
Utility Facilities, Electromagnetic Transmission & Receiving Facilities <sup>27</sup>	C	C	C	C	P	C	P	C	C	C	C
Utility Facilities, Transmission Wires or Pipes & Supports <sup>27</sup>	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities-All Other Structures <sup>27, 41</sup>	C	C	C	C	P	C	P	C	C	C	C
Veterinary Clinic	P		C <sup>115</sup>	P	P					C	
Wedding Facility <sup>87</sup>		P	P <sup>115</sup>							P	
Woodwaste Recycling <sup>57</sup>	C	C	C				C	C			
Woodwaste Storage <sup>57</sup>	C	C	C				C	C			
Yacht/Boat Club				P			P				

1

P - Permitted Use	<p>A blank box indicates a use is not allowed in a specific zone.</p> <p>Note: Reference numbers within matrix indicate special conditions apply; see SCC30.22.130.</p> <p>Check other matrices in this chapter if your use is not listed above.</p>
A - Administrative Conditional Use	
C - Conditional Use	
S - Special Use	

1  
2 Section 7. Snohomish County Code Section 30.22.130, last amended by Amended  
3 Ordinance No. 12-040 on July 11, 2012, is amended to read:

4  
5 30.22.130 Reference notes for use matrix.

6 (1) Airport, Stage 1 Utility:

7 (a) Not for commercial use and for use of small private planes;

8 (b) In the RU zone, they shall be primarily for the use of the resident property  
9 owner; and

10 (c) When the airport is included in an airpark, the disclosure requirements of SCC  
11 30.28.005 shall apply.

12 (2) Day Care Center:

13 (a) In WFB, R-7,200, R-8,400, R-9,600, R-12,500, R-20,000, and SA-1 zones,  
14 shall only be permitted in connection with and secondary to a school facility or place of  
15 worship; and

16 (b) Outdoor play areas shall be fenced or otherwise controlled, and noise  
17 buffering provided to protect adjoining residences.

18 (3) Dock and Boathouse, Private, Non-commercial:

19 (a) The height of any covered over-water structure shall not exceed 12 feet as  
20 measured from the line of ordinary high water;

21 (b) The total roof area of covered, over-water structures shall not exceed 1,000  
22 square feet;

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

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

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

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

35 (4) Dwelling, Single family: In PCB zones, shall be allowed only if included within  
36 the same structure as a commercial establishment. In the MHP zone, single family  
37 detached dwellings are limited to one per existing single legal lot of record.

38 (5) See chapter 30.31E SCC for rezoning to Townhouse zone, and chapter  
39 30.23A SCC for design standards applicable to townhouse and attached single-family  
40 dwelling development.

41 (6) Dwelling, Mobile Home:

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

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

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

- 1 (i) skirting material which is compatible with the siding of the mobile home; or  
2 (ii) a perimeter masonry foundation;
- 3 (d) Shall have the wheels and tongue removed; and  
4 (e) In the RU zone the above only applies if the permitted lot size is less than  
5 20,000 square feet.
- 6 (7) Fallout Shelter, Joint, by two or more property owners:  
7 Side and rear yard requirements may be waived by the department along the  
8 boundaries lying between the properties involved with the proposal, and zone; provided  
9 that its function as a shelter is not impaired.
- 10 (8) Family Day Care Home:  
11 (a) No play yards or equipment shall be located in any required setback from a  
12 street; and  
13 (b) Outdoor play areas shall be fenced or otherwise controlled.
- 14 (9) Farm Stand:  
15 (a) There shall be only one stand on each lot; and  
16 (b) At least 50% by farm product unit of the products sold shall be grown, raised  
17 or harvested in Snohomish County, and 75% by farm product unit of the products sold  
18 shall be grown, raised or harvested in the State of Washington.
- 19 (10) Farm Worker Dwelling:  
20 (a) At least one person residing in each farm worker dwelling unit shall be  
21 employed full time in the farm operation;  
22 (b) An agricultural farm worker dwelling unit affidavit must be signed and  
23 recorded with the county attesting to the need for such dwellings to continue the farm  
24 operation;  
25 (c) The number of farm worker dwellings shall be limited to one per each 40  
26 acres under single contiguous ownership to a maximum of six total dwellings, with 40  
27 acres being required to construct the first accessory dwelling unit. Construction of the  
28 maximum number of dwelling units permitted shall be interpreted as exhausting all  
29 residential potential of the land until such time as the property is legally subdivided; and  
30 (d) All farm worker dwellings must be clustered on the farm within a 10-acre  
31 farmstead which includes the main dwelling. The farmstead's boundaries shall be  
32 designated with a legal description by the property owner with the intent of allowing  
33 maximum flexibility while minimizing interference with productive farm operation. Farm  
34 worker dwellings may be located other than as provided for in this subsection only if  
35 environmental or physical constraints preclude meeting these conditions.
- 36 (11) Home Occupation: See SCC 30.28.050.
- 37 (12) Kennel, Commercial: There shall be a five-acre minimum lot area; except  
38 in the R-5 and RD zones, where 200,000 square feet shall be the minimum lot area.
- 39 (13) Kennel, Private-breeding, and Kennel, Private Non-breeding: Where the  
40 animals comprising the kennel are housed within the dwelling, the yard or some portion  
41 thereof shall be fenced and maintained in good repair or to contain or to confine the  
42 animals upon the property and restrict the entrance of other animals.
- 43 (14) Parks, Publicly-owned and Operated:  
44 (a) No bleachers are permitted if the site is less than five acres in size;  
45 (b) All lighting shall be shielded to protect adjacent properties; and  
46 (c) No amusement devices for hire are permitted.

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

3 (16) RESERVED for future use (Social Service Center - DELETED by Amended Ord.  
4 04-010 effective March 15, 2004)

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

7 (a) No part of the pool shall project more than one foot above the adjoining  
8 ground level in a required setback; and

9 (b) The pool shall be enclosed with a fence not less than four feet high, of  
10 sufficient design and strength to keep out children.

11 (18) Temporary Dwelling for a relative:

12 (a) The dwelling shall be occupied only by a relative, by blood or marriage, of the  
13 occupant(s) of the permanent dwelling;

14 (b) The relative must receive from, or administer to, the occupant of the other  
15 dwelling continuous care and assistance necessitated by advanced age or infirmity;

16 (c) The need for such continuous care and assistance shall be attested to in  
17 writing by a licensed physician;

18 (d) The temporary dwelling shall be occupied by not more than two persons;

19 (e) Use as a commercial rental unit shall be prohibited;

20 (f) The temporary dwelling shall be situated not less than 20 feet from the  
21 permanent dwelling on the same lot and shall not be located in any required yard of the  
22 principal dwelling;

23 (g) A land use permit binder shall be executed by the landowner, recorded with  
24 the Snohomish County Auditor and a copy of the recorded document submitted to the  
25 department for inclusion in the permit file;

26 (h) Adequate screening, landscaping, or other measures shall be provided  
27 pursuant to SCC 30.25.028 to protect surrounding property values and ensure  
28 compatibility with the immediate neighborhood;

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

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

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

39 (19) Recreational Vehicle:

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

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

43 (c) Shall be limited in the floodways to day use only (dawn to dusk) during the  
44 flood season (October 1 through March 30) with the following exceptions:

45 (i.) Recreational vehicle use associated with a legally occupied dwelling to  
46 accommodate overnight guests for no more than a 21-day period;

1  
2 (ii.) Temporary overnight use by farm workers on the farm where they are  
3 employed subject to SCC 30.22.130(19)(a) and (b) above; and

4 (iii) Subject to SCC 30.22.130(19)(a) and (b) above and SCC  
5 30.22.120(7)(b), temporary overnight use in a mobile home park, which has been in  
6 existence continuously since 1970 or before, that provides septic or sewer service,  
7 water and other utilities, and that has an RV flood evacuation plan that has been  
8 approved and is on file with the Department of Emergency Management and  
9 Department of Planning and Development Services.

10 (20) Ultralight Airpark:

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

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

16 (c) Approval shall be dependent upon a determination by the county decision  
17 maker that all potential impacts such as noise, safety hazards, sanitation, traffic, and  
18 parking are compatible with the site and neighboring land uses, particularly those  
19 involving residential uses or livestock or small animal husbandry; and further that the  
20 proposed use can comply with Federal Aviation Administration regulations (FAR Part  
21 103), which state that ultralight vehicle operations will not:

22 (i) create a hazard for other persons or property;

23 (ii) occur between sunset and sunrise;

24 (iii) occur over any substantially developed area of a city, town, or settlement,  
25 particularly over residential areas or over any open air assembly of people; or

26 (iv) occur in an airport traffic area, control zone, terminal control area, or  
27 positive control area without prior authorization of the airport manager with jurisdiction.

28 (21) Craft Shop:

29 (a) Articles shall not be manufactured by chemical processes;

30 (b) No more than three persons shall be employed at any one time in the  
31 fabricating, repair, or processing of materials; and

32 (c) The aggregate nameplate horsepower rating of all mechanical equipment on  
33 the premises shall not exceed two.

34 (22) Grocery and Drug Stores: In the FS zone, there shall be a 5,000-square foot  
35 floor area limitation.

36 (23) Motor Vehicle and Equipment Sales: In the CB and CRC zone, all display,  
37 storage, and sales activities shall be conducted indoors.

38 (24) Race Track: The track shall be operated in such a manner so as not to cause  
39 offense by reason of noise or vibration beyond the boundaries of the subject property.

40 (25) Rural Industry:

41 (a) The number of employees shall not exceed 10;

42 (b) All operations shall be carried out in a manner so as to avoid the emission or  
43 creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water  
44 drainage, sewage, water pollution, or other emissions which are unduly or unreasonably  
45 offensive or injurious to properties, residents, or improvements in the vicinity;

46 (c) The owner of the rural industry must reside on the same premises as the rural



1 industry and, in the RD zone, the residence shall be considered as a caretaker's  
2 quarters; and

3 (d) Outside storage, loading or employee parking in the RD zone shall provide  
4 15-foot wide Type A landscaping as defined in SCC 30.25.017.

5 (26) Sawmill, Shake and Shingle Mill:

6 (a) Such uses shall not include the manufacture of finished wood products such  
7 as furniture and plywood, but shall include lumber manufacturing;

8 (b) The number of employees shall not exceed 25 during any eight-hour work  
9 shift;

10 (c) All operations shall be carried out in a manner so as to avoid the emission or  
11 creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water  
12 drainage, sewage, water pollution, or other emissions which are unduly or unreasonably  
13 offensive or injurious to properties, residents or improvements in the vicinity; and

14 (d) Sawmills and shakemills adjacent to a state highway in the RU zone shall  
15 provide 25 feet of Type A landscaping as defined in SCC 30.25.017.

16 (27) Governmental and Utility Structures and Facilities:

17 Special lot area requirements for this use are contained in SCC 30.23.200.

18 (28) Excavation and Processing of Minerals:

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

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

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

28 (29) Medical Clinic, Licensed Practitioner: A prescription pharmacy may be  
29 permitted when located within the main building containing licensed practitioner(s).

30 (30) Forest Industry Storage & Maintenance Facility (except harvesting) adjacent  
31 to property lines in the RU zone shall provide 15-foot wide Type A landscaping as  
32 defined in SCC 30.25.017.

33 (31) Boat Launch Facilities, Commercial or Non-commercial:

34 (a) The hearing examiner may regulate, among other factors, required launching  
35 depth, lengths of existing docks and piers;

36 (b) Off-street parking shall be provided in an amount suitable to the expected  
37 usage of the facility. When used by the general public, the guideline should be 32 to 40  
38 spaces capable of accommodating both a car and boat trailer for each ramp lane of  
39 boat access to the water;

40 (c) A level vehicle-maneuvering space measuring at least 50 feet square shall be  
41 provided;

42 (d) Pedestrian access to the water separate from the boat launching lane or  
43 lanes may be required where it is deemed necessary in the interest of public safety;

44 (e) Safety buoys shall be installed and maintained separating boating activities  
45 from other water-oriented recreation and uses where this is reasonably required for  
46 public safety, welfare, and health; and

1 (f) All site improvements for boat launch facilities shall comply with all other  
2 requirements of the zone in which it is located.

3 (32) Campground:

4 (a) The maximum overall density shall be seven camp or tent sites per acre; and

5 (b) The minimum site size shall be 10 acres.

6 (33) Commercial Vehicle Home Basing:

7 (a) The vehicles may be parked and maintained only on the property wherein  
8 resides a person who uses them in their business;

9 (b) Two or more vehicles may be so based; and

10 (c) The vehicles shall be in operable conditions.

11 (34) Distillation of Alcohol:

12 (a) The distillation shall be from plant products, for the purpose of sale as fuel,  
13 and for the production of methane from animal waste produced on the premises;

14 (b) Such distillation shall be only one of several products of normal agricultural  
15 activities occurring on the premises; and

16 (c) By-products created in this process shall be used for fuel or fertilizer on the  
17 premises.

18 (35) RESERVED for future use (Group Care Facility - DELETED by Amended Ord.  
19 04-010 effective March 15, 2004)

20 (36) Mobile Home and Travel Trailer Sales:

21 (a) Property shall directly front upon a principal or minor arterial in order to  
22 reduce encroachment into the interior of IP designated areas;

23 (b) The hearing examiner shall consider the visual and aesthetic characteristics  
24 of the use proposal and determine whether nearby business and industrial uses,  
25 existing or proposed, would be potentially harmed thereby. A finding of potential  
26 incompatibility shall be grounds for denial;

27 (c) The conditional use permit shall include a condition requiring mandatory  
28 review by the hearing examiner at intervals not to exceed five years for the express  
29 purpose of evaluating the continued compatibility of the use with other IP uses. The  
30 review required herein is in addition to any review which may be held pursuant to SCC  
31 30.42B.100, SCC 30.42C.100 and SCC 30.43A.100;

32 (d) Such use shall not be deemed to be outside storage for the purpose of SCC  
33 30.25.024; and

34 (e) Such use shall be temporary until business or industrial development is timely  
35 on the site or on nearby IP designated property.

36 (37) Small Animal Husbandry: There shall be a five-acre minimum site size.

37 (38) Mobile Home Park: Such development must fulfill the requirements of  
38 chapter 30.42E SCC.

39 (39) Sludge Utilization: See SCC 30.28.085.

40 (40) Homestead Parcel: See SCC 30.28.055.

41 (41) Special Setback Requirements for this use are contained in SCC 30.23.110.

42 (42) Minimum Lot Size for duplexes shall be one and one-half times the minimum  
43 lot size for single family dwellings. In the RU zone, this provision only applies when the  
44 minimum lot size for single family dwellings is 12,500 square feet or less.

45 (43) Petroleum Products and Gas, Bulk Storage:

46 (a) All above ground storage tanks shall be located 150 feet from all property

1 lines; and

2 (b) Storage tanks below ground shall be located no closer to the property line  
3 than a distance equal to the greatest dimensions (diameter, length or height) of the  
4 buried tank.

5 (44) Auto Wrecking Yards and Junkyards: A sight-obscuring fence a minimum of  
6 seven feet high shall be established and maintained in the LI zone. For requirements  
7 for this use, SCC 30.25.020 and 30.25.050 applies.

8 (45) Antique Shops when established as a home occupation as regulated by SCC  
9 30.28.050(1); provided further that all merchandise sold or offered for sale shall be  
10 predominantly "antique" and antique-related objects.

11 (46) Billboards: See SCC 30.27.080 for specific requirements.

12 (47) Nursery, Wholesale: In R-20,000 zone, a wholesale nursery is permitted on  
13 three acres or more; a conditional use permit is required on less than three acres.

14 (48) Stockyard and Livestock Auction Facility: The minimum lot size is 10 acres.

15 (49) Restaurants and Personal Service Shops: Located to service principally the  
16 constructed industrial park uses.

17 (50) Sludge Utilization: A conditional use permit is required for manufacture of  
18 materials by a non-governmental agency containing stabilized or digested sludge for a  
19 public utilization.

20 (51) Single Family and Multifamily Dwellings are a prohibited use, except for the  
21 following:

22 (a) Existing dwellings that are nonconforming as a result of a county-initiated  
23 rezone to BP may make improvements or additions provided such improvements are  
24 consistent with the bulk regulations contained in chapter 30.23 SCC; provided further  
25 that such improvements do not increase the ground area covered by the structural  
26 portion of the nonconforming use by more than 100 percent of that existing at the  
27 existing date of the nonconformance; and

28 (b) New single family and multifamily dwellings in the BP zone authorized  
29 pursuant to the provisions of SCC 30.31A.140.

30 (52) Greenhouses, Lath Houses, and Nurseries:

31 (a) Incidental sale of soil, bark, fertilizers, plant nutrients, rocks, and similar plant  
32 husbandry materials is permitted;

33 (b) The incidental sale of garden tools and associated gardening accessories  
34 shall be permitted; however, the sale of motorized landscaping equipment such as lawn  
35 mowers, weed eaters, edgers, and rototillers shall be prohibited;

36 (c) There shall be no on-site signs advertising uses other than the principal use;  
37 and

38 (d) Incidental sales of garden tools and associated gardening accessories shall  
39 be less than 25 percent of the sales of products produced in the greenhouse, lath  
40 house, or nursery.

41 (53) Retail Store: See SCC 30.31A.120 for specific requirements for retail stores  
42 in the BP zone.

43 (54) Retail Sales of Hay, Grain, and Other Livestock Feed are permitted on site  
44 in conjunction with a livestock auction facility.

45 (55) Noise of Machines and Operations in the LI and HI zones shall comply with  
46 chapter 10.01 SCC and machines and operations shall be muffled so as not to become

1 objectionable due to intermittence, beat frequency, or shrillness.

2 (56) Sludge Utilization only at a completed sanitary landfill or on a completed cell  
3 within a sanitary landfill, subject to the provision of SCC 30.28.085.

4 (57) Woodwaste Recycling and Woodwaste Storage Facility: See SCC  
5 30.28.095.

6 (58) Bed and Breakfast Guesthouses and Bed and Breakfast Inns: See SCC  
7 30.28.020.

8 (59) Detached accessory or non-accessory private garages and storage structures  
9 are subject to the following requirements:

10 (a) Special setback requirements for these uses are contained in SCC  
11 30.23.110(20);

12 (b) Artificial lighting shall be hooded or shaded so that direct outside lighting, if  
13 any, will not result in glare when viewed from the surrounding property or rights-of-way;

14 (c) The following compatibility standards shall apply:

15 (i) proposals for development in existing neighborhoods with a well-defined  
16 character should be compatible with or complement the highest quality features,  
17 architectural character and siting pattern of neighboring buildings. Where there is no  
18 discernable pattern, the buildings shall complement the neighborhood. Development of  
19 detached private garages and storage structures shall not interrupt the streetscape or  
20 dwarf the scale of existing buildings of existing neighborhoods. Applicants may refer to  
21 the Residential Development Handbook for Snohomish County Communities to review  
22 techniques recommended to achieve neighborhood compatibility;

23 (ii) building plans for all proposals larger than 2,400 square feet in the  
24 Waterfront Beach, R 7,200, R 8,400, R 9,600 and R 12,500 zones and rural cluster  
25 subdivisions shall document the use of building materials compatible and consistent  
26 with existing on-site residential development exterior finishes;

27 (iii) in the Waterfront Beach, R 7,200, R 8,400, R 9,600 and R 12,500 zones  
28 and rural cluster subdivisions, no portion of a detached accessory private garage or  
29 storage structure shall extend beyond the building front of the existing single family  
30 dwelling, unless screening, landscaping, or other measures are provided to ensure  
31 compatibility with adjacent properties; and

32 (iv) in the Waterfront Beach, R 7,200, R 8,400, R 9,600 and R 12,500 zones  
33 and rural cluster subdivisions, no portion of a detached non-accessory private garage or  
34 storage structure shall extend beyond the building front of existing single family  
35 dwellings on adjacent lots where the adjacent dwellings are located within 10 feet of the  
36 subject property line. When a detached non-accessory private garage or storage  
37 structure is proposed, the location of existing dwellings on adjacent properties located  
38 within 10 feet of the subject site property lines shall be shown on the site plan;

39 (d) All detached accessory or non-accessory private garages and storage  
40 structures proposed with building footprints larger than 2,400 square feet shall provide  
41 screening or landscaping from adjacent properties pursuant to chapter 30.25 SCC. ;

42 (e) On lots less than ten acres in size having no established residential use,  
43 only one non-accessory private garage and one storage structure shall be allowed. On  
44 lots 10 acres or larger without a residence where the cumulative square footage of all  
45 existing and proposed non-accessory private garages and storage structures is 6,000  
46 square feet or larger, a conditional use permit shall be required.

1 (f) Where permitted, separation between multiple private garages or storage  
2 structures shall be regulated pursuant to subtitle 30.5 SCC.

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

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

9 (62) Accessory Apartments: See SCC 30.28.010.

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

12 (64) RESERVED for future use.

13 (65) On-site Hazardous Waste Treatment and Storage Facilities are allowed only  
14 as an incidental use to any use generating hazardous waste which is otherwise allowed;  
15 provided that such facilities demonstrate compliance with the state siting criteria for  
16 dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-  
17 303-282 as now written or hereafter amended.

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

22 (67) Adult Entertainment Uses: See SCC 30.28.015.

23 (68) Special Building Height provisions for this use are contained in SCC  
24 30.23.050(2)(d).

25 (69) Bakery: In the NB zone, the gross floor area of the use shall not exceed  
26 1,000 square feet and the bakery business shall be primarily retail in nature.

27 (70) Equestrian Centers are allowed with a conditional use permit on all lands  
28 zoned A-10 except in that portion of the special flood hazard area of the lower  
29 Snohomish and Stillaguamish rivers designated density fringe as described in chapter  
30 30.65 SCC.

31 (71) Mini-equestrian Centers are allowed as a permitted use on all lands zoned A-  
32 10 except in that portion of the special flood hazard area of the lower Snohomish and  
33 Stillaguamish rivers designated density fringe as described in chapter 30.65 SCC.

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

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

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

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

41 (d) On sites located in RC and R-5 zones, Type A landscaping as defined in SCC  
42 30.25.017 is required to screen any outside storage, including animal waste storage,  
43 and parking areas from adjacent properties;

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

45 (f) Outside storage, including animal waste storage, and parking areas shall be  
46 set back at least 30 feet from any adjacent property line. All structures shall be set back

1 as required in SCC 30.23.110(8); and

2 (g) The facility shall comply with all applicable county building, health, and fire  
3 code requirements.

4 (73) Temporary Residential Sales Coach (TRSC):

5 (a) The commercial coach shall be installed in accordance with all applicable  
6 provisions within chapter 30.54A SCC;

7 (b) The TRSC shall be set back a minimum of 20 feet from all existing and  
8 proposed road rights-of-way and five feet from proposed and existing property lines;

9 (c) Vehicular access to the temporary residential sales coach shall be approved  
10 by the county or state; and

11 (d) Temporary residential sales coaches may be permitted in approved  
12 preliminary plats, prior to final plat approval, when the following additional conditions  
13 have been met:

14 (i) plat construction plans have been approved;

15 (ii) the fire marshal has approved the TRSC proposal;

16 (iii) proposed lot lines for the subject lot are marked on site; and

17 (iv) the site has been inspected for TRSC installation to verify compliance with  
18 all applicable regulations and plat conditions, and to assure that land disturbing activity,  
19 drainage, utilities infrastructure, and native growth protection areas are not adversely  
20 affected.

21 (74) Golf Course and Driving Range: In the A-10 zone, artificial lighting of the golf  
22 course or driving range shall not be allowed. Land disturbing activity shall be limited in  
23 order to preserve prime farmland. At least 75 percent of prime farmland on site shall  
24 remain undisturbed.

25 (75) Model Hobby Park: SCC 30.28.060.

26 (76) Commercial Retail Uses are not allowed in the Light Industrial and Industrial  
27 Park zones when said zones are located in the Maltby UGA of the comprehensive plan,  
28 and where such properties are, or can be served by railway spur lines.

29 (77) Studio: Studio uses may require the imposition of special conditions to  
30 ensure compatibility with adjacent residential, multiple family, or rural-zoned  
31 properties. The hearing examiner may impose such conditions when deemed  
32 necessary pursuant to the provisions of chapter 30.42C SCC. The following criteria are  
33 provided for hearing examiner consideration when specific circumstances necessitate  
34 the imposition of conditions:

35 (a) The number of nonresident artists and professionals permitted to use a studio  
36 at the same time may be limited to no more than 10 for any lot 200,000 square feet or  
37 larger in size, and limited to five for any lot less than 200,000 square feet in size;

38 (b) The hours of facility operation may be limited; and

39 (c) Landscape buffers may be required to visually screen facility structures or  
40 outdoor storage areas when the structures or outdoor storage areas are proposed  
41 within 100 feet of adjacent residential, multiple family, and rural-zoned properties. The  
42 buffer shall be an effective site obscuring screen consistent with Type A landscaping as  
43 defined in SCC 30.25.017.

44 (78) The gross floor area of the use shall not exceed 1,000 square feet.

45 (79) The gross floor area of the use shall not exceed 2,000 square feet.

46 (80) The gross floor area of the use shall not exceed 4,000 square feet.

1 (81) The construction contracting use in the Rural Business zone shall be  
2 subject to the following requirements:

3 (a) The use complies with all of the performance standards required by SCC  
4 30.31F.100 and 30.31F.110;

5 (b) Not more than 1,000 square feet of outdoor storage of materials shall be  
6 allowed and shall be screened in accordance with SCC 30.25.024;

7 (c) In addition to the provisions of SCC 30.22.130(81)(b), not more than five  
8 commercial vehicles or construction machines shall be stored outdoors and shall be  
9 screened in accordance with SCC 30.25.020 and 30.25.032;

10 (d) The on-site fueling of vehicles shall be prohibited; and

11 (e) The storage of inoperable vehicles and hazardous or earth materials shall be  
12 prohibited.

13 (82) Manufacturing, Heavy includes the following uses: Distillation of wood, coal,  
14 bones, or the manufacture of their by-products; explosives manufacturing; manufacture  
15 of fertilizer; extraction of animal or fish fat or oil; forge, foundry, blast furnace or melting  
16 of ore; manufacturing of acid, animal black/black bone, cement or lime, chlorine,  
17 creosote, fertilizer, glue or gelatin, potash, pulp; rendering of fat, tallow and lard, rolling  
18 or booming mills; tannery; or tar distillation and manufacturing. See SCC 30.91M.028.

19 (83) "All other forms of manufacture not specifically listed" is a category which  
20 uses manufacturing workers, as described under the Dictionary of Occupational Titles,  
21 published by the US Department of Labor, to produce, assemble or create products and  
22 which the director finds consistent with generally accepted practices and performance  
23 standards for the industrial zone where the use is proposed. See SCC 30.91M.024 and  
24 30.91M.026.

25 (84) RESERVED for future use.

26 (85) A single family dwelling may have only one guesthouse.

27 (86) Outdoor display or storage of goods and products is prohibited on site.

28 (87) Wedding Facility:

29 (a) Such use is permitted only:

30 (i) on vacant and undeveloped land;

31 (ii) on developed land, but entirely outside of any permanent structure;

32 (iii) partially outside of permanent structures and partially inside of one  
33 or more permanent structures which were legally existing on  
34 January 1, 2001; or

35 (iv) entirely inside of one or more permanent structures which were  
36 legally existing on January 1, 2001;

37 (b) The applicant shall demonstrate that the following criteria are met with respect  
38 to the activities related to the use:

39 (i) compliance with the noise control provisions of chapter 10.01 SCC;

40 (ii) adequate vehicular site distance and safe turning movements exist at the  
41 access to the site consistent with the EDDS as defined in title 13 SCC; and

42 (iii) adequate sanitation facilities are provided on site pursuant to chapter  
43 30.52A SCC and applicable Snohomish Health District provisions;

44 (c) Adequate on-site parking shall be provided for the use pursuant to SCC  
45 30.26.035;

46 (d) A certificate of occupancy shall be obtained pursuant to chapter 30.52A SCC

1 for the use of any existing structure. The certificate of occupancy shall be subject to an  
2 annual inspection and renewal pursuant to SCC 30.53A.060 to ensure building and fire  
3 code compliance;

4 (e) In the A-10 zone, the following additional requirements apply:

5 (i) the applicant must demonstrate that the use is accessory to the  
6 primary use of the site for agricultural purposes and supports, promotes or sustains  
7 agricultural operations and production;

8 (ii) the use must be located, designed, and operated so as to not interfere  
9 with, and to support the continuation of, the overall agricultural use of the property and  
10 neighboring properties;

11 (iii) the use and all activities and structures related to the use must be  
12 consistent with the size, scale, and intensity of the existing agricultural use of the  
13 property and the existing buildings on the site;

14 (iv) the use and all activities and structures related to the use must be  
15 located within the general area of the property that is already developed for buildings  
16 and residential uses;

17 (v) the use and all activities and structures related to the use shall not  
18 convert more than one acre of agricultural land to nonagricultural uses; and

19 (vi) any land disturbing activity required to support the use shall be limited  
20 to preserve prime farmland.

21 (88) Public/Institutional Use Designation (P/IU): When applied to land that is (a)  
22 included in an Urban Growth Area and (b) designated P/IU on the Snohomish County  
23 Future Land Use Map concurrent with or prior to its inclusion in a UGA, the R-7,200, R-  
24 8,400 and R-9,600 zones shall allow only the following permitted or conditional  
25 uses: churches, and school instructional facilities. All other uses are prohibited within  
26 areas that meet criteria (a) and (b), unless the P/IU designation is changed.

27 (89) Hotel/Motel uses are permitted in the Light Industrial zone when the following  
28 criteria are met:

29 (a) The Light Industrial zone is located within a municipal airport boundary;

30 (b) The municipal airport boundary includes no less than 1000 acres of land  
31 zoned light industrial; and

32 (c) The hotel/motel use is served by both public water and sewer.

33 (90) Health and social service facilities regulated under this title do not include  
34 secure community transition facilities (SCTFs) proposed pursuant to chapter 71.09  
35 RCW. See SCC 30.91H.095.

36 (a) Snohomish County is preempted from regulation of SCTFs. In accordance  
37 with the requirements of state law the county shall take all reasonable steps permitted  
38 by chapter 71.09 RCW to ensure that SCTFs comply with applicable siting criteria of  
39 state law. Every effort shall be made by the county through the available state  
40 procedures to ensure strict compliance with all relevant public safety concerns, such as  
41 emergency response time, minimum distances to be maintained by the SCTF from "risk  
42 potential" locations, electronic monitoring of individual residents, household security  
43 measures and program staffing.

44 (b) Nothing herein shall be interpreted as to prohibit or otherwise limit the county  
45 from evaluating, commenting on, or proposing public safety measures to the state of  
46 Washington in response to a proposed siting of a SCTF in Snohomish County.



1 (c) Nothing herein shall be interpreted to require or authorize the siting of more  
2 beds or facilities in Snohomish County than the county is otherwise required to site for  
3 its SCTFs pursuant to the requirements of state law.

4 (91) Level II health and social service uses are allowed outside the UGA only  
5 when the use is not served by public sewer.

6 (92) The area of the shooting range devoted to retail sales of guns, bows, and  
7 related equipment shall not exceed one-third (1/3) of the gross floor area of the shooting  
8 range and shall be located within a building or structure.

9 (93) Farmers Market: See SCC 30.28.036.

10 (94) Farm Product Processing and Farm Support Business: See SCC 30.28.038.

11 (95) Farmland Enterprise: See SCC 30.28.037.

12 (96) Public Events/Assemblies on Farmland: Such event or assembly shall:

13 (a) Comply with the requirements of ((Chapter)) chapter 6.37 SCC; and

14 (b) Not exceed two events per year. No event shall exceed two weeks in  
15 duration.

16 (97) Bakery, Farm: The gross floor area of the use shall not exceed 1,000 square  
17 feet.

18 (98) Recreational Facility Not Otherwise Listed in Ag-10 zone: See SCC  
19 30.28.076.

20 (99) Farm Stand: See SCC 30.28.039.

21 (100) Farm Stand: Allowed as a Permitted Use (P) when sited on land designated  
22 riverway commercial farmland, upland commercial farmland or local commercial  
23 farmland in the comprehensive plan. Allowed as an Administrative Conditional Use (A)  
24 when sited on land not designated riverway commercial farmland, upland commercial  
25 farmland or local commercial farmland in the comprehensive plan.

26 (101) Farmers Market: Allowed as a Permitted Use (P) when sited on land  
27 designated riverway commercial farmland, upland commercial farmland or local  
28 commercial farmland in the comprehensive plan. Allowed as an Administrative  
29 Conditional Use (A) when sited on land not designated riverway commercial farmland,  
30 upland commercial farmland or local commercial farmland in the comprehensive plan.

31 (102) Community Facilities for Juveniles in R-5 zones must be located within one  
32 mile of an active public transportation route at the time of permitting.

33 (103) All community facilities for juveniles shall meet the performance standards  
34 set forth in SCC 30.28.025.

35 (104) Personal wireless telecommunications service facilities: See chapter  
36 30.28A SCC and landscaping standards in SCC 30.25.025.

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

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

42 (107) Agricultural composting requirements:

43 (a) On-farm site agricultural composting operations that comply with the  
44 requirements established in this section are allowed in the A-10 zone. These composting  
45 facilities and operations shall be constructed and operated in compliance with all  
46 applicable federal, state and local laws, statutes, rules and regulations. The Nutrient

1 Management Plan portion of the farm's Snohomish Conservation District Farm Plan or  
2 any other established nutrient management plan must be on file with the department  
3 when any application for a land use permit or approval is submitted to the department  
4 for the development of an agricultural composting facility. Farm site agricultural  
5 composting operations shall also comply with the following criteria:

6 (i) The composting operation shall be limited to 10 percent of the total farm  
7 site area;

8 (ii) At least 50 percent of the composted materials shall be agricultural  
9 waste;

10 (iii) At least 10 percent of the agricultural wastes must be generated on the  
11 farm site;

12 (iv) A maximum of 500 cubic yards of unsuitable incidental materials  
13 accumulated in the agricultural waste such as rock, asphalt, or concrete over 3 inches in  
14 size may be stored at the farm composting facility until its proper removal. All incidental  
15 materials must be removed from the site yearly; and

16 (v) A minimum of 10 percent of the total volume of the finished compost  
17 produced annually shall be spread on the farm site annually.

18 (b) In all other zones except A-10 where agriculture is a permitted use, incidental  
19 agricultural composting of agricultural waste generated on a farm site is permitted. The  
20 agricultural composting facility shall be constructed and operated in compliance with all  
21 applicable federal, state and local laws, statutes, rules and regulations. The Nutrient  
22 Management Plan portion of the farm's Snohomish Conservation District Farm Plan or  
23 any other established nutrient management plan must be on file with the department  
24 when any permit application is submitted to the department for the development of an  
25 agricultural composting facility.

26 (108) RESERVED for future use. (Urban Center Demonstration Program projects –  
27 DELETED by Ord. 09-079)

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

34 (110) Recreational Facility Not Otherwise Listed: Playing fields permitted in  
35 accordance with chapter 30.33B SCC are allowed as a Permitted Use (P) when sited on  
36 designated recreational land as identified on the future land use map in the county's  
37 comprehensive plan.

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

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

1 RESERVED for future use. (Transfer of Development Rights receiving area overlay –  
2 DELETED by Amended Ord. 13-064)

3 (113) Privately operated motocross racetracks are allowed by conditional use  
4 permit, and are regulated pursuant to SCC 30.28.100, SCC 30.28.105, and other  
5 applicable county codes. Motocross racetracks are allowed in the Forestry and  
6 Recreation (F&R) zone only on commercial forest lands.

7 (114) New AM radio towers are prohibited. AM radio towers either constructed  
8 before October 13, 2010, or with complete applications for all permits and approvals  
9 required for construction before October 13, 2010, shall not be considered  
10 nonconforming uses and they may be repaired, replaced, and reconfigured as to the  
11 number and dimensions of towers so long as the repair, replacement, or reconfiguration  
12 occurs on the parcel where the tower was originally constructed or permitted and it does  
13 not increase the number of AM radio towers constructed on the parcel.

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

17 (116) See cottage housing design standard requirements in chapter 30.41G SCC

18 (117) A drive-through either freestanding or associated with any permitted use shall  
19 not be permitted.

20 (118) This use is only permitted when associated with a public or private marina.

21 (119) Only building mounted personal wireless communications facilities shall be  
22 permitted.

23 (120) Allowed as a conditional use only with a Park-and-Pool Lot or a Park-and-  
24 Ride Lot.

25 (121) Permitted as an incidental use with a permitted use, conditional use or  
26 administrative conditional use.

27  
28 Section 8. Snohomish County Code Section 30.34A.220, added by Amended  
29 Ordinance No. 09-079 on May 12, 2010, is repealed.

30  
31 Section 9. Snohomish County Code Section 30.35A.010, last amended by Amended  
32 Ordinance No. 06-055 on July 19, 2006, is amended to read:

33  
34 30.35A.010 Transfer of development rights (TDR) purpose and applicability.

35 (1) Purpose. The purpose of this chapter is to establish a voluntary and incentive-  
36 based process, based on free market principles, to conserve natural resource and open  
37 space lands for the use and enjoyment of future generations by allowing the transfer of  
38 development rights from lands with significant conservation values to lands considered  
39 more appropriate for development. This chapter creates a TDR program within  
40 Snohomish County, provides for county participation in the regional TDR program  
41 authorized by chapter 43.362 RCW, and complies with requirements in state law for the  
42 county to participate in the local infrastructure project areas program authorized by  
43 chapter 39.108 RCW. Subject to the requirements of this chapter, the transfer of  
44 development rights from sites located within TDR sending areas to sites located within  
45 TDR receiving areas is allowed in order to:

- 1 (a) permanently preserve natural resource and open space lands with  
2 countywide public benefit;  
3 (b) provide flexibility and better use of land and building techniques;  
4 (c) help preserve commercial farmlands and forest lands (~~designated as TDR~~  
5 ~~sending areas~~) by reducing residential development within such areas;  
6 (d) implement the goals, policies, and objectives of the (~~countywide planning~~  
7 ~~policies, the~~) comprehensive plan (~~, and the provisions of this chapter.~~) ; and  
8 (e) comply with requirements in state law to allow Snohomish County to  
9 participate in the regional TDR program.

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

- 14 (a) determining the number of certified development rights that a sending site is  
15 eligible to transfer (~~based on the overall developable area of the site multiplied by a~~  
16 ~~transfer ratio, which is intended to provide an incentive for use of the TDR program~~);  
17 (b) issuing TDR certificates reflecting the number of certified development rights  
18 that a sending site is eligible to transfer;  
19 (c) conveying TDR certificates and recording conservation easements that restrict  
20 development on sending sites;  
21 (d) qualifying TDR sending sites and TDR receiving sites (~~, in accordance with~~  
22 ~~the comprehensive plan~~);  
23 (e) applying certified development rights to TDR receiving sites and the extent of  
24 increased development allowed on receiving sites;  
25 (f) purchasing, holding and selling certified development rights by the county; and  
26 (g) interlocal agreements providing for the use of TDR certificates within  
27 incorporated TDR receiving areas.  
28

29 Section 10. Snohomish County Code Section 30.35A.020, last amended by Amended  
30 Ordinance No. 06-046 on July 19, 2006, is amended to read:

31  
32 30.35A.020 (~~Transfer of development rights (TDR))~~ TDR overview.

33  
34 (1) Issuance and conveyance of TDR certificates. Subject to the requirements of this  
35 chapter, sending site owners may obtain from the department serially numbered TDR  
36 certificates reflecting the number of certified development rights that may be transferred  
37 from the sending site owner to a purchaser, and which may thereafter be freely  
38 transferred from purchaser to purchaser until ultimately applied to a receiving site  
39 located within a receiving area. The number of certified development rights (~~credited~~  
40 ~~to~~) that can be transferred from a sending site is determined based on the (~~overall~~  
41 ~~developable area~~) size, zoning, and current development of the sending site. TDR  
42 certificates may be applied to receiving sites pursuant to the requirements of this  
43 chapter or pursuant to (~~applicable city regulations~~) an interlocal agreement.

44 (2) Grant of TDR conservation easement. TDR certificates may be issued in  
45 exchange for a conservation easement granted to the county pursuant to the  
46 requirements of this chapter. The TDR conservation easement is used to conserve (~~,~~

1 ~~for agricultural use,))~~ the sending site for which TDR certificates are certified by  
2 removing the potential for future dwelling units, subdivision, short subdivision, or  
3 boundary line adjustments. For the purposes of this section, accessory apartments,  
4 farm worker dwellings and temporary dwellings are not considered dwellings units.

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

9 (4) County purchase, holding and sale of certified development rights. Subject to  
10 the requirements of this chapter, the county may purchase certified development rights  
11 from the TDR pilot program sending area and hold those rights for subsequent resale.  
12

13 Section 11. A new section is added to Chapter 30.35A of the Snohomish County Code  
14 to read:

15  
16 30.35A.025 Designation of TDR sending areas.  
17

18 (1) All land designated on the Future Land Use Map as Local Commercial  
19 Farmland, Upland Commercial Farmland, Riverway Commercial Farmland, Commercial  
20 Forest, Local Forest, and Commercial Forest – Forest Transition Area is designated as  
21 a sending area from which certified development rights can be transferred.

22 (2) To allow rural landowners to participate in the TDR program and expand the  
23 permanently protected base of designated natural resource lands, land currently in rural  
24 land use designations shall be designated as a sending area if it meets all of the  
25 following conditions:

26 (a) it is a minimum of five contiguous acres if proposed for redesignation to  
27 farmland or a minimum of 40 contiguous acres if proposed for redesignation to forest  
28 land;

29 (b) the zoning of the land at the time of the TDR application requires a minimum  
30 lot area of at least 200,000 square feet;

31 (c) the land is enrolled in the open space tax program as Open Space Farm and  
32 Agriculture or Open Space Timber at the time of the TDR application;

33 (d) the land is in active commercial agriculture or forest use; and

34 (e) the land is redesignated to a farmland or forest land use designation and  
35 rezoned to a corresponding resource zone before or at the time of issuance of TDR  
36 certificates.

37 (3) The county may designate additional sending areas by interlocal agreement or  
38 development agreement if it finds that the area to be designated has significant  
39 conservation, watershed, habitat, open space, or natural resource values, or its  
40 conservation meets other state and regionally adopted priorities.

41 (4) Based on a completed application by a landowner, the County Council may by  
42 motion designate additional sending areas if it finds that the area to be designated has  
43 significant conservation, watershed, habitat, open space, or natural resource values, or  
44 its conservation meets other state and regionally adopted priorities.  
45

1 Section 12. Snohomish County Code Section 30.35A.030, last amended by Amended  
2 Ordinance No. 08-062 on October 1, 2008, is amended to read:

3  
4 30.35A.030 ~~((Transfer of development rights--))~~ TDR sending sites.

5  
6 In order for development rights to be certified for a sending site pursuant to SCC  
7 30.35A.050 or transferred from a sending site pursuant to SCC 30.35A.080, all of the  
8 following requirements must be met:

9 (1) Location within a sending area required. The sending site must be located within  
10 a designated sending area ~~((designated on the future land use map and reflected on the  
11 official zoning map))~~. However, the sending site need not include all land owned by the  
12 applicant within the sending area provided that all requirements of this section are met.

13 (2) Sending site must follow established lot lines. The boundaries of a sending site  
14 must follow established lot lines and cannot include less than the entire portion of a lot,  
15 as defined in Title 30 SCC.

16 (3) Inclusion of substandard lots required. A sending site must include any lots that  
17 have substandard area under current zoning where such lots are adjacent to and  
18 contiguous with land included within the sending site and are owned by the sending site  
19 landowner.

20 (4) Private ownership required. The sending site must be owned by a private  
21 individual or entity, and may not be owned by municipal corporations, special purpose  
22 districts, or government bodies.

23 (5) Minimum size. The sending site must include at least five contiguous acres of  
24 land.

25 ~~((5))~~ (6) Code compliance required. If the sending site is the subject of code  
26 enforcement action by the county, the person responsible upon whom a notice for a  
27 violation has been served pursuant to chapter 30.85 SCC must resolve these violations,  
28 including any required abatement, restoration, or payment of civil penalties, before  
29 development rights for the sending site may be certified or transferred by a sending site  
30 landowner. ~~((This requirement may be waived at the discretion of the director where a  
31 proposal is in the public interest, provided that any outstanding code violations do not  
32 materially affect the agricultural production capability of the sending site and the person  
33 responsible for code compliance is making a good faith effort to resolve the violations.  
34 Waivers granted pursuant to this subsection are solely for the purpose of TDR sending  
35 site eligibility and do not constitute a waiver of any county land use regulations or affect  
36 ongoing or future code enforcement actions related to the sending site.))~~

37 ~~((6))~~ (7) Forest practices compliance required. For lots on which the entire lot or a  
38 portion of the lot has been cleared or graded pursuant to a Class II, III or IV special  
39 forest practices permit as defined by RCW 76.09.050 within the six years prior to  
40 application for certification or transfer of development rights, the applicant must provide  
41 an affidavit of compliance with the reforestation requirements of RCW 76.09.070, WAC  
42 222-34-010 and any additional reforestation conditions of their forest practice permit.  
43 Lots that are subject to a six-year moratorium on development applications pursuant to  
44 RCW 76.09.060 shall not be qualified as TDR sending sites until such moratoria have  
45 expired or been lifted.

1 Section 13. Snohomish County Code Section 30.35A.040, last amended by Amended  
2 Ordinance No. 08-101 on January 1, 2009, is amended to read:

3  
4 30.35A.040 ~~((Transfer of development rights (TDR) —))~~ TDR sending site  
5 calculations.

6  
7 (1) Calculation for transfer purposes only. The determination of the number of  
8 certified development rights that a sending site is eligible to transfer ~~((pursuant to this~~  
9 ~~section, including the determination of TDR net area pursuant to subsection 3 of this~~  
10 ~~section, and the application of a TDR transfer density pursuant to subsection 4 of this~~  
11 ~~section,))~~ shall be valid for transfer purposes only and shall not entitle the sending site  
12 landowner to building permits or other development approvals.

13 (2) Calculation for countywide and regional certified development rights. The  
14 number of certified development rights that a sending site is eligible to transfer through  
15 the countywide TDR program or the regional TDR program shall be:

16 (a) the number of legal, existing, unimproved lots larger than 5,000 square feet  
17 and not counted in subsection 2(b) of this section;

18 (b) plus the sum of:

19 (i) the area in acres of lots not counted in subsection 2(a) of this section and  
20 designated as Commercial Forest, Local Forest, or Commercial Forest – Forest  
21 Transition Area on the Comprehensive Plan Future Land Use Map, minus any area  
22 already subject to a conservation easement or similar encumbrance, divided by 80  
23 acres, rounded down to the nearest whole number; plus

24 (ii) the area in acres of lots not counted in subsection 2(a) of this section and  
25 designated as Low Density Rural Residential on the Comprehensive Plan Future Land  
26 Use Map, minus any area already subject to a conservation easement or similar  
27 encumbrance, divided by 20 acres, rounded down to the nearest whole number; plus

28 (iii) the area in acres of lots not counted in subsection 2(a) of this section and  
29 designated as Local Commercial Farmland, Upland Commercial Farmland, Riverway  
30 Commercial Farmland, Rural Residential-10, or Rural Residential-10 (Resource  
31 Transition) on the Comprehensive Plan Future Land Use Map, minus any area already  
32 subject to a conservation easement or similar encumbrance, divided by 10 acres,  
33 rounded down to the nearest whole number; plus

34 (iv) the area in square feet of lots not counted in subsection 2(a) of this  
35 section and designated as Rural Residential-5, Rural Residential, or Rural Residential  
36 RD on the Comprehensive Plan Future Land Use Map, minus any area already subject  
37 to a conservation easement or similar encumbrance, divided by 200,000 square feet,  
38 rounded down to the nearest whole number;

39 (v) minus the number of existing dwelling units on all lots in the sending site.  
40 For the purposes of this section, accessory apartments, farm worker dwellings and  
41 temporary dwellings are not considered dwellings units.

42 (3) Option in TDR pilot program sending area. Sending sites in the TDR pilot  
43 program sending area that meet the requirements of SCC 30.35A.030 are eligible for  
44 certified development rights that can be used in the countywide TDR program and the  
45 regional TDR program using the calculation in subsection 2 of this section, or for  
46 certified development rights that can be used in the TDR pilot program using the

1 calculation in subsection 5 of this section, but not both. The calculation in subsection 2  
2 of this section will be used and the certified development rights will be eligible for use in  
3 the countywide program and the regional program unless the applicant specifically  
4 requests that the certified development rights be issued for the TDR pilot program, in  
5 which case the calculation in subsection 5 of this section will be used.

6 (4) Limited ability to exchange certified development rights. Certified development  
7 rights issued for the countywide and regional TDR program cannot be converted to  
8 certified development rights for the TDR pilot program. Certified development rights for  
9 the TDR pilot program can be converted to certified development rights for the  
10 countywide and regional TDR programs by applying and paying the fees to obtain  
11 certified development rights under the countywide TDR program. In addition to all other  
12 application requirements, the original TDR certificates issued under the TDR pilot  
13 program must be provided to and extinguished by Snohomish County when the new  
14 TDR certificates are issued, and the original conservation easement must be vacated  
15 and replaced with a conservation easement pursuant to SCC 30.35A.060.

16 ~~((2))~~ (5) ((Number of certified development rights)) Calculation for TDR pilot  
17 program certified development rights. The number of certified development rights that  
18 ~~((an unincorporated))~~ a sending site is eligible to transfer through the TDR pilot program  
19 shall be determined by multiplying the TDR net area for the sending site, as determined  
20 pursuant to subsection ((3)) 5(a) of this section, by the TDR transfer density ratio  
21 established for the sending site zone in subsection ((4)) 5(b) of this section. Any  
22 fractions that result from the calculation required by this subsection shall not be included  
23 in the final determination of total development rights available for transfer.

24 ~~((3))~~ (a) TDR net area. For purposes of determining the number of certified  
25 development rights that a sending site can transfer pursuant to subsection ((4)) 5 of this  
26 section, the sending site net area shall equal the area of the sending site minus the  
27 following:

28 ~~((a))~~ (i) The number of existing and proposed residential dwelling units or other  
29 residential, commercial, or industrial structures, if any, on the sending site multiplied by  
30 the minimum lot area, as determined pursuant to the bulk matrix at SCC Tables  
31 30.23.030(1) and 30.23.030(2), for the applicable zone in which the sending site is  
32 located.

33 ~~((b))~~ (ii) Any portion of the sending site that is already subject to a conservation  
34 easement or other recorded encumbrance restricting development on the sending site.

35 ~~((c))~~ (iii) Any portion of the sending site that is delineated floodway on the flood  
36 insurance rate maps.

37 ~~((4))~~ (b) TDR transfer density. For purposes of determining the number of certified  
38 development rights that a sending site is eligible to transfer pursuant to subsection 5 of  
39 this section, ((the following transfer densities shall apply:

40 ~~—(a) A))~~ a transfer density of 0.4 shall apply to sending sites located within the A-  
41 10 zone, computed as the base density of ((-1)) 0.1 dwelling unit per acre for the  
42 underlying zone multiplied by a transfer ratio of four.

43 ~~((5))~~ ((Legal lots. In lieu of the calculation provided under subsection 2 of this  
44 section, the sending site shall, at the request of the applicant, be credited one certified  
45 development right, multiplied by the transfer density provided under subsection 4 of this  
46 section, for every legal lot with an area of 12,500 square feet or more that existed on or



1 before March 15, 2005, as recognized through the department administrative lot status  
2 process.

3 (6) TDR calculation final. Except as otherwise provided by SCC  
4 30.35A.050(~~((4))~~)(4)(c), the final determination of the number of certified development  
5 rights that a sending site is eligible to transfer (~~(to a receiving site pursuant to~~  
6 ~~subsection 1 of this section))~~ is the administrative authority of the director in accordance  
7 with chapter 30.81 SCC and shall not be revised due to subsequent rezones or other  
8 changes to the sending site.

9  
10 Section 14. Snohomish County Code Section 30.35A.050, added by Amended  
11 Ordinance No. 04-123 on December 15, 2004, is amended to read:

12  
13 30.35A.050 (~~(Transfer of development rights (TDR))~~) ((e)) Certification of development  
14 rights and issuance of TDR certificates.

15 (1) (~~(TDR certification process.)~~) Subject to the requirements of this section, sending  
16 site landowners may obtain TDR certificates which can be transferred pursuant to SCC  
17 30.35A.070 and used by receiving area landowners to obtain density bonuses  
18 (~~(pursuant to SCC 30.35A.080 through SCC 30.35A.120))~~ or other incentives  
19 established in this chapter. The required process for obtaining TDR certificates (~~(is as~~  
20 ~~follows:))~~ includes the application process in subsection 2 of this section, the  
21 certification process in subsection 3 of this section, and the issuance process in  
22 subsection 4 of this section.

23 (~~((a) Following application for TDR certificates by the sending site owner pursuant~~  
24 ~~to subsection 2 of this section, the department shall issue a TDR certificate letter of~~  
25 ~~intent. The letter shall contain a determination of the number of development rights~~  
26 ~~calculated for the sending site pursuant to SCC 30.35A.040 and an agreement by the~~  
27 ~~department to issue a corresponding number of TDR certificates in exchange for a~~  
28 ~~sending site conservation easement granted to the county by the sending site owner~~  
29 ~~pursuant to SCC 30.35A.060. The sending site owner may use the TDR certificate~~  
30 ~~letter of intent to market sending site development rights to potential purchasers, but the~~  
31 ~~certificate letter of intent shall have no value and cannot be transferred or used to obtain~~  
32 ~~increased development rights within receiving areas.~~

33 ~~————(b) As provided by the TDR certificate letter of intent, the department shall issue~~  
34 ~~serially numbered TDR certificates to the sending site owner upon acceptance of a~~  
35 ~~conservation easement pursuant to the requirements of SCC 30.35A.060; provided,~~  
36 ~~however, that the department shall have 14 days from the date the conservation~~  
37 ~~easement is offered by the sending site owner in which to conduct, at its discretion, a~~  
38 ~~review of the sending site permit file and/or a site inspection. If, based on such a~~  
39 ~~review, the department determines that conditions on the sending site are materially~~  
40 ~~different than those documented in the information provided to the department pursuant~~  
41 ~~to subsection 2 of this section, the department shall reject the conservation easement~~  
42 ~~and the TDR certificate letter of intent shall be null and void. Where a TDR certificate~~  
43 ~~has been determined to be null and void pursuant to this subsection, a sending site~~  
44 ~~owner may reapply for TDR certificates and such reapplications shall be subject to the~~  
45 ~~requirements of this section.))~~

1 (2) Application for TDR certificates. In order to obtain TDR certificates (~~pursuant to~~  
2 ~~subsection 1 of this section~~)), the sending site owner(s) must submit an application for  
3 TDR certificates. The department shall use the application to determine whether the  
4 sending site meets the requirements of SCC 30.35A.030 and, if so, the number of  
5 certified development rights that the sending site is eligible to transfer pursuant to SCC  
6 30.35A.040. The application shall include all of the following:

7 (a) Legal description and parcel numbers of the sending site for which TDR  
8 certificates are sought.

9 (b) The following documents, (~~which~~) shall be used as the basis for determining  
10 (~~net area pursuant to SCC 30.35A.040(3)~~) the number of certified development rights  
11 for which the sending site is eligible pursuant to SCC 30.35A.040:

12 (i) If the sending site consists of one or more undivided tax parcels, the  
13 applicant(s) shall provide either official records from the Snohomish County Assessor or  
14 a survey that has been prepared and stamped by a surveyor licensed in the state of  
15 Washington.

16 (ii) If the sending site consists of lots within one or more tax parcels, the  
17 applicant(s) shall provide a survey that has been prepared and stamped by a surveyor  
18 licensed in the state of Washington.

19 (iii) (~~If the sending site consists of one or more tax parcels that are divided by~~  
20 ~~a zoning boundary, the applicant(s) shall provide official copies of the quasi-judicial~~  
21 ~~decision, administrative approval, or legislative enactment establishing the zoning~~  
22 ~~boundary for each parcel.~~

23 ~~————(iv)) If one or more single family dwellings or other residential, commercial, or~~  
24 ~~industrial structures exist on the sending site, the applicant(s) shall submit a site map~~  
25 ~~showing the location of each dwelling or structure.~~

26 (iv) A calculation, on a form provided by the county, of the number of credits  
27 that may be certified. The calculation will be subject to review and approval by the  
28 director.

29 (~~(v) If the applicant(s) propose to build one or more single family dwellings, or~~  
30 ~~other structures permitted by the sending site zoning, following the issuance of TDR~~  
31 ~~certificates for the sending site, the applicant(s) shall submit a general site plan showing~~  
32 ~~the number of dwellings and their location, as well as any proposed subdivision.))~~

33 (c) A title report issued no longer than 30 days prior to the date of application  
34 confirming that the ownership interest(s) in the sending site are in the name(s) of the  
35 person(s) whose signature(s) appear on the application for TDR certificates and that  
36 there are no existing conservation easements or similar encumbrances on the sending  
37 site other than an existing TDR conservation easement that will be vacated if the  
38 application is a request to exchange TDR credits issued under the TDR pilot program  
39 for TDR credits that can be used in the countywide program.

40 (d) (~~(A declaration by the applicant(s) stating that the sending site for which~~  
41 ~~TDR certificates are sought contains only undivided legal lots, as required by SCC~~  
42 ~~30.35A.030(2).~~

43 ~~————(e))~~ A declaration by the applicant(s), pursuant to SCC 30.35A.030(3), stating  
44 that the sending site is not adjacent to any lot that has substandard area under current  
45 zoning and is held in common ownership with the sending site.

1           ~~((f))~~ A declaration by the applicant(s) describing the status of ongoing code  
2 enforcement actions, if any, relating to the sending site and the steps taken by the  
3 applicant to resolve the violations.)

4           ~~((g))~~ (e) A declaration by the applicant(s) stating all liens, if any, that are  
5 recorded against the sending site.

6           ~~((h))~~ (f) A review fee pursuant to SCC 30.86.135.

7           ~~((3) Supplemental information.)~~ (g) When the information required by subsection 2  
8 of this section is inadequate or unavailable, the department may require additional  
9 documentation from the ~~((applicant))~~ applicant(s) or rely on information contained in the  
10 county geographic information system or other county records.

11       (3) Certification of TDR certificates. Following review and approval of an application  
12 for TDR certificates, the department shall issue a TDR certificate letter of intent. The  
13 letter shall contain a determination of the number of development rights calculated for  
14 the sending site pursuant to SCC 30.35A.040, the land use designation and zoning of  
15 the sending site, and an agreement by the department to issue a corresponding number  
16 of TDR certificates in exchange for a sending site conservation easement granted to the  
17 county by the sending site owner pursuant to SCC 30.35A.060. The certificate letter of  
18 intent shall have no value and cannot be transferred or used to obtain increased  
19 development rights within receiving areas.

20       (4) Issuance of TDR certificates.

21       (a) A conservation easement pursuant to SCC 30.35A.060 for the sending site  
22 shall be approved and accepted by the county prior to issuing any TDR certificates. If  
23 the application is to exchange TDR pilot program credits for TDR credits that can be  
24 used in the countywide program, the original TDR pilot program conservation easement  
25 shall also be vacated.

26       (b) As provided by the TDR certificate letter of intent, the department shall issue  
27 serially numbered TDR certificates to the sending site owner upon acceptance of a  
28 conservation easement pursuant to the requirements of this section and SCC  
29 30.35A.060.

30       (c) The department shall have 30 days from the date a TDR conservation  
31 easement is offered and an inspection fee is accepted by the department to conduct a  
32 review of the sending site file and perform a site inspection. If, based on such a review,  
33 the department determines that conditions on the sending site are materially different  
34 than those documented in the information provided to the department pursuant to  
35 subsection 2 of this section, the department shall reject the conservation easement and  
36 the TDR certificate letter of intent shall be null and void. Where a TDR certificate has  
37 been determined to be null and void pursuant to this subsection, a sending site owner  
38 may reapply for TDR certificates and such reapplications shall be subject to the  
39 requirements of this section. TDR certificates shall specify the land use designation and  
40 zoning of the sending site, which may determine the exchange rate or receiving area  
41 ratio in receiving areas.

1 Section 15. Snohomish County Code Section 30.35A.060, added by Amended  
2 Ordinance No. 04-123 on December 15, 2004, is amended to read:

3  
4 30.35A.060 ~~((Transfer of development rights (TDR)))~~ TDR conservation easement.

5  
6 (1) TDR conservation easement required. No TDR certificates shall be issued  
7 pursuant to SCC 30.35A.050 unless a conservation easement is accepted by the  
8 director pursuant to the requirements of this section.

9 (2) Acceptance and recording of TDR conservation easement. Subject to the  
10 restrictions of SCC 30.35A.050~~((1))~~(4)(c), the director shall accept and sign on behalf  
11 of the county a conservation easement offered by a sending site owner in exchange for  
12 TDR certificates following issuance of a TDR certificate letter of intent; provided,  
13 however, that the easement meets the requirements set forth in subsection 3 of this  
14 section. Following acceptance of a conservation easement by the director, the  
15 department shall record the easement with the county auditor.

16 (3) Requirements for TDR conservation easement. The conservation easement  
17 shall be on a form approved by the prosecuting attorney and shall be reviewed and  
18 approved by the department, subject to the requirements of this section. The easement  
19 shall contain, at a minimum, all of the following:

20 (a) The serial numbers of the TDR certificates to be issued by the department on  
21 the sending site that is the subject of the conservation easement.

22 (b) A legal description of the sending site.

23 (c) A covenant prohibiting any subdivision or short subdivision of the sending site  
24 ~~((except for subdivisions, if any, that were proposed in the documentation submitted to~~  
25 ~~the department pursuant to SCC 30.35A.050(2)(v)))~~.

26 (d) A covenant prohibiting the construction of ~~((all))~~ any ~~((single family or other~~  
27 ~~residential, commercial, or industrial structures))~~ dwelling unit ~~((except for those~~  
28 ~~dwelling, if any, that were proposed in the documentation submitted to the department~~  
29 ~~pursuant to SCC 30.35A.050(2)(v)))~~. The covenant shall allow accessory apartments,  
30 farm worker dwellings and temporary dwellings ((units)) that are ~~((subservient))~~  
31 subordinate to existing ~~((or proposed single family or other residential dwellings))~~  
32 dwelling units.

33 (e) A covenant prohibiting ~~((all uses that impair or diminish the agricultural use of~~  
34 ~~the land))~~ boundary line adjustments to the sending site.

35 (f) A covenant that all provisions of the conservation easement shall run with the  
36 land and bind the sending site in perpetuity, and may be enforced by the county.

37 (g) A statement that nothing in the restrictions shall be construed to convey to the  
38 public a right of access or use of the property and that the owner of the property, his or  
39 her heirs, successors and assigns shall retain exclusive rights to such access or use  
40 subject to the terms of the conservation easement.

41 (h) ~~((Where certified development rights are being purchased by the county, any~~  
42 ~~provisions that are required by applicable federal or state grants.~~

43 ~~——(i))~~ Additional provisions that are reasonably necessary for the enforcement and  
44 administration of the conservation easement as determined by the director, including a  
45 covenant granting the county a right of entry, subject to reasonable advance notice, to

1 conduct brief inspections for the sole purpose of determining compliance with the  
2 requirements of the easement.

3  
4 Section 16. Snohomish County Code Section 30.35A.070, added by Amended  
5 Ordinance No. 04-123 on December 15, 2004, is amended to read:

6  
7 30.35A.070 ~~((Transfer of development rights (TDR)))~~ ~~((e))~~Conveyance of certified  
8 development rights.

9  
10 (1) Conveyance of certified development rights authorized. Subject to the  
11 requirements of this section, TDR certificates issued pursuant to SCC 30.35A.050 may  
12 be sold or otherwise conveyed and held indefinitely before certified development rights  
13 are applied to a receiving site pursuant to SCC 30.35A.080 through SCC 30.35A.120.

14 (2) Deed of transferable development rights required. TDR certificates issued  
15 pursuant to SCC 30.35A.050 shall be sold or otherwise conveyed only by means of a  
16 deed of transferable development rights meeting the requirements of this section.

17 (3) Recording of deed and notice of transfer. At the time a TDR certificate is  
18 conveyed, the parties shall record the deed of transferable development rights  
19 documenting the conveyance and shall place a notice on the title of the sending site  
20 indicating that a transfer of development rights has occurred and that there is a deed  
21 restriction in the form of a conservation easement. The department shall review and  
22 approve the deed of transferable development rights, subject to the requirements of this  
23 section, prior to its recording. Costs associated with the recordation shall be paid by the  
24 seller.

25 (4) Contents of deed. The deed of transferable development rights required by  
26 subsection 3 of this section shall specify the number of certified development rights sold  
27 or otherwise conveyed and ~~((shall be))~~ the land use designation and zoning of the  
28 sending site on a form provided by the department and approved by the prosecuting  
29 attorney. The deed of transferable development rights must include:

30 (a) A legal description and map of the sending site.

31 (b) The names of the transferor and the transferee.

32 (c) A covenant that the transferor grants and assigns to the transferee a specified  
33 number of certified development rights from the sending site.

34 (d) Proof of ownership of the sending site by the transferor or, if the transferor is  
35 not the owner of the sending site, a declaration that the transferor has either:

36 (i) sold the sending site but retained the TDR certificates issued for the  
37 sending site pursuant to SCC 30.35.050; or

38 (ii) obtained TDR certificates previously conveyed by an original deed of  
39 transferable development rights, which shall be identified by date of execution, the  
40 names of the original transferor and transferee, and the volume and page where it was  
41 recorded with the auditor.

42 (e) A covenant by which the transferor acknowledges no further use or right of  
43 use with respect to the certified development rights being conveyed.

44 (f) Certification of the number of certified development rights on the sending site  
45 and copies of the TDR certificates issued by the department for the sending site  
46 pursuant to SCC 30.35A.050.

1 (g) Proof of payment to the state of any required excise taxes and payment to the  
2 county of recording fees for the transaction.

3 (h) Proof of the execution and recordation of a conservation easement on the  
4 sending site, as required by SCC 30.35A.060.

5 (i) The signature of the director on behalf of the county upon acceptance of  
6 ~~((department staff member(s) who have reviewed))~~ the deed for completeness.

7  
8 Section 17. A new section is added to Chapter 30.35A of the Snohomish County Code  
9 to read:

10  
11 30.35A.080 TDR receiving areas.

12  
13 (1) Cities. Cities may designate receiving areas and establish policies, procedures,  
14 and regulations for the application of certified development rights to receiving areas  
15 within their jurisdiction. Where allowed by cities, and subject to city regulations, certified  
16 development rights from sending areas in Snohomish County can be applied to  
17 receiving areas in cities through interlocal agreements between a city and the county.

18 (2) Urban Center. All areas zoned Urban Center (UC) are designated as receiving  
19 areas. Certified development rights from sending areas in Snohomish County can be  
20 applied to receiving sites in Urban Centers to qualify for the development bonuses in  
21 SCC 30.34A.035.

22 (3) Comprehensive plan amendments. All areas where amendments to the  
23 comprehensive plan increase the maximum allowable number of lots or dwellings shall  
24 be designated as TDR receiving areas.

25 (4) Rural zoning changes. All rural areas where changes in zoning increase the  
26 number of allowable lots or dwellings shall be designated as TDR receiving areas.

27 (5) Development code amendments and legislative rezones. All areas where  
28 amendments to the unified development code, title 30 SCC, or county-initiated rezones  
29 increase the maximum allowable number of lots or dwellings shall be designated as  
30 TDR receiving areas. Site-specific rezones in urban areas approved through chapter  
31 30.42A SCC do not create TDR receiving areas.

32  
33 Section 18. A new section is added to Chapter 30.35A of the Snohomish County Code  
34 to read:

35  
36 30.35A.100 Development allowed in TDR receiving areas with TDR credits.

37  
38 (1) The maximum number of lots or units permitted in unincorporated receiving  
39 areas other than urban centers may be increased up to the maximum allowed by the  
40 current or proposed comprehensive plan and development regulations, including  
41 bonuses, if TDR credits are used.

42 (2) The amount of development allowed in unincorporated Snohomish County TDR  
43 receiving areas for each TDR credit from farmland shall not exceed:

44 (a) 10,000 square feet of floor area in an urban center.

45 (b) Eight units in a multiple residential development with a density of 12 or more  
46 units per acre.

1 (c) Six units in a multiple residential development with a density of less than 12  
2 units per acre.

3 (d) Four units in a single family residential development, including cottage  
4 housing and planned residential developments, that is inside an Urban Growth Area.

5 (3) The amount of development allowed in unincorporated Snohomish County TDR  
6 receiving areas for each TDR credit from land use designations that are not currently  
7 designated farmland, including land that is proposed for redesignation as farmland, shall  
8 not exceed:

9 (a) 5,000 square feet of floor area in an urban center.

10 (b) Four units in a multiple residential development with a density of 12 or more  
11 units per acre.

12 (c) Three units in a multiple residential development with a density of less than  
13 12 units per acre.

14 (d) Two units in a single family residential development, including cottage  
15 housing and planned residential developments, that is inside an Urban Growth Area.

16  
17 Section 19. Snohomish County Code Section 30.35A.115, added by Amended  
18 Ordinance No. 06-046 on July 19, 2006, is amended to read:

19  
20 30.35A.115 ~~((Transfer of development rights (TDR)-))~~ ((a)) Application of TDR  
21 certificates to receiving sites and extinguishment of TDR certificates.  
22

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

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

34 (3) TDR extinguishment document required. Upon application to a receiving site  
35 pursuant to subsection 1 of this section, the applicant receiving approval of a receiving  
36 site development activity shall provide a TDR extinguishment document to the  
37 department, if the receiving site is within unincorporated Snohomish County, or to the  
38 department and to the city, if the receiving site is in a city. The TDR extinguishment  
39 document shall be on a form provided by the department and shall include the serial  
40 number of each TDR certificate that has been applied to a receiving site and the legal  
41 description of the receiving site to which the certificate(s) have been applied.  
42 Extinguishment shall apply to an entire TDR certificate.

43 (4) Application to sites in cities. Cities that create receiving areas and accept  
44 certified development rights from sending areas in unincorporated Snohomish County  
45 may adopt additional regulations and procedures for application of certified  
46 development rights to receiving sites within their jurisdiction.

1       (5) The department shall establish and maintain an internal tracking system that  
2 identifies all certified transfer of development rights from sending sites in unincorporated  
3 Snohomish County to all receiving sites.

4       (6) Every year, the department shall notify receiving cities and towns of the  
5 estimated number of development rights credits remaining in designated sending areas  
6 as required by WAC 365-198-050(1)(b).

7  
8  
9 Section 20. Snohomish County Code Section 30.35A.125, added by Amended  
10 Ordinance No. 06-046 on July 19, 2006, is amended to read:

11  
12 30.35A.125   ~~((Transfer of development rights (TDR)--))~~~~((i))~~ Interlocal agreements for  
13 incorporated TDR receiving areas.

14  
15       (1) Authorization. Subject to final approval by the county council, the county  
16 executive is authorized to negotiate and execute interlocal agreements with cities  
17 providing for the use of TDR certificates issued pursuant to this chapter in connection  
18 with development approvals within incorporated TDR receiving areas designated or  
19 zoned by a city. Execution of such agreements by the county shall be subject to the  
20 applicable requirements of this chapter and the comprehensive plan.

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

30  
31       (3) Alternative to interlocal agreements. The terms and conditions for counties in  
32 chapter 365-198-050 WAC, except for the optional terms in WAC 365-198-050(2), and  
33 the joint terms and conditions for counties, cities, and towns in chapter 365-198-060  
34 WAC are incorporated into this section by reference as an alternative to an interlocal  
35 agreement to provide for the transfer of development rights from the county to cities and  
36 towns. If a city or town chooses to adopt terms and conditions in addition to those  
37 incorporated by reference in this subsection, those terms and conditions shall not be  
38 binding on the county. This subsection shall not preclude the county and any city from  
39 entering into an interlocal agreement to supplement or clarify the terms and conditions  
40 incorporated by reference in this subsection. The county shall not be obligated to  
41 perform under this subsection with regard to any city or town that meets the conditions  
42 set forth in WAC 365-198-060(4)(a) or (b).



1 Section 21. Snohomish County Code Section 30.35A.130, last amended by Amended  
2 Ordinance No. 06-046 on July 19, 2006, is amended to read:

3  
4 30.35A.130 ~~((Transfer of development rights (TDR)))~~ TDR purchase, holding, and  
5 sale of certified development rights.

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

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

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

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

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

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

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

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

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

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

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

3 ~~(5) ((Exempt purchases. Compliance with the proposal requirements in subsection 2  
4 of this section shall not be required for the purchase of TDR certificates issued for  
5 properties within the TDR sending areas listed in Attachment A to the Cooperative  
6 Agreement between the United States of America Commodity Credit Corporation and  
7 Snohomish County for the Farm and Ranch Lands Protection Program, dated  
8 September 24, 2003.))~~ The sale of certified development rights by Snohomish County  
9 may be completed consistent with its needs and in accordance with the requirements of  
10 this chapter. Such sales are exempt from the real and personal property provisions of  
11 chapter 4.46 SCC relating to surplus property.  
12

13 Section 22. Snohomish County Code Section 30.35A.140, added by Amended  
14 Ordinance No. 04-123 on December 15, 2004, is repealed.

15  
16 Section 23. Snohomish County Code Section 30.35A.150, added by Amended  
17 Ordinance No. 04-123 on December 15, 2004, is repealed.

18  
19 Section 24. Chapter 30.35B of the Snohomish County Code, added by Ordinance No.  
20 09-059 on June 3, 2009, is repealed.

21  
22 Section 25. A new section is added to Chapter 30.42A of the Snohomish County Code  
23 to read:

24  
25 30.42A.060 Receiving area designation and requirement to use TDR.

26  
27 When a Type 2 site-specific rezone outside the Urban Growth Area increases the  
28 maximum allowable number of lots or dwelling units, the site shall be designated as a  
29 TDR receiving area pursuant to SCC 30.35A.080. TDR credits shall be required for any  
30 increase in lots or units associated with such Type 2 site-specific rezone above what  
31 was permitted under the comprehensive plan and development regulations in effect as  
32 of November 10, 2012.  
33

34 Section 26. A new section is added to Chapter 30.73 of the Snohomish County Code to  
35 read:

36  
37 30.73.035 Receiving area designation and requirement to use TDR.

38  
39 When a Type 3 legislative change to the comprehensive plan or development  
40 regulations increases the maximum allowable number of lots or dwelling units in an  
41 area, the area shall be designated as a TDR receiving area pursuant to SCC  
42 30.35A.080. TDR credits shall be required for any increase in lots or units within such  
43 an area above what was permitted under the comprehensive plan and development  
44 regulations in effect as of November 10, 2012.  
45

1 Section 27. Snohomish County Code Section 30.86.135, last amended by Amended  
 2 Ordinance No. 07-137 on December 12, 2007, is amended to read:

3  
 4 30.86.135 TDR Fees.

5  
 6 Table 30.86.135 - TDR Fees

Activity	Fees
Processing and review of application for TDR certificates and issuance of TDR certificate letter of intent pursuant to SCC <u>30.35A.050(2) and (3)</u> ( <del>(30.35A.050(1)(a) <sup>(+)</sup>)</del> )	\$600
Issuance of TDR certificates pursuant to SCC <u>30.35A.050(4)</u> ( <del>(30.35A.050(1)(a) <sup>(+)</sup>)</del> )	\$150
Review of conservation easement pursuant to SCC <u>30.35A.060(3)</u> ( <del>(<sup>(+)</sup>)</del> )	\$250
Review of deed of transferable development rights pursuant to SCC <u>30.35A.070(3)</u> ( <del>(<sup>(+)</sup>)</del> )	\$150
Site Inspection pursuant to SCC <u>30.35A.050(4)(c)</u> ( <del>(30.35A.050(1)(b))</del> )	\$250

7  
 8 Section 28. Snohomish County Code Section 30.91R.025, added by Amended  
 9 Ordinance No. 04-123 on December 15, 2004, is amended to read:

10  
 11 30.91R.025 Receiving area.

12  
 13 "Receiving area" means an area that (~~(has been zoned as a TDR receiving area~~  
 14 ~~pursuant to chapter 30.35A SCC and))~~ is eligible to receive certified development rights  
 15 from TDR sending sites pursuant to SCC 30.35A.080.

16  
 17 Section 29. Snohomish County Code Section 30.91R.027, added by Amended  
 18 Ordinance No. 04-123 on December 15, 2004, is amended to read:

19  
 20 30.91R.027 Receiving site.

21  
 22 "Receiving site" means a site located within a receiving area that meets the  
 23 requirements (~~(of chapter 30.35A SCC))~~ for participation in the TDR program.

24  
 25 Section 30. Snohomish County Code Section 30.91S.125, added by Amended  
 26 Ordinance No. 04-123 on December 15, 2004, is amended to read:

27  
 28 30.91S.125 Sending area.

29  
 30 "Sending area" means land designated as a TDR sending area (~~(on the future land use~~  
 31 ~~map and located within a zone used to implement the sending area designation, as~~  
 32 ~~indicated on the official zoning map through the suffix "SA.")~~) by or pursuant to SCC  
 33 30.35A.025.

1  
2 Section 31. Snohomish County Code Section 30.91T.063, added by Amended  
3 Ordinance No. 04-123 on December 15, 2004, is amended to read:

4  
5 30.91T.063 Transfer of development rights or TDR.

6  
7 "Transfer of development rights" or "TDR" means, in general, the process established  
8 by chapter 30.35A SCC for transferring certified development rights from a sending site  
9 to a receiving site. "TDR" is sometimes used as an adjective to denote relation to the  
10 TDR program, as in "TDR certificates," "TDR program," (~~TDR~~) "TDR receiving area,"  
11 and "TDR sending area."

12  
13 Section 32. Snohomish County Code Section 30.91T.065, added by Amended  
14 Ordinance No. 04-123 on December 15, 2004, is amended to read:

15  
16 30.91T.065 TDR pilot program.

17  
18 "TDR pilot program" refers to a program developed by the County pursuant to Motion  
19 No. 02-473 for the purpose of acquiring development rights from farmland in the  
20 Stillaguamish River Valley through implementation of a TDR program. (~~For purposes~~  
21 ~~of chapter 30.35A SCC, the TDR pilot program began on November 20, 2002, the date~~  
22 ~~the county council passed Motion 02-473, and terminates on December 31, 2008 unless~~  
23 ~~extended by council action.))~~

24  
25 Section 33. Snohomish County Code Section 30.91T.067, added by Amended  
26 Ordinance No. 04-123 on December 15, 2004, is amended to read:

27  
28 30.91T.067 TDR pilot program sending area(s) or TDR pilot program sending site(s).


29  
30 "TDR pilot program sending area(s)" or "TDR pilot program sending site(s)" refers to  
31 land (~~included~~) in the portion of the Stillaguamish River Valley (~~that was designated a~~  
32 ~~TDR sending area by section 4 of Ordinance No. 03-100, adopted on September 10,~~  
33 ~~2003)).~~

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

1  
2 Section 35. Effective date. The provisions of this ordinance shall take effect 45 days  
3 from the date of adoption.  
4

5  
6 PASSED this 4<sup>th</sup> day of September, 2013.  
7

8 SNOHOMISH COUNTY COUNCIL  
9 Snohomish County, Washington

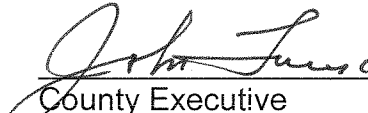
10  
11   
12 \_\_\_\_\_  
13 Stephanie Wright  
14 Council Chair

15 ATTEST:

16  
17   
18 Sheila McCallister  
19 Asst. Clerk of the Council  
20

- 21  
22  
23  APPROVED  
24  EMERGENCY  
25  VETOED  
26

DATE: 9/9/13

27   
28 \_\_\_\_\_  
29 County Executive

30 ATTEST:

31   
32 \_\_\_\_\_  
33

34  
35 Approved as to form only:  
36

37 \_\_\_\_\_  
38 Deputy Prosecuting Attorney

D-21