

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON  
AMENDED ORDINANCE NO. 96-076



AMENDING SNOHOMISH COUNTY CODE TITLES 18, 19, 20, AND 32, RELATING  
TO THE REQUIREMENTS OF THE COUNTY'S COMPREHENSIVE PLAN AND  
IMPLEMENTATION OF DEVELOPMENT REGULATIONS UNDER RCW 36.70A.

WHEREAS, the Snohomish County Council adopted a GMA Comprehensive Plan on June 28, 1995; and

WHEREAS, the GMA requires the county to adopt development regulations that are consistent with the county's adopted GMA Comprehensive Plan; and

WHEREAS, the Central Puget Sound Growth Management Hearings Board issued a Finding of Noncompliance on November 3, 1995 (*Hensley, et al v. Snohomish County*, Case No. 95-3-0043 (*Hensley II*)) and directed the County to adopt its zoning code as a GMA development regulation; and

WHEREAS, several appellants filed appeals to various provisions of the plan with the Central Puget Sound Growth Management Hearings Board (*Sky Valley, et al. v. Snohomish County*, Consolidated Case No. 95-3-0068c, (*Sky Valley*)); and

WHEREAS, the Board issued a Final Decision and Order in *Sky Valley* on March 12, 1996, and an Order on Motions to Reconsider and Correct on April 15, 1996, and directed the county to reconsider and amend, if necessary, some portions of the text and maps of its GMA Comprehensive Plan; and

WHEREAS, the Central Puget Sound Growth Management Hearings Board issued a Finding of Noncompliance in *Sky Valley* on November 5, 1996, and set a new compliance date of December 2, 1996; and

WHEREAS, the Snohomish County Planning Commission held hearings on July 16, 23, and 25, 1996, on draft text and map amendments; and

WHEREAS, the Snohomish County Council held public hearings on October 14, 21, 28, and 30, and November 4, 6, 18, 25 and 27, 1996, to consider the Planning Commission's recommendations; and

WHEREAS, the county council considered the entire hearing record including the Planning Commission's recommendation, and written and oral testimony submitted during the council hearings.

NOW, THEREFORE, BE IT ORDAINED:

**Section 1.** Snohomish County Code Section 18.11.010 adopted by Ordinance No. 86-037, on May 7, 1986, is **AMENDED** to read:

18.11.010 Statement of purpose.

The purpose and intent of this title is to provide the authority for and the procedures to be followed in guiding and regulating the physical development of unincorporated Snohomish county with a view toward assuring for the public the highest standards of environment for living, the operation of commerce, industry, agriculture, and recreation, ~~((and))~~ to maximize economies in order to conserve the highest degree of public health, safety, morals, and welfare, and to implement the policies and objectives of the Snohomish county comprehensive plan.

**Section 2.** Snohomish County Code Section 18.11.035 adopted by Ordinance No. 95-048, on July 10, 1995, is **AMENDED** to read:

18.11.035 ~~((Resource))~~ Natural resource lands.

The provisions of this title are subject to the requirements of chapters 32.13, 32.14, 32.15, 32.16 and 32.20 SCC. In the event of a conflict between a provision of this title and chapters 32.13, 32.14, 32.15, 32.16 and 32.20 SCC, the requirements of chapters 32.13, 32.14, 32.15, 32.16 and 32.20 SCC shall control.

**Section 3.** Snohomish County Code Section 18.12.010 adopted by Ordinance No. 86-037, on May 7, 1986, is **AMENDED** to read:

18.12.010 Conformance to state statutes.

Use zones shall be established, modified and amended as provided in chapters 36.70 and 36.70A RCW as it now exists or may be hereafter amended. The provisions of this title are enacted to implement the Snohomish county comprehensive plan in accordance with Chapter 36.70A, RCW.

**Section 4.** Snohomish County Code Section 18.12.020, last amended by Ordinance. 95-024 on May 24, 1995, is **REPEALED**.

**Section 5.** Snohomish County Code Section 18.12.030 adopted by Ordinance No. 95-024, on May 24, 1995, is **AMENDED** to read:

18.12.030 Intent of zones.

(1) Residential Zones. The intent and function of the residential zones is to provide ~~((for and protect areas for land development at densities designed to meet contemporary building and living standards.))~~, consistent with the comprehensive plan.

zoning classifications for predominantly single family residential development that achieves a minimum net density of 4 dwelling units per acre in unincorporated urban growth areas and to act as holding zones for properties within a UGA that are designated Urban Medium Density Residential, Urban High Density Residential, Urban Commercial, Urban Industrial, or Other Land Uses in the comprehensive plan. The comprehensive plan establishes guidelines to determine compatibility and location of residential zones. Single Family Residential zones consist of the following:

(a) Residential 7,200 sq. ft. (R-7,200).

~~((i) Zone should be located on the fringes of existing cities or towns or other intense urbanized areas; and~~

~~(ii) This zone will not be established unless all public facilities such as sanitary facilities, water and paved roads are in existence or contemplated in the immediate future.))~~

(b) Residential 8,400 sq. ft. (R-8,400).

~~((i) Zone should be located primarily on the fringes of intense residential development and where public sanitary facilities are provided.))~~

(c) Residential 9,600 sq. ft. (R-9,600).

~~((i) Zone should be located in outlying areas and/or where required by soil conditions or topography; and~~

~~(ii) This zone is designed to meet the needs of a transitional zone between R-8400 and R-12,500.))~~

(d) Residential 12,500 sq. ft. (R-12,500).

~~((i) Zone should be located in outlying areas and/or where required by soil conditions or topography.~~

(e) Residential 20,000 sq. ft. (R-20,000).

~~(i) Zone should be located in outlying areas or where soil or topography require larger lot sizes; and~~

~~(ii) This zone should be located in those areas designated as suburban agriculture by the comprehensive plan.~~

(f) Waterfront Beach (WFB).

~~(i) This zone is designed to protect the public health, safety and welfare in areas adjacent to and surrounding bodies of water and tidelands.))~~

(2) Multiple Family Zones. The intent and function of the multiple family zones is to provide, consistent with the comprehensive plan, zoning classifications for predominantly apartment and townhouse development in designated medium and high density residential locations in unincorporated urban growth areas. The comprehensive plan establishes guidelines to determine compatibility and location of multiple family zones. Multiple family zones consist of the following:

(a) Townhouse (T). The intent and function of this zone is:

(i) to provide for single-family dwellings, both attached and detached, or different styles, sizes, and prices in locations specifically designated by the county comprehensive plan for the townhouse zone with its urban densities greater than those for strictly single family detached development, but less than multiple family development;

(ii) to provide a flexible tool for development of physically suitable skipped-over or under-used lands in urban areas without adversely affecting adjacent development; and

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

(b) Low Density Multiple Residential (LDMR). ~~((The intent and function of the low density multiple family zone is:~~

~~(i) to provide for and protect certain areas for the development of multi-family housing at a density which can provide an environment similar to single family areas; and~~

~~(ii) to locate areas near higher intensity uses, and where they can be served by a system of adequate public roads and are provided with community water systems, and community sewage disposal that is either:~~

~~(A) already provided through public sewers; or~~

~~(B) to be provided within a time certain through public sewers, and can be provided temporary service satisfactory to Snohomish health district.))~~

(c) Multiple Residential (MR). ~~((The intent and function of the multiple family zone is:~~

~~(i) to provide for and protect certain areas for the development of multi-family housing in regions of urban concentration; and~~

~~(ii) to be located near, or adjacent to, community centers and are served by a system of adequate public roads and provided with community water and sewage disposal.))~~

(3) Rural Zones. The intent and function of the rural zones is to provide, consistent with the comprehensive plan, zoning classifications for lands located outside urban growth areas, and not designated as agricultural or forest lands of long-term commercial significance, with existing or planned rural services and facilities such as domestic water systems (generally systems without fire flow), and rural fire and police protection services. Rural zones also act as holding zones for properties that are primarily a transition area within UGAs on steep slopes adjacent to non-UGA lands designated rural or agriculture. The comprehensive plan establishes guidelines to determine compatibility and location of rural zones. Rural zones consist of the following:

(a) Suburban Agriculture-1 Acre (SA-1).

~~(b) Rural-5 Acre (R-5). ((The intent and function of this zone is to preserve the character of the outlying and sparsely populated areas of Snohomish county. These rural areas are characterized by: rudimentary public services and~~

~~facilities; large parcel sizes; a natural environment which discourages intensive development; a resident population which favors a rural and undeveloped landscape; and important economic activities such as forestry, agriculture and recreation which are adversely affected by more intensive development. Large lots will be required to reduce the pressure for suburban density development and the necessity for urban services.))~~

~~(c) Rural Conservation (RC). ((The intent and function of this zone is to provide for those areas of less than prime agricultural soils uncultivated to intensive development, because of its relative isolation, lack of public utilities and/or services, steep slopes or other natural conditions. Large lot areas shall be required with the intent of preserving a rural lifestyle as well as for the protection and enhancement of deltas, wetlands, steep gradients, aquifers, watersheds, shorelines and other natural features of major significance.))~~

(d) Rural Diversification (RD). The intent and function of this zone is to provide for the orderly use and development of the most isolated, outlying rural areas of the county and at the same time allow sufficient flexibility so that traditional rural land uses and activities can continue. These areas characteristically have only rudimentary public services and facilities, steep slopes and other natural conditions which discourage intense development, and a resident population which forms an extremely rural and undeveloped environment. The resident population of these areas is small and highly dispersed. The zone is intended to protect, maintain and encourage traditional and appropriate rural land uses, particularly those which allow residents to earn a satisfactory living on their own land.

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

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

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

~~((e) RR. The intent and function of this classification is to preserve future subdivision options and to allow development which is sensitive to environmental conditions. This method is intended to be applied to subdivisions in transitional areas of the county.))~~

(4) Natural Resource Zones. The intent and function of the natural resource zones is to provide zoning classifications that conserve and protect lands useful for agricultural, forestry or mineral extraction or lands which have long-term commercial significance for these uses, consistent with the comprehensive plan. The comprehensive plan establishes guidelines to determine compatibility and location of natural resource zones. Natural resource zones consist of the following:

(a) Forestry and Recreation (F&R). The intent and function of the forestry and recreation zone is to provide for the development and use of forest land for the production of forest products as well as certain other compatible uses such as recreation and to protect publicly owned parks in UGAs.

(b) Forestry (F). ~~((The intent and function of the forestry zone is to conserve and protect commercial forest lands for long-term forestry and related uses. Commercial forest lands are normally large tracts under one ownership and located in remote areas away from residential and intense recreational uses.))~~

(c) Agriculture-10 Acre (A-10). ~~((The intent and function of the agriculture 40-acre zone is to preserve those portions of the county which contain prime agricultural soils for agricultural purposes. Since those portions of the county which contain the proper combination of soil and topographic characteristics for intense agricultural development are limited and irreplaceable, the prime function of this zone will be to establish the proper area standards and permitted uses which will encourage the use and preservation of this land for agricultural purposes.))~~

(d) Mineral Conservation (MC). The intent and function of the mineral conservation zone is to comprehensively regulate excavations within Snohomish county. The zone is designed to accomplish the following:

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

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

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

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

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

(5) Commercial Zones. The intent and function of the commercial zones is to provide, consistent with the comprehensive plan, zoning classifications for neighborhood, community and urban center commercial and mixed use developments that provide a range of retail, office, personal service and wholesale uses. The comprehensive plan establishes guidelines to determine compatibility and location of commercial zones. Commercial zones consist of the following:

(a) Neighborhood Business (NB). ~~((The intent and function of the neighborhood business zone is to provide for the location and grouping of uses to a type designed to dispense commodities, provide professional services or personal services. These uses are intended to be small in nature, providing local facilities to serve the everyday needs of the surrounding neighborhood rather than the larger surrounding community.))~~

(b) Planned Neighborhood Shopping Center (PNSC). ~~((The intent and function of the planned neighborhood shopping center zone is to permit needed neighborhood shopping facilities in areas or locations where compatibility of size and uses with the surrounding areas is essential and must be secured.))~~

Vacant/underdeveloped land which is currently zoned PNSC shall be developed

pursuant to planned community business (PCB) zone regulations (chapter 18.60 SCC). Areas designated planned neighborhood shopping center (PNSC) by Snohomish county comprehensive plans shall be zoned either "NB" with a contract or "PCB" zoning. Sites containing less than five acres will only eligible for "NB with contract" zoning.

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

(d) Community Business (CB). ~~((The intent and function of the community business zone is to promote, provide for and protect certain areas for businesses and services designed to serve the needs of several neighborhoods)).~~

(e) General Commercial (GC). ~~((The intent and function of the general commercial zone is to permit a wide variety of nonretail commercial and business uses which are primarily related to automotive rather than pedestrian buying.))~~

(f) Business Park (BP). The intent and function of the business park zone is to provide for those business/industrial uses of a professional office, wholesale, and manufacturing nature which are capable of being constructed, maintained and operated in a manner uniquely designed to be compatible with adjoining residential, retail commercial or other less intensive land uses, existing or planned. Strict zoning controls must be applied in conjunction with private covenants and unified control of land; many business/industrial uses otherwise provided for in the zoning code will not be suited to the BP zone due to an inability to comply with its provisions and achieve compatibility with surrounding uses. This zone may be applied to any area designated for any industrial or general commercial zone on an adopted county comprehensive plan.

(g) Freeway Service (FS). The intent and function of the freeway service zone is to permit the location of needed freeway commercial facilities in the vicinity of on/off ramp frontages and access roads of limited access highways with a minimum of traffic congestion in the vicinity of the ramp. Permitted uses are limited to commercial establishments dependent upon by highway uses. Certain performance standards, subject to hearing examiner review, are contained in chapter 18.56 SCC to protect freeway design.

(6) Industrial Zones. The intent and function of the industrial zones is to provide, consistent with the comprehensive plan, zoning classifications for a range of industrial and manufacturing uses and limited commercial and other non-industrial uses necessary for the convenience of industrial activities. The comprehensive plan establishes guidelines to determine compatibility and location of industrial zones. Industrial zones consist of the following:

(a) Light Industrial (LI). ~~((The intent and function of the light industrial zone is to promote, provide for and protect areas for light industrial while at the same time making the areas compatible with adjacent nonindustrial areas.))~~

(b) Heavy Industrial (HI). ~~((The intent and function of the heavy industrial zone is to promote, provide for and protect areas for heavy industry while at the same time making the areas compatible with adjacent nonindustrial areas.))~~

(c) Industrial Park/Planned Industrial Park (IP/PIP). The intent and function of the industrial park and planned industrial park zones is to provide for heavy and light industrial development under controls to protect the higher uses of land and to stabilize property values primarily in those areas in close proximity to residential or other less intensive development. The IP and PIP zones are designed to insure compatibility between industrial uses in industrial centers and thereby maintain the attractiveness of such centers for both existing and potential users and the surrounding community. Vacant/undeveloped land which is currently zoned PIP shall be developed pursuant to industrial park (IP) zone regulations (chapter 18.60 SCC).

(7) Rural Use (RU). The intent and function of this zone is to provide interim zoning control until such time as permanent zoning categories are applied and to act as a holding zone for properties within UGAs. The rural use zone is not, therefore, intended as the implementing zone for ~~((adopted))~~ the comprehensive plan~~((s))~~ nor are the provisions of ~~((adopted))~~ the comprehensive plan~~((s))~~, including development density prescriptions, intended to be superseded by the rural use zone.

**Section 6.** Snohomish County Code Section 18.12.040 adopted by Ordinance No. 86-037, on May 7, 1986, is **AMENDED** to read:

18.12.040 ~~((Adoption of zoning))~~ Zoning maps and boundaries.

(1) The location and boundaries of zones shall be shown and delineated on official zoning maps.

(2) For the purposes of implementing the comprehensive plan and designating the exact boundaries of each zone, the hearing examiner and/or county council will from time to time adopt and amend official zoning maps consistent with the procedural provisions of chapters 18.73 and 32.07 SCC, and chapter 36.70A RCW.

(3) Zoning maps are available for public review at the Department of Planning and Development Services during business hours.

**Section 7.** Snohomish County Code Section 18.12.050, added by Ordinance No. 86-037 on May 7, 1986, is **AMENDED** to read:

18.12.050 Areas not within a zone.

Any property not zoned by map shall be classified as ~~((Rural Conservation, RC.))~~ R-5 outside of urban growth areas and R-9600 within urban growth areas.



**Section 8.** Snohomish County Code Section 18.32.040, last amended by Ordinance No. 95-080 on October 11, 1995, is **AMENDED** to read:

18.32.040 Use matrix.

(A) The following key applies to the use matrix. Reference notes are found in SCC 18.32.040(B). Use Matrix Key

P - Permitted use

C - Conditional use

T - Temporary use

	F	F&R	A-10	R-5	RC ((&RR))	RD	SA-1	RU	R 20,000	R 12,500	R 9,600	R 8,400	R 7,200	WFB	T	LDMR	MR	FS	NB	PCB	CB	GC	(2) IP	(2) BP	LI	HI	MC	
Accessory Apartment 66	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					P	
Agriculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P		P		P	P	P	P	P	P	P	F
Airport: Stage 1 Utility 1	C			C	C	C	C	C	C	C	C	C	C	C							P	P	P	P	P	P		
All Others																							P	P	P	P		
Amusement Facility 44																				P	P	P			P	P		
Antique Shop				48 C		C		48 C											P		P	P			P	P		
Art Gallery 44				C	C	C	C	P	C	C	C	C	C	C		C	C			P	P	P	P	P	P	P		
Asphalt Batch Plant & Continuous Mix Asphalt Plant																										P	F	
Auto Repair: Major																						P	P	P	P	P		
Minor																		P	P	P	P	P	P	P	P	P		
Auto Towing				C		C																			P	P		
Auto Wrecking Yard																									47 C	47 P		
Bakery																						P	P	P	P	P		
Bed and Breakfast Guesthouse 62		C	C	C	C	C	C	C	C	C	C	C	C	C		C	C											
Bed and Breakfast Inn 62		C	C	C	C	C																						
Billboards 49																						P			P	P		
Boat Launch: Commercial 33		C																			C	C			C	C		
Non-Commercial 33	C	C		C	C	C	C	C	C	C	C	C	C	C		C	C				C	C			C	C		
Boat Sales																						P			P	P		
Body Painting Studio																					P	P	P	P	P	P		
Building Contractor																						P	P	P	P	P		
P — Permitted Use C — Conditional Use T — Temporary Use	Note: Reference numbers within matrix indicate special conditions apply. See chapter 18.32 SCC.																											

	F	F&R	A-10	R-5	RC ((&RR))	RD	SA-1	TU	R 20,000	R 12,500	R 9,600	R 8,400	R 7,200	WFB	T	LDMR	MR	FS	NB	PCB	CB	GC	IP (x)	DP (x)	LI	II	MC	
Campground		34 C																										
Caretaker's Quarters																							P	P	P	P		
Cemetery, Columbarium, 44 Crematorium, Mausoleum				C	C	P	C	C	C	C	C	C	C	C		C	C				P	P	P	P	P	P	P	
Church 44			(e)	C	C	P	C	P	C	C	C	C	C	C		P	P			P	P	P	P	P	P	P	P	
Cleaning Establishment																				P	P	P	P	P	P	P	P	
Club																C	C				P	P	P	P	P	P	P	
Cold Storage																						P	P	P	P	P		
Commercial Vehicle: Home Basing				35 C																								
Storage Facility																						P	P	P	P	P		
Community Club				C	C	P	C	P	C	C	C	C	C	C								P	P	P	P	P	P	
Country Club				C			C	C	C	C	C	C	C	C									P	P	P	P		
Craft Shop 23																						P	P	P	P	P	P	
Dams & Power Plants, Associated Uses		P																										
Day Care Center 2						C	P	C	P	C	C	C	C	C		C	C	P	P	P	P	P	P	P	P	P	P	
Department Store																					P	P	P			P	P	
Distillation of Alcohol			36 C	36 C	36 C	35 C																	P	P	P	P		
Distillation of Wood, Coal, Bones or Manufacturing of Their by-products																											P	
Dock & Boathouse, Private, Non-commercial 3, 44	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	
Drug Store																			24 P	P	P	P	P			P	P	
Dwelling: Single Family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	4 P	P	P		54			P
Mobile Home	P	P	P	P	P	P	P	6 P	P	6 P	6 P	6 P	6 P	6 P	6 P	6 P	P	P		6 P		6 P	6 P					P
Duplex	P		P	P	P	P	P	P	P	45 P	45 P	45 P	45 P	45 P	P	P	P			P		P	P					
P — Permitted Use C — Conditional Use T — Temporary Use	<p>Note: Reference numbers within matrix indicate special conditions apply. See chapter 18.32 SCC.</p>																											

	F	F&R	A-10	R-5	RC ((&RR))	RD	SA-1	RU	R 20,000	R 12,500	R 9,600	R 8,400	R 7,200	WFB	T	LDMR	MR	FS	NB	PCB	CB	GC	IP	BP	LI	HI	MC	
Townhouse										C	C	C	C	C	C	P	P											
Multiple Family																P	P		P	P	P							
Excavation & Processing of Minerals	P	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C		C		C	C	C	C	C	C	C	
Explosives: Storage	P	C		C	C	C		C															P			P	C	
Manufacturing																											P	
Extraction of Animal or Fish Fat or Oil																											P	
Fabrication Shop																						P	P	P	P	P	P	
Fairgrounds																						P	P	P	P	P	P	
Fallout Shelter: Individual	P		P	P	P	P	P	P	P	P	P	P	P	P					P		P	P	P	P	P	P	P	
Joint	7						C	P	C	C	C	C	C	C							P	P	P	P	P	P		
Family Care Home	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P	P						
Family Day Care Home	8	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P	P						
Family Rehabilitation Home				C	C	C	C	C	C	C	C	C	C	C		C	C				P	P						
Farm Product Processing			39	39	39	39		39															P		P	P		
Farm Stand	9	P	P	P	P	P	P	P	P	P	P	P	P	P													P	
Farm Workers Dwelling			10																									
Financial Institutions																			P	P	P	P	P	P	P	P	P	
Fish Farm	P	P	P	P	P	P	P	P															P	P	P	P		
Fix-it Shop																				P	P	P	P	P	P	P		
Forestry	P	P	P	P	P	P		P															P		P	P		
P — Permitted Use C — Conditional Use T — Temporary Use	Note: Reference numbers within matrix indicate special conditions apply. See chapter 18.32 SCC.																											

Snohomish County Code

ARTICLE IV

	F	F&R	A-10	R-5	RC ((&RR))	RD	SA-1	RU	R 20,000	R 12,500	R 9,600	R 8,400	R 7,200	WFB	T	LDMR	MR	FS	NB	PCB	CB	GC	IP	DP	LI	HI	MC	
Forestry Industry Storage & Maintenance Facility	P	P				32 P																						
Forge, Foundry, Blast Furnace or Melting of Ore																											T	
Foster Home	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P						
Fuel & Coal Yard																						P	P	P	P	P		
Garage, Private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	
Garage, Public																						P	P	P	P	P		
Golf Course and Driving Range			<del>24</del> C	C	C	C	C	C	C	C	C	C	C	C								P	P	P	P	P	P	
Government Structures & Facilities 29, 44	C	C	<del>(e)</del>	C	C	C	C	C	C	C	C	C	C	C	C	C	C			C	P	P	P	P	P	P	P	
Greenhouse, Lathhouse, Nurseries 55	<del>(e)</del> P	<del>(e)</del> P	<del>(e)</del> P	<del>(e)</del> P	<del>(e)</del> P	<del>(e)</del> P	<del>(e)</del> P	<del>(e)</del> P	C											P	P	P	P			P	P	
Wholesale	P		P	P	P	P	P	P	<del>(e)</del>											P	P	P	P	P	P	P	P	
Grocery Store																			24 P	P	P	P	P			P	P	
Group Care Facility 37				C	C	C										C	C				C	C						
Guesthouse	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P					
Gym																					P	P	P	P	P	P	P	
Hardware Store																				P	P	P	P			P	P	
Home Improvement Center																				P	P	P	P			P	P	
Home Occupation 11	68 P	68 P	68 P	68 P	68 P	68 P	68 P	P	P	P	P	P	P	P	P	P	P			P		P	P					
Homestead Parcel 43			C	C	C	C																						
Hospital 31, 44				C	C	C	C	C	C	C	C	C	C	C	C	C	C				P	C	C					
P — Permitted Use C — Conditional Use T — Temporary Use	Note: Reference numbers within matrix indicate special conditions apply. See chapter 18.32 SCC.																											

	F	F&R	A-10	R-5	RC ((&RR))	RD	SA-1	RU	R 20,000	R 12,500	R 9,600	R 8,400	R 7,200	WFB	T	LDMR	MR	FS	NB	PCB	CB	GC	(S) IP	BP	(S) LI	II	MC	
Hotel/Motel	31															C	C	P		P	P	P						
Institution, Educational	44, 72			C	C		C		C	C	C	C	C	C		C	C				P	P	P	P	P	P	P	
Junkyard																									47	47	C	P
kennel Commercial	12	P		C	P	C	P	C	P	C	C	C	C	C								P	P	P	P	P	P	P
Exhibitor/Breeding Private	57 13	P		C	P	C	P	C	P	C	C	C	C	C		C	C		P		P	P	P	P	P	P	P	P
Laboratory																						P	P	P	P	P	P	
Library	44			C	C	C	C	P	C	C	C	C	C	C		C	C				P	P	P	P	P	P	P	
Licensed Practitioner	31, 44															C	C			P	P	P	P	P	P	P	P	
Locksmith																					P	P	P	P	P	P	P	
Log Scaling Station		P	P	C																								
Lumber Yard																						P	P	P	P	P	P	
Manufacturing of: Acid																											P	
Animal Black/Bone Black																											P	
Cement or Lime																											P	
Chlorine																											P	
Creosote																											P	
Fertilizer																											P	
Glue or Gelatin																											P	
Potash																											P	
Pulp																											P	
All other forms of Manu. not specifically listed																							P	P	P	P	P	
Massage Parlor																						P	P	P	P	P	P	
P — Permitted Use C — Conditional Use T — Temporary Use	Note: Reference numbers within matrix indicate special conditions apply. See chapter 18.32 SCC.																											

	F	F&R	A-10	R-5	RC (&RR))	RD	SA-1	RU	R 20,000	R 12,500	R 9,600	R 8,400	R 7,200	WFB	T	LDMA	MR	FS	NB	PCB	CB	GC	IP	DP	II	III	MC	
Mini Self-Storage	44																			P	P	P	P	P	P			
Mobile Home Park	41															C	C				C	C						
Mobile Home & Travel Trailer Sales																						P	38 C		P	P		
Model Hobby Park	YY		P	P																					P	P	P	
Model House/Sales Office		P	P		P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P					
Motor Vehicle & Equipment Sales																						28 P	P		P	P		
Mortuary																C	C					P	P	P	P	P	P	
Museum	44		65 C	C	C	C	C	P	C	C	C	C	C	C		C	C				P	P	P	P	P	P	P	
Nursing Home	44						C		C	C	C	C	C	C		C	C					P	P					
Office, General																				P	P	P	P	P	P	P	P	
Park, Public	14	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P			P	P	P	P	P	P	P	P	P
Personal Services Shop																				P	P	P	P	52 P	52 P	P	P	
Park-and-Pool Lot, Small									C	C	C	C	C		C	C	P	P	P	P	P	P	P	P	P	P	P	
Park-and-Ride Lot		C	C	C	C	C	C	C	C	C	C	C	C		C	C	P	P	P	P	P	P	P	P	P	P	P	
Petroleum Products & Gas Storage — Bulk								45 C														46 P	P	45 P	45 P	45 P	45 P	
Petroleum Refining	44																						P					
Photo Processing Shop																					P	P	P	P	P	P	P	
Printing Plant																					P		P	P	P	P	P	
Printshop																						P	P	P	P	P	P	
Public Bathhouse																						P	P	P	P	P	P	
Racetrack	26, 44			C	C		C																C	P	P	P	P	
Railroad Right-of-way		C		C	C	C	C	C	C	C	C	C	C									P	P	P	P	P	P	
Recreational Facility Not Otherwise Listed				C	C	C	C	P	C	C	C	C	C		C	C				P		P	P	P	P	P	P	
Rendering of Fat, Tallow or Lard																											P	
Resort		C																										
P — Permitted Use C — Conditional Use T — Temporary Use	Note: Reference numbers within matrix indicate special conditions apply. See chapter 18.32 SCC.																											

	F	F&R	A-10	R-5	RC ((&RR))	RD	SA-1	RU	R 20,000	R 12,500	R 9,600	R 8,400	R 7,200	WFB	T	LDMR	MR	FS	NB	PCB	CB	GC	IP	BP	LI	II	MC
Restaurant																		P	P	P	P	P	52 P	52 P	P	P	
Retail Store																			P	P	P	P		56 P	P	P	
Retirement Apartments															P	P	P		P	P	P	P					
Retirement Housing															P	P	P		P	P	P	P					
Riding Academy 16, 44	C	P		C	C	P																	P	P	P	P	
Rolling or Blooming Mills																										F	
Rooming & Boarding house	15 P		15 P	15 P	15 P	15 P	15 P	15 P	15 P	15 P	15 P	15 P	15 P	15 P			P	P		P		P					
Rural Industries 44						27 P																					
Sanitary Landfill	C			C	C	C	C	C	C	C	C	C	C	C								C	C	C	C	C	C
Sawmill	P	P		28 C		28 C		28 C															P	P	P	P	P
Schools K-12 & Preschool 44				C	C	C	C	C	C	C	C	C	C	C			C	C				P	P	P	P	P	P
Other																C	C					P	P	P	P	P	P
Second Hand Store																						P	P			P	P
Service Station 44																			P	P	P	P				P	P
Shake & Shingle Mill	P			28 C		28 C		28 C															P	P	P	P	P
Shooting Range	C			C	C	C		C															P	P	P	P	
Sudge Utilization 42	C		C	C	C	C	C	C	C	60 C	60 C	60 C	60 C	60 C	60 C	60 C	60 C				60 C	60 C	60 C		60 C	53 P	60 C
Small Animal Husbandry 44	P	P	P	P	P	P	P	P	40 C	40 C	40 C	40 C	40 C	40 C					P		P	P	P	P	P	P	P
Social Services Center 17				C	C	C		C								C	C					P	P	P	P	P	P
Specialty Store																			P	P	P	P			P	P	
Stockyard or Slaughter House								51 C															P			P	
P — Permitted Use C — Conditional Use T — Temporary Use	Note: Reference numbers within matrix indicate special conditions apply. See chapter 18.32 SCC.																										



	F	F&R	A-10	R-5	RC ((&RR))	RD	SA-1	RU	R 20,000	R 12,500	R 9,600	R 8,400	R 7,200	WFB	T	LDMR	MR	FS	NB	PCB	CB	GC	IP	BP	LI	HI	MC	
Storage/Retail Sales Livestock Feed			P	SB P	SB P																P	P			P	P		
Storage Structure over 1,000 sq.ft. on less than three acres 63	C		C	C	C	C	C	P	C	C	C	C	C	C	C	C	C		P	P	P	P	P	P	P	P	P	
Swimming Pool 18, 44	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P					P	
Tannery																											P	
Tar Distillation or Manufacturing																											P	
Tavern 44																				P	P	P				P	P	
Television/Radio Stations																										P	P	
Temporary Logging Crew Quarters	P	P																										
Temporary Emergency Use 20	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Temporary Use Dwelling: During Construction	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
For Relative 19	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Woodwaste Recycling 67	T					T																				T	T	
Woodwaste Storage 67	T					T																				T	T	
Tire Store																			P	P	P	P				P	P	
Tool Sales & Rental																					P	P				P	P	
Transit Center	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P
Travel Trailers 21	P	P	P	P	P	P	P	P																				
Travel Trailer Court		C																P			C	C						
Ultralight Airpark 22	C		(e)	C	C	C																	P	P	P	P	P	
Utility Facilities: Electromagnetic Transmission & Receiving Fac. 29	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	P	P	P	P	P	P	P	P	
Transmission Wires or Pipes & Supports 29	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
P — Permitted Use C — Conditional Use T — Temporary Use	Note: Reference numbers within matrix indicate special conditions apply. See chapter 18.32 SCC.																											

	F	F&R	A-10	R-5	RC ((&RR))	RD	SA-1	RU	R 20,000	R 12,500	R 9,600	R 8,400	R 7,200	WFB	T	LDMR	MR	FS	NB	PCB	CR	GC	IP	DP	LI	HI	MC
All Other Structures 29, 44	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	P	P	P	P	P	P	P	C
Veterinary Clinic			C	C	C	P	C	P								C	C		P	P	P	P	P	P	P	P	P
Warehousing																					P	P	P	P	P	P	P
Wholesale Establishment																				P	P	P	P	P	P	P	P
Woodwaste Recycling 61	C			C		C																				C	C
Storage 61	C			C		C																				C	C
Yacht/Boat Club														C									P	P	P	P	P
All other uses not otherwise mentioned																							P	P	P	P	P
P — Permitted Use C — Conditional Use T — Temporary Use	Note: Reference numbers within matrix indicate special conditions apply. See chapter 18.32 SCC.																										

(B) Reference notes for use matrix.

(1) Airport, Stage 1 Utility:

(a) Not for commercial use and for use of small private planes, and  
(b) In the RU zone, they shall be primarily for the use of the resident property owner.

(2) Day Care Center:

(a) In WFB, R 7200, R 8400, R 9600, R 12,500, R 20,000, and SA-1 zones, shall only be permitted in connection with and secondary to a school facility or place of worship, and

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

(3) Private, Noncommercial Docks and Boathouses:

(a) The height of any covered overwater structure shall not exceed 12 feet as measured from the line of ordinary high water,

(b) The total roof area of covered, overwater structures shall not exceed 1,000 square feet,

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

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

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

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

(4) Single Family Dwelling: In PCB zones, shall be allowed only if included within the same structure as a commercial establishment.

(5) Townhouse ~~dwelling~~ shall be:

(a) ~~((Shall be subject))~~ Subject to all conditions of the chapter 18.53 SCC ~~((, and))~~;

(b) ~~((Shall be subject))~~ Subject to the maximum density allowed by the ~~((comprehensive plan for single family detached housing on))~~ appropriate implementing zone for the comprehensive plan designation applied to the ((subject)) site.

(c) ~~((Permitted))~~ A permitted use when placed on individual lots created by the formal subdivision process ~~((subject to maximum density permitted by comprehensive plan for single family detached housing))~~;

(d) ~~((Conditional))~~ A conditional use when located on individual lots not created through the formal subdivision process.

(6) Mobile Home:

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

- (b) Shall be constructed with a non-metallic type, pitched roof,
- (c) Except where the base of the mobile home is flush to ground level shall be installed either with:
  - (i) skirting material which is compatible with the siding of the mobile home, or
  - (ii) a perimeter masonry foundation,
- (d) Shall have the wheels and tongue removed, and
- (e) In the RU zone the above only applies if the permitted lot size is less than 20,000 square feet.

(7) Joint Fallout Shelter, by two or more property owners:

- (a) Side and rear yard requirements may be waived by the department of planning and development services along the boundaries lying between the properties involved with the proposal, and zone PROVIDED That its function as a shelter is not impaired.

(8) Family Day Care Home:

- (a) No play yards or equipment shall be located in any required setback from a street, and
- (b) Outdoor play areas shall be fenced or otherwise controlled.

(9) Farm Stand:

- (a) There shall be only one stand on each lot,
- (b) The maximum size in the A-10 zone shall be 500 square feet,
- (c) The maximum size in all other zones shall be 300 square feet, and
- (d) At least 75 percent (by value) of the products sold must be grown or raised in Snohomish county.

(10) Farm Worker Dwelling:

- (a) At least one person residing in each farm worker dwelling unit shall be employed full time in the farm operation,
- (b) An agricultural farm worker dwelling unit affidavit must be signed and recorded with the county attesting to the need for such dwellings to continue the farm operation,
- (c) The number of farm worker dwellings shall be limited to one per each 40 acres under single contiguous ownership to a maximum of six total dwellings, with 40 acres being required to construct the first accessory dwelling unit. Construction of the maximum number of dwelling units permitted shall be interpreted as exhausting all residential potential of the land until such time as the property is legally subdivided, and
- (d) All farm worker dwellings must be clustered on the farm within a 10-acre farmstead which includes the main dwelling. The farmstead's boundaries shall be designated with a legal description by the property owner with the intent of allowing maximum flexibility while minimizing interference with productive farm operation. Farm worker dwellings may be located other than as provided for in this subsection only if environmental or physical constraints preclude meeting these conditions.

(11) Home Occupation:

- (a) Not more than one person outside the family shall be employed;
- (b) The occupation shall be secondary to the use of the dwelling for dwelling purposes;

(c) There shall be no external display of merchandise. No sales or fees for the use of merchandise except that produced by the inhabitants shall be made in the dwelling or on the premises;

(d) The maximum nameplate horsepower rating of any single piece of mechanical equipment used in the home occupation shall be five horsepower, and no equipment shall be three-phase motors. The electrical service for the home occupation shall not exceed 200 amps;

(e) Not more than one-fourth of the total square footage of the dwelling may be used in the occupation;

(f) Signs in connection with the occupation shall be unlighted, shall not exceed two square feet, and shall be attached flat to the building;

(g) The home occupation shall in no way affect the appearance of the building as a residence; and

(h) The home occupation shall be fully enclosed within the residence with no outside storage of equipment or materials.

(12) Kennel, commercial: There shall be a five acre minimum lot size.

(13) Kennel, private: Where the animals comprising the kennel are housed within the dwelling, the yard or some portion thereof shall be fenced and maintained in good repair or to contain or to confine the animals upon the property and restrict the entrance of other animals.

(14) Parks, publicly owned and operated:

(a) No bleachers are permitted if the site is less than five acres in size,

(b) All lighting shall be shielded so as not to produce glare which would be unduly annoying to adjoining uses, and

(c) No amusement devices for hire are permitted.

(15) Rooming and Boarding House: There shall be accommodations for no more than two persons,

(16) Riding Academies:

(a) Shall be operated in such a manner so as not to cause offense to adjoining properties by reason of dust or odor,

(b) Lighting shall be shielded or directed away from adjoining properties or rights-of-way, and

(c) Landscaping shall be provided consistent with achieving the goal of compatibility with the surrounding area.

(17) Social Service Center: Hours of operation shall be restricted to that compatible with the neighborhood and proposed usage of the facility.

(18) Swimming and Wading Pool, not to include hot tubs and spas for the sole use of occupants and guests:

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

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

(19) Temporary Dwelling, for a relative:

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

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

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

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

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

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

(g) A land use permit binder shall be executed by the landowner, recorded with the Snohomish county auditor and a copy of the recorded document submitted to the department of planning and development services for inclusion in the permit file,

(h) Adequate screening, landscaping or other measures shall be provided to protect surrounding property values and insure compatibility with the immediate neighborhood,

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

(j) An agreement to terminate such temporary use at such time as the need no longer exists shall be executed by the applicant and recorded with the Snohomish county auditor, and

(k) The temporary dwelling shall not be located on a lot on which a detached accessory apartment, as defined in SCC 18.90.018, is located.

(20) Temporary Emergency Use or Structures:

(a) Such approvals shall apply only to uses or structures normally requiring a conditional or special use permit, and

(b) The request shall be approved only where action must be taken immediately, or within a time too short to allow processing of a permit, to avoid imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation.

(21) Travel Trailer:

(a) There shall be no more than one per lot, and

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

(22) Ultralight Airparks:

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

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

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

- (i) create a hazard for other persons or property,
- (ii) occur between sunset and sunrise,
- (iii) occur over any substantially developed area of a city, town, or settlement, particularly over residential areas or over any open air assembly of people,
- (iv) occur in an airport traffic area, control zone, terminal control area, or positive control area without prior authorization of the airport manager with jurisdiction ~~(, and~~

~~(d) In the A-10 zone, the applicant must demonstrate that the ultralight airpark is secondary to the primary agricultural use of the property; and that creation of the airpark and subsequent flight operations will neither affect the amount of usable prime agricultural soils nor have serious adverse impacts on the continuation of agricultural activities and production on the airpark site or on neighboring agricultural parcels.))~~

(23) Craft Shop:

- (a) Articles shall not be manufactured by chemical processes,
- (b) No more than three persons shall be employed at any one time in the fabricating, repair, or processing of materials, and
- (c) The aggregate nameplate horsepower rating of all mechanical equipment on the premises shall not exceed two.

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

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

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

(27) Rural Industry.

- (a) The number of employees shall not exceed 10,
- (b) All operations shall be carried out in a manner so as to avoid the emission or creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water pollution, or other emissions which are unduly or unreasonably offensive or injurious to properties, residents or improvements in the vicinity,

(c) The owner of the rural industry must reside on the same premises as the rural industry and, in the RD zone, the residence shall be considered as a caretaker's quarters as defined in SCC 18.90.170, and

(d) Outside storage, loading or employee parking in the RD zone shall provide 15 feet of type "II" buffer as defined in SCC 18.43.040.

(28) Sawmill, Shake and Shingle Mill:

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

(b) The number of employees shall not exceed 25 during any eight hour work shift,

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

(d) Sawmills and shakemills adjacent to a state highway in the RU zone shall provide 25 feet of type "II" buffer as defined in SCC 18.43.040.

(29) Governmental and Utility Structures and Facilities: Special lot area requirements for this use are contained in SCC 18.42.050.

(30) Excavation and Processing of Minerals:

(a) All such operations shall comply with the provisions of chapter 18.54 SCC, Mineral Excavation Procedures and Standards, and

(b) The extraction and processing of rock and gravel exclusively for forest practices shall be permitted outright in the F zone,

(c) This use shall allow only the primary reduction, treatment, and processing of minerals and materials, together with any necessary buildings,

(d) At least one of the major mineral or material constituents being exploited shall be from said property,

(e) Allowed uses shall include but not be limited to rock crushers, concrete batching, asphalt mixing, and the manufacturing of terra cotta, tile, brick, and concrete products,

(f) The use shall only be allowed in undeveloped areas and shall not be detrimental to the existing, developing, or projected land uses,

(g) In the A-10 zone, the excavation shall not reduce the area of prime agricultural soils which are located on parcels designated ~~((agriculture))~~ local, uplands, or riverway commercial farmland by the ((area)) comprehensive plan; UNLESS all of the following conditions can be demonstrated to the satisfaction of the county:

(i) The prime agricultural soils as defined by SCC 18.90.690 constitute no more than 25 percent of the proposed excavation,

(ii) Excavation of said soils is necessary to the conduct of the excavation on portions overlain by other than prime agricultural soils, and

(iii) It can be demonstrated that the use of the land underlying prime agricultural soils does not threaten other prime agricultural soils beyond the proposed excavation through encroachment or disruptions due to operation of the excavation.

(h) If a property is designated both Rural Residential-10 and Mineral Lands on the General Policy Plan Future Land Use Map, excavation and processing of materials does not require a rezone to MC, but is subject to the requirements for a conditional use permit on sites zoned MC as set forth in Chapter 18.54.



- (31) Hospital, Licensed Practitioner, Hotel/ Motel:  
(a) Where the abutting property is designated for residential use, type "I" or "II" buffer, as defined in SCC 18.43.040, is required, and  
(b) A prescription pharmacy may be permitted when located within the main building containing licensed practitioner(s).
- (32) Forest Industries, (except harvesting) adjacent to property lines in the RU zone shall provide a 15-foot type "III" buffer as defined in SCC 18.43.040.
- (33) Boat Launch Facilities, commercial or non-commercial:  
(a) The examiner may regulate, among other factors, required launching depth, lengths of existing docks and piers,  
(b) Off-street parking shall be provided in an amount suitable to the expected usage of the facility. When used by the general public, the guideline should be 32 to 40 spaces capable of accommodating both a car and boat trailer for each ramp lane of boat access to the water,  
(c) A level vehicle-maneuvering space measuring at least 50 feet square shall be provided,  
(d) Pedestrian access to the water separate from the boat launching lane or lanes may be required where it is deemed necessary in the interest of public safety,  
(e) Safety buoys shall be installed and maintained separating boating activities from other water-oriented recreation and uses where this is reasonably required for public safety, welfare and health, and  
(f) All site improvements for boat launch facilities shall comply with all other requirements of the zone in which it is located.
- (34) Campground:  
(a) The maximum overall density shall be seven camp or tent sites per acre, and  
(b) The minimum site size shall be 10 acres.
- (35) Commercial Vehicle Home Basing:  
(a) The vehicles may be parked and maintained only on the property wherein resides a person who uses them in their business,  
(b) Two or more vehicles may be so based, and  
(c) The vehicles shall be in operable conditions.
- (36) Distillation of Alcohol:  
(a) The distillation shall be from plant products, for the purpose of sale as fuel, and for the production of methane from animal waste produced on the premises,  
(b) Such distillation shall be only one of several products of normal agricultural activities occurring on the premises, and  
(c) By-products created in this process shall be used for fuel or fertilizer on the premises.
- (37) Group Care Facility:  
(a) The number of persons to reside in the facility shall be generally consistent with the maximum allowed residential density in the zone,  
(b) The allowing of the proposed use must be found to not adversely affect the surrounding area as to present use or character of future development, and  
(c) In other than single family residences, yard requirements shall be as set forth for apartment structures in the allowed zone.

(38) Mobile Home and Travel Trailer Sales:

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

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

(c) The conditional use permit shall include a condition requiring mandatory review by the hearing examiner at intervals not to exceed five years for the express purpose of evaluating the continued compatibility of the use with other IP uses. The review required herein is in addition to any review which may be held pursuant to SCC 18.72.190,

(d) Such use shall not be deemed to be outside storage for the purpose of SCC 18.43.060, and

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

(39) Farm Product Processing:

(a) Where a lot of nonconforming size has been previously developed for residential use and the owner resides therein, farm product processing may be permitted by the hearing examiner when the following criteria are met:

(i) No more than one person outside of immediate family shall be employed full time in farm product processing at any one time.

(ii) Nature of operation and any structures shall not adversely affect adjacent properties. Physical scale and use intensity must be compatible with surrounding neighborhood.

(b) Retail sales of products produced on the premises for off-site consumption may be allowed.

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

(41) Mobile Home Park: Such development must fulfill the requirements of chapter 18.55 SCC.

(42) Sludge Utilization:

(a) Minimum total project area including setbacks is 20 acres,

(b) Access to the site shall be controlled in an acceptable manner using measures such as fences, gates, posting, etc.,

(c) For the following applications, minimum setbacks between the utilization area and the property boundary shall be observed (unless a lesser setback is agreed to by the adjoining property owner(s) outside of the project boundaries):

(i) Spray application: 500 feet,

(ii) Surface application: 300 feet, and

(iii) Sub-surface injection: 200 feet,

(d) Minimum setbacks from year-round surface waters shall be 200 feet, or greater if deemed necessary to protect water quality,

(e) A joint site inspection shall be arranged by representatives of the Snohomish health district and the Snohomish county department of planning and development services at the time of initial application. The applicant shall provide said agencies with at least 10 days advance notice of such initial application,

(f) The applicant shall submit for approval by the hearing examiner a monitoring schedule suitable to the Snohomish health district, and

(g) Provided that sludge utilization at a completed sanitary landfill or on a completed cell within a sanitary landfill shall not be subject to the minimum area requirement of subsection (a).

(43) Homestead Parcels: Lot area and width requirements may be reduced, PROVIDED That:

(a) The parcel is designated as agricultural land of primary or secondary significance in the Snohomish county agricultural preservation plan or as agriculture in an adopted subarea comprehensive plan,

(b) The resultant non-homestead parcel shall not be less than the minimum lot area permitted in the zone,

(c) A dwelling currently exists on the parcel, and must have existed on the parcel prior to the effective date of this amendment,

(d) The homestead parcel shall include no more than two acres of land, unless soil conditions, topography or other unique circumstances require a greater land area,

(e) Concurrent with application under this section, the applicant shall submit an application under the Snohomish county short subdivision code, Title 20 SCC or Snohomish county boundary line adjustment, Title 29 SCC, where appropriate, and

(f) Approval shall be dependent upon a determination by the hearing examiner that the proposed use is for the purpose of consolidation of existing agricultural lands or operations, minimizes interference with the usual and normal farm practices on adjacent agricultural lands, and further that the following conditions are imposed:

(i) a declaration shall be recorded with the homestead parcel which states that the homestead parcel is located in an agricultural area which experiences activities customarily associated with agricultural practices,

(ii) the non-homestead parcel created by subdivision shall not be subdivided further for a period of 10 years following creation of the initial homestead parcel, except as provided for herein,

(iii) no dwelling shall be constructed on the non-homestead parcel created by subdivision for a period of 10 years from approval of the conditional use permit except for farm worker dwellings.

(44) Special setback requirements for this use are contained in SCC 18.42.100.

(45) Minimum lot size for duplexes shall be one and one half times the minimum lot size for single-family dwellings.

(46) Bulk Storage of Petroleum Products and Gas:

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

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

(47) Auto Wrecking Yards and Junk Yards: A sight-obscuring fence a minimum of seven feet high shall be established and maintained in the LI zone. For landscaping requirements for these uses, SCC 18.43.050 and 18.43.070 apply.

(48) Antique shops when established as a home occupation as regulated by SCC 18.32.050(11); PROVIDED FURTHER, That all merchandise sold or offered for sale shall be predominantly "antique" as defined in SCC 18.90.060, and antique related objects.

(49) See SCC 18.44.090 for specific requirements for billboards.

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

(51) Stockyard: The minimum lot size for a stockyard is 10 acres.

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

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

(54) Single family dwellings are a prohibited use, except that such dwellings that are nonconforming as a result of a county-initiated rezone to BP may make improvements or additions provided such improvements are consistent with the bulk regulations contained in chapter 18.42 SCC; and PROVIDED FURTHER, That such improvements do not increase the ground area covered by the structural portion of the nonconforming use by more than 100 percent of that existing at the existing date of the nonconformance.

(55) Greenhouses, lath houses, and nurseries:

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

(b) The sale of garden tools and any other hardware or equipment shall be prohibited,

(c) There shall be no on-site signs advertising other than the principal use.

(56) See SCC 18.60.130 for specific requirements for retail stores in the BP zone.

(57) Kennel, exhibitor/breeding: Where the animals comprising the kennel are housed within the dwelling, the yard or some portion thereof shall be fenced and maintained in good repair or to contain or to confine the animals upon the property and restrict the entrance of other animals. Where the number of animals kept is 10 or more, a five acre minimum lot size and a conditional use permit are required.

(58) Retail sales of hay, grain, and other livestock feed are permitted on-site in conjunction with a livestock auction facility.

(59) Noise of machines and operations in the LI and HI zones shall comply with chapter 10.01 SCC, Noise Control, and machines and operations shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness.

(60) Sludge utilization only at a completed sanitary landfill or on a completed cell within a sanitary landfill, subject to the provision of subsection 18.32.040(B)(42).

(61) Woodwaste Recycling and Woodwaste Storage Facilities: These two uses are subject to the following minimum requirements except when incidental to a primary use allowed in the applicable zone:

(a) Siting Criteria. Woodwaste recycling and woodwaste storage shall be located in compliance with the following:

(i) The minimum site size shall be 10 acres.

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

(b) Submittal Requirements to accompany a conditional use application: An application for a conditional use permit to allow a woodwaste recycling or woodwaste storage facility shall include the following submittals:

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

(ii) A water quality control and monitoring plan. The applicant shall prepare a water quality control plan which demonstrates adequate protections for surface and groundwater quality consistent with the requirements of Snohomish health district regulation, EHD 8-30, "regulations governing solid waste handling"; contains provisions for minimizing stormwater runoff contact with woodwaste and recycled materials; and includes an independently-produced hydrogeologic report which analyzes the potential for surface water contamination, groundwater infiltration, or other types of water degradation (on-site or off-site) resulting from leachate produced by the proposal and recommends preventative measures if such contamination is anticipated.

(iii) An operational plan which contains the following elements:

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

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

(C) for woodwaste recycling, a requirement for use of specific equipment (crushers, chippers, etc.) capable of woodwaste processing at a rate in conformance with Snohomish health district regulation, EHD 8-30, "regulations governing solid waste handling", section EHD 8-30-300-3(c)(i).

(D) a landscaping and screening plan which demonstrates maximum retention of natural vegetation around the perimeter of the site and augmentation with planted landscaping materials as necessary to assure site screening capability.

(iv) The applicant shall be required to post a performance bond for site reclamation and other bonds as determined by the hearing examiner, including, but not limited to bonds for facility maintenance, water quality control and monitoring equipment, and recovery of fire extinguishment costs.

(c) Minimum Performance Standards: A conditional use permit shall be subject to the following minimum performance standards:

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

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

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

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

(A) the hydrogeologic report prepared in accordance with SCC 18.32.040 (b)(61)(B)(ii) recommends a leachate collection/ treatment system due to site characteristics of topography, underlying geology and hydrology; or

(B) a treatment/collection system is recommended by the Snohomish health district to satisfy the requirements of Snohomish health district regulation, EHD 8-30, "regulations governing solid waste handling" relating to surface and groundwater protection.

(v) A 30-foot wide, type II buffer as described by SCC 18.43.040(b) is required around the perimeter of the proposed site. All outside activity areas and buildings used in recycling or processing shall be screened from view from the surrounding roadways. Where feasible, natural vegetation shall be used for screening purposes. If the natural buffer is inadequate to provide sight screening, additional landscaping will be required.

(vi) Woodwaste and recycled materials shall be placed in piles, and piles must be stored and recycled in compliance with the Snohomish health district's criteria for waste recycling facilities, as contained in Snohomish health district regulation, EHD 8-30, "regulations governing solid waste handling", section 8-30-300-3(c)(i).

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

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

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

(62) Bed and breakfast guesthouses and bed and breakfast inns.

(a) Where bed and breakfast inns and bed and breakfast guesthouses are allowed in the same zone, only one or the other of these facilities may be located on a subject property at the same time. An approved bed and breakfast guesthouse may be expanded to a bed and breakfast inn if a conditional use application for an inn is obtained and the original permit for the guesthouse is vacated.

(b) Submittal requirements to accompany a conditional use application:

(i) Site plan requirements. The site plan shall indicate the location of the off-street parking, proposed screening, the location and size of the bed and breakfast inn, and any proposed new construction to the premises, including additions, remodeling and/or outbuildings.

(ii) Architectural requirements. For new construction only, the following shall apply:

(A) The applicant shall submit proposed architectural drawings and renderings of the proposed structure, including exterior elevations, which shall project a residential, rather than a commercial appearance. This architectural documentation shall be in sufficient detail to demonstrate discernible compatibility between the new construction and the existing on-site development and structures; PROVIDED FURTHER, That the applicant also shall document a design which, in scale, bulk, siding, and use of materials, is in keeping with existing buildings on adjacent properties and compatible with the surrounding character and neighborhood in which the guesthouse or inn is located.

(B) If an outbuilding or outbuildings are proposed, a grading plan, showing the extent of clearing activity, is required. Site design shall be sensitive to the natural features of the site. The use of manufactured and mobile homes is prohibited.

(iii) Screening: The owner/operator shall provide screening with shrubs, trees, fencing, and other suitable materials as necessary to minimize the impacts upon the residential character of the surrounding neighborhood.

(iv) Floor plan: The floor plan shall indicate bathrooms to be used by guests and the location and number of guest rooms.

(c) Minimum performance standards:

(i) Parking requirements shall be in accordance with subsection 18.45.040(35). No on-street parking shall be allowed.

(ii) Meal service shall be limited to overnight guests of the establishment. Kitchens shall not be allowed in individual guest rooms.

(iii) The owner shall operate the facility and reside on the premises.

(iv) One sign for business identification and advertising shall be permitted in conjunction with the bed and breakfast establishment in accordance with SCC 18.44.070.

(v) The bed and breakfast establishment shall be conducted in such a manner as to give no outward appearance nor manifest any characteristics of a business, except as to the sign as allowed above, that would be incompatible with the ability of the neighboring residents to enjoy peaceful occupancy of their properties.

(vi) Guests shall be permitted to stay at the establishment for not more than 10 consecutive days at a time.

(vii) The applicant shall submit a letter from the applicable water purveyor and sewer district, if applicable, stating that each of them has the respective capacity to serve the bed and breakfast inn.

(viii) The applicant shall comply with all applicable county codes for fire, health and building requirements and any applicable food service regulations and on-site sewage disposal requirements of the Snohomish health district. The applicant shall comply with the applicable requirements of chapter 258-54 WAC, "public water system rules and regulations", as now written or hereafter amended, if a water system is to be developed or connected to an existing public water system.

(ix) If three or more guest rooms are proposed, the applicant shall also meet state requirements for a "transient accommodation license", as required by chapter 212-52 WAC, as now written or hereafter amended.

(63) Storage structure over 1,000 sq. ft. on less than three acres: This use is subject to the following requirements:

(a) Special setback requirements for this use are contained in SCC 18.42.100.

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

(c) The applicant shall submit building elevations that document a residential appearance through the design and through depiction of appropriate building materials for the exterior finish.

(d) The applicant shall propose a screening plan which will result in a building screened from the view of neighboring property owners. Landscaping will be required on the subject property's boundary line or lines and/or around the building sides, as necessary, to effectively accomplish this objective.

(64) Storage structures over 1,000 sq. ft. in the R-7,200 and R-8,400 zones are limited to 20 feet in building height.

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

(66) Accessory apartments - Attached and detached:

(a) An owner-occupant of a single-family dwelling unit may establish only one accessory apartment, which may be either attached to, or detached from, the single-family dwelling. A detached accessory apartment may not be located on a lot on which a temporary dwelling, as defined in SCC 18.90.305, is located.



(b) The single-family dwelling unit to which an attached accessory apartment is to be added, or which is located on the same lot as the detached accessory apartment, must be owner-occupied on the date of application and remaining owner-occupied for as long as the attached or detached accessory apartment exists.

(c) The minimum floor area for an attached or detached accessory apartment shall be 360 square feet, but in no case shall the original single-family dwelling unit be reduced below 900 square feet. These floor areas shall be exclusive of garages, porches, or unfinished basements. The floor area of an attached accessory apartment shall not exceed the following percentage of the floor area of the single-family dwelling unit to which it is accessory, or the following fixed amount, whichever is applicable:

If the floor area of the single-family dwelling unit is:	the floor area of the attached accessory apartment shall not exceed:
Under 2,000 sq. ft.	40%
2,000 sq. ft. or more, but less than 3,000 sq. ft.	35% or 800 sq. ft. whichever is greater
3,000 sq. ft. or more, but less than 5,000 sq. ft.	30% or 1,050 sq. ft. whichever is greater
over 5,000 sq. ft.	20% or 1,500 sq. ft., whichever is greater

The floor area of a detached accessory apartment shall not exceed 40 percent of the floor area of the single-family dwelling unit to which it is accessory, or 850 square feet, whichever is less.

(d) For an attached accessory apartment, the architectural character of the single-family dwelling shall be preserved. Exterior materials, roof form, and window spacing and proportions shall match that of the existing single-family dwelling. Only one main entrance shall be permitted on the front (street face) of the dwelling. Entrances for the attached accessory apartment shall be on the side or in the rear of the dwelling.

(e) For a detached accessory apartment located within a new structure, the exterior materials, roof form, and window spacing and proportions of the detached accessory apartment structure shall approximate those of the existing single-family dwelling. For a detached accessory apartment located within an existing structure, the structure is not required to approximate the exterior features of the existing single-family dwelling.

(f) In zones categorized as residential, multiple family or commercial, no portion of a detached accessory apartment shall extend beyond the building front of the existing single-family dwelling.

(g) An applicant must provide documentation that the water supply is potable and of adequate flow and that the existing or proposed sewage or septic system is capable of handling the additional demand placed upon it by the attached or detached accessory apartment.

(h) One off-street parking space shall be provided and designated for the attached or detached accessory apartment (in addition to the two off-street parking spaces required for the primary single-family dwelling unit). Additional spaces shall be provided to accommodate any additional vehicles owned and/or used by occupants of the attached or detached accessory apartment. Driveways may be counted as one parking space but no parking areas other than driveways shall be created in front yards.

(i) An owner-occupant of a single-family dwelling with an attached or detached accessory apartment shall file, on a form available from the department of planning and development services, a declaration of owner occupancy with the department of planning and development services prior to issuance of the building permit for the attached or detached accessory apartment and shall renew the declaration annually. The initial declaration of owner occupancy shall be recorded with the county auditor prior to filing the declaration with the department of planning and development services.

(j) The owner-occupant(s) may reside in the single-family dwelling unit, the accessory apartment, or both.

(67) Temporary woodwaste recycling and temporary woodwaste storage facilities: These two uses require a temporary use permit and are subject to the following minimum requirements except when incidental to a primary use allowed in the applicable zone:

(a) An application for a temporary use permit to allow a woodwaste recycling and/or woodwaste storage facility shall include the following:

(i) A site development plan showing all woodwaste storage areas (active and reserve areas), recycled material storage areas, equipment, parking areas, access drives/fire lanes, extent of vegetation clearing, buffer widths, on-site sewage disposal areas (if proposed), proposed site structures, existing site structures that are to remain or be removed, natural drainage courses and probable alterations which will be necessary to handle the expected drainage from the site.

(ii) Operational information which demonstrates that:

(A) Adequate fire prevention and protection measures have been incorporated into the proposal. Approval of said measures shall be obtained from the county fire marshal prior to temporary use approval;

(B) Adequate provisions have been incorporated into the proposal which will ensure that the type of woodwaste brought to the site consists only of materials authorized by this title and does not contain wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, copper-chrome-arsenate, paints or stains; the operator shall be responsible for insuring that such material does not enter the site;

(C) The woodwaste material is being stored in conformance with Snohomish health district regulation, EHD 8-30, "regulations governing solid waste handling", section EHD 8-30-300(3)(c)(i);

(b) A temporary use permit shall be subject to the following minimum performance standards:

(i) All woodwaste and demolition and construction debris shall be stored at or above ground level. Natural or artificially created depressions in the earth shall not be used. All woodwaste material shall be limited to temporary storage at a rate in conformance with the Snohomish health district regulation, EHD 8-30-300(3)(c)(i);

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

(iii) The proposed operation shall be carried out in conformance with all applicable provisions of county code and state law and shall avoid the emission of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water pollution, or other emissions which are unduly or unreasonably offensive or injurious to properties, residents or improvements in the vicinity.

(iv) A type I buffer as described in SCC 18.43.040(1) is required around the perimeter of all storage, recycling, processing, parking and other outside activity areas. When the subject property is zoned LI or HI, this type I buffer shall supersede the LI and HI buffer requirements described in the landscaping requirements matrix in SCC 18.43.050 for outside storage or waste areas, where the abutting property is designated commercial, or where the abutting property or use is residential.

(v) Woodwaste and recycled material placed in a pile shall be stored in piles no more than 30 feet high and not more than one-half acre in size. Piles shall be separated by a fire lane with a minimum width of 40 feet.

(vi) The combined total storage area for woodwaste and recycled materials shall not exceed two acres.

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

(viii) Outside storage, recycling and processing activity areas, parking areas and other outside activity areas shall be setback at least 20 feet from adjacent properties; PROVIDED, That where such activities are adjacent to properties containing an existing residential use, properties where the existing zoning is categorized as residential, multiple family or rural, or adjacent to any stream or wetland designated by Snohomish county, the minimum setback shall be 100 feet; PROVIDED FURTHER, That where such activities are fully enclosed within a structure, the minimum setback may be reduced to 50 feet depending on the sensitivity of the resource. The character of the minimum setback area shall be determined by the planning and development services director in accordance with adopted county regulations, plans and policies.

(68) Home occupations may be conducted in an accessory building and/or an attached garage in accordance with the following:

(a) The provisions of 18.32.040(B)(11)(a), (c), (d) and (f) shall be met;

(b) A minimum lot size of one acre is required;

(c) The following table identifies the maximum allowable combined accessory building and attached garage area and the minimum required building setback for the garage and/or the accessory building from adjacent residentially zoned properties according to the home occupation lot or parcel size:

	One ac.	Two ac.	Three ac.	Four ac.	Five or more ac.
Area (sq.ft.)	500	600	700	800	900
Setback (ft.)	30	40	50	60	70

(d) The home occupation shall in no way affect the appearance of the accessory building and/or the attached garage as accessory to the residential dwelling;

(e) The home occupation shall be fully enclosed within the accessory building and/or the attached garage including no outside storage of equipment or materials;

(f) The home occupation shall not create a level of noise vibration, smoke, dust, odors, heat, light, or glare beyond that which is acceptable in a residential area;

(g) The following activities, including any similar activities, are prohibited as home occupations: minor or major automobile, truck or heavy equipment fueling, maintenance or repair; autobody work or painting; parking or storage of heavy equipment; and any Group H occupancies as defined in the Uniform Building Code except for woodworking and spray finishing in conjunction with woodworking activities;

(h) The home occupation hours of operation shall be limited to: 8:00 a.m. to 8:00 p.m., Monday through Friday; and 9:00 a.m. to 5:00 p.m., Saturday and Sunday;

(i) A certificate of occupancy shall be obtained from the department of planning and development services prior to commencing the home occupation to ensure building and fire code compliance. The certificate of occupancy shall be subject to an annual inspection and renewal pursuant to SCC 16.04.060.

(69) On-site hazardous waste treatment and storage facilities are allowed only as an incidental use to any use generating hazardous waste which is otherwise allowed, PROVIDED, That such facilities demonstrate compliance with the state siting criteria for dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter amended.

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

(71) Sexually oriented adult entertainment uses must meet the following requirements:\*

(a) Sexually oriented adult entertainment uses are prohibited within the area circumscribed by a circle which has a radius consisting of the following distances from the following specified uses or zones:

(i) Within, or within 1,000 feet from, the following zones which permit residential uses: R-5, RC, RU, RD, SA-1, R-20,000, R-12,500, R-9,600, R-8,400, R-7,200, WFB, T, LDMR, and MR,

(ii) One thousand feet from any public or private school, preschool, or educational institution,

- (iii) One thousand feet from any church or other religious facility,
- (iv) One thousand feet from any public or private park,
- (v) One thousand feet from any youth-oriented facility.

(b) The distances specified in this section shall be measured horizontally by following a straight line from the nearest point of the building in which the proposed sexually oriented adult entertainment use is to be located, to the nearest point of the parcel of property which contains a use from which the proposed adult entertainment use is to be separated, and to the nearest point of a zone listed in subsection (a)(i).

(c) Violation of the use provisions of this section is:

(i) Declared to be a public nuisance per se, which may be abated by the county by way of civil abatement procedures only, and not by criminal prosecution; or

(ii) Subject to enforcement in accordance with the provisions of SCC Title 28 but shall not be subject to SCC 28.08.080.

(d) Nothing in this section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any Snohomish county ordinance or statute of the state of Washington regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

(72) Special building height provisions for this use are contained in SCC 18.42.030(4).

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

(74) Equestrian centers are allowed with a conditional use permit on all lands zoned A-10 except in that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated density fringe as described in chapter 27.36 SCC.

(75) Mini-equestrian centers are allowed as a permitted use on all lands zoned A-10 except in that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated density fringe as described in chapter 27.36 SCC.

(76) Equestrian centers and mini-equestrian centers require the following:

(a) Ten acre minimum site size for an equestrian center.  
(b) Five acre minimum site size for a mini-equestrian center.  
(c) Covered riding arenas shall not exceed 15,000 square feet for a mini-equestrian center, provided that stabling areas, whether attached or detached, shall not be included in this calculation.

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

(e) On sites located in RC, ((RR)) and R-5 zones, a type I or II buffer as described in chapter 18.43.040 SCC is required to screen any outside storage, including animal waste storage, and parking areas from adjacent properties.

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

(g) Outside storage, including animal waste storage, and parking areas shall be set back at least 30 feet from any adjacent property line. All structures shall be set back as required in chapter 18.42.100(16) SCC.

(h) Dust emissions shall be controlled by an approved dust suppression plan.

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

(77) Temporary Residential Sales Coach (TRSC):

(a) The commercial coach shall be installed in accordance with all applicable provisions within chapter 17.28 SCC.

(b) The TRSC shall be set back a minimum of 20 feet from all existing and proposed road rights-of-way and 5 feet from proposed and existing property lines.

(c) Vehicular access to the temporary residential sales coach shall be approved by the county or state.

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

(i) plat construction plans have been approved,

(ii) the fire marshal has approved the TRSC proposal,

(iii) proposed lot lines for the subject lot are marked on-site, and

(iv) the site has been inspected for TRSC installation to verify

compliance with all applicable regulations and plat conditions, and to assure that grading, drainage, utilities infrastructure and native growth protection areas are not adversely affected.

(XX) Golf Course and Driving Range: In the A-10 zone, artificial lighting of the golf course or driving range shall not be allowed. Grading shall be limited in order to preserve prime agricultural soils. At least 75% of prime agricultural soils on-site shall remain undisturbed.

(YY) Model Hobby Park:

(a) An application for a model hobby park shall include the following:

(i) A plan for the model hobby park showing the location of all property lines, ground circulation and parking areas, runways, tracks, pits, overflight areas and other improved or active use areas. The plan shall also depict a non-use area at least 100 feet wide adjacent to and beyond all active use areas, including overflight areas.

(ii) Operational information which demonstrates that the model hobby park will be operated in conformance with all applicable provisions of county code and state law and shall avoid impacts which are unduly or unreasonably offensive or injurious to properties, residents or improvements in the vicinity.

(iii) Documentation that the improved or active use areas and the overflight areas, if any, are authorized for such use, if not fully under the ownership of the applicant.

(b) Runway, track, and pit surfaces shall be limited to natural grass or removable composite matting in the A-10 zone.

(c) Maximum allowable runway size shall be 600 feet by 100 feet, not including buffer overrun areas.

(d) The improved area, including parking, pit, track and runway areas but excluding any overflight area, shall be limited to five acres. In the A-10 zone, parking stalls and aisles shall not be paved.

(e) Minimum size of the site, including any overflight area, shall be 20 acres.

(f) Any site improvements and structures in addition to the runways, tracks and pits shall be incidental to the use of the site as a model hobby park.

(g) Operation of models shall be prohibited within identified non-use areas.

(h) In the A-10 zone, grading shall be limited in order to preserve prime agricultural soils. At least 75% of prime agricultural soils on-site shall remain undisturbed.

(i) A model hobby park permit application shall be processed in accordance with the provisions of SCC 18.72.155.

(ZZ) Commercial retail uses are not allowed in the Light Industrial and Industrial Park zones when said zones are located in the Maltby UGA of the comprehensive plan, and where such properties are, or can be served by railway spur lines.

**Section 9.** Snohomish County Code Section 18.42.020(A), last amended by Ordinance Number 95-059 on August 16, 1995, is **AMENDED** to read:

18.42.020 Bulk matrix.

(A) The bulk matrix contains setback, lot coverage, building height and lot dimension regulations for zones in unincorporated Snohomish County. Following is a listing of abbreviations used on the bulk matrix and their meaning:

- (1) sf - square feet;
- (2) ft - feet; and
- (3) r/w - right-of-way.

Reference notes to the bulk matrix are found in SCC 18.42.020(B). Special setbacks for specific uses are contained in SCC 18.42.100(B).

Zone	Lot Dimension (ft)				Setback Requirements From: (ft)					Maximum Lot Coverage (8)		
	Max Bldg Hgt (ft)	Minimum Lot Area	Min Lot Width	Min Corner Lot Width	Public Right of Way under 60' (10)	Public and Private Right of Way (9)	Commercially Zoned Properties (11)	Residentially Zoned Properties (11)	Resource Lands			
									Ag		Forest	Water Bodies # (12)
F	45 (6)	20 ac (3)	300	300	100 (13)	100 (13)	100 (13)	100 (13)	50 (aa)	100 (bb)	25 (13)	35%
F&R	25 (7)	200,000 sf (2)(cc)	100	100	50	20	5	5	50 (aa)	100 (bb)	25	35%
A-10	45	10 ac	none	none	50	20	5	5	50 (aa)	100 (bb)	25	none
R - 5	45 (ee)	200,000 sf (2)(cc)(ee)	165 (ee)	165 (ee)	50	20	5	5	50 (aa)	100 (bb)	25	35%
RC	35 (ee)	100,000 sf (cc)(ee)	165 (ee)	165 (ee)	50	20	5	5	50 (aa)	100 (bb)	25	35%
((RR))	((35))	((100,000-sf (10))	((165 (10))	((165 (10))	((50))	((20))	((5))	((5))			((25))	((35%))
RD	45	100,000 (cc)	165	165	50	20	5	5	50 (aa)	100 (bb)	25	35%
SA - 1	35	1 ac / 43,560 sf (cc)	150	150	50	20	5	5	50 (aa)	100 (bb)	25	35%
RU	35	see 18.42.150	60	65	50	20	5	5	50 (aa)	100 (bb)	25	35%
R-20,000	25	20,000 sf	85	90	50	20	5	5	50 (aa)	100 (bb)	25	35%
R-12,500	25	12,500 sf	75	80	50	20	5	5	50 (aa)	100 (bb)	25	35%
R - 9,600	25	9,600 sf (dd)	70	75	50	20	5	5	50 (aa)	100 (bb)	25	35%
R - 8,400	25	8,400 sf (dd)	65	70	50	20	5	5	50 (aa)	100 (bb)	25	35%
R - 7,200	25	7,200 sf (dd)	60	65	50	20	5	5	50 (aa)	100 (bb)	25	35%
WFB	25	7,200 sf (dd)	60	65	50	20	5	5	50 (aa)	100 (bb)	25	35%
T	see 18.53	see 18.53	see 18.53	see 18.53	50 (14)	20 (14)	5 (14)	5 (14)			25 (14)	see 18.53
LDMR	35	7,200 sf (4)	60	70	55 (15)	25 (15)	see 18.42.020 (E) (15)	see 18.42.020 (E) (15)			25 (15)	30%
MR	35	7,200 sf (5)	60	70	55 (15)	25 (15)	see 18.42.020 (E) (15)	see 18.42.020 (E) (15)			25 (15)	40%
FS	35	none	none	none	55	25	5/15 (16)	25			none	none
NB (1)	25	none	none	none	55	25	none	10			none	35%
PCB (1)	40	none ((20))(19)	none	none	70	40 (18)	none	25			none	none
CB (1)	35	none	none	none	55	25	none	10			none	50%
GC (1)	45	none	none	none	55	25	none	10			none	50%
IP	65	none	none	none	30 (17)	30 (17)	none (17)	25 (17)			none	50%
BP	50	none ((20))(19)	none	none	30	30	none	25			none	35%
LI	50	none	none	none	55	25	none	50			none	none
HI	65	none	none	none	55	25	none	50			none	none

# Greater setbacks than those listed may apply to areas subject to Shoreline Management Master Program jurisdiction.

Some uses have special setbacks. See 18.42.100 for specifics.



(B) Reference notes for bulk matrix.

(1) LDMM standards shall apply for all residential development permitted in commercial zones, except that MR standards shall apply for all residential development permitted in commercial zones located in the Paine Field, Alderwood, Southwest County and Marysville comprehensive plan subareas.

(2) When subdivisionally described, the minimum lot size shall be 1/128th of a section.

(3) When subdivisionally described, the minimum lot size in the F zone shall be 1/32nd of a section.

(4) In the LDMM zone, the maximum density shall be calculated based on 4,000 square feet of land per dwelling unit. In a PRD (LDMM), density shall be calculated based on 3,400 square feet per dwelling unit.

(5) In the MR zone, the maximum density shall be calculated based on 2,000 square feet of land per dwelling unit. In a PRD (MR), density shall be calculated based on 1,700 square feet per dwelling unit.

(6) Commercial forestry structures shall not exceed 65 feet in height.

(7) Non-residential structures shall not exceed 45 feet in height.

(8) Lot coverage includes all buildings on the given lot.

(9) Includes public rights-of-way 60 feet and wider; public rights-of-way under 60 feet in a recorded plat with curbs and gutters; and private roads and easements. These setbacks shall be measured from the edge of the right-of-way.

(10) Applies to public right-of-way under 60 feet. These setbacks shall be measured from the center of the right-of-way.

(11) These setbacks shall be measured from the property line. Buildings located within 20 feet of a property line may be required to have walls of fire resistive construction dependent upon building use, size and construction type as set out in the Uniform Building Code.

(12) These setbacks shall be measured from the ordinary highwater mark and shall apply only to the rear setback. In the "LDMM" and "MR" zones this setback applies to single-family dwellings only.

(13) The listed setbacks apply where the adjacent property is zoned F. In all other cases, setbacks are the same as in the R-8400 zone. In the F zone, the setbacks for residential structures on 10 acres or less which were legally created prior to being zoned to F shall be the same as in the R-8400 zone.

(14) The listed setbacks apply to single-family detached structures. For townhouse, see chapter 18.53 SCC.

(15) MR and LDMM Setbacks.

(a) Single-family detached structures shall have the minimum setbacks required in the R-8400 zone.

(b) Other structures shall have a minimum rear setback of 25 feet and a minimum total side setback of 15 feet, with a minimum single side setback of five feet. Building separation shall be a minimum of 15 feet.

(c) Multi-story structures over two stories shall increase setbacks for each additional story as follows:

- (i) front - three feet
- (ii) rear - three feet
- (iii) side - five feet total with minimum side increased by three feet
- (iv) building separation - five feet

(16) In the FS zone, the setback from non-residential property shall be five feet for side setbacks and 15 feet for rear setbacks.

(17) In the IP zone there shall be an additional one foot setback for every one foot of building height over 45 feet.

(18) In the PCB zone the setback from private roads and easements is 25 feet.

~~((19) Rural reserve subdivisions shall maintain the following minimum standards in compliance with SCC 18.42.160:~~

~~(a) Minimum lot area may be reduced PROVIDED, That the Snohomish health district approves the reduced lot area, and in no case shall the reduced lot area be less than 12,500 square feet;~~

~~(b) Minimum lot width may be reduced, to not less than 75 feet for interior lots or 80 feet if a corner lot.)~~

~~((20))~~(19) See SCC 18.60.020(1) and (2) which specifies the minimum area of a tract of land necessary for PCB or BP zoning.

~~((21) Deleted by Ordinance 94-099.)~~

(aa) See additional setback provisions for dwellings located along the boundaries of designated farmlands contained in SCC 32.14.050.

(bb) See additional setback provisions for structures located adjacent to forest lands, and/or on lands designated local forest or commercial forest contained in SCC 32.13.030 and SCC 32.13.040.

(cc) The minimum lot size for properties designated Rural Residential (RR)-10 (Resource Transition) on the comprehensive plan shall be 10 acres. Lot/unit yield for rural cluster subdivisions or housing demonstration program projects using PRD provisions shall be based on a minimum lot size of 200,000 square feet.

(dd) Minimum lot area requirements may be modified within UGAs in accordance with SCC 18.42.085.

(ee) In rural cluster subdivisions approved in accordance with the provisions of Chapter 32.30 SCC, the minimum lot area shall be as provided in SCC 18.42.075. The maximum lot area shall not exceed 20,000 square feet when located in rural/urban transition areas.

*(Permanent footnote numbers have not been assigned to proposed footnotes in the ordinance. Temporary letters are used until approved ordinance text is codified.)*

**Section 10.** A **NEW** section is added to chapter 18.42 SCC of Snohomish County Code to read:

18.42.085 Minimum net density for residential development in UGAs.

(1) A minimum density of 4 dwelling units per net acre shall be required in all UGAs, with the exception of the UGAs of Darrington, Gold Bar and Index for:

and (a) New subdivisions, short subdivisions, PRDs, and mobile home parks;

(b) New residential development in the LDMR, MR and Townhouse zones

(2) Minimum net density is the density of development excluding roads, critical areas and required buffers, drainage detention/retention areas, biofiltration swales, and areas required for public use.

(3) For purposes of calculating the minimum unit or lot yield the number of dwelling units or lots shall be determined by rounding up to the next whole unit or lot when a fraction of a unit or lot is 0.5 or greater.

(4) For new subdivisions and short subdivisions, the minimum lot size of the underlying zone may be reduced as necessary to allow a lot yield that meets the minimum density requirement; Provided that, no lot shall be smaller than 6,000 square feet, except as otherwise allowed by this Title.

Except that, where the lot yield necessary to meet the minimum net density requirements of this section is greater than the lot yield as determined by the SCC 18.46.030(2) for any subdivision or short subdivision, the lesser lot yield of SCC 18.46.030 (2) and resulting density shall be used and deemed to satisfy the minimum net density provisions of this section.

**Section 11.** Snohomish County Code Section 18.42.150 adopted by Ordinance No. 87-010 on March 4, 1987, is **AMENDED** to read:

18.42.150 Minimum lot area - Rural use zone.

<del>Comprehensive Plan</del>	<del>Subarea Land Use Designations</del>	<del>Minimum Lot Size (square feet)</del>
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<del>All Planning Areas</del>	<del>Agriculture or Wetlands when subd. desc.</del>	<del>435,600 or 1/64 of a sec.</del>
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<del>Forestry</del>	<del>20 acres or 1/32 of a sec. when subd. desc.</del>	
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<del>Alderwood</del>	<del>Urban or High Urban</del>	<del>7200</del>
	<del>Suburban</del>	<del>9600</del>
	<del>Residential Estate</del>	<del>20,000</del>
	<del>Rural Conservation</del>	<del>100,000</del>

<del>Granite Falls</del>	<del>Rural Reserve</del>	<del>100,000</del>
<del>Southwest</del>	<del>Multi-family</del>	<del>7200</del>

Snohomish	High or Medium Density	7200
County	Low Density	12,500
Northwest	High Density	7200
County	Low Density	9600
	Suburban Agriculture	20,000
	Private Open Space	100,000
	Urban	7,200
	Suburban	9,600
	Residential Estate	20,000
	Rural	100,000
	Secondary Agriculture	5 acre or 1/128
		of a sec. when
		subd. desc.
Cathcart-Maltby		
Glearview	Residential Estate	43,560
	Rural	100,000
Skykomish	Urban	7200
Valley-Suburban		9600
	Residential Estate	20,000
	Rural	100,000))

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

**Section 12.** Snohomish County Code Section 18.42.160, adopted by Ordinance Number 87-007 on March 4, 1987, is **REPEALED**.

**Section 13.** Snohomish County Code Section 18.44.020, last amended by Ordinance Number 88-022 on April 27, 1988, is **AMENDED** to read:

18.44.020 Residential zone requirements

(1) A residence may display one unlighted single or double-faced sign, not to exceed two square feet in area per face, containing the name of the occupant; and

(2) A residence may display:

(a) One sign not exceeding 12 square feet in area per side for identification of the premises or advertising products sold thereon, in the SA-1, RC, ((RR)) and A-10 zones. Such signs shall not be located in any required setback.

(b) In the RD zone, such signs as described in subsection (a) above, are allowed with a maximum size of 30 square feet per face. Such signs shall not be located in any required setback.

(c) Notwithstanding the provisions of subsections (a) and (b) above, signs for home occupations located in the referenced zones shall comply with the provisions of SCC 18.32.040(b)(11).

**Section 14.** Snohomish County Code Section 18.44.070, last amended by Ordinance Number 95-060 on August 16, 1995, is **AMENDED** to read:

**18.44.070 Signs for particular uses.**

Signs are allowed in conjunction with the following uses wherever such uses are permitted, subject to the stated conditions:

(1) The planning and development services department may approve on-site signs for identifying residential subdivisions provided the following criteria are met:

(a) The subdivision identification sign message does not exceed six feet in height from adjacent finished grade nor have a surface area greater than 40 square feet. Surface area is measured as the smallest rectangle or circle that encloses the total message;

(b) There are a maximum of two such identification signs for each road entrance to the subdivision;

(c) Signs are located so they permit an unobstructed sight distance along road rights-of-way in accordance with the Engineering Design and Development Standards adopted under Chapter 13.05 SCC;

(d) SCC 18.42.090(3) provisions are met; and

(e) Signs are stationary and if illuminated, are to be lit with indirect lighting. Lighting which is flashing, blinking or of variable intensity is prohibited;

(2) The hearing examiner may approve on-site subdivision identification signs in conjunction with preliminary plat approval. The hearing examiner may approve signs that do not meet the criteria in SCC 18.44.070(1) only when such sign(s) are compatible with the immediate neighborhood and surrounding property values are not adversely affected. New subdivisions are allowed off-site advertising signs as allowed by the hearing examiner;

(3) Schools, churches, community clubs and public structures/buildings, may display two single or double faced signs for identification purposes which do not exceed 20 square feet of surface area per face. The total signage on-site may not exceed 60 square feet of surface area. Freestanding signs may not be more than eight feet in height and are to be stationary. Lighting which is flashing, blinking or of variable intensity is prohibited. A portion of the identification sign allotment may be used for activity reader boards. Reader boards shall not result in glare when viewed from surrounding properties or road rights-of-way. In no case shall a reader board or illuminated identification sign be located within 50 feet of an adjacent residential property;

(4) A bed and breakfast sign may be allowed in conjunction with a conditional use permit if the sign is stationary and if illuminated, is lit with indirect lighting. Lighting which is flashing, blinking or of variable intensity is prohibited.

(a) In the MR, LDMR, R-20,000, R-12,500, R-9,600, R-8,400, and R-7,200 zones, the sign shall be a single face sign with dimensions not exceeding four square feet in area.

(b) In the F&R, A-10, R-5, RC, ((RR)), RD, and SA-1 zones, the sign may be single or double-faced with dimensions not exceeding 15 square feet per face; PROVIDED, That the applicant shall submit, as part of the application for a conditional use permit, sign designs and elevations that document a common architectural breakfast guesthouse or inn and are compatible with the surrounding rural character and neighborhood in which the guesthouse or inn is located.

**Section 15.** Snohomish County Code Section 18.46.030 adopted by Ordinance No. 95-004, on February 15, 1995, is **AMENDED** to read:

18.46.030 Subdivision regulations.

In addition to the requirements of Titles 19 and 20 SCC, the following procedures and regulations shall apply to all subdivision and short subdivision activity, except that the provisions of SCC 18.46.030(2) shall not apply to rural cluster subdivisions proposed pursuant to Chapter 32.30 SCC.

(1) Determination of Slope. The subdivider shall determine land slope and assess the applicability of this chapter. This information shall be provided to the department of planning and development services along with the completed application. The planning and development services director may call for engineering or other technical justification for any development in sloped areas if he or she determines that public health, safety, welfare or environment may be jeopardized by such development. The imposition of such requirements may be appealed as an administrative determination under chapter 18.72 SCC.

The subdivider may use either or both of the following methods to determine land slope except that all subdivisions under Title 19 SCC require use of method (b):

(a) Inquire at the department of planning and development services for pre-existing slope information. Available information may be adequate for slope assessment in certain situations, and

(b) Obtain a topographic survey from a registered professional engineer or land surveyor which defines the slope of the property to a recognized and acceptable mapping standard. In all areas proposed for roads or dwellings, elevations of 90 percent of the area shall be within three feet of the actual ground elevations;

(2) Determination of Potential Maximum Dwelling Unit Density. The subdivider shall determine maximum potential lot yield from Table 1.

**Table 1**

**Residential Density Guide for Sloping Land**

Potential Yield dwelling units/gross acre

Zoning	Slopes			
	<del>1((6))5 -</del> 20%	21-25%	26-3((5))3%	3((6))4%
Rural Conservation/ <del>((Rural Diversification))</del>	.5	.5	.5	.25
SA 1-Acre	1.0	1.0	1.0	.25
RR 20,000	1.8	1.8	1.8	.25
RR 12,500	2.8	2.8	1.8	.25
RR 9,600	4.0	2.8	1.8	.25
RR 8,400	4.0	2.8	1.8	.25
RR 7,200/WFB	4.0	2.8	1.8	.25

~~((a) For land areas less than 15 percent natural slope maximum unit yield shall be determined by dividing the net development area (gross site area minus unbuildable and circulation areas) by the minimum lot size of the zone.~~

~~(b) In areas zoned Rural Use, the potential lot yield in the category 0-15% slope will be based on the maximum density designated by the applicable comprehensive plan.)~~

~~(c)) Slope shall be defined as the ratio of vertical rise over horizontal run, expressed as a percentage (also known as the tangent of the slope angle), i.e., 25 percent (14 degrees) equals 25 feet vertical distance (rise) for each 100 feet of horizontal distance (run) or 100-foot rise over 100-foot run equals 100 percent slope or 45 degrees.~~

For land areas greater than 16 percent natural slope, maximum unit yield shall be determined by multiplying the gross site area by the appropriate density factors found in Table 1.

For the purpose of this table, continuous slopes with a horizontal run of less than 50 feet shall be considered level when 35 percent (19.3 degrees) or less.

~~((3) Determination of Minimum Lot Size. The subdivider shall determine minimum lot size by either of the following methods:~~

~~(a) Table Method: Minimum lot size under this method is as shown on Table 2.~~

**Table 2  
Minimum Lot Size**

Minimum Lot Size	Slopes				
	0-15%	16-20%	21-25%	26-35%	36%+

Underlying

Zone, or: ~~6,000sf\* 8,400sf 20,000sf\* 43,560sf\* 100,000sf~~  
(whichever is greater)

~~\* May be achieved only with lot size averaging pursuant to SCC 18.42.070.~~

~~(b) Professional Planning Method: As an alternative to the table method described above, a subdivider may utilize the services of licensed professionals who are experienced in land planning and engineering to determine potential minimum lot size. If this alternative is selected, the following requirements shall apply:~~

~~To support the requested lot size, the professional shall submit a report as set forth below which indicates that the proposed earthwork for the road and dwelling sites may be safely constructed and that each lot has sufficient area to provide a location for the dwelling together with associated space for parking, yards and utilities. If, upon review of said engineering evidence and other relevant factors, the planning director is satisfied that the public health and safety can be maintained, he or she shall allow smaller lots than those set forth in the table in certain steep slope situations. The report shall generally address the following:~~

~~The report shall generally address the following:~~

- ~~(i) surveyed cross sections of the property,~~
- ~~(ii) grading and structure siting plans,~~
- ~~(iii) clearing and landscaping plans,~~
- ~~(iv) a description of groundwater levels throughout the area affected by grading for both summer and winter conditions,~~
- ~~(v) an evaluation of changes in groundwater conditions that would result from the project and the resulting effects, if any,~~
- ~~(vi) a description of on-site and off-site storm water drainage, and recommendations for carrying the drainage to an established system,~~
- ~~(vii) the depth of weathered or loosened soils on the site and the nature of the weathered and underlying basement soils,~~
- ~~(viii) an evaluation of slope stability before, during and after construction,~~
- ~~(ix) an evaluation of the effect of the project on surrounding properties including any limitations on subsequent development or grading on adjacent properties,~~
- ~~(x) recommendations for site preparation, excavation procedures, fill placement and landscaping, and~~
- ~~(xi) recommendations for foundation support and later retention of earth;~~

~~(4) Notwithstanding the provisions of (2) and (3) above, a soils report prepared by a professional engineer experienced in soil mechanics shall be required whenever any grading or construction is proposed on slopes 50 percent (2:1) or steeper. The soils report shall report the on-site conditions encountered and provide an evaluation of slope stability before, during and after construction.~~

~~The soils report may set forth conditions relating to the design and/or construction of the development which, unless otherwise waived by the county, shall be followed in the design and construction of the project.))~~



**Section 16.** Snohomish County Code Section 18.51.010 adopted by Ordinance No. 95-061, on August 16, 1995, is **AMENDED** to read:

**18.51.010 Purpose.**

The purposes of this chapter are to:

- (1) Provide an alternative form of development within urban growth areas (UGAs) to traditional lot-by-lot subdivision by allowing flexibility and creativity in site layout and design and which will protect critical areas through the use of open space;
- (2) Provide for small and large scale developments incorporating a single housing type or a variety of housing types and related uses, that are planned and developed as a unit;
- (3) Promote the efficient use of land by allowing a flexible arrangement of buildings and lots, circulation systems, land uses, and utilities;
- (4) Promote the combination and coordination of architectural styles, building forms, and building relationships within a development;
- (5) Preserve the value, character, and integrity of surrounding areas which have been, or, are being development under traditional zoning regulations;
- (6) Provide the opportunity for affordable housing to meet the needs of a wide range of income and age groups;
- (7) Encourage the preservation of existing natural site amenities such as trees, topography, and geologic features; and
- (8) Create permanent, useable and commonly owned open space for both active and passive recreation to serve the development.

**Section 17.** Snohomish County Code Section 18.51.020 adopted by Ordinance No. 95-061, on August 16, 1995, is **AMENDED** to read:

**18.51.020 Permissible zones.**

The planned residential development (PRD) designation shall be utilized as an overlay on residential zones within UGAs. PRDs shall be denoted as follows: PRD (9600), PRD (MR), etc. The PRD overlay may be applied only to the MR, LDMR, R-7200, R-8400, and R-9600 (~~(, R-12,500, R-20,000, SA-1 and WFB)~~) zones. The retirement apartment or retirement housing PRD overlay may be applied only to the MR, LDMR, NB, PCB, CB and GC zones located within UGAs. (~~(-an urban growth area (UGA). PRD's containing multiple family dwellings shall only be allowed within a UGA)~~). Except for the retirement apartment and retirement housing PRDs, the density proposed for the PRD designation shall be consistent with the adopted Snohomish County Growth Management Act Comprehensive Plan. This section shall not be construed to negate SCC 18.51.047.

**Section 18.** A **NEW** Section is added to Chapter 18.51 of the Snohomish County Code to read:

18.51.048. Minimum density requirements.

The total number of dwelling units allowed in a PRD located in a UGA shall be no less than 4 dwelling units per net acre. Net density shall be determined pursuant to the provisions of SCC 18.42.085.

**Section 19.** Snohomish County Code Section 18.53.020 adopted by Ordinance No. 86-037, on May 7, 1986, is **AMENDED** to read:

18.53.020 Permitted density.

Dwelling unit density shall not exceed nine units per net acre. Maximum Net density shall be derived from the calculation of gross site area less ((unbuildable lands as calculated pursuant to chapter 18.46 SCC (Development on Steep Slopes), SCC 18.53.060(1), and county policy relative to easements and wetlands)) critical areas, roads, and areas required for public use.

**Section 20.** Snohomish County Code Section 18.55.010, last amended by Ordinance No. 96-003 on February 21, 1996, is **AMENDED** to read:

18.55.010 Mobile home parks - Establishment.

Where permitted mobile home parks shall meet the following minimum requirements:

(1) Minimum site size shall be five acres and ~~((maximum))~~ density shall be ~~((up to eight))~~ a minimum of 4 dwelling units per net acre pursuant to 18.42.085 SCC and a maximum of 8 dwelling units per gross acre;

(2) Compliance with the standards established herein and issuance of a conditional use permit precludes the necessity to plat within any mobile home park; PROVIDED, that said park remains completely under single ownership; except when the owner(s) choose to divide the mobile home park land pursuant to Title 19A SCC.

(3) Any applicant shall submit, along with the application, plans, drawings and other information sufficient to enable the department of planning and development services to determine whether the mobile home park complies with the performance regulations contained in SCC 18.55.020 of this title. The submittals shall include the following:

(a) Overall site development plan showing location of all mobile home pads, buildings and uses, areas devoted to open space and buffering, ingress and egress points, and internal pedestrian and vehicular circulation. Such plans shall include at least the following:

(i) Project staging and expected completion time,

(ii) Location, width and typical cross-sections of internal circulation

streets,

- (iii) Dimensions and areas of the mobile home park,
- (iv) Location and size of all mobile home pads,
- (v) Location and size of all parking and bulk storage areas,
- (vi) Location and size of open space areas required by SCC

18.55.020(8), and

(vii) Existing and proposed topography at contour intervals of no more than five feet;

(b) Storm drainage study with plans showing existing vegetation, slopes and drainage conditions, as well as proposed alterations and drainage control devices,

(c) General landscape plans showing location of buffer strips, open spaces, existing trees and plant materials to be preserved, proposed interior major tree plantings, berms, and other landscape features. Detailed landscape plans must be submitted to, and approved by, the department of planning and development services prior to initial site work, and

(d) Other maps, plans or documentation as deemed necessary by the hearing examiner in order to effectively evaluate the impact of the proposal;

(4) The site plan, as approved by the hearing examiner, shall become the official site plan of the mobile home park. In order to insure development as per the approved plan, one or more of the following may be required by the hearing examiner:

(a) A performance bond or other security acceptable to the hearing examiner, sufficient to cover the estimated cost of required improvements,

(b) Construction or development of all, or a portion of, the improvements shown on the official site plan prior to occupancy; PROVIDED, That any improvements for which a bond is established, as provided for in subsection (1) above, shall not also be subject to this subsection.

A maintenance bond or other security acceptable to the hearing examiner and securing to the county the successful operation of required improvements for an appropriate period of time up to two years from construction and installation shall be required upon completion of said improvements to the satisfaction of the hearing examiner;

(5) Plans which are approved by the hearing examiner may, upon request of the property owner, be amended by the department of planning and development services as an administrative act. This authority shall be limited to amendments of a minor nature which cause no increase in intensity of use and which do not reduce performance standards below those set forth when approved and which do not increase the detrimental impact of the park on adjoining properties, and which do not substantially alter the design of the official site plan. The department of planning and development services shall make a record of any such requested amendment, its action thereupon, and the findings it determines to be controlling on its action; all such records and findings shall become a part of the permanent file of the subject mobile home park. No changes in points of vehicular access to the property shall be approved without written concurrence from the director of public works. Disagreements over amendments may be appealed by an aggrieved party to the hearing examiner. Requested amendments, which are deemed by the department of planning and development services to exceed the authority granted by this paragraph, shall be submitted to the

hearing examiner for consideration in the manner provided in chapter 18.72 SCC for the issuance of a conditional use permit; and

(6) In the event construction has not commenced within 18 months after the date of approval by the hearing examiner, the hearing examiner shall hold a public hearing conducted pursuant to chapter 2.02 SCC to determine whether the mobile home park permit shall be revoked or whether the site plan should be modified or continued as approved. For the purpose of this section, construction shall mean actual construction begun on some permanent structure, utility, or facility on the site. Notice of said hearing shall be provided in accordance with the notice requirements described in 32.50.060(4). At a minimum, notice shall contain information pursuant to the provisions of 32.50.060(3)(b), (c), (d) and (h). The decision of the hearing examiner shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be appealed to the county council pursuant to chapter 2.02 SCC.

**Section 21.** Snohomish County Code Section 18.60.030 adopted by Ordinance No. 96-003, on February 21, 1996 is **AMENDED** to read:

18.60.030 Rezone procedures.

(1) General Procedures. The PCB, BP, and IP zones require a two-step approval process:

(a) The preliminary plan and rezone application are considered together through the normal rezone process, and

(b) A final plan is reviewed administratively after the rezone has been approved. No development permits shall be issued until a final plan has been approved in accordance with the provisions of this chapter;

(2) Alternative Procedure - Concurrent Rezone, Preliminary Plat, and Final Plan. Concurrent applications for rezone, preliminary plat, and final plans may be made, PROVIDED That all items required by SCC 18.60.040 and SCC 18.60.050 are submitted for the entirety of the rezone site at the time application is made. The rezone application, preliminary plat, and final plans shall be processed as a master application in accordance with the procedures set forth in SCC 2.02.120;

(3) County Initiated Rezone Alternative Procedure for BP, IP and PCB. When recommended by the county comprehensive plan, Snohomish county may initiate rezoning to BP, IP and PCB as part of the comprehensive plan implementation process. When this alternative is exercised, the provisions of SCC 18.60.020(1), (2), (3) and (4) shall be waived, this includes that portion of SCC 18.42.020 that establishes minimum lot size for BP and PCB. Prior to development of the BP, IP, or PCB site, the developer shall submit a preliminary development plan and fees as required by SCC 18.73.120 for hearing examiner review and approval. Prior to the approval of a preliminary development plan the hearing examiner shall hold a public hearing conducted pursuant to chapter 2.02 SCC. Notice of said hearing shall be provided in accordance with the notice requirements described in SCC 32.50.060(4). At a minimum, notice shall contain information pursuant to the provisions of SCC 32.50.060(3)(b) through (e) and (h).

~~(4) County Initiated Rezone Alternative Procedure for IP. When recommended by the county comprehensive plan, Snohomish county may initiate rezoning to IP as part of the comprehensive plan implementation process. When this alternative is exercised, the provisions of SCC 18.60.020 (1), (2), (3) and (4) shall be waived. Prior to development of the IP site, the developer shall submit a preliminary development plan and fees as required by SCC 18.73.120 for hearing examiner review and approval. Prior to the approval of a preliminary development plan the hearing examiner shall hold a public hearing conducted pursuant to chapter 2.02 SCC. Notice of said hearing shall be provided in accordance with the notice requirements described in 32.50.060(4). At a minimum, notice shall contain information pursuant to the provisions of 32.50.060(3)(b) through (e) and (h).~~

**Section 22.** Snohomish County Code Section 18.60.110 adopted by Ordinance No. 95-063 on August 9, 1995 is amended to read:

18.60.110 General landscaping and open space requirements.

These requirements are in addition to those contained in SCC 18.43.050.

(1) Landscaping for parking areas shall conform to the requirements of SCC 18.43.060;

(2) Landscaping materials and the maintenance thereof shall conform to and be installed in accordance with the official site plan. Landscaping shall be installed prior to building occupancy; PROVIDED, That the department of planning and development services may authorize up to a 60-day delay where planting season conflicts would produce a high probability of plant loss;

(3) The hearing examiner may require landscaping in combination with berms for noise screening;

(4) Where a site has substantial numbers of evergreen trees, site development shall be sensitive to the preservation of such vegetation;

(5) Except where specifically prohibited by the hearing examiner, the department of planning and development services, concurrently with action on the final BP or IP plan, may waive or modify landscaping requirements abutting residential zones and between rights-of-way or private access roads and buildings and parking areas where abutting residential uses will not be adversely affected, and where existing physical improvements, physiographic features or imminent changes in abutting land uses will render full compliance with said requirements ineffective. If said requirements are waived, or width of the buffer reduced, the department shall establish the minimum side and rear yard building setbacks from residentially designated property;

(6) Areas zoned PCB shall include a minimum of 15 percent of the site area for common open space. Open space shall not include areas devoted to buildings, parking or vehicular access;

(7) Areas zoned BP, in addition to required landscaping, a minimum of 10 percent of the balance of the site shall be landscaped. Landscaping required by SCC 18.43.060 may serve to fulfill a portion of this requirement.

(8) Any IP zone proposed in the adopted Maltby UGA shall provide a 50 foot wide landscaped buffer along the external boundary of the IP zone where it abuts the UGA boundary. The buffer shall be an undeveloped area and consist of a visual screen comprised of dense planting, decorative walls, landscaped berming and/or other buffering techniques.

**Section 23.** Snohomish County Code Section 18.72.140 adopted by Ordinance No. 95-100, on December 6, 1995 is **AMENDED** to read:

18.72.140 Filing fees.

The filing fees for requests/actions covered by this chapter shall be as follows:

- (1) Variance: \$1,000
  - (a) Except that a request for a single revision to a dimensional requirement related to a single family residence shall be: \$500.00
  - (b) Request for time extension: \$100.00
  - (c) Request for minor revision under SCC 18.72.192: \$200.00
  - (d) Request for major revision under SCC 18.72.192: \$800.00
- (2) Special use permit: \$1,000, plus a per-acre fee of \$50.00, limited to a maximum fee of \$3,000
  - (a) Request for time extension: \$100.00
  - (b) Request for minor revision under SCC 18.72.192: \$200.00
  - (c) Request for major revision under SCC 18.72.192: \$800.00
- (3) Conditional use permit: \$2,100
  - (a) Landfill: \$1,800, plus a per-acre fee of \$50.00, limited to a maximum fee of \$4,000
  - (b) Mineral extraction/processing: \$1,800, plus a per-acre fee of \$100.00, limited to a maximum fee of \$6,000
  - (c) Sanitary landfill: \$1,800, plus a per-acre fee of \$100.00, limited a maximum fee of \$6,000
  - (d) Modification to site plan:
    - Minor revision under SCC 18.72.192: \$200.00
    - Major revision under SCC 18.72.192: \$800.00
- (4) Temporary use permit: \$150.00
  - (a) Temporary woodwaste recycling and temporary woodwaste storage: \$500.00
  - (b) Annual renewal: \$40.00
- (5) Accessory apartment (attached or detached) permit: \$150.00
- (6) Model hobby park permit: \$150.00
- (7) Pre-application conference fee: \$400.00

~~((7))~~(8) When an applicant chooses to utilize the pre-application process, the pre-application conference fee shall be credited toward the application fee upon submittal of said application if received within twelve months from the date of the pre-application conference.

**Section 24.** Snohomish County Code Section 18.72.155 adopted by Ordinance No. 96-003, on February 21, 1996 is **AMENDED** to read:

18.72.155 Permit processing and notice - Attached and detached accessory apartments, model hobby parks and temporary dwellings or temporary emergency uses.

(1) Applications for an accessory apartment (attached or detached) permit, for a model hobby park permit, for a temporary permit for emergency uses or structures, for a temporary woodwaste recycling and temporary woodwaste storage permit, and for a temporary dwelling permit for relatives, shall be made in writing to the director of the department of planning and development services.

(2) The director of the department of planning and development services may prescribe the form in which application is made and the type of information to be provided by the applicant in the application. and, for temporary uses, the director may grant those permits which meet the conditions listed in SCC 18.32.040. The director may also impose special conditions to assure compatibility with surrounding properties. Temporary use permits for temporary woodwaste recycling and temporary woodwaste storage are valid for two years from the date of issuance and are eligible for renewal, subject to compliance with all applicable requirements of this title.

(3) Applications for permit types identified in SCC 18.72.155(1) shall:

(a) Provide a posted notice of application. Said notice shall be given within five working days of filing an application, and shall be given pursuant to the provisions of SCC 32.50.060(4)(a), (b), and (c); and

(b) Comply with the consistency determination provisions of SCC 32.50.100.

(4) For temporary uses, the director may grant those permits which meet the conditions listed in SCC 18.32.040 and may also impose special conditions to assure compatibility with surrounding properties. Temporary use permits for temporary woodwaste recycling and temporary woodwaste storage are valid for two years from the date of issuance and are eligible for renewal, subject to compliance with all applicable requirements of this title.

**Section 25.** Snohomish County Code Section 18.72.175 adopted by Ordinance No. 96-003, on February 21, 1996 is **AMENDED** to read:

18.72.175 Notice of decision and appeal process - Attached or detached accessory apartments, model hobby parks, and temporary dwelling or temporary emergency uses.

(1) Notice of the director's decision approving an attached or detached accessory apartment, a model hobby park, or a temporary dwelling or temporary emergency use permitted under the provisions of SCC 18.72.155 shall be provided pursuant to SCC 32.50.130(1);

(2) Appeals of an administrative determination/decision for an attached or detached accessory apartment or a temporary dwelling or temporary emergency use shall be according to the provisions of SCC 18.72.100.

**Section 26.** Snohomish County Code Section 18.72.195 adopted by Ordinance No. 96-003, on February 21, 1996 is **AMENDED** to read:

18.72.195 Continuing jurisdiction - Attached or detached accessory apartments, model hobby parks, and temporary dwelling or temporary emergency uses.

The planning and development services director shall retain continuing jurisdiction over all attached or detached accessory apartments, model hobby parks and temporary dwelling or temporary emergency uses and may, for good cause, modify or revoke any permit issued under the authority of this chapter.

**Section 27.** Snohomish County Code Section 18.90.225, last amended by Ordinance No. 86-037, on May 7, 1986, is **AMENDED** to read:

18.90.225 Comprehensive plan.

"Comprehensive plan" means (~~the policies and proposals approved by the council:~~

~~(1) As a beginning step in planning for the physical development of the county;~~  
~~(2) As the means for coordinating county programs and services;~~  
~~(3) As a source of reference to aid in developing, correlating, and coordinating official regulations and controls; and~~

~~(4) As a means for promoting the general welfare. The plan shall consist of the required elements set forth in RCW 36.70.330 and may also include the optional elements set forth in RCW 36.70.350. The plan shall serve as a policy guide for the subsequent public and private development and official controls so as to present all proposed developments in a balanced and orderly relationship to existing physical features and governmental functions.)~~ a generalized coordinated land use policy statement of Snohomish County adopted pursuant to the Growth Management Act (chapter 36.70A RCW) and includes the General Policy Plan, the Future Land Use Map, detailed Urban Growth Area plans, the Rural/Resource Plan, and several functional plans such as the Capital Plan, the Transportation Element, and the Countywide Comprehensive Park and Recreation Plan.

**Section 28.** A **NEW** Section is added to Chapter 18.90 of Snohomish County Code to read:

18.90.597 Model hobby park.

"Model hobby park" means an area of land or water designated and set aside for the operation and recreational use of model aircraft, boats and automobiles. Model aircraft, boats and automobiles do not include those intended or designed to transport people.



**Section 29.** Snohomish County Code Section 18.90.726, adopted by Ordinance Number 87-007 on March 4, 1987, is **REPEALED**.

**Section 30.** Snohomish County Code Section 18.90.727, adopted by Ordinance Number 87-007 on March 4, 1987, is **REPEALED**.

**Section 31.** A **NEW** section is added to Chapter 18.90 of the Snohomish County Code to read:

18.90.727 Rural/Urban transition area.

"Rural/urban transition area" means the area designated Rural Residential (RR) and Rural Residential-5 (RR-5) by the comprehensive plan, and shown on the Future Land Use Map of the GPP and on the official zoning maps. The purpose of the rural/urban transition area is to reserve a potential supply of land for future incorporation into the UGA.

**Section 32.** A **NEW** section is added to Chapter 18.90 of the Snohomish County Code to read:

18.90.863 Urban growth areas (UGAs).

"Urban growth areas (UGAs)" mean those areas designated by the county after consultation with cities, where urban growth will be encouraged and supported by public facilities and services. The urban growth areas include areas and densities sufficient to permit the urban growth that is projected to occur in the county for a 20 year period. Urban growth refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products or fiber, or the extraction of mineral resources.

**Section 33.** A **NEW** Section is added to Chapter 19.22 of the Snohomish County Code to read:

19.22.050 Minimum net density requirements.

All subdivisions located in an urban growth area of the comprehensive plan shall maintain a minimum density of 4 dwelling units per net acre consistent with the minimum net density provisions of SCC 18.42.085.

**Section 34.** A **NEW** Section is added to Chapter 20.12 of the Snohomish County Code to read:

20.12.060. Minimum net density requirements.

All short subdivisions located in an urban growth area of the comprehensive plan shall maintain a minimum density of 4 dwelling units per net acre consistent with the minimum net density provisions of SCC 18.42.085.

**Section 35.** Snohomish County Code Section 32.30.010 adopted by Ordinance No. 94-099, on November 23, 1994, is **AMENDED** to read:

32.30.010 Purpose.

The purpose of this chapter is to provide an alternative method for developing rural residential property which provides incentives to landowners and developers to cluster newly created lots on the most buildable and least environmentally sensitive portions of sites while retaining a substantial portion of each site, including most resource lands and environmentally sensitive areas, in restricted open space tracts. Specifically, this chapter is designed:

(1) To produce a development pattern in rural areas that is consistent with rural character and to produce a rural development pattern which will be better than traditional lot-by-lot development on either consolidated lots or unsubdivided property in that it allows for variety in design, placement of buildings, use of open space, more efficient use of the most buildable portion of sites, and retention of the environmentally sensitive and scenic portions of sites as permanent open space;

(2) To permit flexibility that will encourage a more creative approach in the development of land in rural areas and will result in a more efficient, aesthetic and environmentally sound use of land, while harmonizing with adjoining development and preserving the county's attractive rural character;

(3) To encourage the development of cluster housing which provides greater compatibility with surrounding development and land uses in rural areas by providing larger buffer areas;

(4) To encourage the retention of more permanently undisturbed open space with its natural vegetative cover which protects continued groundwater recharge and reduces potential water pollution, flooding, erosion and other drainage-related problems often associated with rural development;

(5) To minimize the loss of, or other adverse impacts on, the county's productive agricultural, forestry, mineral and other important resource lands;

(6) To minimize the loss of, or other adverse impacts on, the county's environmentally sensitive streams, shorelines, wetlands, fish and wildlife habitat areas and corridors, areas of unique vegetation or wildlife species, steep slopes, and other critical areas;

(7) To minimize the risk of danger to human life and property by restricting rural development on geologically unstable lands and in flood prone areas;

(8) To minimize the cost of installing essential public and private capital facilities necessary for a rural infrastructure;

- (9) To support the provision of more affordable housing in rural areas;
- (10) To provide reasonable opportunity for rural property owners to derive economic use of land characterized by features which substantially limit its development potential; and
- (11) To protect rural natural features and landscape by minimizing tree, vegetation and soil removal.
- (12) To provide a subdivision alternative for use in the rural/urban transition areas that will maintain and enhance rural character while preserving large tracts for future development upon inclusion into a UGA.

**Section 36.** Snohomish County Code Section 32.30.014, adopted by Ordinance No. 95-081, on September 27, 1995, is **AMENDED** to read:

32.30.01((4))**3** Definition: Natural resource area.

For the purposes of this chapter, natural resource areas are those lands designated local commercial farmland, upland commercial farmland, riverway commercial farmland, local forest, commercial forest and commercial forest - forest transition area pursuant to the General Policy Plan component of the Snohomish County GMA Comprehensive Plan adopted by County Council Ordinance No. 94-125.

**Section 37.** Snohomish County Code Section 32.30.015, adopted by Ordinance No. 94-099, on November 23, 1994, is **AMENDED** to read:

32.30.01((5))**4** Definition: Native growth protection areas (NGPA).

For purposes of this chapter, native growth protection areas are those lands which are to be left permanently undisturbed in a substantially natural state. No clearing, grading, filling, building construction or placement, or road construction of any kind shall occur within these areas; PROVIDED, That underground utility lines and drainage discharge swales may cross such areas utilizing the shortest alignment possible if and only if no feasible alignment is available which would avoid such a crossing. Removal of vegetation by the property owner shall be limited to that which is hazardous; PROVIDED, FURTHER, That buffer treatment authorized by SCC 32.30.040(2) shall be allowed in native growth protection areas, except those areas protected in SCC 32.30.040(1). No net reduction to the area of an NGPA shall occur without further environmental review by Snohomish county and adequate notice to all parties of record. Passive recreational uses limited to nonmotorized trails, exercise pathways and wildlife viewing areas shall be permitted.

**Section 38.** Snohomish County Code Section 32.30.016 adopted by Ordinance No. 94-099, on November 23, 1994, is **AMENDED** to read:

32.30.01((6))**5** Definition: Open space.

For the purposes of this chapter, open space means all land within the rural cluster subdivision not included in lot area and public and/or private roadways. Open

space may be permanent open space preserved in perpetuity or, when located in a rural/urban transition area, interim open space reserved for future development.

**Section 39.** Snohomish County Code Section 32.30.017 adopted by Ordinance No. 94-099, on November 23, 1994, is **AMENDED** to read:

32.30.01((7))6 Definition: Restricted open space.

For the purposes of this chapter, restricted open space means all open space within the rural cluster subdivision which is required to meet the lot yield requirements of SCC 32.30.060.

**Section 40.** Snohomish County Code Section 32.30.018 adopted by Ordinance No. 94-099, on November 23, 1994, is **AMENDED** to read:

32.30.01((8))7 Definition: Rural cluster subdivision.

For the purposes of this chapter, rural cluster subdivision means a subdivision meeting the requirements of this chapter and processed as a subdivision under Title 19 SCC or as a short subdivision under Title 20 SCC

**Section 41.** A **NEW** Section is added to Chapter 32.30 of the Snohomish County Code to read:

32.30.018 Definition: Rural/Urban transition area.

For the purposes of this chapter, rural/urban transition area means the area designated Rural Residential (RR) and Rural Residential-5 (RR-5) by the comprehensive plan, and shown on the Future Land Use Map of the GPP and on the official zoning maps. The purpose of the rural/urban transition area is to reserve a potential supply of land for future incorporation into the UGA.

**Section 42.** Snohomish County Code Section 32.30.020 adopted by Ordinance No. 95-081, on September 27, 1995, is **AMENDED** to read:

32.30.020 Applicability.

This chapter may be used for development of single-family and/or duplex residences in the forestry, forestry and recreation, or rural five-acre(~~rural conservation~~) or rural diversification)) zones, including properties which have been designated local forest or local commercial farmland pursuant to the General Policy Plan component of the Snohomish County GMA Comprehensive Plan adopted by Council Ordinance No. 94-125; except properties which have been designated as commercial forest, commercial forest - forest transition area, upland commercial farmland, or riverway (~~agriculture~~) commercial farmland pursuant to the General Policy

Plan component of the Snohomish County GMA Comprehensive Plan adopted by County Council Ordinance No. 94-125.

**Section 43.** Snohomish County Code Section 32.30.040 adopted by Ordinance No. 94-099, on November 23, 1994, is **AMENDED** to read:

32.30.040 Criteria for preliminary approval.

In addition to all other requirements of state law and county code for approval of a subdivision or short subdivision, a rural cluster subdivision shall meet all the following standards:

(1) When environmentally sensitive areas such as streams, shorelines, wetlands, fish and wildlife habitat areas and corridors, areas of unique vegetation or wildlife species, steep slopes, and other critical areas are present, and when such areas are identified and protected pursuant to Title 23 SCC and/or other applicable county ordinances or policies, the areas shall be designated as native growth protection areas as defined in SCC 32.30.015;

(2) The transition from any proposed residences within the rural cluster subdivision to uses on adjoining property or adjoining public roadways classified as an arterial (any type) or a non-arterial collector, according to the Snohomish County Arterial Plan and the Snohomish County Engineering Design and Development Standards, shall be provided with a sight obscuring buffer of native vegetation, or where no native vegetation exists, landscape screening comprised of fast growing, low maintenance, native trees and shrubs in accordance with the requirements of Table 1 in SCC 32.30.050. Existing wind resistant vegetation providing such a screen shall be preserved. ~~((In order to preserve or enhance scenic views and vistas, a maximum of 50 percent of any required vegetative buffer adjacent to a lot may consist of dense, low growing, plants and shrubs.))~~ Between proposed residences and any adjoining natural resource area, a setback shall be established consistent with the setback shown in Table 1 in SCC 32.30.050; ~~((. All plants used for supplemental plantings in the restricted open space area shall be of a native type plant material))~~

(3) All roads, whether public or private, shall be provided in accordance with the department of public works engineering design and development standards. Location of public or private roads and access points to the existing public roadway system shall be carefully controlled, with no more than two access points allowed per cluster unless specifically requested by the county road engineer;

(4) Electric, telephone and other utility lines shall be designed, located and screened so as to minimize their visibility from adjacent properties and the site or shall be located underground;

(5) All unbuildable land shall be designated as native growth protection areas unless they are designated as natural resource areas within restricted open space as defined in this chapter;

(6) When agricultural or forestry uses are proposed for the open space area(s), adequate buffers to minimize conflicts between resource and residential uses shall be provided;

(7) When agricultural or forestry uses are proposed within an open space tract within a rural cluster subdivision, a disclosure statement, as described in SCC 32.30.040(8), shall be placed on the final plat or final short plat in a location determined by the director. The disclosure statement shall apply to the real property which is subject to the final plat or final short plat as of the date of approval and may not be applicable thereafter if the agricultural or forestry uses are discontinued;

(8) The following disclosure statement shall constitute the disclosure required by this section for notice of agricultural or forestry uses within required or optional open space:

Lots within a rural cluster subdivision and adjacent to or within 1,300 feet of agricultural or forestry uses located in a designated open space tract may be subject to inconvenience or discomforts arising from agricultural or forestry activities, INCLUDING BUT NOT LIMITED TO NOISE, ODORS, FUMES, DUST, SMOKE, THE OPERATION OF MACHINERY OF ANY KIND, TIMBER HARVEST, BRUSH CONTROL, THE STORAGE AND DISPOSAL OF MANURE, THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL OR ORGANIC FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES, HOURS OF OPERATION, AND OTHER AGRICULTURAL OR FORESTRY ACTIVITIES.

(9) Where practicable open space tracts within a rural cluster subdivision shall be located contiguous to designated open space tracts on adjacent properties;

(10) A management plan which details the required maintenance and management tasks and responsibilities shall be provided for all restricted open space and other open space areas which require continuing maintenance or management;

(11) Each rural cluster development shall be divided into physically separated clusters with a maximum of 30 residential lots per cluster. The minimum physical separation shall consist of a buffer of wind resistant native vegetation with an average width of 75 feet and a minimum width of 50 feet (see Table 1 in SCC 32.30.050);

(12) At least 75 percent of the residential lots within a rural cluster subdivision development shall abut a required buffer or an open space tract;

(13) The rural cluster subdivision shall be designed, to the greatest extent possible, to configure the residential lots in accordance with the natural features of the site and minimize topographic alteration, to maintain rural character, and to maximize the visibility of the open space tracts from adjoining collector roads, arterials, or state and federal highways;

(14) Rural cluster subdivisions shall not be served by public sanitary sewers unless the Snohomish health district requires the development to connect to a public sewer system to protect public health.

(15) Each individual cluster within the subdivision shall be located near the interior of the site, if feasible, and also located where the cluster and/or the building sites are within existing forested areas of the site. Individual clusters shall not be located on ridgelines and other prominent topographic features visible to adjacent and vicinity properties when other locations are available.

(16) Rural cluster subdivisions shall be located in a rural fire district.

(17) Rural cluster subdivisions shall meet applicable rural concurrency standards.

**Section 44.** Snohomish County Code Section 32.30.050 adopted by Ordinance No. 94-099, on November 23, 1994, is **AMENDED** to read:

32.30.050 Requirements for restricted open space area and bulk regulations.

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

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

(a) It must be used for buffering, environmentally sensitive area protection, resource production and/or conservation, other recreational or community utility purposes, or general preservation;

(b) Subject to the requirements of Title 18 SCC, the following recreational and community utility uses are permitted in restricted open space tracts:

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

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

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

(d) At the time of application or consideration, the area shall not be subject to any pending enforcement actions for violations of state or county land development requirements or land use regulations;

(e) Vegetation removal within the restricted open space tract shall be in accordance with an approved open space management plan. Permanent vegetation removal within the restricted open space shall not ~~((exceed five percent of the total area of the restricted open space tract; PROVIDED, That the following activities are not considered permanent vegetation removal and shall be exempt from the five percent limitation))~~ be permitted, except that the following activities shall be allowed where vegetation removal is the minimum necessary to conduct the activity:

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

(iii) maintenance of existing pastures;

(iv) forestry or agricultural activities;

(v) removal of dead, diseased or hazardous vegetation, consistent with best wildlife management practices;

(vi) selective thinning and enhancement of vegetation; and

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

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

(3) In that portion of the open space of a rural cluster subdivision which is not restricted open space, all recreational uses as listed in SCC 18.32.040(A) are allowed when otherwise allowed by the applicable zone and when in compliance with applicable provisions of Title 18 SCC.

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

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

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

(b) The landowner may retain the property in a single tract and record conditions, covenants and restrictions, as required by the county approving body, which run with the land and benefit the county, and which limit the future use of the property to those allowed in (2) and (3) of this section and provide for the maintenance of the property for its designated purpose(s) and the owner provides documentation acceptable to the county to demonstrate the feasibility of managing the tract for beneficial resource production purposes;

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

(d) If maintenance of the restricted open space area is required and the applicant does not propose to use options (a) or (b) in this subsection (4) to provide for maintenance, a homeowners' association or similar organization shall be established to maintain the area for its designated purpose(s). Membership in the association or organization, and dues or other assessment for maintenance purposes, shall be a requirement of lot ownership.



(6) All lands classified as a natural resource area which are included in restricted open space areas shall be placed under a unified system of property management for the purpose of maximizing their continued or potential, future management for beneficial resource production/conservation purposes.

**Section 45** A **NEW** Section is added to Chapter 32.30 of the Snohomish County Code to read:

32.30.053 Open space and bulk requirements - rural/urban transition areas. Open space required in rural cluster subdivisions located in rural/urban transition areas shall not be subject to the requirements of SCC 32.30.050 unless otherwise specified in this section. Open space required in this section shall be considered interim open space and be included in a separate tract which is to be reserved for future use at an urban development level. Bulk requirements specified in Table 1 (SCC 32.30.050) shall be applicable to rural cluster subdivision located in rural/urban transition areas, except as otherwise specified in this section. In order to maintain an interim rural character of the rural cluster subdivision and facilitate future redivision of the open space provided, the following provisions shall apply:

(a) The open space tract shall contain 65 percent or more of the gross area of the original parcel(s) as it/they existed at the time the property is subdivided. The open space provisions specified in Table 1 shall not apply.

(b) The open space tract shall be configured to such shape and dimensions as to allow for future subdivision by including sufficient area outside of critical areas and their buffers and allow a future lot configuration with adequate building envelopes on each lot.

(c) The location of the open space tract in the subdivision shall accommodate future public roadway access to the lot upon redivision and facilitate the clustering of the rural cluster subdivision lots near the periphery of the subdivision boundary as opposed to a central location.

(d) The open space tract may be used for any use otherwise permitted in restricted open space as specified in SCC 32.30.050(2)(b)(i), except that, no permanent structures shall be allowed.

(e) The open space tract shall be established and maintained using only the ownership method provided in SCC 32.30.050(5)(b).

(f) The open space tract shall not be eligible for further subdivision until it is removed from the rural/urban transition area and located in a UGA.

(g) All restrictions placed on the open space tract at the time of rural cluster subdivision approval shall be included in a subdivision binder on a form provided by the department of planning and development services. The binder shall be filed with the county auditor at the time of recording the subdivision. The binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the subdivision and notice to prospective purchasers of the conditions and restrictions applicable to the open space tract including restriction on redivision of the tract.

**TABLE 1**  
Requirements for Restricted Open Area and Bulk Regulations

	Forestry F&R		R-5 & RR-5 <sup>(8)</sup>		RC R-5 & RR <sup>(9)</sup>		RD	
Minimum Restricted Open Space Natural Resource Areas	60% 60%		45% 60%		45% 60%		45% 60%	
Minimum Bonus Density <sup>(1)</sup> Natural Resource Areas	15% - 35% 10%		15% - 35% 10%		None <del>15% - 35%</del> 40%		<del>15% - 35%</del> 10%	
Required Buffer - Adjacent Property Roads <sup>(2)(3)</sup> and Adjacent Property		(4)		(4)		(4)		(4)
Average Width:	75'	50'	75'	50'	50'	35'	50'	35'
Minimum Width:	50'	35'	50'	35'	35'	25'	35'	25'
Required Setback for Single Family Residential/Duplex from Adjacent Resource Areas <sup>(2)</sup> Setback Width: <sup>(5)</sup>	<u>100' (forest land)</u> 200' <u>50' (farmland)</u>		<u>100' (forest land)</u> 200' <u>50' (farmland)</u>		<u>100' (forest land)</u> 200' <u>50' (farmland)</u>		200'	
Required Buffers - Between Clusters								
Average Width:	75'		75'		75'		75'	
Minimum Width:	50'		50'		50'		50'	
Lot Dimensions, Setbacks	R-7,200							
Maximum Lots per Cluster	30		30		30		30	
Minimum Lot Size <sup>(6) (7)</sup>								
Maximum Lot Size <sup>(10)</sup>								

- (1) Bonus density as provided in SCC 32.30.060.
- (2) Buffers required adjacent to public roads as provided in SCC 32.30.040(2).
- (3) Required buffers shall not include any portion of the required minimum lot area or required minimum setbacks of any proposed lot. Notwithstanding any other requirement in Table 1, the sum of all buffers and/or setbacks shall not exceed 40 percent of the average width of the parcel or tract proposed for rural cluster subdivision or rural cluster short subdivision.
- (4) When more than 75 percent of the proposed lots in the cluster are one acre or greater in size.
- (5) For subdivision and short subdivision applications determined to be completed pursuant to Titles 19 or 20 SCC before December 14, 1992, and which are converted to a rural cluster subdivision under chapter 19.60 SCC or chapter 20.24 SCC, setback width shall be 75 feet.
- (6) Minimum lot size as provided in SCC 18.42.075.
- (7) Minimum lot size for duplexes shall remain as provided in SCC 18.32.030.
- (8) Applies only to R-5 zone with RR-5 designation on the GPP.
- (9) Applies only to R-5 zone with RR designation on the GPP.
- (10) Maximum lot size in rural/urban transition area shall be 20,000 square feet.

**Section 46.** Snohomish County Code Section 32.30.055 adopted by Ordinance No. 94-099, on November 23, 1994, is **AMENDED** to read:

**32.30.055 Lot yield.**

(1) Basic lot yield shall be obtained by dividing the gross site area by the minimum required lot area of the zone in which the rural cluster subdivision is to be located (with both numbers expressed in the same units); EXCEPT that, for lots designated RR, basic lot yield shall be calculated using a minimum lot size of 100,000 square feet;

(2) The maximum lot yield shall be obtained by multiplying the basic lot yield by one plus the density bonus, expressed as a fraction, as specified in SCC 32.30.060; EXCEPT that, the maximum lot yield on lots designated RR shall be the basic lot yield calculated in SCC 32.30.055(1), and the residential density bonus provisions of SCC 32.30.060 shall not apply.

(3) In determining the lot yield, a designated duplex lot shall be considered as two lots;

(4) Whenever the resulting yield results in a fractional equivalent of 0.5 or more, the yield shall be rounded up to the next whole number; fractions of less than 0.5 shall be rounded down.

**Section 47.** Snohomish County Code Section 32.30.060 adopted by Ordinance No. 95-081, on September 27, 1995, is **AMENDED** to read:

**32.30.060 Bonus residential density.**

(1) For all lands, except those designated local forest and RR, a rural cluster subdivision shall be awarded a residential density bonus of 15 percent of the maximum density allowed by the underlying zone if the amount of restricted open space equals the amount required in SCC 32.30.050(1);

(2) If additional restricted open space is proposed beyond the minimum amount required, a rural cluster subdivision shall be awarded an additional one percent density bonus for every additional one percent of restricted open space designated up to a maximum total density bonus of 35 percent;

(3) A rural cluster subdivision on lands designated local forest shall be awarded a residential density bonus of 10 percent if the amount of restricted open space meets or exceeds the amount required in SCC 32.30.050(1).

**Section 48.** Applicability of ordinance provisions to pending rural cluster subdivision applications.

Rural cluster subdivision applications that are complete prior to the effective date of this ordinance shall continue to be processed under the provisions of Chapter 32.30 SCC as it existed prior to the effective date of this ordinance.

**Section 49.** Existing Title 18, Snohomish County Zoning Code adopted as GMA development regulation.

The existing Snohomish County Zoning Code, Title 18 SCC and official zoning maps, together with amendments thereto as approved by this ordinance and Amended Ordinances 96- 071 and 96-075 [county initiated rezone ordinances], comply with the GMA and shall be a development regulation under GMA.

**Section 50.** Existing Chapter 32.30, Snohomish County Code adopted as GMA development regulation.

The existing Snohomish County Code, Chapter 32.30, together with amendments thereto as approved by this ordinance, complies with the GMA and shall be a final development regulation under GMA.

**SECTION 51.** Applicability of pending rezone applications to ordinance provisions.

1) Upon request by the applicant, the department of planning and development services may partially refund the application filing fees, based on a refund schedule adopted by the department, for an application for a rezone submitted pursuant to SCC 18.73.020(1) for which a decision has not been made prior to the effective date of this ordinance, if one of the following circumstances apply:

a) Amendments made to the GPP pursuant to Amended Ordinance 96-074 indicate that the requested change in zoning is no longer consistent with the comprehensive plan; or

b) Area wide zone changes implemented by Amended Ordinances 96-071 and 96-075 that duplicate the requested zone change, or otherwise render the requested zone change no longer necessary.

2) An application for a change in zoning made pursuant to Chapter 18.73 SCC that has been filed concurrently with an application for a subdivision or short subdivision on the same property pursuant to Titles 19 or 20 SCC respectively shall be vested to policies and regulations in effect at the time of a complete application for the subdivision or short subdivision; when both the rezone and subdivision or short subdivision applications are complete prior to the effective date of this ordinance.

**SECTION 52.** Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

**SECTION 53.** Snohomish County Code Section 18.54.010 adopted by Ordinance No. 95-004 on February 15, 1995 is **AMENDED** to read:

18.54.010 Qualifying criteria and guidelines for establishing and continuing MC zones.

(1) In addition to furthering the goals and objectives of the comprehensive plan, any site favorably considered for MC zoning shall possess the following qualifications:

(a) The site shall be a contiguous geographic area and have a size of not less than 10 acres, except in the case of subsurface shaft excavations where no minimum acreage is required. An MC zone classification is required for all sites which meet this criterion before mining can legally commence unless the hearing examiner finds that excavation operations are scheduled to begin within six months of the date of application, or unless the site is designated both RR-10 and mineral lands by the GPP, and zoned AG-10,

(b) The site shall contain minerals or materials of a commercial quantity and quality as verified in writing by an engineer licensed in mining engineering, or such person or persons deemed qualified by the hearing examiner to testify as to the amount and quality of the material contemplated to be removed,

(c) The site shall not be located in any area having substantial residential development or which is substantially developing residentially in accordance with the comprehensive plan. This provision shall be interpreted to include areas planned for residential development and showing signs of actual development within a relatively short period of time, and

(d) For a site designated agriculture on the area comprehensive plan, the site shall not contain prime agricultural soils as defined by SCC 18.90.690. This shall be determined by a soil survey of the site conducted by a qualified soils scientist or soils engineer; PROVIDED, That in cases for which all of the following can be demonstrated to the satisfaction of the county, excavation may be permitted on limited prime agricultural soils:

(i) The prime agricultural soils as defined by SCC 18.90.690 constitute no more than 25 percent of the proposed excavation, and

(ii) excavation of said soils is necessary to the conduct of the excavation on portions overlain by other than prime agricultural soils, and

(iii) it can be demonstrated that the use of the land underlying prime agricultural soils does not threaten other prime agricultural soils beyond the proposed excavation through encroachment, or disruptions due to operation of the excavation;

(2) With respect to any applications for MC zoning, recommendations shall be made relative to the manner in which the subject land meets the purposes of this zoning code and of this chapter. In addition, specific recommendations may be made by the department of planning and development services on matters of concern to the application at hand including, but not limited to, the following:

(a) The adequacy of environmental safeguards bearing on public health, safety and welfare, as evaluated against the standards of federal, state and local pollution control agencies,

(b) Revocations of previous permits and/or forfeiture of bonds unless corrective action has been undertaken without cost to the county or state,

(c) Experience with reclamation of similar site,

(d) Ecological impact, and

(e) Impact on agricultural operations in the vicinity;

(3) The zoning of land for mineral conservation reserves the affected area for future excavation and provides reasonable assurance that such operation will not be disqualified by reason of site location for issuance of a conditional use permit by the hearing examiner. Sites not eligible for MC zone classification may be operated only as a conditional use where permitted; and

(4) Land rezoned to MC may be reviewed as deemed necessary by the department of planning and development services and at intervals not to exceed 10 years to determine whether substantial changes in the comprehensive plan and local conditions beyond any such developments anticipated in granting the zone have occurred, and to consider the current mineral status of the land, all to determine whether a rezone to another classification is warranted.

**SECTION 54.** The Snohomish County Council makes the following findings and conclusions:

A. The Central Puget Sound Growth Management Hearings Board issued a Finding of Noncompliance on November 3, 1995 in *Hensley II*, directing the county to adopt its zoning code as a GMA development regulation. The board also directed the county to establish a timely, fair and predictable development application review process.

B. The GMA requires the county to adopt development regulations that are consistent with the county's adopted GMA Comprehensive Plan.

C. The county council reviewed existing Title 18 SCC, and determined that changes to the county's development regulations are necessary to bring the regulations into consistency with the provisions of the comprehensive plan as it will be amended pursuant to Amended Ordinance No. 96-076. Changes to specific development regulations are identified in Attachment 1 to the PDS staff report (dated July 5, 1996). Planning Commission Exhibit 5. The rationale for identified necessary changes is further elaborated in the staff report.

D. The Snohomish County Zoning Code, Title 18, and the county's official zoning maps, as amended by this ordinance and Amended Ordinances 96-071 and 96-075, are consistent with the comprehensive plan and GMA, and can be adopted and used as GMA development regulations.

E. The county has adopted a development application review process under the GMA in Chapter 32.50 SCC. Ordinance 96-003, Feb. 21, 1996, eff. date, April 1, 1996.

- F. The Snohomish County Zoning Code, Title 18, and the county's official zoning maps, as amended by this ordinance and Amended Ordinances 96-071 and 96-075, as well as Ordinance 96-003, adequately respond to the Findings of Noncompliance decision of the Central Puget Sound Growth Management Hearing Board in *Hensley II*.
- G. Special buffering and use provisions are necessary in the Maltby UGA to maintain compatibility with properties lying outside the UGA boundary in a manner consistent with the comprehensive plan.
- H. The zoning classifications and intent of zones in Title 18 SCC as amended, are consistent with, and will adequately implement the plan designations of the comprehensive plan.
- I. The zoning code as amended makes adequate provisions for minimum net density requirements for residential development in UGAs as specified in the comprehensive plan.
- J. The zoning code and subdivision codes, as amended include provisions for the treatment of transition areas located in the rural areas lying adjacent to and outside UGAs consistent with the comprehensive plan. The rural cluster subdivision process will retain urban redivision potential by preserving large parcels for future urban development in the Rural/Urban Transition Areas.
- K. Title 18 SCC amendments pertaining to uses allowed in the Agriculture 10-acre zone are consistent with the comprehensive plan.
- L. The minimum lot sizes applied to the rural zoning classifications in Title 18 SCC as amended, are consistent with the comprehensive plan.
- M. Amendments to the rural cluster subdivision regulations contained in chapter 32.30 SCC are necessary to comply with Growth Management Hearings Board directives, and to establish additional rural character enhancement provisions consistent with the goal of preventing urban sprawl and urban development patterns in rural areas, and to establish proper rural cluster techniques in rural areas consistent with the comprehensive plan and GMA.
- N. The rural cluster subdivision regulations contained in chapter 32.30 SCC, as amended by this ordinance, are consistent with the comprehensive plan and GMA, and can be adopted and used as a GMA final development regulation.
- O. Prior to both the planning commission hearings and council hearings, citizens, interest groups, agencies, cities/towns and the press were notified of the planning commission's and county council's public hearings by means of published legal notices, a news conference, display ads in Snohomish County weekly newspapers, news releases, and more than 125,000 individual mailed notices. The individual

notices were sent to taxpayers of record and site addresses for property owners that are potentially affected by, or in the vicinity of, the proposed changes in urban and rural zoning. The various notices were sent and published in accordance with Snohomish County Code, applicable state law, and the bylaws of the planning commission.

- P. The planning commission held three hearings on proposed amendments to the county's GMA Comprehensive Plan prepared in response the Board's orders in the *Sky Valley* and *Hensley II* decisions and received oral testimony from numerous individuals and organizations. The planning commission also received and reviewed and considered documents which were submitted by citizens, interest groups and organizations and are all part of the commission's hearing record.
- Q. The county council held public hearings in 1996 on eight ordinances, including those recommended by the planning commission and three alternative ordinances, on October 14, 21, 28 and 30, and November 4, 6, 18, 19, 25, and 27. The council also had five briefing sessions held September 4, 10, 17, 24 and 30. The hearings were widely publicized through the media. The council received and considered oral testimony from approximately 115 individual and group representatives on October 14, 21, and 28. The written record was left open until November 8 and re-opened for additional comments from November 18-22. The county council received and considered over 1300 written documents submitted by citizens, interest groups and organizations and all are a part of the council's hearing record.
- R. Addenda No. 4 (July 5, 1996) and 6 (November 22, 1996) to the Final Environmental Impact Statement (FEIS) for the Snohomish County Comprehensive Plan were prepared for the proposal to satisfy SEPA requirements. The addenda describe the proposed comprehensive plan and development regulation amendments contained in Amended Ordinances 96-071, 96-073, 96-074, 96-075, and 96-076, and analyze their impacts. The amendments adopted in the listed ordinances are within the range of alternatives and scope of analysis contained in the FEIS. The addenda performed the function of keeping the public apprised of the refinement of the original comprehensive plan proposal by adding new information. The council concludes that SEPA compliance has been satisfied by these documents.



**SECTION 55.** The Snohomish County Council adopts the following additional findings and conclusions:

A. The county council adopts the findings and conclusions as set out in Section 1 of Amended Ordinance 96-074 and incorporates the same herein by reference.

Passed this 27<sup>th</sup> day of November, 1996.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

Richard C Johnson  
Chair

ATTEST:

Sheila McCallister  
Clerk of the Council, *asst*

- APPROVED  
 VETOED  
 EMERGENCY

Date: 12/2/96  
[Signature]  
County Executive

APPROVED AS TO FORM

ATTEST:

Bonnie Dykes 11/27/96  
Deputy Prosecuting Attorney

Marilyn B. Allen