Chapter 30.10
General Provisions

30.10.010 Title.

Title 30 of the Snohomish County Code (SCC) constitutes and may be cited as the Unified Development Code (UDC).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.10.020 Purpose.

The purpose of the UDC is to provide a unified set of standards and procedures to regulate building and land development within unincorporated Snohomish County. The UDC implements the comprehensive plan and provides meaningful opportunities for public participation in planning and permitting processes.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.10.030 Authority.

The UDC is adopted under authority of the Snohomish County Charter and the Constitution and laws of the State of Washington. The department is authorized to administer the UDC, unless otherwise provided.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.10.035 Benefits.

This title shall be enforced for the benefit of the health, safety, and welfare of the general public, and not for the benefit of any particular person or class of persons.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.10.040 Compliance with other laws.

Nothing in this title shall be construed to excuse compliance with other applicable federal, state, or local laws or regulations.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.10.050 Countywide and multi-county planning policies.

(1) Pursuant to RCW 36.70A.210(2), Snohomish County has adopted countywide planning policies (CPPs) that establish the framework for county and city comprehensive plans as follows:

(a) Ordinance No. 93-004, adopted on February 4, 1993 (adopting CPPs);

(b) Ordinance No. 94-002, adopted on February 2, 1994 (amending Policies UG-4, HO-7, OD-2);

(c) Amended Ordinance No. 95-005, adopted on February 15, 1995 (amending Policy UG-2);

(d) Ordinance No. 95-110, adopted on December 20, 1995 (amending Policy UG-2, Appendix B;

(e) Ordinance No. 98-054, adopted on July 15, 1998 (amending Policy TR-12, adding Policy TR-13);

(f) Amended Ordinance No. 99-120, adopted on January 19, 2000 (adding Policy OD-12);

(g) Amended Ordinance No. 99-121, adopted on February 16, 2000 (amending Policies UG-14, HO-9, and ED-3);

(h) Amended Ordinance No. 03-071, adopted on July 9, 2003 (adopting list of reasonable measures);

(i) Amended Ordinance No. 03-072, adopted on July 9, 2003 (amending UG-14);

(j) Amended Ordinance No. 03-073, adopted on July 9, 2003 (amending OD-4);

(k) Amended Ordinance No. 03-070, adopted on December 10, 2003 (amending UG-15);

(l) Amended Ordinance No. 04-006, adopted on February 11, 2004 (amending Population Growth Targets);

(m) Amended Ordinance No. 04-007, adopted on March 31, 2004 (amending various policies and adding various new policies);

(n) Amended Ordinance No. 06-098, adopted on December 20, 2006 (amending UG-14 relating to Southwest UGA expansions and technical corrections);

(o) Amended Ordinance No. 06-116, adopted on December 20, 2006 (amending Appendix B to include 2025 reconciled growth targets);

(p) Amended Ordinance No. 08-054, adopted on June 3, 2008 (amending MUGA map);

(q) Amended Ordinance No. 09-061, adopted on August 12, 2009 (amending Appendix B to reflect rural population growth target reduction);

(r) Amended Ordinance No. 09-062, adopted on Sept. 8, 2009 (amending Appendix B to reflect the removal of the population reserve for fully contained communities);

(s) Ordinance No. 10-037, adopted on July 7, 2010 (amending Appendix B and Appendix B Table 3 to reflect revised MUGA boundary between Bothell and Mill Creek);

(t) Amended Ordinance No. 11-011, adopted June 1, 2011 (repealing and adopting new CPPs);

(u) Amended Ordinance No. 11-021, adopted June 1, 2011 (amending Appendix B of the CPPs);

(v) Amended Ordinance No. 11-015, adopted June 8, 2011 (amending the Housing Chapter of the CPPs); and

(w) Ordinance No. 12-070, adopted October 17, 2012 (amending the Southwest Municipal Urban Growth Area map).

(2) Pursuant to RCW 36.70A.210(7), Snohomish County participated with King, Pierce, and Kitsap counties in the development and adoption of multi-county planning policies. These policies were adopted by the Puget Sound Regional Council on March 11, 1993 by Resolution A-93-02 and were updated by Resolution PSRC-A-95-02 on May 25, 1995.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-071, July 9, 2003, Eff date August 8, 2003; Amended Ord. 03-072, July 9, 2003, Eff date August 8, 2003; Amended Ord. 03-073, July 9, 2003, Eff date August 8, 2003; Amended Ord. 03-070, Dec. 10, 2003, Eff date Jan. 5, 2004; Amended Ord. 04-006, Feb. 11, 2004, Eff date Feb. 29, 2004; Amended Ord. 04-007, Mar. 31, 2004, Eff date Apr. 23, 2004; Amended Ord. 06-098, December 20, 2006, Eff date Jan. 19, 2007; Amended Ord. 06-116, December 20, 2006, Eff date Jan. 19, 2007; Amended by Amended Ord. 08-054, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ord. 09-061, August 12, 2009, Eff date Sept. 10, 2009; Amended by Amended Ord. 09-062, Sept. 8, 2009, Eff date Sept. 18, 2009; Ord. 10-037, July 7, 2010, Eff date Aug 1, 2010; Amended

Ord. No. 11-011, June 1, 2011, Eff date June 24, 2011; Amended Ord. No. 11-021, June 1, 2011, Eff date June, 24, 2011; Amended Ord. 11-015, June 8, 2011, Eff date June 24, 2011; Amended by Ord. 12-070, Oct. 17, 2012, Eff date Nov. 10, 2012)

30.10.060 Comprehensive plan.

Snohomish County has adopted a comprehensive plan as follows:

(1) Amended Ordinance No. 94-125, adopted on June 28, 1995 (General Policy Plan (GPP) and future land use map, transportation element, capital facilities element, resource lands designations, comprehensive park and recreation plan);

(2) Amended Ordinance No. 93-036, adopted on June 9, 1993 - amending the Shoreline Management Master Program;

(3) Amended Ordinance No. 94-113, adopted June 28, 1995 - establishing Darrington UGA;

(4) Amended Ordinance No. 94-114, adopted June 28, 1995 - establishing Gold Bar UGA;

(5) Amended Ordinance No. 94-115, adopted June 28, 1995 - establishing Granite Falls UGA;

(6) Amended Ordinance No. 94-116, adopted June 28, 1995 - establishing Index UGA;

(7) Amended Ordinance No. 94-117, adopted June 28, 1995 - establishing Lake Stevens UGA;

(8) Amended Ordinance No. 94-119, adopted June 28, 1995 - establishing Monroe UGA;

(9) Amended Ordinance No. 94-120, adopted June 28, 1995 - establishing Arlington, Marysville and Unincorporated Smokey Point Area UGA;

(10) Amended Ordinance No. 94-121, adopted June 28, 1995 - establishing Snohomish UGA;

(11) Amended Ordinance No. 94-122, adopted June 28, 1995 - establishing Stanwood UGA;

(12) Amended Ordinance No. 94-123, adopted June 28, 1995 - establishing Southwest Cities UGA (Bothell, Brier, Edmonds, Everett, Lynnwood, Mill Creek, Mountlake Terrace, Mukilteo, and Woodway;

(13) Amended Ordinance No. 94-124, adopted June 28, 1995 - establishing Sultan UGA;

(14) Amended Ordinance No. 95-117, adopted on January 10, 1996 - amendment to GPP: common siting process for essential public facilities;

(15) Amended Ordinance No. 96-073, adopted November 27, 1996 - establishing Unincorporated Maltby Industrial Area UGA subarea plan;

(16) Amended Ordinance No. 96-074, adopted November 27, 1996 - amendment to GPP text and future land use map upon remand by Central Puget Sound Growth Management Hearings Board in Sky Valley case;

(17) Amended Emergency Ordinance No. 96-078, adopted October 14, 1996 - amendment to GPP future land use map (portion of Arlington, Smokey Point, and Marysville UGA);

(18) Ordinance No. 97-034, adopted June 2, 1997 - amendment to Gold Bar UGA;

(19) Ordinance No. 97-036, adopted June 2, 1997 - adoption of Gold Bar UGA Subarea Plan and repeal of portions of Skykomish Valley Area Comprehensive Plan;

(20) Ordinance No. 97-056, adopted July 2, 1997 - amendment to GPP future land use map to add lands to commercial forest land designation;

(21) Ordinance No. 97-076, adopted September 15, 1997 - amendment to Arlington, Marysville, and Unincorporated Smokey Point Area UGA and to establish separate UGAs for Arlington and Marysville;

(22) Amended Ordinance No. 98-035, adopted July 22, 1998 - adoption of Snohomish UGA subarea plan;

(23) Amended Ordinance No. 98-036, adopted July 22, 1998 - amendment to Snohomish UGA;

(24) Amended Ordinance No. 98-051, adopted August 3, 1998 - adoption of Mill Creek UGA subarea plan;

(25) Amended Ordinance No. 98-060, adopted August 5, 1998 - adoption of the 1998-2003 Capital Plan;

(26) Amended Ordinance No. 98-068, adopted September 9, 1998 - amendment to Arlington UGA;

(27) Amended Ordinance No. 98-069, adopted September 9, 1998 - amendment to GPP future land use map to change plan designations in the Island Crossing area;

(28) Amended Ordinance No. 98-071, adopted September 9, 1998 - amendment to Southwest Cities UGA;

(29) Amended Ordinance No. 98-072, adopted September 9, 1998 - amendment to GPP future land use map to change plan designations in the Smith and Spencer Islands areas;

(30) Amended Ordinance No. 98-112, adopted December 16, 1998 - amendment to GPP text and future land use map (1996 docket);

(31) Ordinance No. 98-114, adopted December 16, 1998 - amendment to Arlington and Marysville UGA (1996 docket);

(32) Ordinance No. 98-115, adopted December 16, 1998 - amendment to Sultan UGA;

(33) Amended Ordinance No. 98-119, adopted December 16, 1998 - amendment to GPP future land use map and text regarding rural commercial/industrial land uses (1996 docket);

(34) Ordinance No. 98-126, adopted December 2, 1998 - adoption of school district capital facilities plans;

(35) Ordinance No. 98-142, adopted January 11, 1999 - amendment to Marysville UGA to add Strawberry Fields Regional Park site;

(36) Amended Ordinance No. 99-005, adopted March 3, 1999 - adoption of GPP text and future land use map amendments in Darrington area;

(37) Ordinance No. 99-027, adopted on May 24, 1999 - adoption of the 1999-2004 Capital Plan;

(38) Ordinance No. 99-028, adopted May 17, 1999 - amendment to GPP text and future land use map (repeal of land use designation and land use policy on specific property on Cavalero Hill pursuant to Central Puget Sound Growth Management Hearings Board decision in Kelly case);

(39) Amended Ordinance No. 99-031, adopted July 21, 1999 - adoption of GPP text and future land use map amendments for Tulalip subarea plan;

(40) Amended Ordinance No. 99-092, adopted on November 22, 1999 - adopting the 2000-2005 Capital Plan;

(41) Amended Ordinance No. 99-099, adopted December 22, 1999 - adoption of GPP text and future land use map amendments regarding Arlington/Marysville UGA - reconciliation of future land use designations (1999 consolidated docket);

(42) Amended Ordinance No. 99-100, adopted December 22, 1999 - adoption of GPP text and future land use map amendments (1999 consolidated docket);

(43) Emergency Ordinance No. 00-050, adopted July 26, 2000 - amendment to Arlington UGA (addition of school district high school site);

(44) Ordinance No. 00-055, adopted September 6, 2000 - adopting the 2000-2005 Capital Improvement Plans for the Arlington, Marysville, Monroe, and Mukilteo school districts;

(45) Amended Ordinance No. 00-074, adopted on November 21, 2000 - adopting the Year 2000 Capital Facilities Plan Update and the 2001-2006 Capital Improvement Program;

(46) Ordinance No. 00-075, adopted November 21, 2000 - adopting amendments to the Capital Facilities chapter of the GPP;

(47) Amended Ordinance No. 00-091, adopted December 20, 2000 - adopting map and text amendments to the GPP - (2000 consolidated docket , including Transportation Element amendments);

(48) Ordinance No. 00-094, adopted December 20, 2000 - revising the existing Maltby UGA (2000 consolidated docket);

(49) Ordinance No. 00-098, adopted December 6, 2000 - adopting 2000-2005 Capital Improvement Plans for Darrington, Edmonds, Everett, Granite Falls, Lake Stevens, Lakewood, Northshore, Snohomish, Stanwood, Sultan school districts;

(50) Amended Ordinance No. 01-040, adopted June 27, 2001 - adopting the December 2000 amendments to the Transportation Element of the GMA comprehensive plan;

(51) Emergency Ordinance No. 01-047, adopted July 23, 2001 - notifying, readopting, and repealing certain portions of Emergency Ordinance No. 00-050 (amendment to Arlington UGA);

(52) Amended Ordinance No. 01-073, adopted November 7, 2001 - adopting the Lake Stevens UGA plan;

(53) Amended Ordinance No. 01-074, adopted November 7, 2001 - adopting modifications to the Lake Stevens UGA boundary;

(54) Amended Ordinance No. 01-089, adopted November 20, 2001 - adopting the 2002-2007 Capital Improvement Plan;

(55) Amended Ordinance No. 01-090, adopted November 20, 2001 - adopting the Year 2001 Update to the Capital Facilities Plan;

(56) Amended Ordinance No. 01-106, adopted December 19, 2001 - adopting map and text amendments (2001 docket);

(57) Ordinance No. 01-108, adopted December 19, 2001 - adopting the 2001 Comprehensive Park and Recreation Plan;

(58) Amended Ordinance No. 01-111, adopted December 19, 2001 - amending the Year 2001 Capital Facilities Plan (and Amended Ordinance No. 01-090);

(59) Amended Ordinance No. 01-131, adopted February 6, 2002 - adopting map and text amendments (Clearview remand);

(60) Amended Ordinance No. 02-011, adopted May 30, 2002 - adopting the Mill Creek East UGA plan;

(61) Amended Ordinance No. 02-012, adopted May 30, 2002, modifying the SW Cities UGA;

(62) Amended Ordinance No. 02-051, adopted November 20, 2002 - adopting the 2003-2008 Capital Improvement Program;

(63) Amended Ordinance No. 02-052, adopted November 20, 2002 - adopting the School Districts' 2002-2007 Capital Facilities Plans;

(64) Amended Ordinance No. 02-092, adopted December 18, 2002 - adopting map and text amendments to the Lake Stevens UGA Plan;

(65) Amended Emergency Ordinance No. 03-001, adopted January 27, 2003 - adopting map and text amendments to the GPP (2002 Consolidated Docket)

(66) Emergency Ordinance No. 03-005, adopted January 27, 2003 - revising the Arlington UGA;

(67) Ordinance No. 03-033, adopted April 9, 2003 - adopting the Mukilteo School District's Amended 2002-2007 Capital Facilities Plan.

(68) Amended Ordinance No. 03-049, adopted June 4, 2003 - adopting GPP map and text amendments, creating the Public/Institutional Use designation and applying the designation to site added to the Maltby UGA;

(69) Ordinance No. 03-050, adopted June 4, 2003 - revising the Maltby UGA;

(70) Ordinance No. 03-061, adopted September 10, 2003 - adopting GPP map amendments (2003 Docket);

(71) Ordinance No. 03-064, adopted September 10, 2003 - adopting GPP map amendments and revising the SW Cities UGA (2003 Docket);

(72) Amended Ordinance No. 03-082, adopted September 10, 2003 - adopting GPP map and text amendments (2003 Docket);

(73) Ordinance No. 03-091, adopted September 10, 2003 - adopting GPP map amendments and revising the Marysville UGA (2003 Docket);

(74) Amended Ordinance No. 03-096, adopted September 10, 2003 - adopting GPP text amendments (2003 Docket);

(75) Amended Ordinance No. 03-097, adopted September 10, 2003 - adopting GPP map amendments and revising the Granite Falls UGA (2003 Docket);

(76) Ordinance No. 03-098, adopted September 10, 2003 - adopting GPP text amendments (2003 Docket);

(77) Amended Ordinance No. 03-100, adopted September 10, 2003 - adopting GPP map and text amendments (2003 Docket);

(78) Ordinance No. 03-102, adopted September 10, 2003 - adopting GPP map amendment (2003 Docket);

(79) Ordinance No. 03-104, adopted September 10, 2003 - adopting GPP text amendments (2003 Docket);

(80) Amended Ordinance No. 03-063, adopted October 22, 2003 - adopting GPP map amendments (2003 Docket);

(81) Ordinance No. 03-106, adopted October 22, 2003 - adopting GPP map and text amendments (2003 Docket);

(82) Amended Ordinance No. 03-139, adopted November 19, 2003 - adopting the 2004-2009 Capital Improvement Program

(83) Amended Ordinance No. 04-012, adopted March 10, 2004, adopting GPP map amendments (2002 Docket remand);

(84) Amended Ordinance No. 04-051, adopted May 4, 2004, adopting GPP text amendments (2003 Docket);

(85) Amended Ordinance No. 04-052, adopted May 4, 2004, revising the UGA for the City of Granite Falls and the GPP FLU map (2003 Docket);

(86 Ordinance No. 04-050, adopted May 12, 2004, amending the Lake Stevens UGA Plan;

(87) Amended Emergency Ordinance No. 04-057, adopted May 24, 2004, revising the UGA for the City of Arlington and the GPP FLU map (2003 Docket remand);

(88) Resolution No. 04-023, adopted September 1, 2004, acting to comply with CPSGMHB Order regarding 2003 docket - sewer lines/rural churches and schools

(89) Amended Ordinance No. 04-124, adopted November 17, 2004, adopting GPP text amendments relating to agricultural lands (7-Year Compliance);

(90) Amended Ordinance No. 04-125, adopted November 17, 2004, adopting GPP text amendments relating to airport compatibility (7-Year Compliance);

(91) Amended Ordinance No. 04-126, adopted November 17, 2004, adopting GPP text amendments relating to commercial forestry designations (7-Year Compliance);

(92) Amended Ordinance No. 04-127, adopted November 17, 2004, adopting GPP text amendments relating to fire protection and fire flow (7-Year Compliance);

(93) Amended Ordinance No. 04-128, adopted November 17, 2004, adopting GPP text amendments relating to the agricultural advisory board (7-Year Compliance);

(94) Amended Ordinance No. 04-130, adopted November 17, 2004, adopting GPP text amendments relating to agriculture resource lands and noncommercial playfields;

(95) Ordinance No. 04-107, adopted November 22, 2004, adopting amendments to the Capital Facilities Year 2001 Update;

(96) Amended Ordinance No. 04-108, adopted November 22, 2004, adopting the 2005-2010 Capital Improvement Program;

(97) Amended Ordinance No. 04-118, adopted November 23, 2004, adopting 2004-2009 Capital Facilities Plans for the Arlington, Edmonds, Everett, Granite Falls, Lake Stevens, Lakewood, Marysville, Monroe, Mukilteo, Northshore, Snohomish, Stanwood-Camano Island and Sultan school districts;

(98) Resolution No. 05-001, adopted Jan. 5, 2005, action to comply with the Growth Management Hearings Board Order concerning property at Island Crossing (Ord. 04-057);

(99) Ordinance No. 05-108, adopted November 21, 2005, adopting the Marysville School District No. 25 2005-2010 Capital Facilities Plan;

(100) Amended Ordinance No. 05-069, adopted December 21, 2005, adopting map and text amendments to the GPP (10-Year Update);

(101) Amended Ordinance No. 05-070, adopted December 21, 2005, adopting a Transportation element to the County's GMACP replacing all prior transportation elements adopted or amended by previous legislative actions (10 Year Update);

(102) Amended Ordinance No. 05-071, adopted December 21, 2005, adopting amendments to the Capital Facilities Element of the County's GMACP (10-Year Update);

(103) Amended Ordinance No. 05-072, adopted December 21, 2005, adopting amendments to the 2001 Parks and Recreation Plan element of the County's GMACP (10-Year Update);

(104) Amended Ordinance No. 05-073, adopted December 21, 2005, adopting amendments to the Arlington UGA (10-Year Update);

(105) Amended Ordinance No.05-074, adopted December 21, 2005, adopting amendments to the Granite Falls UGA (10-Year Update);

(106) Amended Ordinance No.05-075, adopted December 21, 2005, adopting amendments to the Lake Stevens UGA (10-Year Update);

(107) Amended Ordinance No. 05-076, adopted December 21, 2005, adopting amendments to the Maltby UGA (10-Year Update);

(108) Amended Ordinance No.05-077, adopted December 21, 2005, adopting amendments to the Marysville UGA (10-Year Update);

(109) Amended Ordinance No. 05-078, adopted December 21, 2005, adopting amendments to the Monroe UGA (10-Year Update);

(110) Amended Ordinance No.05-079, adopted December 21, 2005, adopting amendments to the Snohomish UGA (10-Year Update);

(111) Amended Ordinance No. 05-081, adopted December 21, 2005, adopting amendments to the Stanwood UGA (10-Year Update);

(112) Amended Ordinance No. 05-082, adopted December 21, 2005, adopting amendments to the Sultan UGA (10-Year Update);

(113) Amended Ordinance No. 05-141, adopted December 21, 2005, adopting map and text amendments to the GPP (10-Year Update Transfer of Development Rights);

(114) Amended Ordinance No.05-142, adopted December 21, 2005, adopting conditional revisions to the Arlington UGA (10-Year Update Transfer of Development Rights);

(115) Amended Ordinance No. 06-005, adopted March 15, 2006, adopting map and text amendments to the GPP (Play fields on designated recreational land);

(116) Ordinance No. 06-053, adopted July 19, 2006, revising the Southwest UGA (Camwest);

(117) Ordinance No. 06-054, adopted July 19, 2006, implementing map changes approved in Ordinance No. 06-053 (Camwest);

(118) Ordinance No. 06-047, adopting July 19, 2006, incorporating Arlington UGA Transfer of Development Rights Receiving Area;

(119) Resolution No. 06-016, adopted November 29, 2006, acting to comply with CPSGMHB Order regarding 10-Year Update - sewer lines/rural churches and schools;

(120) Amended Ordinance No. 06-086, adopted November 20, 2006, adopting 2006-2011 Capital Facilities Plans for the Arlington, Edmonds, Everett, Lake Stevens, Lakewood, Marysville, Monroe, Mukilteo, Northshore, Snohomish, Stanwood/Camano Island and Sultan School Districts;

(121) Amended Ordinance No. 06-118, adopted December 20, 2006, adopting the 2007 Comprehensive Park and Recreation Plan;

(122) Amended Ordinance No. 06-102, adopted December 20, 2006, adopting GPP text and FLU map amendments (2006 Docket);

(123) Amended Ordinance No. 06-103, adopted December 20, 2006 revising the urban growth area for the City of Lake Stevens (2006 Docket);

(124) Amended Ordinance No. 06-107, adopted December 20, 2006, revising the urban growth area for the City of Granite Falls (2006 Docket);

(125) Amended Ordinance No. 06-109, adopted December 20, 2006, revising the urban growth area for the City of Sultan (2006 Docket);

(126) Amended Ordinance No. 06-111, adopted December 20, 2006, revising the Southwest urban growth area (2006 Docket);

(127) Amended Ordinance No.06-113, adopted December 20, 2006, adopting GPP text amendments (2006 Docket);

(128) Amended Ordinance No. 06-117, adopted December 20, 2006, amending Appendix D to the GMACP (2006 Docket);

(129) Amended Ordinance No. 06-127, adopted December 20, 2006, revising the urban growth area for the City of Stanwood (2006 Docket);

(130) Amended Ordinance No. 06-140, adopted January 10, 2007, revising the urban growth area for the City of Arlington (Foster Remand);

(131) Amended Ordinance No. 07-136, adopted November 19, 2007, adopting the 2008-2013 Capital Improvement Program;

(132) Ordinance No. 07-139, adopted December 18, 2007, acting to comply with CPSGMHB Decision and Order in Case No. 07-3-0026c (McNaughton and Park Ridge Chapel properties - 2006 docket);

(133) Resolution No. 08-006, acting to comply with CPSGMHB Decision and Order in Case No. 03-3-0026 (Concerning adoption of Ord. 03-106 relating to the Northern Clearview Limited Area of More Intensive Rural Development);

(134) Amended Ordinance No. 08-021, adopted June 3, 2008, revising the existing urban growth area for the City of Lake Stevens (Lake Stevens School District - Docket XII);

(135) Amended Ordinance No. 08-026, adopted June 3, 2008, revising the existing Southwest urban growth area (Miller Shingle - Docket XII);

(136) Amended Ordinance No. 08-028, adopted June 3, 2008, adopting comprehensive plan map changes for the Lake Stevens UGA (G & S Development - Docket XII);

(137) Amended Ordinance No. 08-029, adopted June 3, 2008, adopting comprehensive plan map changes for the Lake Stevens UGA(Huber #1 - Docket XII);

(138) Amended Ordinance No. 08-030, Adopted June 3, 2008, adopting comprehensive plan map changes for the Lake Stevens UGA (Huber #3 - Docket XII);

(139) Amended Ordinance No. 08-034, adopted June 3, 2008, adopting comprehensive plan map changes for the Southwest UGA (McNaughton Group #3 - Docket XII);

(140) Amended Ordinance No. 08-035, adopted June 3, 2008, adopting comprehensive plan map changes for the Southwest UGA (Salibian - Docket XII);

(141) Amended Ordinance No. 08-037, adopted June 3, 2008, adopting comprehensive plan map changes for the Southwest UGA (Clay Enterprises - Docket XII);

(142) Amended Ordinance No. 08-040, adopted June 3, 2008, adopting mineral resource overlay map amendments (Halverson Family Partnership - Docket XII);

(143) Amended Ordinance No. 08-041, adopted June 3, 2008, adopting mineral resource overlay map amendments (JLS Development - Docket XII);

(144) Amended Ordinance No. 08-042, adopted June 3, 2008, adopting mineral resource overlay map amendments (Sea-Mount Resources, Inc. - Docket XII);

(145) Amended Ordinance No. 08-043, adopted June 3, 2008, adopting mineral resource overlay map amendments (Stillaguamish Resources, Inc. - Docket XII);

(146) Amended Ordinance No. 08-044, adopted June 3, 2008, adopting mineral resource overlay map amendments (Rinker Materials - Docket XII);

(147) Amended Ordinance No. 08-045, adopted June 3, 2008, adopting mineral resource overlay map amendments (Hillis/Smokey Point Concrete - Docket XII);

(148) Amended Ordinance No. 08-046, adopted June 3, 2008, adopting GPP technical text corrections (Docket XII);

(149) Amended Ordinance No. 08-047, adopted June 3, 2008, adopting GPP text amendments - urban centers (Docket XII);

(150) Amended Ordinance No. 08-049, adopted June 3, 2008, adopting GPP future land use map technical amendments (Docket XII);

(151) Amended Ordinance No. 08-050, adopted June 3, 2008, adopting GPP text amendments - ultimate capacity (Docket XII);

(152) Amended Ordinance No. 08-051, adopted June 3, 2008, adopting GPP text amendments - transfer of development rights (Docket XII);

(153) Amended Ordinance No. 08-064, adopted June 3, 2008, adopting GPP text amendments - introductory text (Docket XII);

(154) Amended Ordinance No. 08-055, adopted June 3, 2008, adopting GPP Map amendments - Municipal Urban Growth Boundaries (Docket XII);

(155) Amended Ordinance No. 08-019, adopted June 3, 2008, adopting GPP text amendments - climate change/sustainability (Docket XII);

(156) Amended Ordinance No. 08-120, adopted Nov. 24, 2008, adopting the 2009-2014 Capital Improvement Program;

(157) Ordinance No. 08-121, adopted Nov. 24, 2008, amending the Snohomish County Capital Facilities Plan/2005 Update;

(158) Amended Ordinance No. 08-115, adopted Nov. 5, 2008, adopting 2008-2013 School Capital Facilities Plans;

(159) Amended Ordinance No. 09-037, adopted August 12, 2009, adopting comprehensive plan map changes for the Southwest UGA (Docket XIII – Lumley);

(160) Amended Ordinance No. 09-038, adopted August 12, 2009, adopting comprehensive plan map changes for the Southwest UGA (Docket XIII – Paramount of Washington);

(161) Amended Ordinance No. 09-040, adopted August 12, 2009, adopting comprehensive plan map changes for the Southwest UGA (Docket XIII – Tambark Trails);

(162)Amended Ordinance No. 09-041, adopted August 12, 2009, adopting comprehensive plan map changes for the Southwest UGA (Docket XIII – Murphy)

(163) Amended Ordinance No. 09-043, adopted August 12, 2009, adopting technical map corrections to the Future Land Use Map (Docket XIII);

(164) Amended Ordinance No. 09-044, adopted August 12, 2009 (veto overridden September 8, 2009), amending the Population and Employment and Land Use chapters of the General Policy Plan (Docket XIII – elimination of FCCs);

(165) Amended Ordinance No. 09-045, adopted August 12, 2009, amending the Land Use and Population and Employment chapters and Appendix D of the General Policy Plan (Docket XIII – Rural Population Target Reduction);

(166) Amended Ordinance No. 09-046, adopted August 12, 2009, amending the Land Use chapter of the General Policy Plan (Docket XIII – Rural Cluster Subdivisions);

(167) Amended Ordinance No. 09-047, adopted August 12, 2009, adopting comprehensive plan map changes for the Southwest UGA (Docket XIII – Brookside Village);

(168) Amended Ordinance No. 09-048, adopted August 12, 2009, adding and amending the Natural Environment chapter of the General Policy Plan (Docket XIII – NPDES);

(169) Amended Ordinance No. 09-051, adopted August 12, 2009, adding and amending the Land Use chapter of the General Policy Plan (Docket XIII – Urban Centers);

(170) Amended Ordinance No.09-063, adopted August 12, 2009, adopting comprehensive plan map changes for the Southwest UGA (Docket XIII – Green Space);

(171) Amended Ordinance No. 09-096, adopted October 14, 2009, adopting comprehensive plan text amendments relating to manufactured housing communities;

(172) Amended Ordinance No. 09-110, adopted November 23, 2009, adopting the 2010 – 2015 Capital Improvement Program;

(173) Ordinance No. 09-111, adopted November 23, 2009, amending the Capital Facilities Plan/2005 Update;

(174) Ordinance No. 10-040, adopted July 7, 2010, adopting amendments to the Land Use chapter of the General Policy Plan (Docket XIV – Open Space);

(175) Ordinance No. 10-041, adopted July 7, 2010, making technical map corrections to the Future Land Use Map of the General Policy Plan (Docket XIV)

(176) Amended Ordinance No. 10-042, adopting amendments to the Land Use, Housing, Transportation, Capital Facilities and Natural Environment chapters of the General Policy Plan (Docket XIV - Cathcart);

(177) Ordinance No. 10-043, adopting amendments to the Land Use chapter of the General Policy Plan (Docket XIV – rural element population);

(178) Ordinance No. 10-044, adopting amendments to the Land Use chapter of the General Policy Plan (Docket XIV – rural element – agriculture);

(179) Ordinance No. 10-045, amending Map 3 of the General Policy Plan - Municipal Urban Growth Areas (Docket XIV – Bothell/Mill Creek MUGA);

(180) Ordinance No. 10-046, amending Map 1 of the General Policy Plan – Future Land Use map (Docket XIV – Partner's 6 LLC);

(181) Amended Ordinance No. 10-096, adopting the 2011-2016 Capital Improvement Program as a part of Snohomish County's Growth Management Act Comprehensive Plan;

(182) Ordinance No. 10-097, adopting 2010-2015 School District Capital Facilities Plans;

(183) Amended Ordinance No. 11-051, adopted September 28, 2011, adopting amendments to the Land Use, Housing, Capital Facilities, Utility, and Interjurisdictional Coordination chapters and Appendix B of the General Policy Plan (2011 Comprehensive Plan Amendments – GPP 3, consistency with Countywide Planning Policies);

(184) Amended Ordinance No. 11-052, adopted September 28, 2011, adopting technical map and text corrections to the Land Use chapter, Maps 1-6 and Appendix D of the General Policy Plan (2011 Comprehensive Plan Amendments – GPP 4);

(185) Amended Ordinance No. 11-053, adopted September 28, 2011, adopting amendments to the Land Use and Interjusisdictional Coordination chapters of the General Policy Plan (2011 Comprehensive Plan Amendments – GPP 5, integration of land use and transportation planning and outcomes);

(186) Amended Ordinance No. 11-054, adopted September 28, 2011, adopting amendments to the Transportation chapter of the General Policy Plan (2011 Comprehensive Plan Amendments – Transportation);

(187) Amended Ordinance No. 11-055, adopted September 28, 2011, adopting amendments to the Natural Environment, Capital Facilities and Interjurisdictional Coordination chapters of the Geneal Policy Plan (2011 Comprehensive Plan Amendments – GPP 8 , Solid Waste); and

(188) Amended Ordinance No. 11-071, adopted November 21, 2011, adopting the 2012-2017 Capital Improvement Program as a part of Snohomish County's Growth Management Act Comprehensive Plan;

(189) Amended Ordinance No. 12-044, adopted October 17, 2012, adopting amendments to Map 1, Future Land Use Map of the General Policy Plan (2012 Comprehensive Plan Amendments – GPP 3, Oso);

(190) Amended Ordinance No. 12-045, adopted October 17, 2012, adopting amendments to the Land Use chapter and Maps 1-6 of the General Policy Plan (2012 Comprehensive Plan Amendments – GPP 4, Technical Corrections – Text and Map);

(191) Amended Ordinance No. 12-046, adopted October 17, 2012, adopting amendments to the Land Use chapter of the General Policy Plan (2012 Comprehensive Plan Amendments – GPP 9, TDR);

(192) Amended Ordinance No. 12-047, adopted October 17, 2012, adopting amendments to the Land Use and Natural Environment chapters of the General Policy Plan (2012 Comprehensive Plan Amendments – GPP 11, Agriculture Preservation and Habitat Restoration);

(193) Ordinance No. 12-068, adopted October 17, 2012, adopting amendments to the Land Use chapter, Map 1 and Appendix E of the General Policy Plan (Point Wells Remand);

(194) Amended Ordinance No. 12-092, adopted November 19, 2012, adopting the 2013-2018 Capital Improvement Program as a part of Snohomish County's Growth Management Act Comprehensive Plan; and

(195) Ordinance No. 12-093, adopted November 19, 2012, adopting the 2012-2017 Capital Facilities Plans for the Edmonds, Everett, Lake Stevens, Lakewood, Marysville, Monroe, Mukilteo, Northshore, Snohomish, and Sultan school districts.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 03-033, April 9, 2003, Eff date April 21, 2003; Amended by Amended Ord. 03-049, June 4, 2003, Eff date June 27, 2003; Ord. 03-068, July 9, 2003, Eff date July 28, 2003; Ord. 04-085, Sept. 8, 2004, Eff date Oct. 2, 2004; Resolution No. 04-023, Sept. 1, 2004, Eff Sept. 1, 2004, Amended by Amended Ord. 04-124, Nov. 17, 2004, Eff date Dec. 10, 2004; Amended by Amended Ord. 04-125, Nov. 17, 2004, Eff date Dec. 10, 2004; Amended by Amended Ord. 04-126, Nov. 17, 2004, Eff date Dec. 10, 2004; Amended by Amended Ord. 04-127, Nov. 17, 2004, Eff date Dec. 10, 2004; Amended by Amended Ord. 04-128, Nov. 17, 2004, Eff date Dec. 10, 2004; Amended by Amended Ord. 04-130, Nov. 17, 2004, Eff date Dec. 10, 2004; Ord. 04-107, Nov. 22, 2004, Eff date Dec. 17, 2004; Amended by Amended Ord. 04-108, Nov. 22, 2004, Eff date Dec. 17, 2004; Amended by Amended Ord. 04-118, Nov. 23, 2004, Eff date Jan. 1, 2005; Resolution No. 05-001, Jan. 5, 2005, Eff date Jan. 5, 2005; Ord. 05-108, Nov. 21, 2005, Eff date Jan. 1, 2006; 10-Year Update ordinances adopted December 21, 2005, eff date Feb. 1, 2006; Amended by Amended Ord. 06-005, March 15, 2006, Eff date April 4, 2006; Ord. 06-053, July 19, 2006, Eff date Aug. 3, 2006; Ord. 06-054, July 19, 2006, Eff date Aug 3, 2006; Ord. 06-047, July 19, 2006, Eff date Aug. 5, 2006; Resolution No. 06-016, November 29, 2006, Eff date November 29, 2006; Amended by Amended Ord. 06-086, November 20, 2006, Eff date Jan. 1, 2007; Amended by Amended Ord. 06-118, Dec. 20, 2006, Eff date Jan. 13, 2007; Amended Ord. 06-102, Dec. 20, 2006, Eff date Jan. 19, 2007; Amended Ord. 06-103, Dec. 20, 2006, Eff date Jan. 19, 2007; Amended by Amended Ord. 06-107, Dec. 20, 2006, Eff date Jan. 19, 2007; Amended by Amended Ord. 06-109, Dec. 20, 2006, Eff date Jan. 19, 2007; Amended by Amended Ord. 06-111, Dec. 20, 2006, Eff date Jan. 19, 2007; Amended by Amended Ord. 06-113, Dec. 20, 2006, Eff date Jan. 19, 2007; Amended by Amended Ord. 06-117, Dec. 20, 2006, Eff date Jan. 19, 2007; Amended by Amended Ord. 06-127, Dec. 20, 2006, Eff date Jan. 19, 2007; Amended by Amended Ord. 06-140, Jan. 10, 2007, Eff date Jan. 28, 2007; Amended by Amended Ord. 07-136, Nov. 19, 2007, Eff date Dec. 17, 2007; Ord. 07-139, Dec. 18, 2007, Eff date Dec. 28, 2007; Reso. 08-006, Feb. 20, 2008, Eff date Feb. 20, 2008; Amended by Amended Ordinance No. 08-021, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-026, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-028, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-029, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-030, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-034, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-035, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-037, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-040, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-041, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-042, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-043, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-044, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-045, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-046, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-047, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-049, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-050, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-051, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-064, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-055, June 3, 2008, Eff date June 20, 2008; Amended by Amended Ordinance No. 08-019, June 3, 2008, Eff date June 20, 2008; Amended Ord. 08-120, Nov. 24, 2008, Eff date Dec. 22, 2008; Ord. 08-121, Nov. 24, 2008, Eff date Dec. 22, 2008; Amended by Amended Ord. 08-115, Nov. 5, 2008, Eff date Jan. 1, 2009; Amended by Amended Ord. 09-

037, August 12, 2009, Eff date Sept. 10, 2009; Amended by Amended Ord. 09-038, August 12, 2009; Eff date Sept. 10, 2009; Amended by Amended Ord. 09-040, August 12, 2009, Eff date Sept. 10, 2009; Amended by Amended Ord. 09-041, August 12, 2009, Eff date Sept. 9, 2009; Amended by Amended Ord. 09-043, August 12, 2009, Eff date Sept. 10, 2009; Amended by Amended Ord. 09-044, Sept. 8, 2009, Eff date Sept. 18, 2009; Amended by Amended Ord. 09-045, August 12, 2009, Eff date Sept. 10, 2009; Amended by Amended Ord. 09-046, August 12, 2009, Eff date Sept. 10, 2009; Amended by Amended Ord. 09-047, August 12, 2009, Eff date Sept. 10, 2009; Amended by Amended Ord. 09-048, August 12, 2009, Eff date Sept. 10, 2009; Amended by Amended Ord. 09-051, August 12, 2009, Eff date Sept. 10, 2009; Amended by Amended Ord. 09-063, August 12, 2009, Eff date Sept. 10, 2009; Amended by Amended Ord. 09-095, Oct. 14, 2009, Eff date Nov. 9, 2009; Amended Ord. 09-110, Nov. 23, 2009, Eff date Dec. 21, 2009; Ord. 09-111, Nov. 23, 2009, Eff date Dec. 21, 2009; Ordinance No. 10-040, July 7, 2010, Eff date Aug. 1, 2010; Ordinance No. 10-041, July 7, 2010, Eff date Aug. 1, 2010); Amended Ordinance No. 10-042, July 7, 2010, Eff date Aug. 1, 2010); Ordinance No. 10-043, July 7, 2010, Eff date Aug. 1, 2010); Ordinance No. 10-044, July 7, 2010, Eff date Aug. 1, 2010); Ordinance No. 10-045, July 7, 2010, Eff date Aug. 1, 2010); Ordinance No. 10-046, July 7, 2010, Eff date Aug. 1, 2010; Amended by Amended Ord. 10-096, Nov. 22, 2010, Eff date Dec. 20, 2010; Amended by Ord. 10-097, Nov. 22, 2010, Eff date Jan. 1, 2011; Amended by Amended Ord. 11-054, Sept. 28, 2011, Eff date October 13, 2011; Amended by Amended Ord. 11-055, Sept. 28, 2011, Eff date October 13, 2011; Amended by Amended Ord. 11-051, Sept. 28, 2011, Eff date October 16, 2011; Amended by Amended Ord. 11-052, Sept. 28, 2011, Eff date October 16, 2011; Amended by Amended Ord. 11-053, Sept. 28, 2011, Eff date October 16, 2011; Amended by Amended Ord. 11-071, Nov. 21, 2011, Eff date Dec. 19, 2011; Amended by Ord. 12-044, Oct. 17, 2012, Eff date Nov. 10, 2012; Amended by Amended Ord. 12-045, Oct. 17, 2012, Eff date Nov. 10, 2012; Amended by Amended Ord. 12-046, Oct. 17, 2012, Eff date Nov. 10, 2012; Amended by Amended Ord. 12-047, Oct. 17, 2012, Eff date Nov. 10, 2012; Amended by Amended Ord. 12-068, Oct. 17, 2012, Eff date Nov. 10, 2012; Amended by Amended Ord. 12-092, Nov. 19, 2012, Eff date Dec. 10, 2012; Amended by Ord. 12-093, Nov. 19, 2012, Eff date Jan. 1, 2013).

30.10.065 Snohomish County Shoreline Management Program (SMP) – a component of the comprehensive plan.

The goals and policies of the Snohomish County Shoreline Management Program (SMP), adopted pursuant to chapter 90.58 RCW and chapter 173-26 WAC, are considered an element of the comprehensive plan. The SMP consists of the following:

(1) A document titled, *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*, dated June 6, 2012;

(2) Shoreline environment designation maps, dated June 6, 2012;

(3) Shoreline regulations contained in chapter 30.67 SCC; and

(4) Critical area regulations in chapters 30.62A, 30.62B and 30.62C SCC as adopted in Amended Ordinance 06-061 on August 1, 2007, and chapter 30.65 SCC as adopted in Amended Ordinance 07-005 on February 21, 2007.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.10.070 Relationship of comprehensive plan to previously adopted plans.

Subarea plans adopted prior to adoption of the comprehensive plan may continue to be used in the review of development applications as provided in the comprehensive plan.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.10.080 GMA development regulations.

The UDC is adopted as a development regulation under RCW 36.70A.040, except for the following: subtitle 30.5 SCC (construction codes); chapter 30.61 SCC (SEPA); chapter 30.86 SCC (fees); chapter 30.44 SCC (shoreline permits); and chapter 30.67 (shoreline management program).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 12-018, May 2, 2012 Eff date May 21, 2012; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.10.090 Protection of private property.

Snohomish County has utilized the process established by the attorney general pursuant to RCW 36.70A.370(1) in adopting the UDC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.21
Purpose and Establishment of Zones

30.21.010 Purpose and applicability.

This chapter establishes and describes the use zones applicable in unincorporated Snohomish County, as provided for in the comprehensive plan. The provisions of this chapter shall apply to all land within unincorporated Snohomish County.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.21.020 Establishment of zones.

Snohomish County's use zones are established and categorized pursuant to SCC Table 30.21.020.

Table 30.21.020
Snohomish County Zones by Category

ZONE CATEGORY	ZONES	
URBAN	Residential 9,600	R-9,600
	Residential 8,400	R-8,400
	Residential 7,200	R-7,200
	Townhouse	T
	Low-Density Multiple Residential	LDMR
	Multiple Residential	MR
	Neighborhood Business	NB
	Planned Community Business	PCB
	Community Business	CB
	General Commercial	GC
	Freeway Service	FS
	Business Park	BP
	Industrial Park	IP
	Light Industrial	LI
	Mobile Home Park	MHP
	Urban Center	UC
RURAL	Rural Diversification	RD
	Rural Resource Transition – 10 Acre	RRT-10
	Rural 5-Acre	R-5
	Rural Business	RB
	Clearview Rural Commercial	CRC
	Rural Freeway Service	RFS
	Rural Industrial	RI
RESOURCE	Forestry	F
	Forestry and Recreation	F&R
	Agriculture-10 Acre	A-10
	Mineral Conservation	MC

OTHER	Suburban Agriculture-1 Acre	SA-1
	Rural Conservation	RC
	Rural Use	RU
	Residential 20,000	R-20,000
	Residential 12,500	R-12,500
	Waterfront Beach	WFB

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-029, April 25, 2007, Eff date May 10, 2007; Amended by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.21.025 Intent of zones.

This section describes the intent of each use zone. Snohomish County's use zones are categorized and implemented consistent with the comprehensive plan. The comprehensive plan establishes guidelines to determine compatibility and location of use zones. The intent of each zone is established pursuant to SCC Table 30.21.020 and is set forth below in SCC 30.21.025(1) - (4).

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

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

(i) Residential 7,200 sq. ft. (R-7,200);

(ii) Residential 8,400 sq. ft. (R-8,400); and

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

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

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

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

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

(C) provide design standards and review which recognize the special characteristics of townhouses, to ensure the development of well-planned communities, and to ensure 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 chapters 64.32 or 64.34 RCW, or owner or renter occupancy of separately conveyed units on individual lots created through formal subdivision pursuant to chapter 58.17 RCW;

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

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

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

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

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

(ii) Planned Community Business (PCB). The intent and function of the Planned Community Business zone is to provide for community business enterprises in areas desirable for business but having highly sensitive elements of vehicular circulation, 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;

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

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

(v) Freeway Service (FS). The intent and function of the Freeway Service zone is to provide for 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. Allowed uses are limited to commercial establishments dependent upon highway users. Certain performance standards, subject to review and approval of an official site plan, are contained in chapter 30.31B SCC to protect freeway design;

(vi) 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. The BP zone, under limited circumstances, may also provide for residential development where sites are large and where compatibility can be assured for on-site mixed uses and for uses on adjacent properties;

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

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

(ix) 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 remaining Planned Industrial Park (PIP) zones are designed to ensure

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 zone regulations (chapter 30.31A SCC).

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

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

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

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

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

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

(2) Rural Zones. The Rural zones category consists of zoning classifications applied to lands located outside UGAs that are not designated as agricultural or forest lands of long-term commercial significance. These lands have existing or planned rural services and facilities, and rural fire and police protection services. Rural zones may be used 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 by the comprehensive plan. Rural zones consist of the following:

(a) Rural Diversification (RD). The intent and function of the Rural Diversification 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. The following guidelines apply:

(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;

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

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

(d) Rural Business (RB). The intent and function of the Rural Business zone is to permit the location of small-scale commercial retail businesses and personal services which serve a limited service area and rural

population outside established UGAs. This zone is to be implemented as a "floating zone" and will be located where consistent with specific locational criteria. The Rural Business zone permits small-scale retail sales and services located along county roads on small parcels that serve the immediate rural residential population, and for a new rural business, are located two and one-half miles from an existing rural business, rural freeway service zone, or commercial designation in the rural area. Rural businesses, which serve the immediate rural population, may be located at crossroads of county roads, state routes, and major arterials;

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

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

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

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

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

(b) 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, including recreation uses where remote locations may be required, and to protect publicly-owned parks in UGAs;

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

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

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

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

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

(A) Storage and refrigeration of regional agricultural products;

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

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

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

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

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

products, including arts and crafts, produced on-site. Accessory commercial or retail sales shall offer for sale a significant amount of products or services produced on-site.

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

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

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

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

(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 the 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 usages consistent with the goals and objectives of the comprehensive plan.

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

(a) Suburban Agriculture-1 Acre (SA-1);
(b) Rural Conservation (RC);
(c) Rural Use (RU);
(d) Residential 20,000 sq. ft. (R-20,000);
(e) Residential 12, 500 sq. ft. (R-12,500); and
(f) Waterfront beach (WFB).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-051, June 4, 2003, Eff date June 27, 2003; Ord. 03-107, Sept. 10, 2003, Eff date Sept. 25, 2003; Ord. 03-099, Sept. 10, 2003, Eff date October 6, 2003; Ord. 04-070, July 28, 2004, Eff date Aug. 23, 2004; Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004; Amended Ord. 05-087, December 21, 2005, Eff date Feb. 1, 2006; Amended Ord. 05-101, December 21, 2005, Eff date Feb. 1, 2006; Amended Ord. 06-046, July 19, 2006, Eff date August 5, 2006;Amended Ord. 06-137, December 13, 2006, Eff date Jan. 1, 2007; Amended Ord. 07-029, April 25, 2007, Eff date May 10, 2007; Amended by Amended Ord. 09-044, Aug. 12, 2009 (veto overridden Sept. 8, 2009), Eff date Sept. 18, 2009; Amended by Amended Ord. 09-096, Oct. 14, 2009, Eff date Nov. 9, 2009; Amended by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.21.030 Zoning maps and boundaries.

Official zoning maps designating the exact boundaries of each zone, as adopted by the hearing examiner and/or county council, shall be available for public review at the department during business hours. The location and boundaries of the zones shall be shown on the official zoning maps and subject to the following rules of interpretation:

(a) Any property not zoned by map shall be classified as R-5 outside of the UGAs, and R-9,600 within the UGAs;
(b) Unless otherwise referred to established points, lines, or features, the zone boundary lines are the centerlines of streets, public alleys, parkways, waterways, or railroad rights-of-way. In the case of navigable water, the outer harbor line shall be the boundary line. If the outer harbor line is not established, then the zone boundary shall extend 500 feet from the ordinary high water mark; and
(c) Zone classification will not change as a result of vacating a street or alley. The boundaries originally established will continue to apply.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.21.040 Flood hazard and noise impact areas.

Those areas defined as special flood hazard areas by chapter 30.65 SCC may be depicted on the official zoning maps. Where available, noise impact contours surrounding large airports may also be depicted on these maps. Such depictions are advisory only. They are provided in an attempt to assist the public in identifying properties located in special flood hazard or noise impact areas, but because they may be neither complete nor entirely accurate, they should not be relied upon and will not be used by the county for regulatory purposes.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.22
Uses allowed in Zones

30.22.010 Purpose and applicability.

This chapter establishes which uses or types of uses are permitted, which require special approvals, and which are prohibited in the various county zones. Zones are grouped into four categories, as shown below, with each of the zones listed from left to right in increasing intensity of use in a matrix. Some uses have additional or special requirements that are listed by numbered reference notes in SCC 30.22.130. Proposed uses on lands subject to the shoreline management program shall meet the requirements in chapter 30.67 SCC in addition to the requirements of this chapter. Where conflicts may exist, the provisions that are more protective of ecological functions shall apply. The categories and zones are as follows:

(1) Urban Zones - R-9,600, R-8,400, R-7,200, T, LDMR, MR, NB, PCB, CB, GC, FS, IP, BP, LI, HI, MHP;

(2) Rural Zones - RD, RRT-10, R-5, RB, CRC, RFS, RI;

(3) Resource Zones - F, F&R, A-10, MC; and

(4) Other Zones - SA-1, RC, RU, R-20,000, R-12,500, WFB.

For a description of each zone, see SCC 30.21.025.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-029, April 25, 2007, Eff date May 10, 2007; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.22.020 Categories of uses.

(1) SCC 30.22.100, 30.22.110, and 30.22.120 comprise the use matrix. The use matrix lists uses and indicates whether uses are permitted (P), require conditional use (C) or administrative conditional use (A) approval, or are prohibited in a particular zone.

(a) Permitted uses (P) are those permitted outright. Certain uses have special requirements indicated by footnotes in the use matrices.

(b) Conditional uses (C) are those which require special review in order to ensure compatibility with permitted uses in the same zone. Conditional use permits are granted by the hearing examiner following a review and recommendation from the department and an open record public hearing.

(c) Administrative conditional uses (A) also require special review to ensure compatibility with permitted uses in the same zone. Administrative conditional uses are granted by the department. Uses formerly categorized as temporary uses or special uses are now processed as administrative conditional uses.

(d) Special use permits (S) require a local, state, or regional land use permit issued for a facility at a particular location subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses.

(e) Prohibited uses are those which are not allowed in a zone. A blank box in the use matrix indicates a use is not allowed.

(2) Essential public facilities shall be permitted in any zone in which they are listed as a permitted or conditional use upon the approval of a development agreement under SCC 30.75.020, 30.75.100 and 30.75.130.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-006, February 19, 2003, Eff date March 9, 2003; Emergency Ordinance No. 04-019, February 11, 2004, Eff date February 11, 2004; Amended Ord. 05-040, July 6, 2005, Eff date Aug. 8, 2005; Emergency Ord. 06-009, Feb. 22, 2006; Eff date Feb. 22, 2006)

30.22.025 Incidental uses.

Uses which are incidental to a conforming permitted, conditional, or administrative conditional use may be placed on lots in conjunction with the permitted, conditional, or administrative conditional use.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.22.030 Number of uses per lot.

Uses shall be established upon legally created lots that conform to current zoning requirements or on legal nonconforming lots. A lot may have more than one use placed within its bounds, except that only one single family dwelling may be placed on a lot. This exception shall not apply to model homes as defined herein, to planned residential developments proposed and approved pursuant to chapter 30.42B SCC, projects proposed and approved pursuant to chapter 30.34A SCC, or to land zoned commercial or multiple family residential. Multifamily structures may be placed on lots at densities controlled by chapter 30.23 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-087, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.22.040 Interpretation of matrices.

The following rules apply to interpretation of the use matrices:

(1) Specific regulations or requirements shall supersede general or implied regulations;

(2) If a use is listed in one category matrix but not in another, the use is prohibited where not listed; and

(3) If a proposed use is not specifically mentioned in any of the category matrices, the department shall determine whether it closely fits or matches another listed use.

(a) Any use which is determined not to closely fit or match a listed use shall not be permitted (except as allowed by default in the industrial zoning classifications for urban zones).

(b) Determinations regarding unlisted uses shall be considered code interpretations as prescribed under chapter 30.83 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.22.050 Temporary emergency use or structure.

The department may approve a temporary emergency use or structure in order to avoid imminent danger to the public, or to public or private property, or to prevent imminent and serious environmental degradation. Emergency approvals shall be granted in writing and only when action must be taken immediately, or within a time too short to allow for processing of a permit. A building permit and related inspections and approvals may be required.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.22.100 Urban Zone Categories: Use Matrix

TYPE OF USE	R9,600[88]	R8,400[88]	R7,200[88]	T	LDMR	MR	NB	PCB	CB	GC	FS	IP[76]	BP	LI[55, 76]	HI[55]	MHP[114]	UC[117]
Accessory Apartment[62]	A	A	A	A	A	A	A		A	A							
Adult Entertainment Business/Use[67]												P		P	P		
Agriculture[41, 107]	P	P	P		P	P	P		P	P		P	P	P	P	P	
Airport, Stage 1 Utility[1]	C	C	C						P	P		P	P	P	P		
Airport-All Others												P	P	P	P		
Amusement Facility[41]								P	P	P		P		P	P		P
Antique Shop							P		P	P				P	P		P
Art Gallery[41]	C	C	C		C	C	P	P	P	P		P	P	P	P		P
Asphalt Batch Plant & Continuous Mix Asphalt Plant												P			P		
Auto Repair, Major										P		P	P	P	P		P[86]
Auto Repair, Minor							P	P	P[86]	P	P	P	P	P	P		P[86]
Auto Towing														P	P		
Auto Wrecking Yard														C[44]	P[44]		
Bakery							P[69]	P	P	P		P	P	P	P		P
Bed and Breakfast Guesthouse[58]	C	C	C	C	C	C										C	
Billboards[46]										P				P	P		
Boarding House	P[15]	P[15]	P[15]		P	P	P		P	P						P	P
Boat Launch, Commercial[31]									C	C				C	C		P[118]
Boat Launch, Non-commercial[31]	C	C	C		C	C			C	C				C	C		
Boat Sales										P				P	P		
Caretaker's Quarters												P	P	P	P		
Cemetery, Columbarium, Crematorium, Mausoleum[41]	C	C	C		C	C			P	P		P	P	P	P		P
Church[41]	C	C	C		P	P	P	P	P	P		P	P	P	P		P
Cleaning Establishment							P	P	P	P		P	P	P	P		P
Clubhouse					C	C	C	P	P	P		P	P	P	P	P	P

TYPE OF USE	R9,600[88]	R8,400[88]	R7,200[88]	T	LDMR	MR	NB	PCB	CB	GC	FS	IP[76]	BP	LI[55, 76]	HI[55]	MHP[114]	UC[117]
Cold Storage										P		P	P	P	P		
Commercial Vehicle Storage Facility										P		P	P	P	P		
Community Club	C	C	C		C	C	C		P	P		P	P	P	P	P	P
Community Facilities for Juveniles [103]																	
1 to 8 Resident Facility	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
9 to 24 Resident Facility	S	S	S	S	S	P	P	P	P	P		P	P	P	P	P	P
Construction Contracting										P		P	P	P	P		
Country Club	C	C	C									P	P	P	P		P
Craft Shop [21]									P[86]	P		P	P	P	P		P[86]
Day Care Center [2]	C	C	C		C	C	P	P	P	P	P	P	P	P	P	A	P
Department Store								P	P[86]	P				P	P		P
Distillation of Alcohol												P	P	P	P		P[86]
Distillation of Wood, Coal, Bones or Manufacturing of Their By-products												P			P		
Dock & Boathouse, Private, Non-commercial [3, 41]	P	P	P	P	P	P	P		P	P		P	P	P	P		
Drug Store							P	P	P	P	P[2][2]			P	P		P
Dwelling, Attached Single Family	P	P	P	P	P	P	P	P	P	P							
Dwelling, Cottage Housing [116]	A	A	A	A	A												
Dwelling, Duplex	P[42]	P[42]	P[42]	P	P	P	P		P	P							
Dwelling, Mobile Home	P[6]	P[6]	P[6]	P[6]	P	P	P[6]		P[6]	P[6]						P	
Dwelling, Multifamily					P	P	P	P	P	P			P[51]				P
Dwelling, Single Family	P	P	P	P	P	P	P	P[4]	P	P			P[51]			P[4]	
Dwelling, Townhouse [5]			A	P	P	P	P	P	P	P							P

TYPE OF USE	R9,600[88]	R8,400[88]	R7,200[88]	T	LDMR	MR	NB	PCB	CB	GC	FS	IP[76]	BP	LI[55, 76]	HI[55]	MHP[114]	UC[117]
Electric Vehicle Infrastructure																	
Electric Vehicle Charging Station – Restricted, Level 1, and Level 2 [121]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electric Vehicle Charging Station – Public, Level 1 and Level 2							P	P	P	P	P	P	P	P	P		P
Electric Vehicle Charging Station, Level 3	C[120]	C[120]	C[120]	C[120]	C[120]	C[120]	P	P	P	P	P	P	P	P	P		P
Battery Exchange Stations	C[120]	C[120]	C[120]	C[120]	C[120]	C[120]	P	P	P	P	P	P	P	P	P		P
Explosives, Manufacturing												P			P		
Explosives, Storage												P			P		
Extraction of Animal or Fish Fat or Oil												P			P		
Fabrication Shop										P		P	P	P	P		
Fairgrounds										P		P	P	P	P		
Fallout Shelter, Individual	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Fallout Shelter, Joint [7]	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	
Farm Product Processing																	
Up to 5000 sq ft									P	P				P	P		
Over 5000 sq ft [94]									A	P				P	P		
Farm Stand																	
Up to 400 sq ft [9]	P	P	P						P	P				P	P		
401 to 5,000 sq ft [99]																	
Farmers Market [93]										P			P	P	P		P
Financial Institutions							P	P	P	P		P	P	P	P		P
Fish Farm												P	P	P	P		
Fix-it Shop								P	P[86]	P		P	P	P	P		P[86]
Forestry												P		P	P		

TYPE OF USE	R9,600[88]	R8,400[88]	R7,200[88]	T	LDMR	MR	NB	PCB	CB	GC	FS	IP[76]	BP	LI[55, 76]	HI[55]	MHP[114]	UC[117]
Forge, Foundry, Blast Furnace for Melting of Ore															P		
Foster Home	P	P	P	P	P	P	P		P	P						P	
Fuel & Coal Yard										P		P	P	P	P		
Garage, Detached Private Accessory[60]																	
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	
2,401 – 4,000 sq ft on More than 3 Acres [41, 59]	P	P	P	P	P	P	P	P	P	P		P	P	P	P		
2,401 – 4,000 sq ft on Less than 3 acres [41, 59]	A	A	A	A	A	A	A	A	A	A		A	A	A	A		
4,001 sq ft and Greater [41, 59]	C	C	C	C	C	C	C	C	C	C		C	C	C	C		
Garage, Detached Private Non-accessory [60]																	
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
2,401 sq ft and greater [41, 59]	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Golf Course and Driving Range	C	C	C						P	P		P	P	P	P		
Government Structures & Facilities [27, 41]	C	C	C	C	C	C	C	P	P	P		P	P	P	P		P
Greenhouse, Lath House, & Nurseries : [52] Retail							P	P	P	P				P	P		P[86]
Greenhouse, Lath House, & Nurseries:[52] Wholesale							P	P	P	P		P	P	P	P		
Grocery Store							P	P	P[86]	P	P[2] [2]			P	P		P
Grooming Parlor							P	P	P	P			P[53]	P	P		P
Guesthouse [85]	P	P	P		P	P	P	P	P	P						P	
Gymnasium								P	P	P		P	P	P	P		P
Hardware Store							P	P	P	P				P	P		P
Hazardous Waste Storage & Treatment Facilities, Offsite[66]												C	C	C	C		

TYPE OF USE	R9,600[88]	R8,400[88]	R7,200[88]	T	LDMR	MR	NB	PCB	CB	GC	FS	IP[76]	BP	LI[55, 76]	HI[55]	MHP[114]	UC[117]
Hazardous Waste Storage & Treatment Facilities, Onsite [65]							P	P	P	P	P	P	P	P	P		
Health and Social Service Facility [90]																	
Level I	P	P	P	P	P	P	P	P	P	P			P			P	P
Level II [41]	C	C	C		C	C	C	P	P	P			P			C	P
Level III						C	C	P	P	P		P		P	P	C	P
Home Improvement Center							P	P	P[86]	P				P	P		P
Home Occupation [11]	P	P	P	P	P	P	P		P	P						P	P
Hotel/Motel					C	C		P	P	P	P			P [89]			P
Junkyard														C [44]	P[44]		
Kennel, [41] Commercial [12]	C	C	C						P	P		P	P	P	P		
Kennel, [41] Private-Breeding [13]	P	P	P		P	P	P		P	P		P	P	P	P		
Kennel, [41] Private-Non-Breeding [13]	P	P	P		P	P	P		P	P		P					
Laboratory										P		P	P	P	P		P[86]
Library [41]	C	C	C		C	C	C	P	P	P		P	P	P	P		P
Licensed Practitioner [29, 41]					C	C	P	P	P	P		P	P	P	P		P
Livestock Auction Facility												P		P	P		
Locksmith							P	P	P[86]	P		P	P	P	P		P
Lumberyard										P		P	P	P	P		
Manufacturing, Heavy [82]												P			P		
Manufacturing-All Other Forms Not Specifically Listed[83]												P	P	P	P		
Massage Parlor									P	P		P	P	P	P		P
Medical Clinic [29]					C	C	P	P	P	P		P	P	P	P		P
Mini Self-Storage								P		P		P	P	P	P		
Mobile Home Park [38]					C	C			C	C						P	
Mobile Home & Travel Trailer Sales										P		C[36]		P	P		
Model Hobby Park [75]													A	A	A		
Model House/Sales Office	P	P	P	P	P	P	P	P	P	P							P
Mortuary					C	C			P	P		P	P	P	P		P

TYPE OF USE	R9,600[88]	R8,400[88]	R7,200[88]	T	LDMR	MR	NB	PCB	CB	GC	FS	IP[76]	BP	LI[55, 76]	HI[55]	MHP[114]	UC[117]
Motocross Racetrack										C[113]		C[113]	C[113]	C[113]	C[113]		
Motor Vehicle & Equipment Sales									P[23]	P				P	P		P[23]
Museum [41]	C	C	C		C	C	C	P	P	P		P	P	P	P		P
Office, General							P	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
Park-and-Pool Lot	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	P	P	P	P	P	P	P	P	P	P		P
Personal Services Shop							P	P	P[86]	P		P[49]	P[49]	P	P		P
Personal Wireless Communications Facilities [27, 41, 104, 105, 106]	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	C	P[119]
Pet Shop							P	P	P	P			P[53]	P	P		P
Petroleum Products & Gas Storage – Bulk [43]										P		P	P	P	P		
Petroleum Refining [43]												P					
Print Shop									P[86]	P		P	P	P	P		P[86]
Printing Plant								P		P		P	P	P	P		
Race Track [24, 41]										C		P	P	P	P		
Railroad Right-of-way	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P		P
Recreational Facility Not Otherwise Listed	C	C	C		C	C	P	P	P	P		P	P	P	P		P
Recreational Vehicle Park									C	C	P					C	
Rendering of Fat, Tallow, or Lard												P			P		
Restaurant							P	P	P	P	P	P[49]	P[49]	P	P		P
Retail Store							P	P	P[86]	P			P[53]	P	P		P
Retirement Apartments				P	P	P	P	P	P	P						P	P
Retirement Housing				P	P	P	P	P	P	P						P	P
Rolling or Blooming Mills												P			P		
Sanitary Landfill	C	C	C						C	C		C	C	C	C		
Sawmill										P		P	P	P	P		

TYPE OF USE	R9,600[88]	R8,400[88]	R7,200[88]	T	LDMR	MR	NB	PCB	CB	GC	FS	IP[76]	BP	LI[55, 76]	HI[55]	MHP[114]	UC[117]
Schools																	
K-12 & Preschool [41, 68]	C	C	C		C	C			P	P		P	P	P	P		P
College [41, 68]	C	C	C		C	C			P	P		P	P	P	P		P
Other [41, 68]					C	C			P	P		P	P	P	P		P
Second Hand Store									P[86]	P				P	P		P
Service Station [41]							P	P	P[86]	P	P			P	P		P
Shake & Shingle Mill										P		P	P	P	P		
Shooting Range [92]												P	P	P	P		
Sludge Utilization [39]	C[56]	C[56]	C[56]		C[56]	C[56]			C[56]	C[56]		C[56]		C[56]	P C[50]		
Small Animal Husbandry [41]	C[37]	C[37]	C[37]				P		P	P		P	P	P	P		
Specialty Store							P	P	P[86]	P				P	P		P
Stables	P	P	P		P	P	P	P	P	P		P	P	P	P		
Stockyard or Slaughter House												P			P		
Storage, Retail Sales Livestock Feed									P	P				P	P		
Storage Structure, Accessory [60]																	
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2,401 – 4,000 sq ft on More than 3 Acres [41, 59]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2,401 – 4,000 on Less than 3 acres [41, 59]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
4,001 sq ft and Greater [41,59]	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Storage Structure, Non-accessory [60]																	
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2,401 sq ft and greater [41, 59]	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Studio [41]	C[77]	C[77]	C[77]		C[77]	C[77]	P	P	P[86]	P		P	P	P	P		P
Swimming/Wading Pool [17, 41]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Tannery												P			P		
Tar Distillation or Manufacturing												P			P		
Tavern [41]								P	P	P				P	P		P
Television/Radio Stations														P	P		

TYPE OF USE	R9,600[88]	R8,400[88]	R7,200[88]	T	LDMR	MR	NB	PCB	CB	GC	FS	IP[76]	BP	LI[55, 76]	HI[55]	MHP[114]	UC[117]
Temporary Dwelling During Construction	A	A	A	A	A	A	A	A	A	A	A						A
Temporary Dwelling For Relative [18]	A	A	A	A	A	A	A	A	A	A	A						
Temporary Residential Sales Coach [73]	A	A	A														A
Temporary Woodwaste Recycling [63]														A	A		
Temporary Woodwaste Storage [63]														A	A		
Tire Store							P	P	P[86]	P				P	P		P[86]
Tool Sales & Rental									P[86]	P				P	P		P[86]
Transit Center	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P		P
Ultralight Airpark [20]												P					
Utility Facilities, Electromagnetic Transmission & Receiving Facility [27]	C	C	C	C	C	C	C	P	P[86]	P	C	P	P	P	P		
Utility Facilities, Transmission Wires, Pipes & Supports [27]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities-All Other Structures [27, 41]	C	C	C	C	C	C	C	P	P[86]	P	C	P	P	P	P	C	P
Veterinary Clinic					C	C	P	P	P[86]	P		P	P	P	P		P
Warehousing										P		P	P	P	P		
Wholesale Establishment								P	P[86]	P		P	P	P	P		
Woodwaste Recycling [57]														C	C		
Woodwaste Storage [57]														C	C		
Yacht/Boat Club												P	P	P	P		P
All other uses not otherwise mentioned												P	P	P	P		

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-051, June 4, 2003, Eff date June 27, 2003; Ord. 03-107, Sept. 10, 2003, Eff date Sept. 25, 2003, Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004; Amended Ord. 04-055, June 2, 2004, Eff date July 1, 2004; Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004; Amended Ord. 05-040, July 6, 2005, Eff date Aug. 8, 2005; Ord. 05-094, Sept. 14, 2005, Eff date Sept. 29, 2005; Amended Ord. 05-038, November 30, 2005, Eff date Dec. 16, 2005; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006; Amended Ord. 05-087, December 21, 2005, Eff date Feb. 1, 2006; Amended Emerg. Ord. 06-011, Feb. 15, 2006, Eff date Feb. 15, 2006; Amended Ord. 06-057, Aug. 2, 2006, Eff date Aug. 14, 2006; Amended Ord. 06-137, Dec. 13, 2006, Eff date Jan. 1, 2007; Amended Ord. 07-029, April 25, 2007, Eff date May 10, 2007; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 09-096, Oct. 14, 2009, Eff date Nov. 9, 2009; Amended by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010; Amended by Amended Ord 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010; Amended by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011; Amended by Amended Ord. 12-040, July 11, 2012, Eff date July 28, 2012)

30.22.110 Rural and Resource Use Matrix

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5 [112]	RB	CRC	RFS	RI	F	F&R	A-10	MC
Accessory Apartment [62]	A	A	A	A				A	A	A	A
Agriculture [41, 107]	P	P	P	P	P	P	P	P	P	P	P
Airport: Stage 1 Utility [1]	C	C	C[115]					C			
Antique Shop	C		C[45, 115]	P[79]	P						
Art Gallery [41]	C		C [115]	P[79]	P						
Asphalt Batch Plant & Continuous Mix Asphalt Plant											P
Auto Repair, Minor				P[78]	P	P					
Auto Towing	C		C								
Bakery				P[78]	P						
Bakery, Farm [97]	P	P	P	P			P		P	P	
Bed and Breakfast Guesthouse [58]	C		C [115]	P				C	C	A	
Bed and Breakfast Inn [58]	C		C [115]	P				C	C	C	
Boarding House	P[15]	P[15]	P[15, 115]					P[15]		P[15]	
Boat Launch, Commercial [31]		C							C		
Boat Launch, Non-commercial [31]	C		C	C				C	C		
Campground									C[32]		

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5 [112]	RB	CRC	RFS	RI	F	F&R	A-10	MC
Caretaker's Quarters	P		C				P				P
Cemetery, Columbarium, Crematorium, Mausoleum [41]	P		C [115]								
Church [41]	P		C [115]	C	P						
Cold Storage							P				
Commercial Vehicle Home Basing			C[33]								
Commercial Vehicle Storage Facility				C			P				
Community Club	P		C [115]	P	P						
Community Facilities for Juveniles [103] **1 to 8 residents** **9 to 24 residents**			 P [102, 115] S [103, 115]	 P P	 P P						
Construction Contracting				P[80, 81]							
Country Club	C		C [115]	P							
Craft Shop [21]				P							
Dams, Power Plants, & Associated Uses									P		
Day Care Center [2]	P		C[115]	P	P	P					
Distillation of Alcohol	C[34]		C[34, 115]							C[34]	
Dock & Boathouse, Private, Non-commercial [3, 41]	P	P	P	P				P	P	P	
Drug Store				P[79]	P						
Dwelling, Duplex	P	P	P					P		P	
Dwelling, Mobile Home	P	P	P		P[6]			P	P	P	P
Dwelling, Single Family	P	P	P		P			P	P	P	P

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5 [112]	RB	CRC	RFS	RI	F	F&R	A-10	MC
Electric Vehicle Infrastructure											
Electric Vehicle Charging Station – Restricted, Level 1, and Level 2 [121]	P	P	P	P	P	P	P	P	P	P	P
Electric Vehicle Charging Station – Public, Level 1 and Level 2				P	P	P	P				
Electric Vehicle Charging Station, Level 3	C[120]	C[120]	C[120]	C[120]	C[120]	C[120]	C[120]		C[120]	C[120]	
Battery Exchange Stations	C[120]	C[120]	C[120]	C[120]	C[120]	C[120]	C[120]		C[120]	C[120]	
Equestrian Center [41, 70, 72]	P	C	C[115]					C	P	C[70]	
Excavation & Processing of Minerals [28]	A C	A, C	A, C				A,C	A,P,C	A,C		A,C
Explosives, Storage	C	C	C				C	P	C		C
Fabrication Shop							P				
Fallout Shelter, Individual	P	P	P[115]	P	P	P	P	P	P	P	P
Fallout Shelter, Joint [7]	P		P	P	P	P	P	P	P	P	P
Family Day Care Home [8]	P		P[115]	P	P			P		P	
Farm Product Processing											
Up to 5,000 sq ft	P	P	P[115]	P			P	P		P	
Over 5,000 sq ft [94]	A	A	A[115]	A			A	A		A	
Farm Support Business [94]	A	A	A[115]	A			P			A	
Farm Stand											
Up to 400 sq ft [9]	P	P	P[100, 115]	P	P	P	P	P	P	P	P
401 – 5,000 sq ft [99, 100]	P	P	P, A [100, 115]	P	P	P	P	P	P	P	
Farm Workers Dwelling										P[10]	
Farmers Market [93]	P	P	P [101,115] A [101, 115]	P	P	P	P			P	
Farmland Enterprises [95]		A	A[115]							A	

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5 [112]	RB	CRC	RFS	RI	F	F&R	A-10	MC
Fish Farm	P	P	P[115]					P	P	P	
Fix-it Shop				P[78]	P		P				
Forestry	P	P	P				P	P	P	P	P
Forestry Industry Storage & Maintenance Facility	P[30]	P					P	P	P		
Foster Home	P	P	P	P				P		P	
Garage, Detached Private Accessory[60]											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P		P
2,401 – 4,000 sq ft on More than 3 Acres [41, 59]	P	P	P	P	P	P	P	P	P		P
2,401- 4,000 sq ft on Less than 3 acres [41, 59]	A	A	A	A	A	A	A	A	A		A
4,001 sq ft and Greater [41, 59]	C	C	C	C	C	C	C	C	C		C
Garage, Detached Private Non-accessory [60]											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P
2,401 sq ft and greater [41, 59]	C	C	C	C	C	C	C	C	C	C	C
Golf Course and Driving Range	C		C[115]							C[74]	
Government Structures & Facilities [27, 41]	C	C	C[115]	C	P		C	C	C		C
Greenhouse, Lath House, Nurseries: [52] Retail	P	P	P[115]	P	P		P	P		P	
Greenhouse, Lath House, Nurseries: [52] Wholesale	P	P	P[115]	P	P		P	P		P	
Grocery Store				P[80]	P	P[80]					
Grooming Parlor					P						
Guesthouse[85]	P	P	P	P				P	P	P	
Hardware Store				P[80]	P						
Hazardous Waste Storage & Treatment Facilities Onsite [65]	P			P		P	P	P	P		
Health and Social Service Facility [90]											
Level I	P	P	P[115]	P	P			P	P	P	P
Level II [41 91]			C[115]	C							
Level III											

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5 [112]	RB	CRC	RFS	RI	F	F&R	A-10	MC
Home Improvement Center				P[80]	P						
Home Occupation [11]	P	P	P	P	P			P	P	P	P
Homestead Parcel [40]	C		C[115]							C	
Hotel/Motel				P		P					
Kennel, [41] Commercial [12]	P	P	P[115]					P		C	
Kennel, [41] Private-Breeding [13]	P	P	P					P		P	
Kennel, [41] Private-Non-Breeding [13]	P	P	P	P				P		P	
Kitchen, farm	P	P	P	P			P			P	
Library[41]	C		C[115]	P							
Licensed Practitioner [29, 41]				P[79]							
Livestock Auction Facility	C[48]		C[48, 115]		P		P			C[48]	
Locksmith				P	P						
Log Scaling Station	C	C	C[115]				P	P	P	P	
Lumberyard							P				
Manufacturing-All Other Forms Not Specifically Listed [83]				C			C				
Metal Working Shop				P[78]			P				
Mini-equestrian Center [41, 72]	P	P	P[115]	P			P	P	P	P[71]	
Model Hobby Park [75]			A[115]							A	
Model House/Sales Office	P	P	P[115]					P	P		
Motocross Racetrack			C[113]						C[113]		
Motor Vehicle & Equipment Sales					P[23]						
Museum [41]	C		C[115]	P						C[61]	
Office, General				P	P						
Off-road vehicle use area, private									C [109]		
Park, Public [14]	P	P	P	P	P		P	P	P	P	P
Park-and-Pool Lot				P	P	P	P				
Park-and-Ride Lot	C	C	C	P		P			C	C	
Personal Services Shop				P[79]	P						

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5 [112]	RB	CRC	RFS	RI	F	F&R	A-10	MC
Personal Wireless Communications Facilities [27, 41, 104, 105, 106]	C	C	C	C	C	C	C	C	C	C	C
Petroleum Products & Gas Storage – Bulk							P[43]				
Print shop				P							
Public Events/Assemblies on Farmland [96]										P	
Race Track [24, 41]			C[115]								
Railroad Right-of-way	C	C	C[115]		P		P	C	C	C	C
Recreational Facility Not Otherwise Listed [98]	C		C[115]		P		P[79]			C, P[110] A[111],	
Recreational Vehicle [19]	P	P	P					P	P	P	
Recreational Vehicle Park									C		
Resort									C		
Restaurant				P[80]	P	P					
Retail Store				P[80]	P						
Rural Industries [41]	P[25]										
Sanitary Landfill	C	C	C[115]					C			C
Sawmill	C[26]	C[26]	C[26, 115]				P	P	P		
Schools											
K-12 & Preschool[41, 68]	C		C[115]	P							
College [41, 68]	C		C[115]								
Other [41, 68]				C			C				
Second Hand Store				P[78]	P						
Service Station [41]				P	P	P					
Shake & Shingle Mill	C[26]	C[26]	C[26, 115]				P	P			
Shooting Range [92]	C	C	C					C			
Sludge Utilization [39]	C	C, P[50]	C[115]					C		C	C[56]
Small Animal Husbandry [41]	P		P		P			P	P	P	P
Specialty Store				P[78]	P						
Stables	P	P	P	P			P	P	P	P	

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5 [112]	RB	CRC	RFS	RI	F	F&R	A-10	MC
Stockyard or Slaughter House							C[48]				
Storage, Retail Sales Livestock Feed			P[54, 115]	P			P			P	
Storage Structure, Accessory [60]											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P
2,401 – 4,000 sq ft on More than 3 Acres [41, 59]	P	P	P	P	P	P	P	P	P	P	P
2,401 – 4,000 sq ft on Less than 3 acres [41, 59]	A	A	A	A	A	A	A	A	A	A	A
4,001 sq ft and Greater [41,59]	C	C	C	C	C	C	C	C	C	C	C
Storage Structure, Non-accessory [60]											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P
2,401 sq ft and greater [41, 59]	C	C	C	C	C	C	C	C	C	C	C
Studio [41]	C[77]		C[77, 115]								
Swimming/Wading Pool [17, 41]	P	P	P					P	P	P	P
Tavern [41]				P	P						
Temporary Dwelling During Construction	A	A	A	A	A	A	A	A	A	A	A
Temporary Dwelling For Relative[18]	A	A	A					A	A	A	A
Temporary Logging Crew Quarters								P	P		
Temporary Residential Sales Coach [73]	A		A[115]								
Temporary Woodwaste Recycling[63]	A						A	A			
Temporary Woodwaste Storage [63]	A							A			
Tire Store					P						
Tool Sales & Rental				P	P						
Transit Center	C	C	C[115]	P		P		C	C	C	
Ultralight Airpark [20]	C	C	C[115]					C			
Utility Facilities, Electromagnetic Transmission & Receiving Facilities [27]	C	C	C	C	P	C	P	C	C	C[114]	C
Utility Facilities, Transmission Wires or Pipes & Supports [27]	P	P	P	P	P	P	P	P	P	P[114]	P
Utility Facilities-All Other Structures [27, 41]	C	C	C	C	P	C	P	C	C	C	C

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5 [112]	RB	CRC	RFS	RI	F	F&R	A-10	MC
Veterinary Clinic	P		C[115]	P	P					C	
Wedding Facility [87]		P	P[115]							P	
Woodwaste Recycling [57]	C	C	C				C	C			
Woodwaste Storage [57]	C	C	C				C	C			
Yacht/Boat Club				P			P				

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003, Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004; Amended Ord. 04-055, June 2, 2004, Eff date July 1, 2004; Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004; Amended Ord. 05-021, May 11, 2005, Eff date May 28, 2005; Amended Ord. 05-040, July 6, 2005; Eff date Aug. 8, 2005; Ord. 05-094, Sept. 14, 2005, Eff date Sept. 29, 2005; Amended Ord. 05-038, November 30, 2005, Eff date Dec. 16, 2005; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006; Amended Ord. 05-146, Jan. 18, 2006, Eff date Feb. 12, 2006; Amended Emerg. Ord. 06-011, Feb. 15, 2006, Eff date Feb. 15, 2006; Amended Ord. 06-004, March 15, 2006, Eff date April 4, 2006; Amended Ord. 06-046, July 19, 2006, Eff date August 5, 2006; Amended Ord. 06-057, Aug. 2, 2006, Eff date Aug 14, 2006; Amended Ord. 06-137, Dec. 13, 2006, Eff date Jan. 1, 2007; Ord. 07-090, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010; Amended by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011; Amended by Amended Ord. 12-040, July 11, 2012, Eff date July 28, 2012)

30.22.120 Other Zone Categories Use Matrix

Type of Use	Other Zone					
	SA-1	RC	RU	R20,000	R12,500	WFB
Accessory Apartment [62]	A	A	A	A	A	A
Agriculture [41, 107]	P	P	P	P	P	P
Airport, Stage 1 Utility [1]	C	C	C	C	C	C
Antique Shop			C [45]			
Art Gallery [41]	C	C	P	C	C	C
Bakery, Farm [97]		P				
Bed and Breakfast Guesthouse [58]	C	C	C	C	C	C
Bed and Breakfast Inn [58]		C				
Boarding House	P [15]	P [15]	P [15]	P [15]	P [15]	P [15]
Boat Launch, Non-commercial [31]	C	C	C	C	C	C
Caretaker's Quarters		C				
Cemetery, Columbarium, Crematorium, Mausoleum [41]	C	C	C	C	C	C
Church [41]	C	C	P	C	C	C
Community Club	C	C	P	C	C	C
Community Facilities for Juveniles [103]						
1 to 8 residents	P	P	P	P	P	P
9 to 24 residents	S	S	S	S	S	S
Country Club	C	C	C	C	C	C
Day Care Center [2]	C	C	P	C	C	C
Distillation of Alcohol		C [34]	C [34]			
Dock & Boathouse, Private, Non-commercial [3, 42]	P	P	P	P	P	P
Dwelling, Duplex	P	P	P [42]	P	P [42]	P [42]
Dwelling, Mobile Home	P	P	P [6]	P	P [6]	P [6]
Dwelling, Single Family	P	P	P	P	P	P
Equestrian Center [41, 70, 72]		P				
Electric Vehicle Infrastructure						
Electric Vehicle Charging Station – Restricted, Level 1, and Level 2 [121]	P	P	P	P	P	P
Electric Vehicle Charging Station – Public, Level 1 and Level 2						
Electric Vehicle Charging Station, Level 3	C[120]	C[120]	C[120]	C[120]	C[120]	
Battery Exchange Stations	C[120]	C[120]	C[120]	C[120]	C[120]	

Type of Use	Other Zone					
	SA-1	RC	RU	R20,000	R12,500	WFB
Excavation & Processing of Minerals [28]		A,C				
Explosives Storage		C	C			
Fallout Shelter, Individual	P	P	P	P	P	P
Fallout Shelter, Joint [7]	P	P	P	P	P	P
Family Day Care Home [8]	P	P	P	P	P	P
Farm Product Processing						
Up to 5,000 sq ft		P	A			
Over 5,000 sq ft [94]		P				
Farm Support Businesses [94]		A				
Farm Stand						
Up to 400 sq ft [9]	P	P	P	P	P	P
401 to 5,000 sq ft [99]		P[100] A[100]				
Farmers Market [93]		P [101] A [101]				
Farmland Enterprises [95]		A				
Fish Farm	P	P	P			
Forestry	P	P	P			
Foster Home	P	P	P	P	P	P
Garage, Detached Private Accessory[60]						
Up to 2,400 sq ft	P	P	P	P	P	P
2,401 – 4,000 sq ft on More than 3 Acres [41, 59]	P	P	P	P	P	P
2,401 – 4,000 sq ft on Less than 3 acres [41, 59]	A	A	A	A	A	A
4,001 sq ft and Greater [41, 59]	C	C	C	C	C	C
Garage, Detached Private Non-accessory [60]						
Up to 2,400 sq ft	P	P	P	P	P	P
2,401 sq ft and greater [41, 59]	C	C	C	C	C	C
Golf Course and Driving Range	C	C	C	C	C	C
Government Structures & Facilities [27, 41]	C	C	C	C	C	C
Greenhouse, Lath House, Nurseries: [52]						
Retail	P					
Greenhouse, Lath House, Nurseries: [52] **Wholesale**	P		P	C[47]		
Guesthouse [85]	P	P	P	P	P	P
Health and Social Service Facility [90]						
Level I	P	P	P	P	P	P
Level II [41 91]	C	C	C	C	C	C
Level III						
Home Occupation [11]	P	P	P	P	P	P
Homestead Parcel [40]		C				
Kennel, [41] **Commercial**	C	C	P	C	C	C
Kennel, [41] **Private-Breeding** [13]	C	P	P	P	P	P

Type of Use	Other Zone					
	SA-1	RC	RU	R20,000	R12,500	WFB
Kennel, [41] Private-Non-Breeding [13]	P	P	P	P	P	P
Kitchen, Farm		P	P			
Library [41]	C	C	P	C	C	C
Livestock Auction Facility		C[48]	C[48]			
Log Scaling Station		C				
Mini-equestrian Center [41, 72]		P				
Model House/Sales Office	P	P	P	P	P	P
Museum [41]	C	C	P	C	C	C
Park, Public [14]	P	P	P	P	P	P
Park-and-Pool Lot				C	C	
Park-and-Ride Lot	C	C	C	C	C	
Personal Wireless Communications Facilities [27, 41, 104, 105, 106]	C	C	C	C	C	C
Petroleum Products & Gas Storage - Bulk			C[43]			
Race Track [24, 41]		C	C			
Railroad Right-of-way	C	C	C	C	C	C
Recreational Facility Not Otherwise Listed	C	C	P	C	C	C
Recreational Vehicle [19]	P	P	P			
Sanitary Landfill	C	C	C	C	C	C
Sawmill			C[26]			
Schools						
K-12 & Preschool [41, 68]	C	C	C	C	C	C
College [41, 68]	C	C	C	C	C	C
Shake & Shingle Mill			C[26]			
Shooting Range [92]		C	C			
Sludge Utilization [39]	C	C	C	C	C[56]	C[56]
Small Animal Husbandry [41]	P	P	P	C[37]	C[37]	C[37]
Stables	P	P	P	P	P	P
Stockyard or Slaughter House			C[48]			
Storage, Retail Sales Livestock Feed		P[54]				
Storage Structure, Accessory[60]						
Up to 2,400 sq ft	P	P	P	P	P	P
2,401 – 4,000 sq ft on More than 3 Acres [41, 59]	P	P	P	P	P	P
2,401 sq ft -4,000 sq ft on Less than 3 acres [41, 59]	A	A	A	A	A	A
4,001 sq ft and Greater [41,59]	C	C	C	C	C	C
Storage Structure, Non-accessory						
Up to 2,400 sq ft	P	P	P	P	P	P
2,401 sq ft and greater	C	C	C	C	C	C
Studio [41]	C[77]	C[77]	P	C[77]	C[77]	C[77]
Swimming/Wading Pool [17, 41]	P	P	P	P	P	P
Temporary Dwelling During Construction	A	A	A	A	A	A
Temporary Dwelling For Relative [18]	A	A	A	A	A	A

Type of Use	Other Zone					
	SA-1	RC	RU	R20,000	R12,500	WFB
Temporary Residential Sales Coach [73]	A	A	A	A	A	A
Transit Center	C	C	C	C	C	
Ultralight Airpark [20]		C				
Utility Facilities, Electromagnetic Transmission & Receiving Facilities [27]	C	C	C	C	C	C
Utility Facilities, Transmission Wires, Pipes & Supports [27]	P	P	P	P	P	P
Utility Facilities-All Other Structures [27, 41]	C	C	C	C	C	C
Veterinary Clinic	C	C	P			
Yacht/Boat Club						C

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003, Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004; Amended Ord. 04-055, June 2, 2004, Eff date July 1, 2004, Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004; Amended Ord. 05-021, May 11, 2005, Eff date May 28, 2005; Amended Ord. 05-040, July 6, 2005, Eff date Aug. 8, 2005; Ord. 05-094, Sept. 14, 2005, Eff date Sept. 29, 2005; Amended Ord. 05-038, November 30, 2005, Eff date Dec. 16, 2005; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006; Amended Emerg. Ord. 06-011, Feb. 15, 2006, Eff date Feb. 15, 2006; Amended Ord. 06-057, Aug. 2, 2006, Eff date Aug. 14, 2006; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010; Amended by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011; Amended by Amended Ord. 12-040, July 11, 2012, Eff date July 28, 2012)

30.22.130 Reference notes for use matrix.

(1) Airport, Stage 1 Utility:

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

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

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

(2) Day Care Center:

(a) In WFB, R-7,200, R-8,400, R-9,600, 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) Dock and Boathouse, Private, Non-commercial: The following standards apply outside of shoreline jurisdiction only. If located within shoreline jurisdiction, the standards in SCC 30.67.515 apply instead.

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

(b) The total roof area of covered, over-water 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 over-water structure shall extend beyond the mean low water mark a distance greater than the average length of all preexisting over-water 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) Dwelling, Single family: In PCB zones, shall be allowed only if included within the same structure as a commercial establishment. In the MHP zone, single family detached dwellings are limited to one per existing single legal lot of record.

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

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

Side and rear yard requirements may be waived by the department 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; and

(b) At least 50% by farm product unit of the products sold shall be grown, raised or harvested in Snohomish County, and 75% by farm product unit of the products sold shall be grown, raised or harvested in the State of Washington.

(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: See SCC 30.28.050.

(12) Kennel, Commercial: There shall be a five-acre minimum lot area; except in the R-5 and RD zones, where 200,000 square feet shall be the minimum lot area.

(13) Kennel, Private-breeding, and Kennel, Private Non-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.

(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 to protect adjacent properties; and

(c) No amusement devices for hire are permitted.

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

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

(17) Swimming/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.

(18) 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 for inclusion in the permit file;

(h) Adequate screening, landscaping, or other measures shall be provided pursuant to SCC 30.25.028 to protect surrounding property values and ensure 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 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) Only one temporary dwelling may be established on a lot. The temporary dwelling shall not be located on a lot on which a detached accessory apartment is located.

(19) Recreational Vehicle:

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

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

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

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

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

(iii) Subject to SCC 30.22.130(19)(a) and (b) above and SCC 30.22.120(7)(b),

temporary overnight use in a mobile home park, which has been in existence continuously since 1970 or before, that provides septic or sewer service, water and other utilities, and that has an RV flood evacuation plan that has been approved and is on file with the Department of Emergency Management and Department of Planning and Development Services.

(20) Ultralight Airpark:

(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 airpark; and

(c) Approval shall be dependent upon a determination by the county decision maker 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; or

(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.

(21) 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.

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

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

(24) 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.

(25) 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; and

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

(26) 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 A landscaping as defined in SCC 30.25.017.

(27) Governmental and Utility Structures and Facilities:

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

(28) Excavation and Processing of Minerals:

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

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

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

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

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

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

(a) The hearing 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.

(32) 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.

(33) 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.

(34) 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.

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

(36) 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 30.42B.100, SCC 30.42C.100 and SCC 30.43A.100;

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

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

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

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

(39) Sludge Utilization: See SCC 30.28.085.

(40) Homestead Parcel: See SCC 30.28.055.

(41) Special Setback Requirements for this use are contained in SCC 30.23.110 or SCC 30.67.515 if within shoreline jurisdiction.

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

(43) Petroleum Products and Gas, Bulk Storage:

(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.

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

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

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

(47) Nursery, Wholesale: 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.

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

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

(50) 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.

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

(a) Existing 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 30.23 SCC; 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; and

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

(52) Greenhouses, Lath Houses, and Nurseries:

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

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

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

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

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

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

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

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

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

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

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

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

(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 following compatibility standards shall apply:

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

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

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

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

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

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

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

(60) The cumulative square footage of all detached accessory and non-accessory private garages and

storage structures shall not exceed 6,000 square feet on any lot less than 5 acres, except this provision shall not apply in the LDMR, MR, T, NB, GC, PCB, CB, FS, BP, IP, LI, HI, RB, RFS, CRC and RI zones.

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

(62) Accessory Apartments: See SCC 30.28.010.

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

(64) RESERVED for future use.

(65) 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.

(66) An application for a conditional use permit to allow an off-site 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.

(67) Adult Entertainment Uses: See SCC 30.28.015.

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

(69) 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.

(70) 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 30.65 SCC.

(71) 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 30.65 SCC.

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

(a) Five-acre minimum site size for a mini-equestrian center and a ten-acre minimum site size for an equestrian center;

(b) The total area of covered riding arenas shall not exceed 15,000 square feet in a mini-equestrian center; provided that stabling areas, whether attached or detached, shall not be included in this calculation;

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

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

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

(f) 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 SCC 30.23.110(8); and

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

(73) Temporary Residential Sales Coach (TRSC):

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

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

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

(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 land disturbing activity, drainage, utilities infrastructure, and native growth protection areas are not adversely affected.

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

(75) Model Hobby Park: SCC 30.28.060.

(76) 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(84) RESERVED for future use.

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

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

(87) Wedding Facility:

(a) Such use is permitted only:

(i) on vacant and undeveloped land;

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

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

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

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

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

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

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

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

(d) A certificate of occupancy shall be obtained pursuant to chapter 30.52A SCC for the use of any existing structure. The certificate of occupancy shall be subject to an annual inspection and renewal pursuant to SCC 30.53A.060 to ensure building and fire code compliance;

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

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

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

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

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

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

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

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

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

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

(b) The municipal airport boundary includes no less than 1,000 acres of land zoned light industrial; and

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

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

(a) Snohomish County is preempted from regulation of SCTFs. In accordance with the requirements of

state law the county shall take all reasonable steps permitted by chapter 71.09 RCW to ensure that SCTFs comply with applicable siting criteria of state law. Every effort shall be made by the county through the available state procedures to ensure strict compliance with all relevant public safety concerns, such as emergency response time, minimum distances to be maintained by the SCTF from "risk potential" locations, electronic monitoring of individual residents, household security measures and program staffing.

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

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

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

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

(93) Farmers Market: See SCC 30.28.036.

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

(95) Farmland Enterprise: See SCC 30.28.037.

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

(a) Comply with the requirements of SCC 30.53A.800; and

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

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

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

(99) Farm Stand: See SCC 30.28.039.

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

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

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

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

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

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

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

(107) Agricultural composting requirements:

(a) On-farm site agricultural composting operations that comply with the requirements established in this section are allowed in the A-10 zone. These composing facilities and operations shall be constructed and operated in compliance with all applicable federal, state and local laws, statutes, rules and regulations. The Nutrient Management Plan portion of the farm's Snohomish Conservation District Farm Plan or any other

established nutrient management plan must be on file with the department when any application for a land use permit or approval is submitted to the department for the development of an agricultural composting facility. Farm site agricultural composting operations shall also comply with the following criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-051, June 4, 2003, Eff date June 27, 2003; Ord. 03-107, Sept. 10, 2003, Eff date Sept. 25, 2003; Ord. 03-113, Sept. 24, 2003, Eff date Oct. 6, 2003, Emergency Ord. 03-145, October 22, 2003, Eff date October 22, 2003; Emergency Ord. 04-020, Feb. 11, 2004, Eff date Feb. 11, 2004; Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004; Amended Ord. 04-055, June 2, 2004, Eff date July 1, 2004; Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004; Amended Ord. 05-040, July 6, 2005, Eff date Aug. 8, 2005; Ord. 05-094, Sept. 14, 2005, Eff date Sept. 29, 2005; Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006; Amended Ord. 05-087, December 21, 2005, Eff date Feb. 1, 2006; Amended Ord. 05-146, Jan. 18, 2006, Eff date Feb. 12, 2006; Emerg. Ord. 06-011, Feb. 15, 2006, Eff date Feb. 15, 2006; Amended Ord. 06-004, March 15, 2006, Eff date April 4, 2006; Amended Ord. 06-046, July 19, 2006, Eff date August 5, 2006; Amended Ord. 06-057, Aug. 2, 2006, Eff date Aug. 14, 2006; Amended Ord. 06-137, December 13, 2006, Eff date Jan. 1, 2007; Amended Ord. 06-114, December 20, 2006, Eff date Jan. 19, 2007; Amended Ord. 07-005, Feb. 21, 2007, Eff date March 4, 2007; Amended Ord. 07-029, April 25, 2007, Eff date May 10, 2007; Ord. 07-090, Sept. 5, 2007, Eff date Sept. 21, 2007, Amended by Resolution No. 07-028, Nov. 19, 2007, Eff date Nov. 19, 2007; Emerg Ord. 08-070, April 23, 2008, Eff date April 23, 2008; Emergency Ord. 08-107, Oct. 22, 2008, Eff date Oct. 23, 2008; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Emergency Ord. 09-017, April 8, 2009, Eff date April 23, 2009; Amended by Emergency Ordinance No. 09-097, October 14, 2009, Eff date October 14, 2009; Amended by Amended Ord. 09-096, Oct. 14, 2009, Eff date Nov. 9, 2009; Amended by Amended Ord. 10-008, March 24, 2010, Eff date April 11, 2010; Amended by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010; Amended by Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010; Amended by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011; Amended by Ord. 11-076, Jan. 11, 2012, Eff date Jan. 27, 2012; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012; Amended by Amended Ord. 12-040, July 11, 2012, Eff date July 28, 2012)

Chapter 30.23
GENERAL DEVELOPMENT STANDARDS - BULK REGULATIONS

30.23.010 Dimensional requirements.

(1) All lots and structures shall conform to the requirements listed on the Bulk Matrix, SCC Tables 30.23.030(1) and 30.23.030(2) unless modified elsewhere in this title.

(2) Lot area in the RU zone shall be as set forth in SCC 30.23.030(41).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.23.020 Minimum net density for residential development in UGAs.

(1) A minimum net density of four dwelling units per acre shall be required in all UGAs for:
(a) New subdivisions, short subdivisions, PRDs, and mobile home parks; and
(b) New residential development in the LDMR, MR, and Townhouse zones.
(2) Minimum net density is the density of development excluding roads, drainage detention/retention areas, biofiltration swales, areas required for public use, and critical areas and their required buffers pursuant to chapters 30.62A and 30.62B SCC.
(3) Minimum net density is 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. Each lot shall be at least 6,000 square feet, except as otherwise allowed by this title.
(5) The minimum net density requirement of this section shall not apply:
(a) In the Darrington, Index, and Gold Bar UGAs; and
(b) Where regulations on development of steep slopes, SCC 30.41A.250, or sewerage regulations, SCC 30.29.100, require a lesser density.
(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.23.030 Bulk matrix.

The bulk matrix contains standard setback, lot coverage, building height, and lot dimension regulations for zones in unincorporated Snohomish County. Additional setback, lot width and lot area requirements and exceptions are found at SCC 30.23.100 – 30.23.260, chapter 30.34A SCC and chapter 30.67 SCC.

Table 30.23.030(1)
BULK MATRIX

			Lot Dimension (ft) [54]			Setback Requirements From: (ft) [28, 53]							
Category	**Zone**	**Max. Bldg. Height (ft) [27]**	**Min. Lot Area [22, 29]**	**Min. Lot Width**	**Min. Corner Lot Width**	**Public Right of Way under 60' [34, 42]**	**Public and Private Right of Way [9, 11, 34, 42]**	**Commercial and Industrial Zones [11]**	**Residential, Multifamily, and Rural Zones [11]**	**Resource Ag [20]**	**Lands Forest [21]**	**Water Bodies [12]**	**Max. Lot Coverage [8]**
Resource	MC [31]		10 ac [32]			50	50		100 [33]				
	F [38]	45 [6]	20 ac [3]	300	300	130 [10, 13]	100 [13]	100 [13]	100 [13, 33]	50	100 [30]	25 [13]	35%
	F&R [38, 39]	30 [7]	200,000 sf [2, 23]	100	100	50 [10]	20	5	5 [33]	50	100 [30]	25	35%
	A-10 [37, 40, 52]	45	10 ac	none	none	50 [10]	20	5	5 [33]	50	100 [30]	25	none
Rural	RRT-10	45	10 ac	225	225	50	20	5	5 [33]	50	100 [30]	25	35%
	R-5 [37, 38 39, 40, 46]	45 [25]	200,000 sf [2, 24]	165 [24]	165 [24]	50 [10]	20	5	5 [33]	50	100 [30]	25	35%
	RC [37,38 39, 40]	35	100,000 sf [24]	165 [24]	165 [24]	50 [10]	20	5	5 [33]	50	100 [30]	25	35%
	RD [38]	45	200,000	165	165	50 [10]	20	5	5 [33]	50	100 [30]	25	35%
	RB	35	none	none	none	55	25	none	50 [33]	50	100	none	35%
	CRC	35 [43]	none	none	none	25 [26]	25 [26]	none	25	50	100	none	50% [44] 30% [45]
	RFS	35	none	none	none	55	25	none	50	50	100	none	35%
	RI	50	none	none	none	55	25	none	100	100	100	none	35%
Other	SA-1 [37, 39]	35	1 ac/ 43,560 sf	150	150	50 [10]	20	5	5 [33]	50	100	25	35%
	RU [37, 39]	35	[41]	60	65	50 [10]	20	5	5 [33]	50	100	25	35%
	R20,000 [37, 39]	25	20,000 sf	85	90	50 [10]	20	5	5	50	100	25	35%
	R12,500 [40]	30	12,500 sf	75	80	50 [10]	20	5	5	50	100	25	35%
	WFB	30	7,200 sf [23]	60	65	50 [10]	20	5	5	50	100	25	35%

Table 30.23.030(1) (continued)

			Lot Dimension (ft)[54]			Setback Requirements From: (ft) [28, 53]							
Category	**Zone**	**Max. Bldg. Height (ft) [27]**	**Min. Lot Area [29]**	**Min. Lot Width**	**Min. Corner Lot Width**	**Public Right of Way under 60' [34, 42]**	**Public and Private Right of Way [9, 11, 34, 42]**	**Commercial and Industrial Zones [11]**	**Residential, Multiple Family, and Rural Zones [11]**	**Resource Ag [20]**	**Lands Forest [21]**	**Water Bodies [12]**	**Max. Lot Coverage [8]**
Urban	MHP	25	[55]	none	none	50 [56]	[57]	5	5	50	100	25	50%
	FS	35	none	none	none	25 [25]	25 [26]	5/15 [16]	25	none	100	none	none
	NB [1]	40	None	none	none	10 [25]	10 [26, 58]	none	10	none	100	none	65%
	PCB [1]	40	none [19]	none	none	55 [25]	25 [18, 26]	none	25	none	100	none	None
	CB [1]	35	none	none	none	25 [25.]	25 [26, 58]	none	10	none	100	none	50%
	GC [1]	45	none	none	none	25 [25.]	25 [26, 58]	none	10	none	100	none	50%
	IP	65	none	none	none	30 [17, 25]	25 [17, 26]	none [17]	25 [17]	none	100	none	50%
	BP[1]	50	none [19]	none	none	30 [25]	25 [26]	none	25	none	100	none	35%
	LI	50	none	none	none	25 [25]	25 [26]	none	50	none	100	none	none
	HI	65	none	none	none	25 [25]	25 [26]	none	50	none	100	none	none
	UC	SEE CHAPTER 30.34A SCC											

Table 30.23.030(2)
BULK MATRIX

	Zone	Lot Dimension (feet)[54]			Building Height Limits for Setback Determination[59]	Minimum Setback Requirements From (feet)[28, 53]								Max. Lot Coverage
		Min. Lot Area[29] (sq ft)	Min. Lot Width	Max. Bldg Height[27]		Public or Private Ease-ment or Front Lot Line [34, 42, 60]	Side and Rear Lot Lines Adjacent to:				Resource Lands		Seismic Hazards	
							Commercial & Industrial zones	R-9,600 & R-8,400	Other Urban Residential zones	Rural zones	Ag	Forest		
Urban Residential	R-9,600	9,600[23]	70	30	NA	15	10	5	5	5	See SCC 30.32B.130	See SCC 30.32A.110	See chapters 30.51A & 30.62B SCC	35%
	R-8,400	8,400[23]	65	30	NA	15	10	5	5	5				35%
	R-7200	7,200[23]	60	30	NA	15	10	5	5	5				35%
	T	See SCC 30.31E.050		35	≤ 20	15	10	10	5	25				See SCC 30.31E.050
					>20	20	15	20	10					
	LDMR[15]	7,200[4]	60	45	≤ 20	15	10	10	5	25				30%
					20 - 30	20	10	20	10					
					>30	20	15	25	15					
	MR[15, 5]	7,200	60	45	≤ 20	15	10	10	5	25				40%
					20 - 30	20	10	20	10					
					>30	20	15	25	15					

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 03-107, Sept. 10, 2003, Eff date Sept. 25, 2003; Ord. 05-094, Sept. 14, 2005, Eff date Sept. 29, 2005; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006; Amended Ord. 06-004, March 15, 2006, Eff date April 4, 2006; Ord. 06-062, Oct. 4, 2006, Eff date Oct. 15, 2006; Ord. 06-075, Oct. 4, 2006, Eff date Oct.15, 2006; Amended Ord. 07-029, April 25, 2007, Eff date May 10, 2007; Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 09-079, May 12, 2010, Eff Date May 29, 2010; Amended by Amended Ord. 10-072,

Sept. 8, 2010, Eff date Oct. 3, 2010; Amended by Amended Ord. 11-058, Jan. 25, 2012, Eff date Feb. 16, 2012; Amended by Amended Ord. 12-018, May, 2, 2012, Eff date May 21, 2012; Amended by Amended Ordinance No. 12-025, June 6, 2012, Eff date July 27, 2012)

Code Reviser's note: The first sentence of SCC 30.23.030 was amended by Section 13 of Amended Ordinance No. 12-025 without reference to the amendments contained in Section 4 of Amended Ordinance No. 11-058. Because of an apparent conflict, only the amendments contained in Section 13 of Amended Ordinance No. 12-025 are incorporated in the publication of this section. See SCC 1.02.020

30.23.040 Reference notes for bulk matrix:

(1) MR bulk requirements shall apply for all residential development permitted in Urban Commercial zones.
(2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.
(3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.
(4) In the LDMR zone, the maximum density shall be calculated based on 4,000 square feet of land 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.
(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 rights-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.
(12) Greater setbacks than those listed may apply to areas subject to Shoreline Management Program jurisdiction or critical areas regulations in chapters 30.62A, 30.62B, 30.62C and 30.67 SCC. Some uses have special setbacks identified in SCC 30.23.110.
(13) The listed setbacks apply where the adjacent property is zoned F. In all other cases, setbacks are the same as in the R-8,400 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-8,400 zone.
(14) RESERVED for future use.
(15) MR and LDMR setbacks.

(a) Single family detached structures and duplexes shall have the minimum setbacks required in the R-8,400 zone. Building separation between single family detached structures or duplexes shall be a minimum of 10 feet. For single family detached structures over two stories that have a third-story side yard ingress/egress window, the building separation shall be ;increased to 15 feet; provided, however, that (i) the building separation shall not be increased if the three-story units with side-yard ingress/egress windows are equipped with approved NFPA 13D automatic sprinkler systems, or (ii) where it is shown that due to topography of the particular site a building separation of less than 15 feet (but not less than the minimum 10 feet) can provide the necessary geometric prism for fire fighters to set a ladder reaching the third-story yard ingress/egress window at no greater than a 75 degree angle.

(b) In order to provide fire access to a side yard ingress/egress window on the third floor of a single family detached structure, either (i) unit boundaries should be drawn with a "zero lot line" on one side of the unit, (ii) fencing between units shall be prohibited (at least in the area that is within five feet of the third story ingress/egress window) so as not to impede ladder access to the third floor window, or (iii) fencing between units shall be limited to either vegetative fencing or hard fences (e.g. wood or metal) not exceeding three feet, six inches (3'6") in height.

(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) See SCC 30.31A.020(1) and (2) which specify the minimum area of a tract of land necessary for PCB or BP zoning.
(20) See additional setback provisions for dwellings located along the boundaries of designated farmland contained in SCC 30.32B.130.
(21) See additional setback provisions for structures located adjacent to forest lands, and/or on lands designated Local Forest or Commercial Forest contained in SCC 30.32A.110.
(22) The minimum lot size for properties designated Rural Residential (RR) - 10 (Resource Transition) on the comprehensive plan shall be 10 acres.
(23) Minimum lot area requirements may be modified within UGAs in accordance with SCC 30.23.020.
(24) In rural cluster subdivisions approved in accordance with the provisions of chapter 30.41C SCC, the minimum lot area shall be as provided in SCC 30.23.220. The maximum lot area shall be 20,000 square feet or less when located in rural/urban transition areas.
(25) These setbacks shall be measured from the edge of the right-of-way as determined by the director of the department of public works.
(26) Except where specifically prohibited by the hearing examiner, the director of the department may waive or modify building setback requirements abutting private roads and/or private access easements serving lots within Commercial and Industrial zones only if such waiver or modification will not have a likely impact upon future right-of-way needs and/or right-of-way improvements.
(27) See SCC 30.23.050 for height limit exceptions. See also SCC 30.67.460 for height limit requirements within shoreline jurisdiction.
(28) See SCC 30.23.100 et seq. for additional setback requirements and exceptions.
(29) See SCC 30.23.200 et seq. for additional lot area requirements and exceptions.
(30) SCC 30.32A.120 (Siting of new structures: Commercial Forest Land) requires an application for a new structure on parcels designated Commercial Forest, but not within a designated Commercial Forest-Forest Transition area, to provide a minimum 500-foot setback, which shall be a Resource Protection area, from the property boundaries of adjacent Commercial Forest lands except that if the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain the maximum setback possible, as determined by the department.
(31) Setback requirements for mineral excavation and processing are in SCC 30.23.110(26). Performance standards and permit requirements are in chapter 30.31D SCC.
(32) 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, no minimum acreage is required, pursuant to SCC 30.31D.020(1)(a).
(33) See SCC Table 30.28.050(4)(i) for setback requirements for structures containing a home occupation.
(34) See SCC 30.23.120 for other setback exceptions.
(35) See chapter 30.31E SCC, for more complete information on the Townhouse zone height, setback, and lot coverage requirements.
(36) RESERVED for future use (MR and LDMR setbacks - DELETED by Ord. 05-094 effective September 29, 2005.
(37) Agriculture: All structures used for housing or feeding animals, not including household pets, shall be located at least 30 feet from all property lines, as provided in SCC 32.23.110(1).
(38) There shall be no subdivision of land designated Commercial Forest in the comprehensive plan except to allow installation of communication and utility facilities if all the following requirements are met:

(a) The facility cannot suitably be located on undesignated land;
(b) The installation cannot be accomplished without subdivision;
(c) The facility is to be located on the lowest feasible grade of forest land; and

(d) The facility removes as little land as possible from timber production.

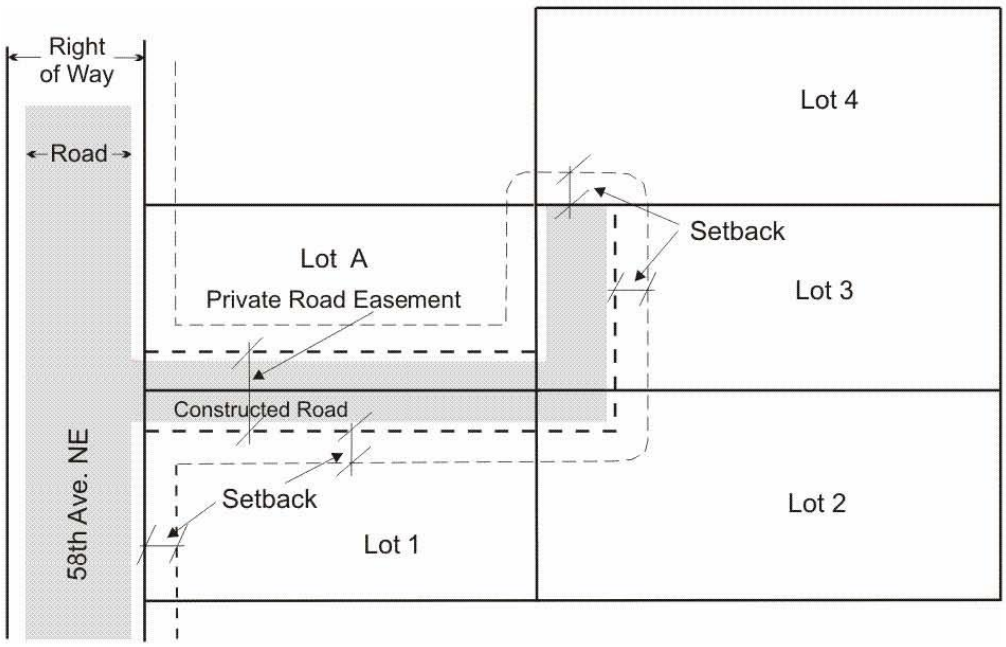
(39) On parcels designated Commercial Forest, but not within a designated Commercial Forest - Forest Transition area, establish and maintain a minimum 500-foot setback, which shall be a resource protection area, from the property boundaries of adjacent commercial Forest Lands except when the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain the maximum setback possible as provided in SCC 30.32A.120.

(40) Land designated Local Commercial Farmland shall not be divided into lots of less than 10 acres unless a properly executed deed restriction which runs with the land and which provides that the land divided is to be used exclusively for agricultural purposes and specifically not for a dwelling(s), is recorded with the Snohomish County Auditor.

(41) 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.

(42) Figure 30.23.040(42) EASEMENT SETBACKS PER BULK MATRIX.

Figure 30.23.040(42)
EASEMENT SETBACKS PER BULK MATRIX



Setbacks are measured from edge of easement or road right-of-way, not from edge of constructed road.

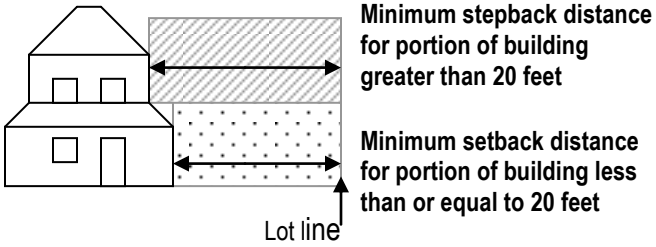
(43) Additional bulk requirements may apply. Refer to SCC 30.31F.100 and 30.31F.140.
(44) The 50% maximum lot coverage limitation applies solely to the portion of the area within the CRC comprehensive plan designation and zone that is centered at 180th Street SE and SR 9, generally extending between the intersection of 172nd Street/SR 9 to just south of 184th Street/SR 9, as indicated on the County's FLUM and zoning map.
(45) The 30% maximum lot coverage limitation applies solely to the portion area located within the CRC comprehensive plan designation and zone that is centered at State Route (SR) 9 and 164th Street SE, as indicated on the County's Future Land Use Map (FLUM) and zoning map.
(46) Additional setbacks may apply to development within a rural cluster subdivision. *Refer to chapter 30.41C SCC.* Residential subdivision is restricted pursuant to SCC 30.32C.150. Uses are restricted where the R-5 zone coincides with the Mineral Resource Overlay (MRO) to prevent development which would preclude future access to the mineral resources.
(47) RESERVED for future use. (Urban Center Demonstration Program projects – DELETED by Ord. 09-079)
(48) RESERVED for future use. (Urban Center Demonstration Program projects – DELETED by Ord. 09-079)
(49) RESERVED for future use. (Urban Center Demonstration Program projects – DELETED by Ord. 09-079)
(50) RESERVED for future use. (Urban Center Demonstration Program projects – DELETED by Ord. 09-079)
(51) RESERVED for future use. (Urban Center Demonstration Program projects – DELETED by Ord. 09-079)
(52) See SCC 30.33B.020 for bulk regulations related to existing playing fields on designated recreational land.
(53) This provision is not applicable to single-family and duplex dwellings and their accessory structures. Subject to chapter 30.51A SCC, all development activities and actions requiring project permits for buildings or structures located within a seismic hazard area and listed in SCC 30.51A.020 require a fifty (50) foot setback from the closest edge of an identified active fault trace.
(54) A split parcel may be subdivided along the UGA boundary line using one of three methods. First, a split parcel may be subdivided along the UGA boundary line into two lots, whereby one lot remains within the UGA and the other lot remains outside the UGA, pursuant to SCC 30.41B.010(5). Second, a split parcel may be subdivided as part of a short plat application, pursuant to SCC 30.41B.010(6). Finally, a split parcel may be subdivided as part of a plat application, pursuant to SCC 30.41A.010(3)
(55) See SCC 30.42E.100(9)(c).
(56) Measured from centerline of right of way.
(57) See SCC 30.42E.100(5)(a)(iv).
(58) Minimum setback for dwellings constructed pursuant to chapter 30.41F SCC is five feet from the pavement edge of a drive aisle, fire lane, or sidewalk, whichever is closer.
(59) Relationship of setback to building height:

The minimum setback requirements are dependent on the heights of the building as specified in this column. To meet the setback requirements, buildings over 20 feet in height must either:

(a) Set the entire building back the minimum setback distance; or

(b) Stepback those portions of the building exceeding 20 feet in height to the minimum setback distance, as illustrated in Figure 30.23.040(59).

Figure 30.23.040(59)
Example of relationship of building height to stepback



(c) Those portions of a building or structure allowed to exceed the maximum building height pursuant to SCC 30.23.050(3) for low impact development shall have the minimum side and rear yard setbacks increased by one foot for each additional 2 feet of building height.

(60) Lots adjoining a right-of-way that is less than 50 feet in width, or is otherwise determined by the director of the department of public works to be of inadequate width for future roadway needs, as determined by the comprehensive plan arterial circulation map or an adopted design report, roadway design or right-of-way plan, shall have the following minimum setback from the front lot line:

(a) The minimum setback shall be increased by an amount determined by the director to be sufficient to ensure that future roadway needs can be met without the need for public acquisition and demolition of structures; or

(b) The front lot line setback shall be measured from the reservation line as determined in SCC 30.24.070(2).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 05-094, Sept. 14, 2005, Eff date Sept. 29, 2005; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006; Amended Ord. 05-087, December 21, 2005, Eff date Feb. 1, 2006; Amended Ord. 06-004, March 15, 2006, Eff date April 4, 2006; Ord. 06-075, Oct. 4, 2006, Eff date Oct. 15, 2006 Ord. 06-062, Oct. 4, 2006, Eff date Oct. 15, 2006; Amended Ord. 07-029, April 25, 2007, Eff date May 10, 2007; Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

*Code Reviser Note: The text shown in 30.23.040(46) above, in *italic* font, was added by Amended Ord. 12-018 but the "C" was not shown with addition marks. This material is included pursuant to SCC 1.02.020(2)(g).

30.23.050 Height requirements, exceptions and measuring height.

(1) The maximum height of buildings and structures shall be pursuant to the height standards in SCC Table 30.23.030(1) and Table 30.23.030(2), except as provided in SCC 30.23.050(2) and SCC 30.23.050(3).

(2) The following shall be exempt from the maximum height standards:

(a) Tanks and bunkers, turrets, church spires, belfries, domes, monuments, chimneys, water towers, fire and hose towers, observation towers, stadiums, smokestacks, flag poles, towers and masts used to

support commercial radio and television antennae, bulkheads, water tanks, scenery lofts, cooling towers, grain elevators, gravel and cement tanks and bunkers, and drive-in theater projection screens, provided they are set back at least 50 feet from any adjoining lot line;

(b) Towers and masts used to support private antennas, provided they meet the minimum setback of the zoning district in which they are located, and the horizontal array of the antennae does not intersect the vertical plane of the property line;

(c) Towers, masts or poles supporting electric utility, telephone or other communication lines;

(d) Schools and educational institutions provided that:

(i) The use was approved as part of a conditional use permit;

(ii) A maximum building height of 45 feet is not exceeded; and

(iii) Any portion of any building exceeding the underlying zoning maximum height standard is set back at least 50 feet from all of the site's perimeter lot lines; and

(e) Aircraft hangars located within any industrial zone provided that the hanger is set back at least 100 feet from any non-industrial zone.

(3) Applicants proposing height modifications pursuant to SCC 30.63C.080(1)(a) to incorporate low impact development techniques into site design and planning, may exceed the maximum height of the underlying zoning district provided that:

(a) The maximum height is not increased if the property is located in R-9600, R-8400, R-7200, T, LDMR, and MR zones; and the maximum height is not increased by more than 14 feet if the property is located in FS, NB, PCB, CB, GC, IP, BP, LI and HI zones;

(b) The property is located within an urban growth area;

(c) The maximum lot coverage is reduced by one percentage point for each foot of additional height (example: one foot of additional height means a 35 percent maximum lot coverage will be reduced to 34 percent); and

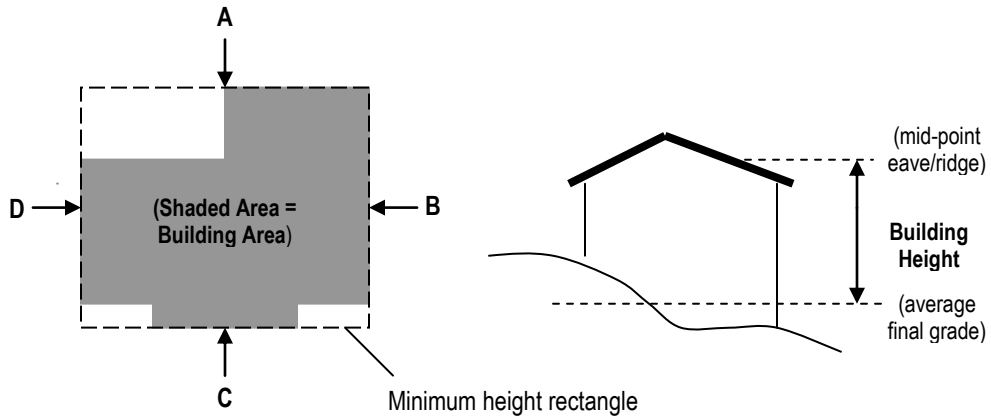
(d) If the zone does not have a maximum lot coverage requirement then at least 40 percent of the site shall contain pervious surfaces.

(4) Building height shall be measured as the vertical distance from the average final grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

(5) Calculation of the average final grade shall be made by drawing the smallest rectangle possible that encompasses the entire building area as shown in Figure 30.23.050(1) and averaging the elevations at the midpoint of each side of the rectangle.

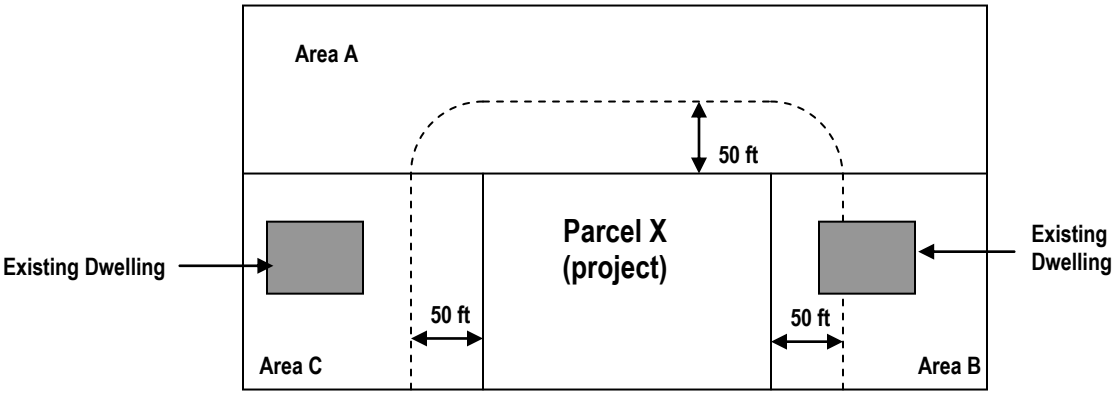
(6) Fill shall not be used to raise the average final grade more than five feet above the existing grade of any dwelling located within 50 feet on adjoining properties. (Figure 30.23.050(2)).

Figure 30.23.050(1)
Calculating average final grade and determining height:



(Final Elevation at Mid-point of A + B + C + D) ÷ 4 = Average Final Grade Elevation

Figure 30.23.050(2)
Adjustments for measuring height where an adjoining dwelling(s) exists:



No adjustments required for structures on Parcel "X" adjoining Areas A or C;
Adjustment required for structures adjoining Area B.

(7) The measurement of height under this section does not apply to buildings regulated by the Snohomish County Shoreline Management Program, nor does it replace the definitions of height in the construction codes, which are specific to the provisions in those chapters.

(8) Rooftop heating, ventilation and air conditioning (HVAC) and similar systems, when located on commercial, industrial or multifamily structures. The system shall not exceed the maximum building height of

the underlying zone by more than 30 percent or 15 feet, whichever is less. Sight-obscurring screening shall be required unless otherwise approved by the director of the department.

(Added by Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Repealed and new section Added by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Ord. 10-024, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.23.060 Binding site plans (BSP).

Land divided pursuant to a recorded binding site plan shall be governed by the bulk regulations of the underlying zone. The entire land area subject to the BSP shall be treated as a single lot when applying minimum lot area, minimum lot width, setbacks, maximum lot coverage, off-street parking, sign, and landscaping requirements.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

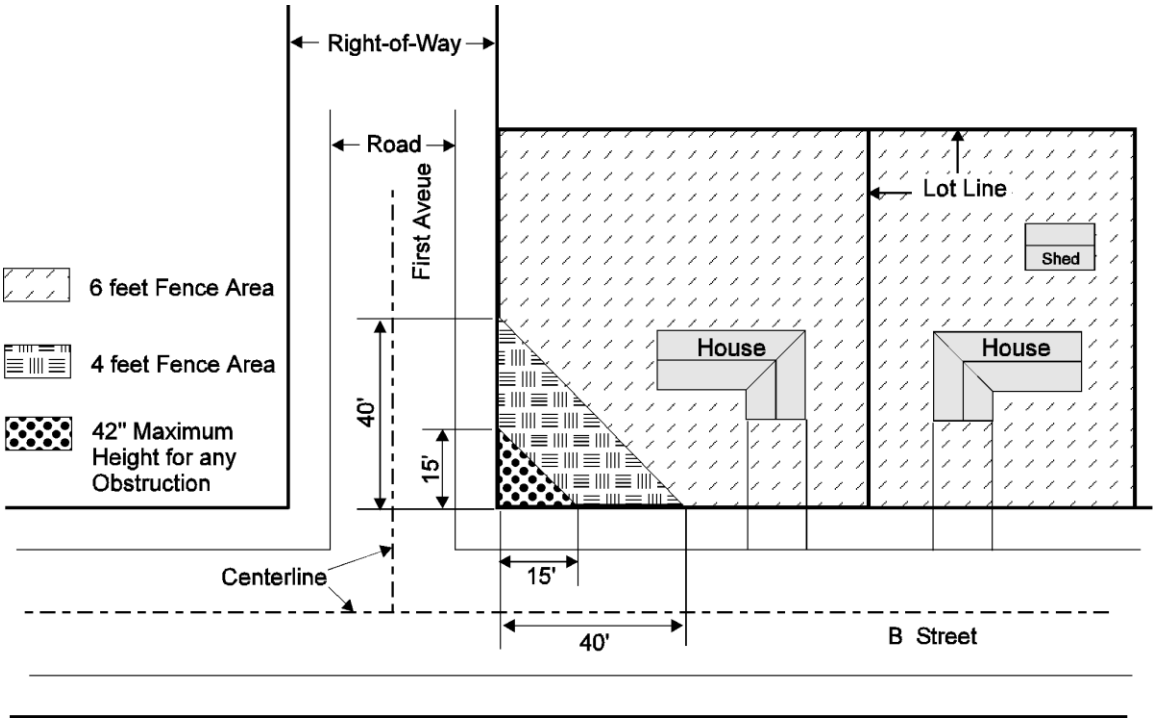
30.23.100 Setbacks and sight triangles.

(1) All structures shall be placed on their lots in compliance with the requirements of the Bulk Matrix, SCC Tables 30.23.030(1) and 30.23.030(2), except as otherwise provided in this title.

(2) Except as otherwise provided in this title, every required setback shall be open and unobstructed from the ground to the sky except for trees and other natural vegetation. No setback or open space provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a setback or open space on the adjacent building site whereon a building is located or is to be erected. SCC 30.23.250 establishes the setback requirements for aggregated lots. When the common boundary line separating two or more contiguous lots is covered by a building or permitted group of buildings or when two or more lots are used as a single building site, the lots shall constitute a single building site and the setbacks as required by this title shall then apply to the aggregate of the lots.

(3) All corner lots shall maintain a vehicular sight triangle for safety purposes. A sight triangle is a triangular area, one angle of which shall be formed by the front and side lot lines. These two sides of the triangle, forming the corner angle, shall be 15 feet in length measured from the aforementioned corner angle. The third side of the triangle shall be a straight line connecting the two 15 foot lines. Within the area comprising the triangle, no tree, fence, shrub, or other physical obstruction higher than 42 inches above the established street grade shall be permitted. No fences or freestanding walls more than four feet in height shall be permitted in the sight triangle when the sides forming the street corner angle measure 40 feet or less. Figure 30.23.100(3) illustrates how this subsection is applied:

Figure 30.23.100(3)
CORNER LOT SIGHT TRIANGLE/FENCE HEIGHT REGULATIONS



(4) Any attached or detached garage taking direct access from a public or private road or street must be set back a minimum of 19 feet from the road right-of-way or easement line or tract boundary that defines the roadway, notwithstanding the minimum setback that may apply to the home or residential structure that it serves. Any attached or detached garage taking access from an alley or autocourt must be set back a minimum of five feet from that alley or autocourt.

(5) The director may reduce any of the setbacks in SCC Table 30.23.030(2) by up to 25 percent for those walls or structures that are 20 feet in length or less, provided a minimum setback of three feet is maintained.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.23.110 Special setbacks for certain uses.

This section supplements the normal setbacks required by the underlying zone for the specified use.

(1) Agriculture: All structures used for housing or feeding animals, not including household pets, shall be located at least 30 feet from all property lines.

(2) Amusement Facilities: Theaters must be at least 300 feet from the property line of any preschool or K-12 school. Other amusement facilities must be at least 500 feet from the property line of any park, playground, preschool, or K-12 school. Distances shall be measured horizontally by following a straight line from the nearest point in the building in which the amusement facility will be located, to the nearest property line of a parcel which contains a park, playground, preschool, or K-12 school.

(3) Art Gallery: All buildings must be at least 20 feet from any other lot in a residential zone.

(4) Cemetery, Mausoleum, and Crematoriums: All buildings must be at least 50 feet from external boundaries of the property.

(5) Church: All buildings must be at least 25 feet from any other lot in a residential zone.

(6) Dock and Boathouse: Covered structures must be at least three feet from any side lot line or extension thereof. No setback from adjacent properties is required for any uncovered structure, and no setback from the water is required for any structure permitted hereunder, except that setbacks for docks and boathouses located in shoreline jurisdiction are regulated under SCC 30.67.515.

(7) Educational Institutions:

(a) All buildings must be at least 35 feet from all external property lines; and

(b) All buildings must be at least 75 feet from the centerlines of all street rights-of-way, or 45 feet from the edges of all such rights-of-way, whichever is greater.

(8) Equestrian Center and Mini-Equestrian Center: Open or covered arenas must be at least 50 feet from any external property line. New structures located on or adjacent to lands subject to chapter 30.32A SCC shall comply with all applicable setbacks.

(9) Governmental Structure or Facility: All structures must be at least 20 feet from any other lot in a residential zone.

(10) Health and Social Service Facility, Level II: All buildings must be at least 30 feet from all external property boundaries.

(11) Kennel, Commercial; Kennel, Private-Breeding; or Kennel, Private-Non-Breeding: All animal runs, and all buildings and structures devoted primarily to housing animals, must be at least 30 feet from all external property lines.

(12) Library: All buildings must be at least 20 feet from any other lot in a residential zone.

(13) Museum: All buildings must be at least 20 feet from any other lot in a residential zone.

(14) Office, Licensed Practitioners: All buildings must be at least 20 feet from any other lot in a residential zone.

(15) Race Track: The track must be at least 50 feet from all external property lines.

(16) Rural Industry: All buildings and structures, storage areas, or other activities (except sales stands) occurring outside of a residential structure must be at least 20 feet from any property line.

(17) School Preschool and K-12:

(a) All buildings must be at least 35 feet from all external property lines; and

(b) All buildings must be at least 75 feet from the centerlines of all street rights-of-way, or 45 feet from the edges of all such rights-of-way, whichever is greater.

(18) Service Station:

(a) Where the right-of-way is less than 60 feet, pump islands shall meet a minimum setback of 45 feet from the centerline of the right-of-way. Where the right-of-way is 60 feet or more, pump islands shall meet a minimum set-back on one-half the right-of-way plus 15 feet. Setbacks shall apply to private rights-of-way and easements.

(b) Where the right-of-way is less than 60 feet, canopies shall meet a minimum setback of 35 feet from the centerline of the right-of-way. Where the right-of-way is 60 feet or more, canopies shall meet a minimum setback of one-half the right-of-way plus five feet. Setbacks shall apply to private rights-of-way and easements.

(19) Small Animal Husbandry: All structures used for housing or feeding animals must be at least 30 feet from all property lines.

(20) Detached accessory or non-accessory storage structures and private garages with building footprints over 2,400 square feet must be at least 15 feet from any external property line, provided that parcels abutting open space tracts shall have a five-foot setback from the open space. Storage structures and private garages over 4,000 square feet in size must be setback at least 20 feet from any external property line, provided that parcels abutting open space tracts shall have a five-foot setback from the open space.

(21) Stormwater Facilities:

(a) Buildings shall be set back an unobstructed 15 feet from the top of the bank of an open constructed channel or an open detention or retention pond to allow access by maintenance equipment.

(b) Buildings shall be set back ten feet from the nearest edge of a closed drainage facility.

(c) If the construction of drainage facilities will require a structural setback on adjacent properties pursuant to SCC 30.23.110(21)(a) or (b), the owner of the drainage facility shall obtain a drainage easement or agreement from the affected adjacent property owner(s) prior to construction approval.

(22) Studio: All buildings must be at least 20 feet from any other lot in a residential, multiple-family, or rural zone. The hearing examiner may require an additional setback distance when necessary to maintain compatibility of the proposed building with residential uses on adjoining properties.

(23) Swimming or Wading Pool: The pool must be at least five feet from any property line.

(24) Tavern: The use must be at least 500 feet from the external property lines of all public school grounds and public parks or playgrounds.

(25) Utility Structures: All structures must be at least 20 feet from any other lot in a residential zone.

(26) Personal Wireless Telecommunications Service Facilities: The setbacks of a wireless communications support structure used for a personal wireless telecommunications service facility shall be measured from the base of the structure to the property line of the parcel on which it is located. Where guy wire supports are used, setbacks shall be measured from the base of the guy wire anchored to the ground, rather than the base of the structure except as provided for in SCC 30.23.110(25)(a).

(a) In zones categorized as Rural or Resource under SCC 30.21.020, any road right-of-way may be included in the setback calculation. In all other zones categorized under SCC 30.21.020, road right-of-way shall not be included in the setback calculation.

(b) Wireless communications support structures shall be setback from a property line with a minimum of 50 feet except as provided for in SCC 30.23.110(25)(c) through 30.23.110(25)(e). For the purposes of this subsection, a wireless communications support structure lease area boundaries shall not be considered property lines.

(c) Setbacks may be modified by the approval authority to no less than 20 feet from a property line only if there is significant existing vegetation, topography, or some other land feature that will provide a higher level of screening of the facility. In accordance with SCC 30.25.025(2), a Native Vegetation Retention Area (NVRA) shall be established and maintained when this provision is used.

(d) Wireless communications support structures located on utility support structures shall have no specific setback requirement.

(e) Wireless communications support structures located on parcels adjacent to forest lands or lands designated local forest shall be set back in accordance with SCC 30.32A.110.

(f) To minimize the potential for birds to collide into antenna support structures, personal wireless telecommunications services facilities shall not be located within the recommended construction buffer zone for birds listed as priority species by the Washington Department of Fish and Wildlife as described in its Management Recommendations for Washingtons Priority Species Volume IV: Birds (May 2004), or listed as endangered or threatened species under the federal Endangered Species Act (64 FR 14307), and as amended, unless the applicant demonstrates that the proposed location will not have a significant impact on such birds.

(g) In no case shall a wireless communications support structure be constructed so that its base is closer to an existing dwelling than a distance equal to the height of the wireless communications support structure, unless the owner of such dwelling consents in writing that a closer distance is permitted.

(27) Excavation and Processing of Minerals:

(a) Minimum setbacks, as measured from the nearest edge of active mining or processing, shall be established as follows:

(i) Distance from property line: 50 feet;

(ii) Distance from any public street or right-of-way: 50 feet;

(iii) Distance from residences: 100 feet, provided that the residence is located on a site(s) designated and zoned for residential use;

(iv) Distance from parks, schools, hospitals and/or libraries in existence at the time of permit application: ¼ mile (1,320 ft);

(v) Distance from UGA boundary: ¼ mile (1,320 ft)

(b) No mining, processing or permanent buildings shall be located within the setback.

(c) Structures or buildings associated with mineral operations shall be located at least 100 feet from a developed residential property line.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004; Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006; Amended Ord. 05-089, December 21, 2005, Eff date Feb. 1, 2006; Emerg. Ord. 06-011, Feb. 15, 2006, Eff date Feb. 15, 2006; Amended Ord. 06-057, Aug. 2, 2006, Eff date Aug. 14, 2006; Amended by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.23.115 Setback exceptions for minor architectural features.

1) Minor architectural features, including cornices, eaves, sills, fireplaces, chimneys and flues, open beams, bay windows, greenhouse windows, trellises, ornamental elements, and other similar features of a minor nature may extend or project into a required setback a distance of not more than 30 percent of the required setback if the following conditions are met:

(a) Except for eaves, cornices, and sills, the combined length of all such features along any one building wall shall not exceed 20 percent of the length of that building wall; and

(b) Minor architectural features may not be used to extend building floor area into the required setback. Only fireplace chimneys and flues may extend to finished grade.

(2) Uncovered porches, steps, and decks may project into a required setback, if they are no more than four feet above the finished ground level, at least 30 inches from any lot line, and project no more than six feet into a setback required from a street.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

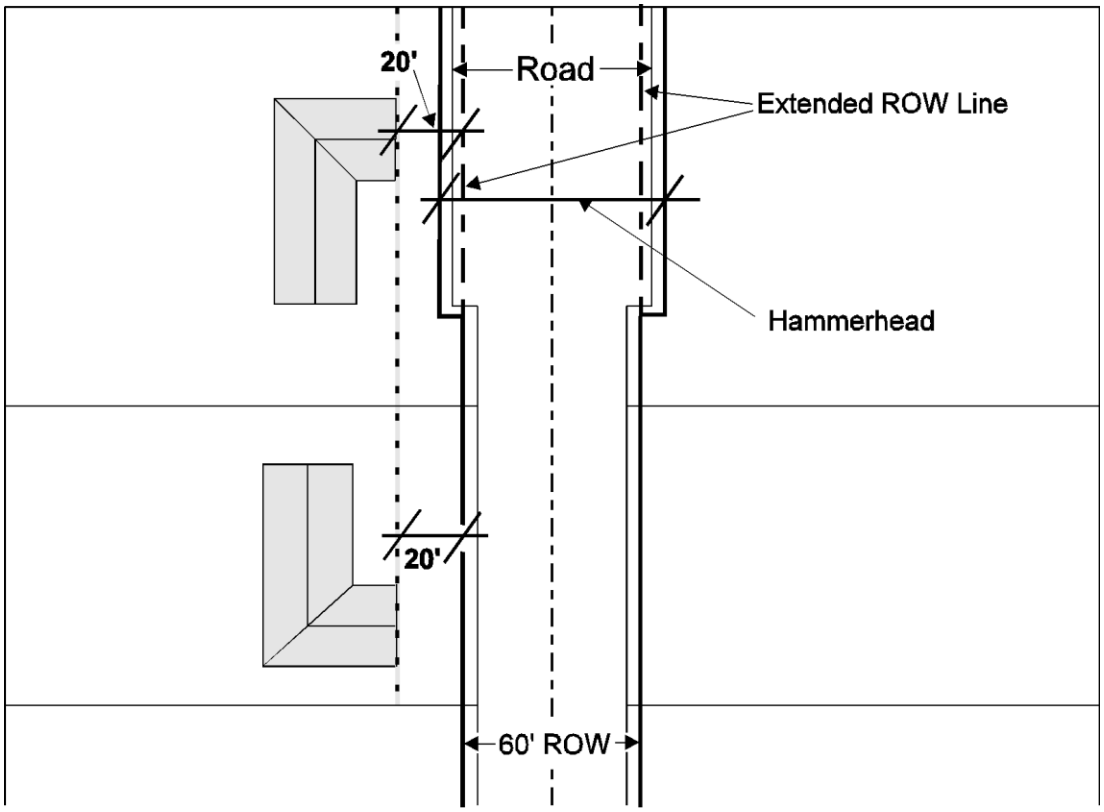
30.23.120 Front setback exceptions.

(1) Averaging: In any zone when at least 50 percent of the frontage in any block front is improved with permitted buildings, some of which have setbacks from the street of less than the required depth, any new building shall provide a setback from the street of at least the average of setbacks provided by all properties 165 feet on either side of the subject lot. Vacant lots shall be considered as having the setback required in the zone.

(2) Steep slopes: On any lot where the natural gradient or slope, as measured from the front lot line along the centerline of the lot for a distance of 60 feet, is in excess of 35 percent, then the required front setback may be reduced one foot for each one percent of gradient or slope in excess of 35 percent.

(3) Hammerheads: The required setback from a street on any lot abutting a hammerhead on a dead-end street shall be measured from the extended right-of-way line of the street before entering the hammerhead. The setback from the extended right-of-way line shall be computed the same way as any other setback, and shall be at least 15 feet. Figure 30.23.120(3) illustrates this methodology:

Figure 30.23.120(3)
SETBACK ON HAMMERHEAD



(4) Existing building setback from new private road:

(a) The minimum setback of five feet shall be required for buildings existing at the time of creation of a private road and having legal right of access to the private road; provided that the private road is less than 50 feet in width and is not capable of

(i) providing access for more than eight lots;

(ii) generating more than 80 average daily trips in designated urban growth areas or more than 90 average daily trips in areas not included within the urban growth areas. Trip generation shall be determined based on the latest edition of the ITE trip generation report published by the Institute of Traffic Engineers; or

(iii) being converted to a street.

(b) A minimum of two off-street parking stalls shall be provided within the unencumbered portion of the property in conformance with chapter 30.26 SCC.

(c) When the existing structure is less than 20 feet from the private road, the existing structure may not be moved or expanded to encroach closer to the private road than existed at the time of creation of the private road.

(5) New building setback from private road with no access: The minimum setback requirement from private roads for structures which do not have legal right of access to the private road shall be five feet from the edge of the private road easement; provided that the private road is less than 50 feet in width and is not capable of either providing access for more than eight lots or being converted to a street.

(6) Setbacks from limited access easements: The setback from a private road or easement capable of serving only one or two lots shall be considered a side or rear setback if the lot also fronts on a public right-of-way.

(7) Corner or through lots on limited access right-of-way: Where one of the roads creating a corner or through lot is a limited access right-of-way, side or rear yard setbacks shall apply along the limited access right-of-way.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.23.125 Setback exceptions from alleys, auto and shared courts, and shared driveways.

A building setback shall not be required from an alley, auto court, shared court, or shared driveway easement, or if applying for development approvals under chapter 30.41F SCC, the alley, court or shared driveway pavement. Vehicular parking shall not be permitted in an alley.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 04-003, March 31, 2004, Eff date May 17, 2004; Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007)

30.23.150 Setback exception for lots combined as a single building site.

If two or more lots are built upon as one unit, and are held under common ownership, the boundary line separating the two or more lots may be covered by a building or permitted group of buildings. Such lots shall constitute a single building site, and the setbacks required by this chapter shall apply to the aggregate of the lots.

(Added Ord. 03-068, July 9, 2003, Eff date July 28, 2003)

30.23.200 Reductions to lot area.

(1) No minimum lot area shall be so reduced or diminished that the setbacks or other open spaces shall be smaller than prescribed by this title, nor shall the density of population be increased in any manner except in conformity with the regulations established by this title.

(2) No minimum lot dimension shall be required for the development of a government utility, or personal wireless telecommunication service structure or facility.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 11-058, Jan. 25, 2012, Eff date Feb. 16, 2012)

30.23.210 Lot size averaging.

(1) A subdivision or short subdivision will meet the minimum lot area of the zone in which it is located if the area in lots plus *half of the area of all* critical areas and their buffers *that must be permanently protected under chapter 30.62SCC and chapter 30.62A SCC, if any, plus* ~~*and*~~[1] areas designated as open space or recreational uses, if any, divided by the total number of lots equals or exceeds the minimum lot area of the zone in which the property is located. In no case shall the density achieved be greater than the gross site area divided by the underlying zoning.

(2) This section shall only apply to:

(a) subdivisions or short subdivisions within zones having a minimum lot area requirement of 12,500 square feet or less; and

[1] *Code Reviser Note: The text shown in italic, underline and strikeout format in 30.23.210 subsection (1)above was amended by Amended Ord. 08-101 but was not indicated with deletion and/or addition marks.

(b) short subdivisions in rural areas within zones having a minimum lot size greater than 12,500 square feet but not larger than 5 acres.

(3) This section shall not apply on any site where any significant trees other than hazardous trees were removed after January 7, 2009, and within six years prior to the date of the submission of the application, pursuant to SCC 30.25.016(3).

(4) Roadways shall not count toward the calculations for lot size averaging.

(5) Surface detention/retention facilities may count toward calculations for lot size averaging only if the detention/retention facility:

(a) is designed to not require security fencing under the EDDS standards; and

(b) the facility is either:

(i) designed so as to appear as a natural wetland system, or

(ii) provides active or passive recreational benefits in a natural landscaped setting.

(6) For subdivisions and short subdivisions within zones having a minimum lot area requirement of 12,500 square feet or less, the following additional criteria apply:

(a) Each single lot shall be at least 3,000 square feet in area;

(b) Lots in subdivisions and short subdivisions created under the provisions of this section shall have a maximum lot coverage of 55%;

(c) Lots with less than the prescribed minimum lot area for the zone in which they are located shall have a minimum lot width of at least 40 feet, and right-of-way setbacks of 15 feet except that garages must be setback 18 feet from the right-of-way (with the exception of alleys) and corner lots may reduce one right-of-way setback to no less than 10 feet; and

(d) Preliminary subdivisions approved utilizing lot averaging shall not be recorded by divisions unless such divisions individually or together as cumulative, contiguous parcels, satisfy the requirements of this section.

(7) For short subdivisions in rural areas within zones having a minimum lot size greater than 12,500 square feet but not larger than 5 acres, the following additional criteria apply:

(a) Each single lot shall be at least 12,500 square feet in area or the minimum area necessary to comply with the Snohomish Health District's rules and regulations for onsite sewage disposal and potable water supply, whichever is greater;

(b) Lots in short subdivisions created under the provisions of this section shall have a maximum lot coverage of 35%; and

(c) Lots with less than the prescribed minimum lot area for the zone in which they are located shall have a minimum lot width of at least 75 feet, and right-of-way setbacks of 50 feet except corner lots may reduce one right-of-way setback to no less than 20 feet.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-075, September 24, 2003, Eff date October 6, 2003; Amended Ord. 04-081, September 1, 2004, Eff date September 24, 2004; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.23.220 Minimum lot area for rural clusters in RUTAs.

(1) A rural cluster subdivision or short subdivision in a RUTA will meet the minimum lot area of the zone in which it is located if the average lot size of all lots is at least 7,200 square feet and each lot contains sufficient area to comply with the Snohomish Health District's rules and regulations for on-site sewage disposal.

(2) Lots with less than the prescribed minimum lot area for the zone in which they are located shall conform to the minimum lot width, setbacks, and other bulk regulations of this chapter for lots located in the R-7,200 zone.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009)

30.23.230 Lot area when land is taken for public use.

(1) If a portion of a legally existing lot or parcel of land in any zone is acquired for public use in any manner, including condemnation or purchase, the remainder of the lot or parcel shall be considered having the required minimum lot area. However:

(a) The portion of the lot or parcel remaining after the acquisition for public use has an area of at least one-half of that required for the minimum lot area in the zone in which the lot or parcel is located except that, in a zone requiring a minimum lot area of one-half acre or more, a minimum lot area of at least 6,000 square feet shall be required; and

(b) After all applicable setback requirements are met, the remainder of the lot or parcel contains a rectangular space at least 30 feet by 40 feet in size which is usable for a main building.

(2) The setback requirements of this title shall not apply to existing legal structures located on legally-created lots or parcels where the setbacks for such structures have been reduced by governmental acquisition of a portion of the lots or parcels and such acquisition complies with the standards promulgated for decent, safe, and sanitary housing in Section 12, Right-of-Way Manual, Washington State Department of Transportation. Any structural expansion of these existing structures which would increase the degree of setback nonconformity is prohibited.

(3) Lots with less than sufficient square footage to meet minimum zoning requirements may be created in approving a short subdivision, when all of the following apply:

(a) As a condition of short subdivision approval, land must be dedicated for county road purposes pursuant to SCC 30.41B.200(4) and such dedication would cause the short subdivision to lose one or more lots due to insufficient square footage to meet minimum zoning requirements;

(b) No lot area may be reduced more than 10 percent below minimum zoning requirements; and

(c) All lots shall meet minimum Snohomish Health District requirements.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.23.235 Development on substandard lots - general.

Development on substandard lots, including single family development under SCC 30.23.240, is permitted, provided that it shall comply with the following requirements:

(1) Development permitted on substandard lots regulated by this chapter shall be subject to compliance with all other applicable provisions of title 30 SCC.

(2) Where the combination of substandard lots is required or proposed for the development of a single family dwelling, or other building or structure, the lands involved shall be combined and considered to be a single undivided parcel. No portion of said parcel shall be used, altered or sold in any manner which diminishes compliance with lot area and width requirements, nor shall any division be made which creates a lot with a width or area below the requirements permitted by this title. A site plan depicting the lot combination shall be recorded with the auditor prior to permit issuance.

(3) The development of new attached and detached accessory apartments and duplexes is prohibited.

(4) Except as provided in SCC 30.23.235(3) and SCC 30.23.240, substandard lots may be used for development permitted under this title and associated incidental uses, provided that the development:

(a) Complies with the setback requirements of SCC 30.23.030;

(b) Complies with the Snohomish Health District standards; and

(c) Does not exceed the lot coverage requirement in SCC 30.23.030.

(Added by Amended Ord. 11-058, Jan. 25, 2012, Eff date Feb. 16, 2012)

30.23.240 Residential use of substandard lots.

(1) Use of lots for residential development when such lots have substandard area for their present zone is permitted for single family dwellings and uses incidental to single family dwellings if the lot was legally created and satisfied the lot area and lot width requirements applicable at the time of lot creation; but such lots may be used only in the manner and upon the conditions set forth below:

(a) A person who owns a single substandard lot or two or more substandard lots which were not contiguous and under single ownership on December 31, 1989, may use such lot or lots, either individually or in combination, for building sites, one single family dwelling plus incidental uses thereto per building site if the building sites meet the setbacks and lot coverage requirements and the Snohomish Health District's standards for the zone in which they are located;

(b) A person who owns two or more substandard lots which were contiguous and under single ownership on December 31, 1989, may use such lots, either individually or in combination, for up to two building sites, one single family dwelling plus incidental uses thereto per building site if the building sites meet the setbacks and lot coverage requirements and the Snohomish Health District's standards for the zone in which they are located. Additional contiguous substandard lots owned by the same person may be used for additional building sites, one dwelling per building site if the additional building sites contain at least one acre (43,560 square feet) or 50 percent of the lot area required for the zone in which such building sites are located, whichever is less and if the building sites meet the setbacks and lot coverage requirements and the Snohomish Health District's standards for the zone in which they are located; and

(c) Notwithstanding the provisions of SCC 30.23.240(1)(b), a person who owns two or more substandard lots which were established on or after April 15, 1957, and which were contiguous and under single ownership on December 31, 1989, may use such lots, either individually or in combination, for building sites, one single family dwelling plus incidental uses thereto per building site if the building sites meet the setbacks and lot coverage requirements and the Snohomish Health District's standards for the zone in which they are located.

(2) Single family dwellings and incidental uses established pursuant to SCC 30.23.240(1) are permitted uses and are not nonconforming uses.

(3) Existing single family dwellings on substandard lots that are nonconforming only because they do not meet the criteria of SCC 30.23.240(1) may improve or add to the single family dwelling and may improve, add to or add incidental uses to the single family dwelling provided that any improvements or additions meet the setbacks and lot coverage requirements and the Snohomish Health District standards for the zone in which they are located.

(4) Existing single family dwellings on substandard lots that are nonconforming because they do not meet the setbacks, lot coverage requirements, or Snohomish Health District standards for the zone in which they

are located may improve or add to the single family dwelling and may improve, add to or add incidental uses to the single family dwelling provided that any improvements or additions do not increase the existing nonconformity or create a new nonconformity with setbacks, lot coverage requirements, or Snohomish Health District standards.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Emergency Ord. 08-090, June 16, 2008, Eff date June 16, 2008; Emerg. Ord. 08-157, Dec. 10, 2008, Eff date Dec. 16, 2008; Amended by Emerg. Ord. 09-035, Apr. 13, 2009, Eff date Apr. 13, 2009; Repealed by Ord. 09-101, Sept. 30, 2009; Eff Date Oct. 16, 2009; Added by Ord. 09-101; Sept. 30, 2009, Eff date Oct. 16, 2009)

30.23.250 Aggregation of lots.

(1) If two or more lots are built upon as a unit, are under one ownership, and when the common boundary line separating the lots is covered by a building or permitted group of buildings, the lots shall be considered a single lot, except as otherwise specifically allowed by this code.

(2) The aggregated lot shall constitute a single building site and the setbacks required by this title shall then apply to the aggregated lot.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.23.260 Parcels split by UGA boundary line.

(1) Subdivision of a split parcel shall be permitted along the UGA boundary line by using the short subdivision provisions pursuant to chapter 30.41B SCC or by submittal of a plat pursuant to chapter 30.41A SCC. A split parcel may be subdivided along the UGA boundary line using one of three methods. First, a split parcel may be subdivided along the UGA boundary line into two lots, whereby one lot remains within the UGA and the other lot remains outside the UGA, pursuant to SCC 30.41B.010(5). Second, a split parcel may be subdivided as part of a short plat application, pursuant to SCC 30.41B.010(6). Finally, a split parcel may be subdivided as part of a plat application, pursuant to SCC 30.41A.010(3).

(Added Ord. 06-062, Oct. 4, 2006, Eff date Oct. 15, 2006)

Chapter 30.23A
URBAN RESIDENTIAL DESIGN STANDARDS

30.23A.010 Purpose.

The purpose of this chapter is:

(1) To provide design standards and guidelines that address site and building design features;

(2) To implement the county's desire for creating quality residential development as set forth in Objective LU 4.A and associated policies in the Snohomish County GMA Comprehensive Plan;

(3) To provide a well-designed residential environment that creates safe places for children to play and residents to meet;

(4) To contribute to an attractive streetscape by providing buildings with architectural detail; and

(5) To improve compatibility of new residential development with existing residential development by appropriate design scale and massing of new residential development.

(Added by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.23A.020 Applicability.

(1) Urban residential design standards of this chapter shall apply to all new residential development located within urban growth areas, excluding the following:

(a) Mobile homes and manufactured homes within mobile home parks;

(b) Construction of a detached single family dwelling or duplex structure on a lot created prior to April 21, 2009;

(c) Residential development or mixed use development subject to chapters 30.34A or 30.41G SCC; and

(d) Any remodel of an existing single family detached, duplex or attached single family structure;

(e) Any remodel of a townhouse or multiple family structure that has been destroyed where the restoration cost does not exceed 75 percent of the assessed value of record when the destruction occurred; and

(f) See SCC 30.42E for design standards for new mobile home parks.

(2) When a development proposal has multiple uses or dwelling types, the most intensive use or dwelling type shall determine which provisions of this chapter shall apply.

(Added by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.23A.030 Compatibility design standards.

(1) The purpose of compatibility design standards is to require additional features to be incorporated into higher density residential development when located adjacent to properties zoned and developed or designated for lower density single-family use in order to enhance the compatibility between uses.

(2) Where residential development is subject to the provisions of this chapter, the provisions in SCC Table 30.23A.030(2) shall establish when the compatibility design standards in SCC 30.23A.030 apply. When

the adjacent property is within the UGA, it must also have one of the following characteristics, in addition to a zoning classification indicated with a "yes" in Table 30.23A.030(2), before the compatibility measures are required:

(a) A lower intensity designation than the project site on the Future Land Use map of the GMA Comprehensive Plan;

(b) Platted and developed residential lots averaging 10,000 square feet in area, or less;

(c) Homes located within 50 feet of the property line that have an average age of 15 years or less.

Table 30.23A.030(2) – Zoning test for compatibility design standards

		Zoning Classification of Adjacent Property							
		R-9,600, R-8,400	R-7,200	T, LDMR, MR	FS, NB, CB, PCB	GC	LI, HI	BP, IP	ALL OTHER ZONES
Proposed Use	Dwelling, detached at less than 7 dwelling per gross acre								
	Dwelling, detached at 7 dwellings or more per gross acre[1]	Yes							Yes
	Dwelling, mobile home								
	Dwelling, duplex								
	Dwelling, attached at less than 7 dwellings per gross acre								
	Dwelling, attached at 7 dwellings or more per gross acre	Yes							Yes
	Dwelling, townhouse	Yes	Yes						Yes
	Dwelling, multifamily	Yes	Yes						Yes

Note: Where "yes" is marked in the table, and one characteristic in SCC 30.23A.030(2) is present, SCC 30.23A.030(3) shall apply.

Footnote 1: This use shall also include any subdivision or short subdivision using the lot size averaging provisions of SCC 30.23.210, and shall apply only to that portion of the site where lots 6,000 square feet or less in size are proposed.

(3) When compatibility design standards are applicable, residential development shall incorporate at least two of the following design standards:

(a) Increase the minimum building setback to 20 feet from those lot lines abutting urban zones, and 40 feet for those lot lines abutting rural zones marked "yes" in SCC Table 30.23A.030(2);

(b) Limit maximum building height to 30 feet within 50 feet of those abutting property lines to zones marked "yes" in SCC Table 30.23A.030(2);

(c) Increase the perimeter landscaping vegetation by at least 50 percent over the amount required in SCC 30.25.017, or if no perimeter landscaping is required, provide a minimum 10-foot wide perimeter Type A landscaped buffer pursuant to the standards in SCC 30.25.017;

(d) Limit townhouse and multifamily buildings located within 50 feet of abutting property lines to zones marked "yes" in SCC Table 30.23A.030(2) to a maximum of three dwelling units per building with a minimum separation of 25 feet between buildings;

(e) Separate detached single-family and duplex dwelling structures by at least 20 feet between buildings located within 50 feet of abutting property lines to zones marked "yes" in SCC Table 30.23A.030(2);

(f) Incorporate two architectural features, such as those described in SCC 30.23A.040(2) or the Snohomish County Residential Design Manual to break up blank walls greater than 500 square feet that face properties zoned where marked "yes" in SCC Table 30.23A.030(2); or

(g) Provide a decorative wall or solid and landscaped fence between buildings and adjacent properties located in zones marked "yes" in SCC Table 30.23A.030(2) that:

(i) Uses brick or stone;

(ii) Is a minimum height of five feet;

(iii) Incorporates architectural detailing such as posts, ornamental iron grillwork, or other elements prescribed in the Snohomish County Residential Design Manual; and

(iv) Incorporates landscaping, openings and other design elements that break up the continuity of a solid wall or fence at least every 10 feet unless otherwise approved by the director.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.23A.040 Detached single-family dwelling and duplex design standards.

Detached single-family dwellings and duplex structures shall comply with the following requirements:

(1) Buildings shall incorporate at least two of the following design elements:

(a) A roof with a shape that is visually distinct from at least 75 percent of the other roofs in the subdivision based on variations in roof forms and pitch, ridge line height, overhangs, projections and extended eaves.

(b) A setback from the front lot line that differs by five feet or more from each of the adjacent buildings.

(c) A porch of at least 60 square feet at the front entry of the building that differs from at least 75 percent of the other porches in the subdivision by 10 percent or more in its dimensions or by its location relative to the garage.

(d) A primary entrance facing and visible from a public right-of-way, private road, or courtyard that opens up to a public right-of-way or private road.

(e) Building form and scale that is significantly different from at least 75 percent of the other buildings in the subdivision, where rambler, daylight basement, split level, tri-level, two-story, or three-story are significantly different forms. A difference in building height or width of 20 percent or more is also significantly different.

(2) Buildings shall be visually distinct from at least 75 percent of the other buildings in the subdivision in at least five of the following ways:

(a) Window size and type, such as single hung, double hung, slider, or awning.

(b) Window grids or mullions and trim design.

(c) Bay or bow window with a minimum projection of 12 inches.

(d) Siding texture, appearance, or color.

(e) Stone, brick, or other decorative siding material that wraps around the side of the building at a height of at least two feet, and for a distance of at least four feet (minimum of two feet on each side), matching elements of the façade.

(f) Roofing material and color.

(g) Roof forms, such as hip, gambrel, mansard, gable, or dormers.

(h) Primary roof pitch.

(i) Front door location, material, pattern, or color.

(j) Use of cantilevers, dormers or other project elements that give the façade a three-dimensional quality.

(k) Variation in side wall design for houses located on a corner lot.

(l) Variations in porch design, such as columns, details, or roof.

(m) Size and location of a stoop of at least 30 square feet at the front entry of the building.

(n) Design of a stoop of at least 30 square feet at the front entry of the building, considering elements such as columns, details, or roof.

(o) The front wall forms an angle of at least 30 degrees to a public or private road.

(p) Upstairs or "Juliet" balcony or other similar architectural features.

(3) At least two of the following design features shall be incorporated into any attached or detached garage facing a public right-of-way, private road, or drive aisle, unless the garage is located at least 20 feet behind the foundation wall of the front of the house with no more than 50 percent of the front of the garage visible from the street.

(a) Angle the garage by at least 45 degrees to the public right-of-way, private road or drive aisle if it is attached or by 30 to 60 degrees to the public right-of-way, private road or drive aisle if it is detached (Figure 30.23A.040(3)).

(b) If there is only one garage door, limit the width of the garage door to ten feet.

(c) If there is more than one garage door, limit the width of each door to no more than ten feet and provide at least a two-foot separation between doors.

(d) Limit the size of the automobile garage door to 25 percent or less of the area of the façade on which the garage door is located, including the area of upper floors but not including the area of the roof.

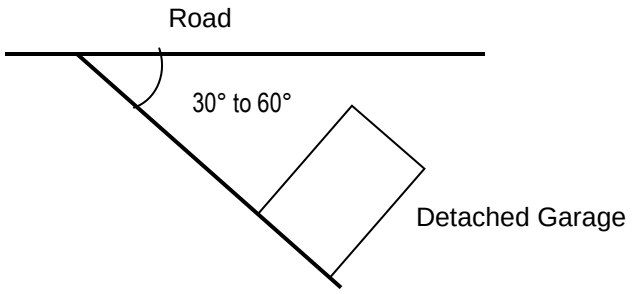
(e) Provide variation in the appearance of the garage door(s) through trim, windows and/or relief.

(f) Cantilever the top story above the garage by at least 18 inches.

(g) Provide architectural treatment such as a trellis, subroof, or awning projecting one foot or more beyond garage to de-emphasize garage doors.

(h) Locate the automobile garage door at least five feet back from the foundation wall of the front of the house, not including uncovered porches and stoops and similar projections.

Figure 30.23A.040(3) - Angled Garage



(4) The director may implement the requirements of SCC 30.23A.040(1), (2) and (3) through a self-certification program, provided that an applicant is ineligible for self-certification if that applicant has been found non-compliant with the requirements of those subsections on any project within the previous 12 months.

(5) The architectural design elements in SCC 30.23A.040(1), (2) and (3) shall be implemented pursuant to the Snohomish County Residential Design Manual to the extent that they are covered in the Snohomish County Residential Design Manual, provided that in the event of a conflict between the Snohomish County Residential Design Manual and Title 30 SCC, the code shall take precedence.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.23A.050 Attached single-family dwelling and townhouse design standards.

Attached single-family dwellings and townhouses shall comply with the following requirements.

(1) Site layout and pedestrian circulation.

(a) Attached single-family dwelling and townhouse developments shall have an integrated pedestrian circulation system that connects buildings, common space and parking areas pursuant to SCC 30.24.080.

(b) Surface parking spaces shall be located to the side or rear of buildings.

(c) Driveways shall not exceed 20 feet in width within the front yard setback area, except that shared driveways and common driveways may have the width increased to 30 feet.

(2) Buildings shall be oriented pursuant to SCC 30.23A.070.

(3) Architectural design elements:

(a) Townhouse structures shall have no more than six dwelling units per each building, except the maximum number of dwellings in a building may be increased to eight in the LDMR, MR, NB, PCB, CB, and GC zones.

(b) Each attached single-family dwelling and townhouse structure shall incorporate variation to any façade of a building that faces a public or private road or drive aisle by incorporating at least three of the following elements:

(i) Changes in the roofline at intervals not greater than 40 continuous feet in length, such as variations in roof pitch, overhangs, projections and extended eaves;

(ii) Distinctive window patterns that are not repeated within groupings of up to four dwelling units;

(iii) Variations in the setback of the front façade of the building by at least five feet between adjoining dwelling units;

(iv) Step backs on the façade of at least two feet in depth and four feet in width at intervals of not more than 30 feet;

(v) Diminishing upper floors (gross floor area of upper story is smaller than the gross floor area of the lower story);

(vi) Balconies, bays or changes in the wall plane of the front façade of the building;

(vii) Garage door entrance(s) for automobiles located at the side or rear of the building; or

(viii) Other architectural elements that the director determines accomplish the objective of visually dividing the structure into smaller identifiable sections.

(4) The architectural design elements in SCC 30.23A.050(3)(b) shall be implemented pursuant to the Snohomish County Residential Design Manual.

(5) Specific development requirements.

(a) The director may reduce the underlying zoning side and rear lot line setbacks to zero for townhouse structures and attached single-family dwellings to allow for zero-lot-line development provided that the remaining underlying zoning setbacks meet the requirements of the zone.

(b) Attached single-family dwellings and townhouse structures built as a zero lot line development shall provide a five-foot wide building maintenance easement for walls, eaves, chimneys and other architectural features that rest directly on the lot line. The maintenance easement shall be included in the covenants, conditions and restrictions of the adjoining lots, and may be recorded with the covenants, conditions and restrictions or in a separate document approved by the director.

(c) Buildings in townhouse developments shall be separated by at least 10 feet as measured between the nearest outer walls of the buildings. This separation shall not apply between a primary residential dwelling and detached structures accessory to the primary residential dwelling.

(d) The standard for providing a minimum suitable construction area as set forth in SCC 30.41A.235 shall not apply to townhouse construction.

(6) In addition to the landscaping requirements in chapter 30.25 SCC, townhouses shall provide landscaping in all front and side setbacks and common outdoor areas associated with the townhouse structure. This additional landscaping shall be incorporated into the landscaping plan required by SCC 30.25.015 and include the following:

(a) Existing non-noxious vegetation and trees shall be incorporated into the landscape design to the greatest extent possible;

(b) Shrubs shall be provided at a density of at least five plants per 100 square feet of landscaping area;

(c) Not more than 50 percent of the shrubs may be deciduous; and

(d) Groundcover that shall provide 90 percent coverage of the landscaped area within three years of planting.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.23A.060 Multifamily design standards.

Multifamily dwellings shall comply with the following requirements:

(1) Site layout and pedestrian circulation.

(a) Multifamily development shall have an integrated pedestrian circulation system that connects buildings, common space and parking areas pursuant to SCC 30.24.080. The pedestrian circulation plan shall include a system of internal sidewalks, pathways or trails which are raised or otherwise separated from parking and vehicular circulation.

(b) When a site has more than one multifamily building, the buildings shall be arranged in a cohesive manner incorporating at least one of the following:

(i) Configure the buildings around a courtyard;

(ii) Limit the average number of dwellings per building to seven and cluster these into groups of not more than four buildings with each group of buildings having designed common space and internal circulation and parking separated from other groups of buildings; or

(iii) Buildings with 10 or more dwellings include an internal building courtyard or create several smaller areas of common space that are located within 25 feet of a building entry.

(c) Pedestrian paths should be visible from buildings or parking lots, and shall be designed to avoid creating "dead ends" or isolated areas.

(d) The design standards of this section shall be implemented pursuant to the Snohomish County Residential Design Manual.

(2) Location of parking.

(a) Surface parking spaces shall be located to the side or rear of buildings.

(b) Structured parking facilities shall be located underneath residential dwellings or to the side of the building.

(c) Large parking areas shall be divided into small groupings of not more than 15 parking spaces in a row. A landscaped island of at least 72 square feet shall be utilized to divide groups of parking spaces.

(d) Parking may be located in a rear or side setback area when vehicle access is from an alley abutting the rear or side lot line.

(e) Parking structures located entirely below the finished grade may have parking located within a front or side setback area.

(3) Exterior lighting.

(a) Lighting shall illuminate building entries and surfaces intended for pedestrians or vehicles.

(b) Exterior lighting shall be used to identify and distinguish the pedestrian walkway network from automobile circulation. Along pedestrian circulation corridors, lighting standards shall be placed between pedestrian ways and public or private streets, driveways or parking areas.

(c) All building lighting for security or aesthetics will be full cut-off or a shielded type, not allowing any upward distribution of light.

(4) Buildings shall be oriented pursuant to SCC 30.23A.070.

(5) Architectural design elements.

(a) When a multifamily building has shared entryways, the building entrances shall incorporate a canopy, awning or other architectural element that provides pedestrians protection from the weather.

(b) Each multifamily building shall incorporate variation to any façade of a building that faces a public or private right-of-way by incorporating at least three of the following elements:

(i) Incorporate changes in the roofline at intervals not greater than 40 continuous feet in length, such as variations in roof pitch, dormers, overhangs, projections and extended eaves;

(ii) Provide distinctive window patterns that are not repeated within groupings of up to six dwelling units;

(iii) Include balconies, bay windows, cornices, covered porches or other changes in the façade of the building;

(iv) Set back balconies and other architectural elements on the upper floors of multi-story buildings;

(v) Incorporate diminishing upper floors (gross floor area of upper story is smaller than the gross floor area of the lower story);

(vi) Provide variations in the setback of the building from the front lot line by at least five feet at horizontal intervals of 40 feet or less; or

(vii) Provide other architectural elements that the director determines accomplish the objective of visually dividing the structure into smaller identifiable sections.

(c) The architectural elements in this section shall be implemented pursuant to the Snohomish County Residential Design Manual.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.23A.070 Building location and orientation.

(1) This section is applicable where mandated in this chapter, or where chosen as an element for meeting design requirements. The intent of this section is to create active and safe pedestrian environments.

(2) The primary entrance of each dwelling unit shall face toward a public or private road right-of-way or drive aisle, except building entries may face onto a courtyard, provided the courtyard opens up towards the right-of-way or drive aisle. The director may waive this requirement where buildings are required to be oriented towards an open space, or when a pedestrian walkway provides the primary access to the dwellings.

(3) Buildings located on lots adjacent to two or more public or private road rights-of-way shall either:

(a) Have the primary entrances face the road the director determines has the primary pedestrian route; or

(b) Have at least one primary entrance face towards each road right-of-way when there are more than three dwellings.

(4) In multifamily and townhouse complexes with more than five buildings, buildings may be oriented to a cohesive system of common space, open space and pedestrian pathway. A prominent pedestrian entry to the site and walkway connecting directly to a public sidewalk shall be provided.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.23A.080 On-site recreation space.

(1) On-site recreation space shall be required for residential development that is subject to the provisions of this chapter and containing seven or more dwellings, except this section shall not apply to projects submitted under chapter 30.42B SCC.

(2) On-site recreation space shall be provided in accordance with SCC Table 30.23A.080(2) below:

Table 30.23A.080(2) – On-site recreation space requirements

Number of Dwelling Units	Amount of on-site recreation open space required per each dwelling
Units 7 to 40	200 sq ft
Units 41 to 100	150 sq ft
Units Over 100	100 sq ft

(3) The requirements in SCC Table 30.23A.080(2) may be reduced by up to 50 percent for residential development that is located within one-quarter mile walking distance of a public park or public school containing a playground or outdoor recreational facilities. The director shall determine the amount of reduction based on the following:

(a) The availability of safe pedestrian facilities connecting the development to the park/school;

(b) The ability of the park/school facilities to accommodate additional usage by residents of the development; and

(c) The number of parks and school facilities located within one-quarter mile distance.

(4) On-site recreation open space shall be designed as follows:

(a) On-site recreation open space shall be located in a separate tract for subdivisions and short subdivisions from the residential dwellings and shall have an undivided ownership interest by owners of the development;

(b) At least 40 percent of the total required on-site recreation open space shall consolidated in one location within the development;

(c) At least 75 percent of the total required on-site recreation open space shall be located outside of critical areas other than buffers identified in chapters 30.62 and 30.62A;

(d) No on-site recreation open space tract shall contain less than 700 square feet in area;

(e) On-site recreation open space shall be developed for active and passive uses. At least 50 percent of the on-site recreation open space shall be designed and improved for one or more active uses. When an area of on-site recreation open space is designed and improved for active uses other than improved pedestrian or bicycle paths with hard surfaces, the average width of the area shall be at least equal to half of the average length of the area. Active uses include, but are not limited to:

(i) Playgrounds developed with children's play equipment;

(ii) Improved pedestrian or bicycle paths with hard surfaces;

(iii) Sports fields (such as soccer or softball fields), with associated improvements;

(iv) Indoor or outdoor sports courts (such as volleyball, basketball or tennis courts), swimming pools, and similar facilities;

(v) Picnic areas with permanent tables, benches or gazebos;

(vi) Community club house and meeting facilities;

(vii) Community gardens for use by the residents;

(viii) Plazas with lighting, artwork, and sitting space for pedestrians at four or more spaces for every required 100 square feet of area; and

(ix) Other similar uses approved by the director;

(f) Passive uses include critical areas that cannot be developed, nature interpretive areas, bird watching facilities, unimproved trails, and similar uses approved by the director;

(g) The following drainage facilities may be counted as on-site passive recreation space:

(i) Unfenced detention, retention and wet ponds;

(ii) Stormwater treatment wetlands;

(iii) Stormwater infiltration trenches and bioswales that serve more than one dwelling; and

(iv) Vegetated areas located above underground detention facilities; and

(h) Pedestrian access shall be provided from all dwellings within the development to the on-site recreation space through trails, sidewalks, pathways and other similar means of access pursuant to SCC 30.24.080; and

(i) On-site recreation space shall not include privately owned yards.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.23A.090 Landscaping.

Landscaping shall be provided pursuant to chapter 30.25 SCC.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.23A.100 Administrative site plan review.

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

(2) Administrative site plan review.

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

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

(c) To approve an administrative site plan pursuant to this section, the director must find that the administrative site plan is consistent with the applicable requirements of Subtitle 30.2. The director's decision on the administrative site plan shall be consistent with any hearing examiner decision issued for the residential development.

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

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

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

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

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

(e) Scale and north arrow;

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

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

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

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

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

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

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

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

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

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

(iv) Any proposed change that the director determines significantly modifies any of the conditions of approval for the administrative site plan shall constitute a major revision.

(6) Approval expiration.

(a) Administrative site plan approval expires when construction has not commenced within five years after the date an approved administrative site plan becomes final.

(b) For the purpose of this section, construction shall mean actual construction begun on some permanent structure, utility or facility on the site.

(c) An applicant may request an extension of an approved administrative site plan pursuant to the procedures established for extension of applications in SCC 30.70.140(2) and (3).

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.23A.110 Underground utilities.

All water, sewer, electrical and communication distribution and service lines shall be underground except:

(1) Electrical and communication distribution lines may be above ground for lots abutting streets with pre-existing, above-ground distribution lines; and

(2) Electrical transmission lines between power plants and substations may be above ground. All lines shall be approved by the agency or jurisdiction providing the service.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

Chapter 30.24
GENERAL DEVELOPMENT STANDARDS - ROAD AND ACCESS

30.24.010 Applicability of roads and access standards.

Development shall include adequate provisions for roads, vehicular and pedestrian access, transportation network circulation, transit facilities, and traffic demand management (when in an urban growth area) in accordance with the general and specific standards and review criteria set forth in Title 30 SCC, Title 13 SCC, the EDDS, and any other applicable local, state and federal requirements.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.020 General provisions.

(1) The overall road network and access and associated stormwater drainage facilities shall be subject to approval of the county engineer, except as these powers are delegated to the department pursuant to SCC 13.01.020(3) and 13.01.020(4).

(2) Development shall:

(a) Be designed to provide adequate road and right-of-way access and circulation to promote safety and minimize traffic congestion consistent with adopted levels of service;

(b) Provide emergency vehicle access consistent with the access requirements of chapter 30.53A SCC;

(c) Provide a connected road system and adequate rights-of-way based on consideration of existing and future development; and

(d) Provide access and transportation circulation pursuant to SCC 30.66B.420.

(3) The configuration and design of all roads, rights-of-way, access and drainage facilities shall be provided pursuant to the EDDS and chapters 30.63A, 30.66B and 30.53A SCC.

(4) The overall road network and access needs of lands in the area of new development shall be considered in determining the road location and access within a development and any requirements to connect the road system to existing road stubs.

(5) Lots shall be designed to minimize individual access to the public or private roads serving the property.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.030 Establishing vehicular ingress and egress.

The county engineer, in consultation with the fire marshal, shall have authority to:

(1) Establish the location, width, and manner of approach of vehicular access, ingress or egress to a lot or development from a public road; and

(2) Alter existing access as required to control traffic in the interest of public safety and general welfare.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.040 Access requirements for certain pre-existing lots and lots created outside of the subdivision and short subdivision processes.

Access to certain pre-existing lots created outside of the subdivision or short subdivision processes is required pursuant to this section.

(1) Lots whose access was created prior to April 15, 1957, shall abut a public road or be served by a private road or access easement of any width.

(2) Lots whose access was created on or after April 15, 1957, but prior to August 9, 1969, shall abut by not less than 15 feet upon and have direct access to a public road or be served by a private road or access easement having a minimum right-of-way width of 15 feet.

(3) Except as set forth in SCC 30.24.040(4), lots whose access was created on or after August 9, 1969, shall abut by not less than 20 feet upon and have direct access to:

(a) An opened, constructed, and maintained public road;

(b) A private road in a subdivision, short subdivision, large tract segregation, or binding site plan with record of survey approved by Snohomish County; or

(c) An exclusive, unshared, unobstructed, permanent access easement at least 20 feet wide where a division of land into new lots is not required.

(4) A lot 1/128th of a section of land or larger, or five acres or larger if the land is not capable of description as a fraction of a section of land, may abut by not less than 60 feet and have direct access to a private road having:

(a) A right-of-way width of at least 60 feet;

(b) Sufficient improvements for automotive travel from the nearest opened, constructed and maintained county road to the parcel; and

(c) A design that would permit reasonable and safe construction of a county road meeting county standards.

No parcel qualifying as a lot under this subsection will continue to so qualify for lot status if the parcel is re-divided creating any parcel less than five acres in size, or less than 1/128th section if described as a fraction of a section of land, unless the parcel qualifies as a lot under SCC 30.24.040(3).

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.050 Access across railroad right-of-way or county-owned trail.

(1) Lots whose legal access crosses or is proposed to cross either a railroad company right-of-way or county-owned trail must demonstrate to the department that a crossing permit (license) has been granted by the railroad company or by the Snohomish County Department of Parks and Recreation in the case of a county-owned trail. Such permit (license), along with the name of the current property owner or contract purchaser, shall be recorded with the county auditor and presented to the department prior to the issuance of development permits.

(2) An owner of aggregations of lots whose legal access is provided across a railroad company right-of-way or county-owned trail may collectively enter into an incorporated homeowners association for a single crossing permit (license) to benefit the aggregation of said lots. The articles of incorporation, bylaws, and permits (license) shall be recorded with the county auditor. Prior to the issuance of development permits,

evidence of the arrangements with the railroad company or the Snohomish County Department of Parks and Recreation must be presented to the department. However, restrictions in this subsection shall not apply where the railroad or county-owned trail crossing is a maintained county road or county right-of-way.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.060 Public and private roads.

Development shall be served by open, constructed and maintained public or private roads and rights-of-way pursuant to this section.

(1) Access to the boundary of the development shall be provided by a public road, except private roads may be approved for any of the following:

(a) The division of land into new lots where each lot contains five acres or more of area, or 1/128th of a section when described as a fraction of a section, and where a record of survey is recorded;

(b) Where there is an existing private road when:

(i) The road adequately accommodates the anticipated traffic generated by the proposed development and the existing development;

(ii) The road is constructed to the appropriate EDDS standard;

(iii) The applicant obtains a recorded access easement from the owners of record for use of the private road as access to the new development; and

(iv) The arrangement for maintenance of the private road is approved by the director; and

(c) Where other unique circumstances of the site, such as topography, the road network of the surrounding area, soils, hydrology or maintenance requirements make the extension of the public road system impractical or infeasible, as determined by the county engineer.

(2) Vehicle access to individual lots within the boundaries of a development shall be provided by a public road, except private roads or private vehicle access may be approved for any of the following:

(a) Roads located in a division of land creating new lots where each lot contains five acres or more of area, or 1/128th of a section when described as a fraction of a section, and where a record of survey is recorded;

(b) Roads located in a planned residential development when the following criteria are met:

(i) Physical limitations of the site or adjacent property preclude the possibility of linking the site with a public road either planned or projected in the foreseeable future;

(ii) The proposed design of the private road, pedestrian facilities, and layout meets the objectives for planned residential developments described in SCC 30.42B.140 and will adequately serve the development pursuant to chapter 30.66B; and

(iii) The development is not otherwise required to provide a public road under the Snohomish County Code;

(c) Drive aisles pursuant to SCC 30.24.090;

(d) Roads located within a rural cluster subdivision or rural cluster short subdivision pursuant to chapter 30.41C SCC;

(e) Roads that serve a maximum of nine lots or 90 average daily trips, whichever is less; and

(f) Where other unique circumstances of the site, such as topography, the road network of the surrounding area, soils, hydrology or maintenance requirements make the extension of the public road system impractical or infeasible, as determined by the county engineer.

(3) Where access by a private road is permitted and the private road has the potential for serving more than nine lots or 90 average daily trips, the county engineer may require such roads to have the potential for future conversion to a public road and reconstruction to public road standards.

(4) A registered professional engineer shall certify that stormwater drainage facilities for private roads and drive aisle systems, including cross culverts, and other site improvements have been constructed in accordance with the requirements of SCC 30.24.020(3) and sound engineering practices.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.070 Dedication of right-of-way.

(1) Where existing abutting public right-of-way to proposed development does not meet county width requirements, the county may require dedication of additional right-of-way that is determined to be reasonably necessary as a result of impacts created by the proposed development to make appropriate provisions for public roads.

(2) Where dedication of right-of-way is not required based on the impacts created by proposed development, but where right-of-way is required for future expansion of the public road system, the director may require a reserve area be set aside for such future right-of-way expansion subject to the following:

(a) The property owner may voluntarily dedicate or deed the reserve area to the county or the reserve area may be purchased by the county as part of a future road project;

(b) Building setbacks and other zoning code requirements shall be measured from the reserve area boundary located on the furthest side from the public right-of-way; and

(c) The director or county engineer may require a notice to be recorded on the title of the subject property notifying future property owners of the reserve area.

(3) If dedication of right-of-way results in loss of a lot, the provisions of SCC 30.23.230(3) may apply.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.080 Pedestrian facilities.

Pedestrian facilities shall be required for development pursuant to this section.

(1) Pedestrian facilities shall include infrastructure and equipment to accommodate or encourage walking, including sidewalks, curb ramps, traffic control devices, trails, walkways, crosswalks, paved shoulders, and other design features intended for pedestrian travel consistent with the following:

(a) Pedestrian facilities shall be constructed as frontage improvements in any abutting city, county, or state road right-of-way located within urban growth areas as a condition of development approval in accordance with chapter 30.66B SCC;

(b) Development located within urban growth areas shall provide an internal network of pedestrian facilities that connects dwelling units to community facilities, such as central mailboxes, parking areas, open spaces, on-site recreation spaces and pedestrian facilities in abutting road right-of-way;

(c) Public places shall provide an accessible pedestrian route of travel from the public right(s)-of-way to the principal entrance of each building or to a use; and

(d) Public places which contain more than one building or use shall provide an accessible route of travel between the principal entrance to each building and use.

(2) Pedestrian facilities such as sidewalks and walkways shall be designed and constructed in accordance with the EDDS and any applicable standards for accessibility set forth in chapter 30.52A SCC.

(3) Pedestrian facilities are not required along:

(a) Alleys;

(b) Permanent dead-end sections of roadways that are 150 feet or less in length and serve 90 average daily trips or less;

(c) Fire lanes, except as provided for in SCC 30.24.100; and

(d) Auto courts that are 150 feet or less in length and serve 90 average daily trips or less.

(4) Where a pedestrian facility is parallel and adjacent to a roadway, it shall be raised or separated from the vehicle surface by a raised curb (rolled or vertical), bollards, landscaping or other physical barrier. If a raised facility is used, it shall be pursuant to the EDDS standards, or if there is no EDDS standard it shall be at least four inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing shall be no further apart than five feet on center.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.090 Drive aisles.

(1) Drive aisles are an internal vehicle circulation system of private access ways that are owned in common by the property owners of a development and that are not located in an access easement, tract or right-of-way.

(2) Drive aisles are permitted in single family detached units developments, multifamily developments and in other single or common ownership types of developments, subject to the limitations of SCC 30.24.060 and construction according to EDDS specifications.

(3) When a drive aisle system is permitted, the vehicle circulation system may include any combination of the following types of vehicle access:

(a) Fire lanes pursuant to SCC 30.24.100;

(b) Auto courts and woonerfs pursuant to SCC 30.24.110;

(c) Alleys pursuant to SCC 30.24.120;

(d) Common driveways pursuant to SCC 30.24.130; and

(e) Roads and turnarounds built to the EDDS standards.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.100 Fire lanes.

(1) Fire lanes shall be designed to provide fire apparatus access to buildings and facilities within development pursuant to SCC 30.53A.512.

(2) Minimum width of fire lanes:

(a) Minimum width shall be 20 feet without parking on either side of the fire lane;

(b) Minimum width shall be 28 feet with a parking lane on one side of the fire lane;

(c) Minimum width shall be 24 feet with a parking lane on one side of the fire lane and a pedestrian facility meeting emergency vehicle load specifications with rolled curb on the opposite side from the parking lane; or

(d) Minimum width shall be 32 feet with parking lanes on both sides of the fire lane.

(3) Where a parking lane is provided on one side of the fire lane, the fire hydrants shall be located on the opposite side.

(4) Fire lanes shall be constructed consistent with a public pavement section (pavement plus road base) specified in the EDDS for public roads.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.110 Auto courts and woonerfs.

(1) Auto courts and woonerfs may be elements of drive aisles and public and private roads that provide internal vehicle circulation within a development. They are permitted in single family detached units developments pursuant to chapter 30.41F SCC and may be permitted in other developments if planned and constructed according to the standards in the EDDS and are determined by the county engineer to be an appropriate means for access and circulation within the development, based on the particular characteristics of the development proposal.

(2) Auto courts shall be designed for joint use by pedestrians and vehicles. In designing an auto court, the following standards shall apply:

(a) Special paving and other street elements shall be used to encourage slow vehicle speeds and traffic calming. This can include scored concrete, paving blocks or bricks, ornamental pavers, or similar alternative materials.

(b) Auto court length shall be no longer than 150 feet, unless the auto court is designated as a fire lane and meets the width, load rating and turnaround requirements of SCC 30.53A.512, or dwelling units served by the auto court have sprinkler systems installed pursuant to chapter 30.52G SCC.

(c) If no garage doors face the auto court, the minimum width of the auto court shall be 12 feet, except auto courts that are designated as a fire lane shall be a minimum width of 20 feet.

(d) If any garage doors face the auto court, the minimum separation between garage doors shall be 28 feet, or 24 feet between a garage door and the far side of the driving surface not abutting a garage door to allow vehicles to exit garages.

(e) A turnaround area shall be provided at the end of the auto court, with a minimum 24-foot backup distance from the end of any driveway apron or parking area.

(3) Woonerfs are joint vehicle-pedestrian access ways similar to auto courts, except woonerfs create a through connection between two sections of the road or vehicle access system. In designing a woonerf, the following standards shall apply:

(a) The width shall be a minimum of 12 feet, except that a woonerf designated as a fire lane shall be a minimum width of 20 feet.

(b) The minimum separation between opposing garage doors on a woonerf shall be 28 feet, or 24 feet between a garage door and the far side of the driving surface not abutting a garage door to allow vehicles to exit garages.

(c) Woonerfs are allowed to serve a maximum of 150 average daily trips. This limitation shall not apply to private woonerfs that serve entirely non-residential development.

(d) Woonerfs shall be surfaced with scored concrete, paving blocks or bricks, ornamental pavers, or other similar alternative materials other than asphalt.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.120 Alleys.

Alleys may be allowed to provide vehicle access pursuant to this section.

(1) An alley must connect at two points to the primary internal vehicle circulation system so that neither a turnaround nor backing out of the alley is required, except an alley may connect at only one point to the internal vehicle circulation system if the alley is 150 feet or less in length.

(2) An alley may not be used as a joint-use pedestrian facility.

(3) The minimum width of an alley is 12 feet, except the minimum width is 20 feet if the alley is designated a fire lane, or the width may be increased to meet the requirement in SCC 30.24.120(4).

(4) The minimum separation between opposing garage doors accessed by an alley shall be 28 feet, or 24 feet between a garage door and the far side of the driving surface not abutting a garage door to allow vehicles to exit garages.

(5) Parking is not permitted in an alley.

(6) Alleys may provide the primary access for residential development if the alley meets the standards for a fire lane pursuant to SCC 30.24.100(2)(a) and pedestrian facilities are provided separate from the alley.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.130 Shared and common driveways.

Driveways serve to provide vehicle passage from road and drive aisle systems to parking areas and structures.

(1) The purpose of shared driveways is to reduce impervious surface areas and to reduce the number of driveway access points entering a road. Shared driveways shall:

(a) Abut a public or private roadway or fire lane;

(b) Not have a driveway area less than 10 feet in width;

(c) Be limited to not more than two lots; and

(d) Have a shared access easement including a maintenance requirement, which shall be the responsibility of the shared users, recorded with the Snohomish County Auditor.

(2) Common driveways may be elements of road and drive aisle systems that can provide vehicle access for up to four residential dwellings on a single lot. Common driveways shall:

(a) Abut a public or private roadway or fire lane;

(b) Not have a driveway area less than 10 feet in width; and

(c) Have maintenance be the responsibility of the shared users.

(3) Shared driveways and common driveways shall not be combined.

(4) The access point for shared driveways and common driveways shall be constructed in accordance with the EDDS.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.140 Planned residential developments.

The following are supplemental access requirements for planned residential developments permitted pursuant to chapter 30.42B SCC:

(1) A connected network of internal roads shall be provided rather than long, irregular loops with dead-ends and cul-de-sacs; and

(2) Access connections shall be made to all public rights-of-way or easement stubs abutting the boundaries of the project.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.150 Single family detached units.

(1) As an alternative to providing internal public or private road, unless public or private road connections are required, single family detached units development may provide internal vehicular circulation by a drive aisle system pursuant to SCC 30.24.090.

(2) Pedestrian facilities shall be provided in accordance with SCC 30.24.080, except:

(a) Pedestrian facilities are required on only one side of the driving lanes, except for public roads where pedestrian facilities are required on both sides; and

(b) Separated walkways and pathways such as trails may be counted towards meeting pedestrian facility requirements.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.160 Transit facilities.

Public transit stop facilities shall be provided as required by SCC 30.66B.430 and may include covered shelters and other improvements. Where such transit stop facilities are required, a direct sidewalk or walkway route shall provide accessibility.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.170 Utilities.

(1) Utilities located within a public road right-of-way shall be placed in accordance with the specifications in the EDDS, unless the county engineer grants a deviation to the specification.

(2) Utility easements meeting the requirements of the applicable utility district may be required as a condition for approving development.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.180 Public access to publicly-owned or controlled water bodies.

Public access to publicly-owned or controlled water bodies shall be pursuant to the Snohomish County Shoreline Management Program.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.24.190 Alternative access.

(1) Binding site plan lots which are created pursuant to chapter 30.41D SCC with no direct public road access may establish access rights through the recording of a common access agreement in lieu of the requirements of SCC 30.24.060.

(2) The county engineer may approve other appropriate alternatives for vehicle access from the following texts and their amendments:

(a) Residential Streets, 3rd Edition (ASCE, 2001); and

(b) Model Code Provisions - Urban Streets & Subdivisions (WSCTED, September 1998).

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.24.200 Deviations from road and pedestrian facilities requirements.

An applicant may request a deviation from the EDDS pursuant to the EDDS.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

Chapter 30.25
GENERAL DEVELOPMENT STANDARDS - LANDSCAPING

30.25.010 Purpose and applicability.

(1) The purpose of this chapter is to establish standards for landscaping, tree retention and tree replacement to implement the policies of the comprehensive plan and to achieve the following objectives:

(a) Enhance neighborhood livability and mitigate potential land use incompatibility through landscaping and screening;

(b) Reduce tree loss during land development and construction; and

(c) Mitigate tree loss by providing for tree replacement.

(2) The provisions of this chapter should enhance compatibility between uses and zones and build continuity within neighborhoods while reducing the impacts of new development and minimizing the visual impact of parking areas and detention facilities and other special uses that require screening from residential uses.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 04-021, Mar. 31, 2004, Eff date Apr. 23, 2004; Amended Ord. 04-003, March 31, 2004, Eff date May 17, 2004; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.25.012 Applicability.

(1) The landscaping provisions of this chapter shall apply to all development permits, unless specifically exempted in SCC 30.25.012(3) or elsewhere in this chapter.

(2) The tree retention and replacement provisions of this chapter shall apply to all new residential development activity within urban growth areas and as required in SCC 30.25.025, 30.25.030 and 30.25.032, including any activity requiring a grading or other land-disturbing activity permit, unless specifically exempted.

(3) This chapter shall not apply to:

(a) Farms and accessory uses associated with farming;

(b) Changes in occupancy where the use would generate a need for five or less additional parking spaces over the number of existing spaces; and

(c) Remodels of multiple family, commercial, industrial, public facilities and private institutional uses representing less than 50 percent of the valuation of the structure as determined by using the most recent ICBO construction tables, or adding less than 20 percent of gross floor area.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.25.015 General landscaping requirements.

(1) All residential developments located within urban growth areas are required to landscape a minimum of 10 percent of the total gross area of the site to the standards set forth in this chapter unless

exempted otherwise. The 10 percent requirement may include perimeter landscaping, parking lot and detention facility landscaping, tree retention areas and street trees not in a public right-of-way.

(2) No building permit shall be issued when landscaping is required until a landscaping plan has been submitted and approved by the department, if applicable.

(a) Landscaping plan requirements shall be defined by the department in a submittal requirements checklist, as authorized by SCC 30.70.030.

(b) The landscaping plan shall be prepared by a qualified landscape designer.

(c) The landscaping plan shall include an assessment of whether temporary or permanent irrigation is required to maintain the proposed landscaping in a healthy condition.

(d) Street trees and other right-of-way planting shall be shown on the approved landscaping plan.

(e) The landscaping plan shall include the location, caliper and species of all significant trees located on the site that are proposed to be removed.

(f) The landscaping plan shall include the location, caliper or height, and species of all replacement trees to be planted.

(g) The landscaping plan shall include a description of why significant trees cannot or should not be retained.

(h) The landscaping plan shall include a description and approximate location of any trees on adjoining properties that may be directly affected by any proposed activities.

(i) The landscaping plan shall show clearing limits consistent with applicable land disturbing activity site plans required pursuant to chapter 30.63B SCC.

(3) Planting areas outside of the right-of-way may include landscape features such as decorative paving, sculptures, fountains, rock features, benches, picnic tables, and other amenities; provided that the area devoted to such features may count toward no more than 20 percent of the total required perimeter and parking lot landscaping area. Use of bark, mulch, gravel, and similar non-vegetative material shall be minimized and used only to assist plant growth and maintenance or to visually complement plant material.

(4) An accessible route of travel meeting construction code barrier free requirements may cross a required landscape area at a 90 degree angle or as close to a 90 degree angle to the road right-of-way as conditions allow. The area devoted to an accessible route of travel in a required perimeter area may be included to satisfy the requirements of SCC 30.25.020.

(5) The following minimum planting standards apply, except that street trees required pursuant to SCC 30.25.015(8) shall comply with planting standards in the EDDS:

(a) Evergreen and deciduous trees shall be at least eight feet high at the time of planting;

(b) Deciduous trees shall have a minimum diameter of one and one-half inches caliper at the time of planting; provided that the combined diameter measurements of groupings of under-story trees, such as vine maples, may be used to meet this requirement;

(c) Evergreen and deciduous shrubs shall be at least 18 inches high at the time of planting;

(d) Trees shall be of a size and type projected to reach a height of at least 20 feet in 10 years, except where under-story or low-growing trees are specifically approved or required by the director;

(e) Trees shall be planted at least five feet from adjoining property lines, except as may be approved for landscaping along road frontages pursuant to the EDDS and road frontage requirements.

(6) All landscape materials shall meet or exceed current United States standards for nursery stock published by the American Nursery and Landscape Association and consist of native species. The applicant shall use a list of acceptable species prepared by the director or may substitute a species with similar characteristics not on the list with the director's approval.

(7) To promote stabilization and continued healthy growth of the landscape areas required by this section, a qualified landscape designer shall determine the need for irrigation. An irrigation plan shall be submitted together with the required landscape plan.

(8) Street trees are required to be planted along public and private roads and drive aisles within urban growth areas on land developed for residential use according to the road cross section and general landscaping standards of the EDDS. Street trees are not required around turnarounds at the end of roads less than 150 feet in length.

(9) Street tree maintenance shall be as follows:

(a) Property owners shall be responsible for the maintenance (including pruning) and liability of street trees on their property, or where responsibility has been assumed by the owner through a recorded agreement with the county; and

(b) Utility work affecting street trees shall be limited to the actual necessities of the services of the company and such work shall be done in a neat and professional manner.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.25.016 General tree retention and replacement requirements.

(1) No person, corporation, or other entity engaged in residential land development or construction within unincorporated urban growth areas shall remove a significant tree without first obtaining county approval, except as provided in SCC 30.25.016(2). County approval shall be integrated into the permit review process for any activity requiring a county permit on a site where any significant trees are present.

(2) The following are exempt from the general tree and replacement requirements of SCC 30.25.016:

(a) Removal of any hazardous, dead or diseased trees, and as necessary to remedy an immediate threat to person or property as determined by a letter from a qualified arborist;

(b) Removal of trees within or adjacent to existing public rights-of-way or easements, at the direction of the county or public or private utility for the protection of the public safety, such as obstructions inhibiting visibility at intersections;

(c) Removal of trees for construction of a single-family dwelling, duplex, accessory or non-accessory storage structure on an individual lot created prior to April 21, 2009;

(d) Removal of trees that have been grown for the purpose of sales of Christmas trees or commercial landscaping materials by commercial nurseries and tree farms; and

(e) Any forest practices occurring on forest land as those terms are defined in RCW 76.09.020 of the Forest Practices Act, chapter 76.09 RCW.

(3) Certain types of applications are subject to special requirements so that neighborhoods are not adversely affected by increased density on sites where significant trees were removed prior to the application.

(a) These special requirements are applicable to all applications for the following:

(i) Single family detached unit development pursuant to chapter 30.41F SCC;

(ii) Planned residential development pursuant to chapter 30.42B SCC;

(iii) Subdivision or short subdivision using lot size averaging pursuant to SCC 30.23.210; and

(iv) Rezones pursuant to chapter 30.42A SCC, but only if the requested zoning designation allows a greater number of dwelling units per acre than the current zoning designation.

(b) The applicant shall attest in writing, to be acknowledged by a notary public, that no significant trees other than hazardous trees were removed from the site after January 7, 2009, and within six years prior to the date of the submission of the application.

(c) If any significant trees other than hazardous trees were removed after January 7, 2009, and within six years prior to the date of the submission of the application, then the application shall not be approved; provided that the application may be approved if:

(i) The removal of trees was authorized by a forest practices permit issued by the State Department of Natural Resources;

(ii) The public is notified of the prior removal of trees consistent with the posting, publication, and mailing requirements of SCC 30.70.045, and this notice may be combined with the notice for the underlying application;

(iii) A tree survey of all significant trees is completed and significant trees are replaced as required in Table 30.25.016(3);

(iv) All significant trees within any perimeter landscaping required under SCC 30.25.020 and all significant trees within critical area protection areas and required buffers are retained;

(v) All significant trees on site are retained on 5% of the site in addition to those retained as required in SCC 30.25.016(3)(c)(iv); and

(vi) The owner of the property at the time of tree removal is not a person, corporation, or other entity engaged in residential land development or construction within unincorporated urban growth areas.

(4) All significant trees within any perimeter landscaping required pursuant to SCC 30.25.020, on-site recreation space pursuant to SCC 30.23A.080, or critical area protection areas and required buffers shall be retained, except for trees exempted by SCC 30.25.016(2). All other significant trees that are removed shall be replaced by a number of new trees as set forth in SCC Table 30.25.016(3), except as may be modified by the provisions of SCC 30.25.016(5) and (6). The director may allow the removal of significant trees from the active on-site recreation space when it is determined to be necessary to allow for recreational facilities provided that all such trees are replaced in accordance with SCC Table 30.25.016(3).

Table 30.25.016(3) - Tree Replacement Schedule

Caliper of Tree Removal	Number of Replacement Trees Required
10 – 16 inches	1
16.1 – 24 inches	2
Over 24 inches	3

Notes: Multiple stem trees shall be counted as one significant tree.

(5) The number of required replacement trees shall be reduced by 30% if an additional buffer of 15 feet is provided around the edge of a subdivision and all significant trees and native understory in the buffer are retained. This buffer must be in addition to all buffer and landscaping requirements in the code, and it must be provided around the entire subdivision except where roads and other required infrastructure enter the subdivision.

(6) To assist in the preservation and retention of significant trees, the director may apply one of the following incentives:

(a) The on-site recreation space required by SCC 30.23A.080 may be reduced by up to 10 percent when at least 10 percent of site's significant trees (outside of any required perimeter landscaping or critical area protection areas and required buffers) are retained;

(b) The lot width or size may be reduced by up to 20 percent of that required by the underlying zone when at least 10 percent of the site's significant trees (outside of any required perimeter landscaping or critical area protection areas and required buffers) are retained;

(c) The overall landscape requirements may be reduced by up to 10 percent when at least 10 percent of site's significant trees (outside of any required perimeter landscaping or critical area protection areas and required buffers) are retained.

(7) Replacement trees must meet the following criteria:

(a) Replacement trees shall be planted on the site from which significant trees are removed, provided that replacement trees may be planted on another site in the immediate area approved by the director when a certified arborist finds, and the director concurs, that replacing those trees on the original site will result in increased likelihood of the trees not surviving;

(b) Replacement trees shall be planted in locations appropriate to the species' growth habit and horticultural requirements;

(c) Replacement trees shall be located in such a manner to minimize damage to trees or dwellings on properties adjoining the project site; and

(d) Significant evergreen trees proposed for removal must be replaced with a comparable evergreen native species as determined by the director.

(8) The following tree protection measures shall be taken during clearing or construction:

(a) Tree protective fencing shall be installed along the outer edge of the drip line surrounding the significant trees in order to protect the trees during any land disturbance activities, and fencing shall not be moved to facilitate grading or other construction activity within the protected area;

(b) Tree protective fencing shall be a minimum height of three feet, visible and of durable construction; orange polyethylene laminar fencing is acceptable; and

(c) Signs must be posted on the fence reading "Tree Protection Area."

(9) The director may allow a modification to the design of required frontage improvements to retain significant trees as street trees.

(10) A fine shall be imposed pursuant to SCC 30.85.090 for the removal of each significant tree in violation of SCC 30.25.016(1), unless the tree is replaced with a tree of the same size and type within the time period specified in a warning notice issued pursuant to SCC 30.85.080.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.25.017 Type A and Type B landscaping.

Where Type A or Type B landscaping is required, the following table containing the corresponding minimum standards per landscaping type shall apply:

Table 30.25.017
LANDSCAPING TYPES AND MINIMUM STANDARDS

Category of Landscaping	Type A	Type B
Performance Standard:	Create a dense sight barrier between uses and zones	Create a filtered screen between uses
Planting Standards:		
1. Tree mixture[1,3]	At least 75 percent evergreen with a variety of species required and up to 25 percent deciduous	Approximately 50 percent evergreen with a variety of species required and 50 percent deciduous
2. Tree planting pattern	Approximately 20 feet on center in triangular or offset pattern	Approximately 30 feet on center in triangular or offset pattern
3. Shrub mixture[2]	At least 75 percent evergreen with a variety of species required and up to 25 percent deciduous	Approximately 50 percent evergreen with a variety of species required and 50 percent deciduous
4. Shrub planting pattern[2]	Approximately three feet on center in triangular or offset pattern	Approximately five feet on center in triangular or offset pattern
5. Groundcover	Evergreen planted 12 inches on center in a triangular or offset pattern	Evergreen planted 12 inches on center in a triangular or offset pattern
6. Individual planting standards	Pursuant to SCC 30.25.015	

Notes:

[1] The number of evergreen and deciduous trees and the spacing of the trees may be reduced by up to 50% within Type A or B landscaping when existing vegetation and significant trees are retained. The amount of permitted reduction shall be double the percentage of existing vegetation and significant trees retained.

[2] As an alternative to shrubs, or in combination with shrubs, smaller deciduous and evergreen trees may be incorporated into the landscaping plan at a rate of not less than one tree per eight lineal feet with not more than 10 feet on center separation.

[3] The director may modify the mix of evergreen and deciduous trees and the spacing of the trees and reduce by up to 50% the number of trees required within a Type A or B landscape area inside or outside a stormwater facility perimeter fence for safety and security purposes.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.25.020 Perimeter landscaping requirements.

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

(2) Properties zoned RFS, CRC and RB shall provide a 50 foot Type A perimeter landscape buffer when adjacent to R-5, RD, RRT-10, A-10, F, F and R and Mineral Conservation. Properties zoned RI shall provide a 100 foot Type A perimeter landscape buffer when adjacent to R-5, RD, RRT-10, A-10, F, F and R and Mineral Conservation.

Table 30.25.020(1)
Perimeter Landscaping Requirement

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

Footnote 1: As defined by the Light Industrial zone in SCC 30.22.100.
Footnote 2: As defined by the Heavy Industrial zone in SCC 30.22.100.
Footnote 3: Cell towers means personal wireless telecommunications services facilities.
Footnote 4: Conditional uses located in a residential zone according to SCC 30.22.100, SCC 30.22.110 and SCC 30.22.120.
Footnote 5: Where residential development locates adjacent to existing commercial or industrial development and where no existing perimeter landscaping or buffer is located on adjacent commercial or industrial properties, the residential development shall provide a 10 foot wide Type A perimeter landscape area adjacent to the commercial or industrial properties.

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

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

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

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

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

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 10-011, Mar. 24, 2010, Eff date April 11, 2010)

30.25.022 Parking lot landscaping.

(1) Parking lot landscaping is required for all parking areas with more than three parking stalls, except for individual single-family or duplex residences. Parking lot landscaping is required in addition to any perimeter landscaping required by SCC 30.25.020.

(2) Parking lot landscaping shall be installed as follows to provide visual relief and shade in parking areas, to decrease reflected heat and glare, and to mitigate aesthetic impacts:

(a) An area equal to at least 10 percent of the parking lot area shall be landscaped;

(b) Trees shall be included in parking lot landscaping at the rate of one tree for every seven parking stalls or one per landscaping area or island, whichever is greater;

(c) Low growing evergreen shrubs and groundcover, not to exceed a mature height of approximately 30 inches shall be planted in each parking lot landscaping area or island. Shrubs shall be planted approximately three feet on center and groundcover shall be planted approximately 12 inches on center;

(d) Lawn may be allowed as a substitute for shrubs and groundcover in parking lot landscaping if an applicant demonstrates that the areas proposed for lawn can and will be easily maintained; and

(e) Coniferous evergreen trees shall not be planted in parking lot landscaping islands or in any other location where they could obstruct lines of sight or create a safety hazard.

(3) No passenger vehicle parking stall shall be more than 50 feet from a landscaped area or island.

(4) Parking lot landscaping areas or islands shall be at least 80 square feet in size and shall have a minimum horizontal dimension of four feet in every portion of the island.

(5) All landscaping areas or islands shall be protected from vehicle damage by six-inch protective curbing, and, if necessary, wheel blocks. Vehicle overhang into landscaping areas is prohibited unless the required landscape area adjacent to any parking stall overhang area is increased in width by a minimum of two feet.

(6) A landscaping island shall be located at the end of each row of passenger vehicle parking, and in mid-row or other locations as needed to meet the requirements of this section; provided that parking lots containing fewer than 20 parking stalls may satisfy the 10 percent landscaping requirement with plantings in any area.

(7) When a parking area abuts residentially-zoned property or a property developed for residential use, a

solid fence (gaps no greater than ¼ inch) at least 48 inches high shall be required to block headlight glare; provided that the department may modify or waive this requirement when the abutting property or existing or likely future development is separated topographically from the parking area or otherwise protected from headlight glare.

(8) For calculating the 10 percent landscaping requirement, parking lot area shall include all areas devoted to parking spaces, driveways, and aisles accessing passenger vehicle parking spaces, accessible routes of travel across a parking area, and landscape islands within a parking area. Truck loading areas and truck turnarounds, if not in the passenger vehicle parking areas, and outdoor storage and outdoor display areas are not included in the calculation of parking lot area for landscaping purposes.

(9) Parking lot landscaping may include landscape areas adjacent to property lines, critical areas buffers, buildings, recreation areas, and roads. These areas may not be double counted as fulfilling the requirements for perimeter landscaping or for open space or other required landscape buffers unless specifically so provided.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.25.023 Stormwater flow control or treatment facility landscaping.

(1) Vegetation and landscaping requirements for the functional components and areas of stormwater flow control or treatment facilities are regulated by chapter 30.63A SCC. These functional components and areas include, but are not limited to, earthen berms, infiltration and detention pond bottoms, filter beds, bioretention facilities, vegetated slopes and swales used for stormwater treatment or flow control, access roads for these facilities, and any other components or areas used for or required for proper function, inspection, maintenance, or repair of these facilities, as described in chapter 30.63A SCC, the EDDS, or the Drainage Manual.

(2) Landscaping in tracts or easements containing stormwater flow control or treatment facilities, excluding those areas described in SCC 30.25.023(1), shall meet or exceed the standards set forth in this section except:

(a) In the LI and HI zones, landscaping shall only be required around flow control or treatment facilities located between a public road and building; and

(b) When critical areas or their buffers are used for stormwater flow control or treatment as allowed pursuant to chapters 30.62A and 30.63A SCC, the landscaping provisions of chapters 30.62A and 30.63A SCC shall apply instead of SCC 30.25.023.

(3) The department shall review proposed landscaping plans and may require revisions and upgrades to the proposed landscaping to ensure that landscaping provides an effective visual screen for fenced facilities without compromising safety, security and maintenance access, is able to endure expected inundation, and enhances the overall appearance of a stormwater flow control or treatment facility.

(4) Where perimeter fencing of a stormwater flow control or treatment facility is required pursuant to the EDDS, Type A landscaping at least six feet in height and six feet in width shall be installed. The landscaping shall be placed at least five feet from the fence in order to create a maintenance access pathway unless the director makes a determination based on documentation provided by the applicant that site characteristics render this setback infeasible and the proposal documents that maintenance may be otherwise provided. This decision shall be processed as a landscape modification pursuant to SCC 30.25.040. To

maintain sight triangles, fenced facilities that abut public rights-of-way, shall comply with setbacks and height restrictions pursuant to SCC 30.23.100(3).

(5) Where fencing is not required for landscaping within a stormwater flow control or treatment facility, the landscaping guidelines contained in volume III, section 3.2.1 of the Drainage Manual shall be considered during the design of the facility.

(6) Where fencing is not required and the unfenced stormwater flow control or treatment facility is not completely screened pursuant to subsection (3) above, the facility shall be landscaped to improve its appearance as follows:

(a) If the stormwater flow control or treatment facility is located in, adjacent to or near a lake, wetland, or fish and wildlife habitat conservation area, or their buffers, the areas between the facilities and these critical areas shall be left in natural or near-natural conditions; and

(b) If the stormwater flow control or treatment facility features terraces or steps, landscaping in accordance with the standards set forth in volume III, section 3.2.1 of the Drainage Manual shall be used to complement the terraced edge condition.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.25.024 Outside storage and waste areas.

Outside storage areas and waste, dumpster, or recycling areas shall be screened with a six-foot high sight obscuring fence (gaps no greater than ¼ inch), or by five feet of site-obscuring landscaping, or by a living fence at least three feet in height which will grow to at least six feet in height within three years. The director shall provide a listing of acceptable plant species and planting requirements to be used for a living fence.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.25.025 Personal wireless telecommunications services facilities landscaping and screening

The visual impacts of a personal wireless telecommunications services facility shall be mitigated to the greatest extent possible through landscaping or other screening methods as follows:

(1) A minimum 20-foot wide Type A landscape screening area as set forth in SCC 30.25.017 shall be planted around the perimeter of the wireless communications support structure lease area except that:

(a) All trees shall be planted 10 feet on center in at least three offsetting rows; and

(b) All significant trees shall be retained in any Type A landscaping area when preservation of such trees does not pose a safety hazard, as determined by a certified arborist.

(2) The approval authority may permit a modified plan in accordance with SCC 30.25.040 that combines landscaping, existing vegetation, berming, topography, walls, decorative fences, or other features if they achieve the same degree of screening as Type A landscaping. If existing vegetation is used, a 20-foot Native Vegetation Retention Area (NVRA) shall be established and maintained for the life of the project around the outer face of the fenced area or the wireless communications support structure lease area, whichever is greater. All existing trees and vegetation shall be retained unless a report and clearing plan for removal and replacement is prepared by a certified arborist and the plan is approved by the department. The plan shall identify the trees

and vegetation to be removed and explain the reason for removal. Trees removed shall be replaced with evergreen trees at a minimum ratio of two replacement trees for each tree removed. Replacement trees shall be a minimum of eight feet tall at the time of planting. The removal shall not diminish the intended screening effect.

(3) The approval authority may modify or waive landscaping requirements in accordance with SCC 30.25.040 when wireless communications support structures are located within rights-of-way or other county-owned property.

(4) Perimeter landscaping is not required for wireless communications support structures located in industrial zones of the county except when the wireless communications support structure is located adjacent to residential zones listed in SCC 30.28A.120(7).

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.25.026 Community facilities for juveniles parking lot landscaping.

(1) Parking lot landscaping is required for community facilities for juveniles with more than five parking stalls. Parking lot landscaping is in addition to any Type A or B perimeter landscaping required by SCC 30.25.020 for facilities located in a T, LDMR, or MR zone adjacent to R-7200, R-8400, R-9600, or R-5 zones.

(2) Parking lot landscaping shall be installed as follows to provide visual relief and shade in parking areas, to decrease reflected heat and glare, and to mitigate aesthetic impacts:

(a) An area equal to at least 10 percent of parking lot area shall be landscaped;

(b) Trees shall be included in parking lot landscaping at the rate of one tree for every five parking stalls or one per landscaping area or island, whichever is greater;

(c) Low growing evergreen shrubs and groundcover, not to exceed a mature height of approximately 30 inches shall be planted in each parking lot landscaping area or island. Shrubs shall be planted approximately three feet on center and groundcover shall be planted approximately 12 inches on center;

(d) Lawn may be allowed as a substitute for shrubs and groundcover in parking lot landscaping if an applicant demonstrates that the areas proposed for lawn can and will be easily maintained; and

(e) Coniferous evergreen trees shall not be planted in parking lot landscaping islands or in any other location where they could obstruct lines of sight or create a safety hazard.

(3) No passenger vehicle parking stall shall be more than 50 feet from a landscaping area.

(4) When a parking area abuts residentially-zoned property, a solid landscape screen (gaps no greater than ¼ inch) at least 40 inches high shall be required to block headlight glare; provided that the department may modify or waive this requirement when the abutting property or existing or likely future development is separated topographically from the parking area or otherwise protected from headlight glare.

(5) For calculating the 10 percent landscaping requirement, parking lot area shall include all areas devoted to parking spaces, driveways, and aisles accessing passenger vehicle parking spaces. Truck loading areas and truck turnarounds, if not in the passenger vehicle parking areas, and outdoor storage and outdoor display areas are not included in the calculation of parking lot area for landscaping purposes.

(6) Parking lot landscaping may include landscape areas adjacent to property lines, critical areas, buildings, recreation areas, and roads if the parking area abuts these areas and provide the required visual relief for neighboring properties.

(7) If the applicant provides documentation including photos, site plans, and written description of why landscaping would have no visual relief benefits, the department director may exempt the home from such standards.

(Added Amended Ord. 05-040, July 6, 2005, Eff date Aug. 8, 2005)

30.25.027 Excavation and Processing of Minerals

Whenever property developed for excavation is adjacent to developed residential property, public roads, streets or highways, streams, lakes, or other public installations, there shall be installed and maintained or cultivated in addition to any required fence, a view-obscuring planting screen at least 50 feet in width, in a location to be determined by the approval authority. A planting screen shall be shrubs, bushes, or trees which shall be selected to be evergreen, indigenous, fast-growing, compatible with the soil, and on the basis of size, form, and minimum maintenance requirements. The planting screen shall be planted according to acceptable practice in good soil, irrigated as necessary, and maintained in a good condition at all times at the expense of the operator. A required view-obscuring planting screen shall be installed as a yard improvement at or before the time excavation operations commence or within a reasonable time as determined by the approval authority, giving due consideration of local planting conditions. A view-obscuring fence may also be required by the department on the interior edge of the planting screen and if required, shall satisfy the requirement of SCC 30.31D.100(4).

(Added Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.25.028 Accessory apartments and temporary dwellings.

Accessory apartments, where required by SCC 30.28.010(6), and temporary dwellings shall be screened with a six-foot high sight-obscuring fence (gaps no greater than one-quarter inch) or by five feet in width of Type A landscaping.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.25.029 Large detached garages and storage structures.

All detached accessory and non-accessory garages and storage structures with building footprints greater than 2,400 square feet shall provide screening from adjacent properties as follows:

(1) Landscaping and other measures that mitigate potential land use incompatibility of the garage or storage area with adjacent properties shall be required. The site plan submitted with the permit application shall depict existing and proposed landscaping and other screening measures;

(2) The site plan shall show the amount, type and spacing of proposed planting materials. Plant materials, species and design shall be approved by the department;

(3) At the director's discretion, existing natural vegetation or other adequate visual screening located on the subject site may be approved in lieu of the requirements of chapter 30.25 SCC if it is determined that the existing vegetation or visual screening meets the intent of this chapter. Photographs shall be submitted with the permit application and the existing features shall be shown to scale on the site plan;

(4) Approval of other screening measures that mitigate potential land use incompatibility shall be determined on a case by case basis at the discretion of the director; and

(5) After a site visit, the director may determine that screening or landscaping is not warranted due to special circumstances on the site or adjacent properties and may waive the screening or landscaping requirements.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

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

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

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

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

(3) Any development proposed on property in the IP zone that is located within the Maltby Urban Growth Area (UGA) shall provide a 50-foot wide landscaped area along the external boundary of the IP zone where it either abuts a rural zone, or where it is separated from a rural zone by a public or private road or road right-of-way. The landscape area shall be an undeveloped area that contains a visual screen that shall include dense plantings equal to or exceeding Type A landscaping, and decorative walls, landscaped berming, and/or other buffering techniques; and

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 10-011, Mar. 24, 2010, Eff date April 11, 2010; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.25.032 Additional landscaping requirements for RB, RFS, CRC, and RI zones.

In addition to the landscaping requirements contained in SCC 30.25.020, requirements for RB, RFS, CRC, and RI zones are as follows:

(1) Existing trees three inches in diameter and larger size shall be retained in all side and rear perimeter landscape areas, excluding areas for access drives and sign location;

(2) Existing evergreen trees of three inches in diameter and larger size shall be retained in all front perimeter landscape areas, excluding areas for access drives and sign location;

(3) Removal of trees otherwise required to be retained is allowed when required to meet the EDDS or because of public health and safety concerns as documented by a certified arborist; and

(4) Land zoned CRC in the Clearview rural area shall provide a 50-foot wide landscaping area along any property line abutting an R-5 zone.

(Added Amended Ord. 02-064, December 1, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.25.033 Additional landscaping requirements for rural cluster subdivisions and short subdivisions.

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

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

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

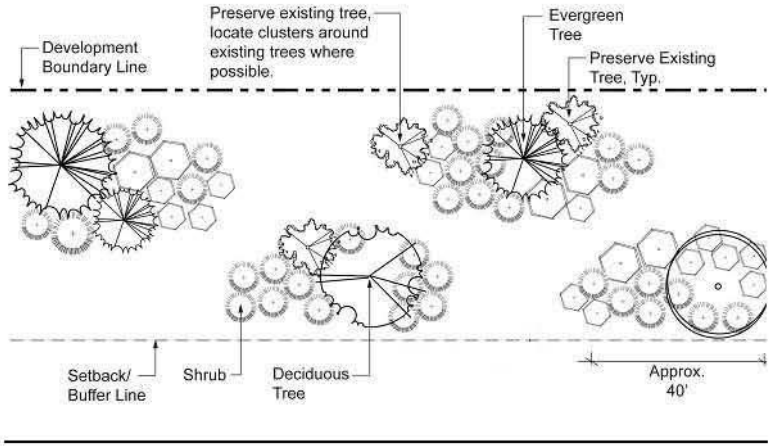
(a) In the required setback buffer from the road rights-of-way;

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

(c) In the open space buffers between clusters.

(3) When retention of existing vegetation is not adequate to screen development from road rights-of-way or from adjacent residential property, landscape installation shall be required for additional visual screening. Landscape installation shall be in clustered plantings pursuant to SCC 30.25.033(4) that are each approximately 40 feet long, aligned parallel to the development boundary lines and extending the length of the property line, and 25 feet in depth measured perpendicular to the development property line. Planting clusters shall be alternated in parallel rows as illustrated in Figure 30.25.033 (3), to achieve an informal appearance.

Figure 30.25.033(3) Clustered planting pattern for visual screening



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

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

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

(i) Preserve existing vegetation wherever feasible;

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

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

(b) For standard landscape groupings:

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

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

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

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

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

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

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

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

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

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

(9) A performance or maintenance security may be required by the department in accordance with SCC 30.84.150 and a plan review and inspection fee in accordance with SCC 30.86.145 shall be provided to the county for landscaping.

(Added by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.25.035 Landscaping requirements for binding site plan (BSP) developments.

All required landscaping for individual lots within a BSP development shall be satisfied through consideration of the entire BSP site, subject to recorded covenants, conditions, and restrictions (CCRs). Individual BSP lots are not required to meet the standards of this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.25.036 Additional landscaping requirements for planned residential developments (PRDs).

All PRDs proposed under chapter 30.42B SCC shall provide the following additional site landscaping:

(1) Usable open space shall be landscaped in a manner that does not inhibit proposed recreational uses; and

(2) Site perimeter landscaping shall be established as a tract or easement along any property boundary of a PRD where adjacent property is currently developed or used for single-family residential purposes, or is zoned or designated in the comprehensive plan for single-family residential use. The landscape area shall consist of clusters or solid rows of plant materials and comply with the following:

(a) One tree must be planted for every 25 linear feet of buffer. Trees may be grouped in clusters, but at no time shall they be spaced greater than 50 feet apart. Trees must be 66 percent evergreen species with conifers at least eight feet in height at the time of planting and deciduous trees at least one and one half-inch caliper at the time of planting. Shrubs shall be placed six feet on center and shall consist of 66 percent evergreen species with a minimum spread of 21 inches at planting. Ground cover can consist of lawn, but for groundcover that consists of plantings, the plantings shall be placed no more than 24 inches on center for four inch pots and 30 inches on center for one gallon pots; and

(b) In PRDs where parking for multiple family structures is located adjacent to the perimeter landscape area, a four-foot high sight-obscuring fence (gaps no greater than one-quarter inch) to block headlight glare on adjoining property shall be installed along the perimeter property boundary, or a landscaped earthen berm at least four feet high with side slopes not exceeding a slope of two horizontal feet to one vertical foot (2:1) shall be incorporated into the perimeter landscaping.

(i) All planting materials required by this subsection shall be included in the PRD landscape plan and shall be installed prior to occupancy of any dwelling unit in the project located within 100 feet of said perimeter landscaping area.

(ii) The applicant shall be allowed to retain existing vegetation to satisfy the requirements of this section if it provides an equivalent buffer.

(Added by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.25.040 Landscaping modifications.

(1) An applicant may request modification of landscaping requirements as part of project review, except modifications to landscaping in planter strips located in a public right-of-way shall be processed as deviation from the EDDS..

(2) The decision maker (either the department or the hearing examiner) may approve a request for modification when:

(a) The proposed landscaping represents an equal or better result than would be achieved by strictly following the requirements of the code; and

(b) The proposed landscaping fulfills the purpose of this chapter set forth in SCC 30.25.010(1).

(3) Notice of the department decision or recommendation on a landscaping modification shall be provided:

(a) Pursuant to SCC 30.70.050 and 30.72.030 if the project is a Type 2 application; or

(b) Pursuant to SCC 30.70.050 and 30.71.040, if the project is a Type 1 application or is a project not subject to administrative appeal.

(4) In considering requests for modification of perimeter landscaping requirements, the following alternative screening and buffering strategies shall be favored:

(a) Preservation of existing vegetation, particularly significant trees or other groupings of natural vegetation in consolidated locations;

(b) Better accommodation of existing physical conditions on site, including incorporation of elements to provide for wind protection or improve solar access;

(c) Incorporation of elements to protect or improve upon water quality;

(d) Increased landscaping width adjacent to residential uses or zones or in other strategic locations;

(e) Provision of a unique focal point of interest or better useable open space; and

(f) Increased protection of wetlands and fish and wildlife habitat conservation areas and their buffers beyond.

(5) A modification is not required to provide more than the minimum width, density, or quality of landscaping.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 04-003, March 31, 2004, Eff date May 17, 2004; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.25.043 Landscaping installation.

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

(2) The department may authorize up to a 180-day delay when a qualified landscape designer certifies that

planting season conflicts could produce a high probability of plant loss.

(3) A performance security in accordance with SCC 30.84.105 shall be required by the department if a planting delay is authorized.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 09-077, Aug. 26, 2009, Eff date Sept. 19, 2009; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.25.045 Landscaping maintenance.

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

(2) The department may require a maintenance security device in accordance with SCC 30.84.150(2).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.25.050 Auto wrecking yards and junkyards.

Fences shall be to the interior side of any required perimeter landscaping area.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.26
GENERAL DEVELOPMENT STANDARDS - PARKING

30.26.010 Applicability.

(1) Every new use and every building erected, moved, reconstructed, expanded, or structurally altered shall provide parking areas as provided in this chapter.
(2) Parking area shall be permanent and shall be permanently maintained for parking purposes.
(3) This chapter applies to any lot or parcel of land used as a public or private parking area and having a capacity of three or more vehicles, including any vehicle sales area. This chapter shall not apply to permit applications for individual single family or duplex residences.

(Added Amended Ord. 02-064, December 9 ,2002, Eff date February 1, 2003)

30.26.015 Maneuvering and queuing.

The department shall have authority to require sufficient queuing, backing, turning, and maneuvering space within a parking area to meet the requirements of this chapter and to ensure that pedestrian routes are not blocked by maneuvering or queuing vehicles.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.26.020 Location of parking spaces.

Off-street parking spaces shall be located as specified in this section. Where a distance is specified, the distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building which it serves.

(1) Parking for single and multifamily dwellings shall be within 300 feet of and on the same lot or building site with the building it serves.

(2) Parking for uses not specified above shall not be over 300 feet from the building it serves. Parking spaces for uses on land subject to a binding site plan (BSP) with record of survey shall be located on land within the BSP area per recorded covenants, conditions, and restrictions (CCRs) or declaration.

(3) All off-street parking spaces shall be located on land zoned in a manner which would allow the particular use the parking will serve.

(4) Parking shall be set back from lakes, streams, wetlands, and other bodies of water as necessary to comply with the shoreline management and critical areas regulations. See chapters 30.44, 30.62A and 30.67 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.26.025 Tandem parking.

Tandem or stacked parking spaces may be allowed for residential and commercial uses as follows:
(1) Each tandem space shall be at least eight and one-half feet wide and twice the depth required for a standard space;
(2) A maximum of 30 percent of the required parking may be provided through tandem spaces;
(3) For residential uses, tandem parking may only be used when it can be documented that parking spaces will be assigned to specific units and tandem spaces will not be shared between units; and

(4) Commercial uses with no retail or customer service components may use tandem parking only when it can be documented that the proposed parking will be managed to accommodate employee access to vehicles and vehicle ingress and egress at all times.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.26.030 Number of spaces required.

(1) The required number of off-street parking spaces shall be as set forth in SCC Table 30.26.030(1) subject to provisions, where applicable, regarding:

(a) Effective alternatives to automobile access (SCC 30.26.040);

(b) Joint uses (SCC 30.26.050 and 30.26.055); and

(c) Accessible routes of travel (SCC 30.26.065(7)).

(2) The abbreviations in the table have the following meanings:

(a) "gfa" means gross floor area;

(b) "GLA" means gross leasable area; and

(c) "sf" means square feet.

(3) Any off–street parking spaces that are devoted to electrical vehicle charging shall be counted toward the minimum number of parking spaces required.

Table 30.26.030(1)
NUMBER OF SPACES REQUIRED

USE	NO. OF SPACES REQUIRED	NOTES
Single family, duplex, attached single-family, mobile home, multifamily, townhouse	2 per dwelling; see note	Driveways at least 19' long between garage doors and roads, private roads, or designated fire lanes or access aisles may be counted as one parking space. Garages shall have a minimum interior length of 19 feet.
Single family detached units (pursuant to chapter 30.41F SCC)	2 per dwelling plus guest parking at 1 per 4 dwellings where driveway aprons meeting the minimum dimension requirements for 2 cars are provided (driveway aprons meeting minimum dimension standards may be counted toward meeting this requirement), or 1 unrestricted guest parking spot per 2 dwellings for either (i) dwellings where no driveways are provided or (ii) dwellings that provide a driveway apron meeting the minimum dimension requirements for parking of only 1 car; see note.	A driveway apron must be at least 19' long and 8.5' wide between garage doors and designated fire lanes, drive aisles or pedestrian facility to be counted as a parking space (and a driveway apron that is at least 19' long and 17' wide may be counted as two parking spaces). An "unrestricted" guest parking spot is one provided either within the drive aisle parking or designated guest parking areas outside of individual units; garage parking spaces or parking spaces on driveway aprons of an individual unit are not "unrestricted" parking spaces. All applicable provisions of chapter 30.26.SCC shall be followed. See SCC 30.41F.100.
Cottage Housing	2 spaces per dwelling unit plus guest parking at 1 space per 4 dwellings	
Mobile home parks	2 per dwelling plus guest parking at 1 per 4 dwellings	See chapter 30.42E SCC.
Retirement apartments	1 per dwelling plus guest parking at 1 per 4 dwellings	See SCC 30.26.040(1).
Retirement housing	1 per dwelling or 1/3 per dwelling	See SCC 30.26.040(2).
Bed and breakfast guesthouses and inns	2 plus 1 per guest room	

USE	NO. OF SPACES REQUIRED	NOTES
Motels and hotels	1 per unit or room; see note	Additional parking required in accordance with this schedule for restaurants, conference or convention facilities and other businesses, facilities, or uses associated with the motel or hotel.
Boarding houses, including fraternities and sororities	1 per sleeping room	
Correctional institutions	Determined by the department on a case by case basis	See SCC 30.26.035.
Day care centers	1 per employee plus load/unload space; see note	An off street load and unload area equivalent to one space for each 10 children is also required.
Health and social service facilities, Level II and Level III	Determined by the department on a case by case basis	See SCC 30.26.035.
Auto repair, machinery repair	5 : 1,000 sf gfa; see note	Note: service bays and work areas inside repair facilities do not count as parking spaces.
Financial institutions, office buildings, public utility and governmental buildings, real estate offices, excluding health and social service facilities	3 : 1,000 sf gfa; see note	A minimum of 5 spaces required for all sites. Drive-up windows at financial institutions must have clear queuing space, not interfering with parking areas, for at least three vehicles per drive up window.
Medical and dental clinics	5 : 1,000 sf gfa	
Personal service shops or uses	4.5 : 1,000 sf GLA	
Drive-in restaurants and similar uses primarily for auto-borne customers	13.3 : 1,000 sf gfa; see note	Clear queuing space, not interfering with the parking areas, for at least five vehicles is required in front of any drive up window.
Mobile home and RV sales	1 : 3,000 sf of outdoor display area	
Motor vehicle sales or sales and service	1 : 1,000 sf gfa plus 1 : 1,500 sf of outdoor display area	
Restaurants, taverns or bars for on-premises consumption	10 : 1,000 sf gfa; see note	Minimum of five spaces required.
Retail stores	4.5 : 1,000 sf GLA	
Shopping centers	4.5 : 1,000 sf GLA; see note	Where two or more permitted tenant uses share employee and customer parking.
Athletic clubs, gymnasiums, health clubs	4 : 1,000 sf gfa	
Bowling alleys	5 per lane	
Churches, clubs, and lodges	Determined by the department on a case by case basis	See SCC 30.26.035.
Colleges, commercial or technical schools for adults	Determined by the department on a case by case basis	See SCC 30.26.035.

USE	NO. OF SPACES REQUIRED	NOTES
Equestrian centers and mini-equestrian centers	1 : 4 seats or 8 feet of bench; see note	One space accommodating a vehicle and horse trailer for every two horses expected at equestrian or mini-equestrian center events.
Funeral parlors, mortuaries, cemeteries	1 : 4 seats or 8 feet of bench, or 25 : 1,000 sf of assembly room with no fixed seats	
Libraries, art galleries, museums	4 : 1,000 sf gfa	
Passenger terminals (bus, rail, air)	10 : 1,000 sf gfa of waiting areas	
Schools, elementary and junior high, public and private	1 space for each 12 seats in the auditorium or assembly room; see note.	Sufficient off-street space for safe loading and unloading of students from school buses and cars is also required.
Schools, senior high, public and private	Determined by the department on a case by case basis; see note	See SCC 30.26.035. Sufficient off-street space for safe loading and unloading of students from school buses and cars is also required.
Stadiums, sports arenas, auditoriums, and other assembly areas with fixed seats	1 : 4 seats or 8 feet of bench	
Swimming pools, indoor and outdoor	1 : 10 swimmers, based on pool capacity as defined by the State Dept. of Health.	
Tennis courts, racquet or handball clubs, and similar commercial recreation	25 : 1,000 sf assembly area plus 2 per court	
Theaters, cinemas	1 : 4 seats or 8 feet of bench	
All other places of assembly without fixed seats including dance halls and skating rinks.	13.3 : 1,000 sf gfa	
Wholesale distribution facilities	1 : 1,000 sf gfa	
Manufacturing uses	3 : 1,000 sf gfa	May also be determined by the department on a case-by-case basis per SCC 30.26.035 when the employee to sf gfa ratio for the proposed use is less than 3 : 1,000
Industrial uses except warehousing and storage	1 : 1,000 sf gfa	
Warehouse and storage except mini-self-storage	.5 : 1,000 sf gfa	
Mini-self-storage	2 : 50 storage units; see note	Half the spaces to be distributed equally around the site, half to be located at the project office.

USE	NO. OF SPACES REQUIRED	NOTES
Utility and communication uses without regular employment	1 space	
Auto wrecking yards	15 spaces for yards less than 10 acres in size; 25 spaces for yards 10 acres or larger	
Community Facilities for Juveniles	1 per employee to accommodate the maximum number of employees for any given work shift plus 1 visitor space per every 6 residential beds. A loading area must also be provided for those facilities that receive regular commercial deliveries	The approval authority may reduce the number of required spaces when the applicant can demonstrate that the reduction of spaces will be adequate

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003, Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004; Amended Ord. 05-040, July 6, 2005, Eff date Aug. 8, 2005; Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011)

30.26.035 Parking for specified and unlisted uses.

Where the parking requirements for a use are not specifically defined, the parking requirements for the use shall be determined by the department. The determination shall be based upon parking requirements for comparable uses and comparative data as may be available to staff. The department may require the applicant to submit or fund a parking study prepared by an independent consultant with expertise in parking demand analysis. Such studies may be required to review or provide estimates of peak parking hours, parking space demand, parking space turnover, and to relate or distinguish the proposed use from the uses selected as comparable in the parking analysis.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.26.040 Reduction of required spaces.

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

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

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

following:

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

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

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

(3) All other uses. The department may reduce, by not more than 40 percent, the number of required parking spaces when an applicant demonstrates that effective alternatives to automobile use, including but not limited to van pooling, ride matching for carpools, and provision of subscription bus service will be implemented and will provide an effective and permanent reduction in parking demand.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.26.045 Mixed occupancies.

In the case of mixed occupancies in a building or on a lot, the total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities of a particular use shall not be considered as providing required parking facilities for any other use except as specified for joint use.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.26.050 Joint uses.

The department may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified below:

(1) Up to 50 percent of the parking facilities required by this chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use or vice versa; provided that the reciprocal parking area shall be subject to the conditions set forth in SCC 30.26.055;

(2) Up to 100 percent of the Sunday and/or nighttime parking facilities required for a church or auditorium incidental to a public or private school may be supplied by parking facilities required for the school use; provided that the reciprocal parking area shall be subject to the conditions set forth in SCC 30.26.055; and

(3) For purposes of this section, the following uses typically are daytime uses: business offices, barber and beauty shops, manufacturing or wholesale buildings, park-and-pool or park-and-ride lots. The following typically are nighttime and/or Sunday uses: auditoriums incidental to a public or private school, churches, dance halls, theaters, and taverns.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.26.055 Conditions for joint use.

(1) The building or use seeking to share off-street parking facilities shall be located within 300 feet of or on the same lot as the parking facilities.

(2) The applicant shall show that there is not substantial overlap in the hours of peak parking demand for the buildings or uses for which a joint use parking agreement is proposed.

(3) The parties shall submit a proper legal instrument, which may be a long-term lease, covenant, or other agreement defining the conditions of the joint use for review and approval by the department and the prosecuting attorney. The instrument shall be recorded with the Snohomish County Auditor under all property

addresses prior to issuance of permits for the new use or building.

(4) The department shall be notified in writing at least 30 days prior to termination or amendment of the joint use instrument. In the event of termination, all existing and new uses shall comply with all parking and landscaping requirements of the Snohomish County Code.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.26.060 Loading space.

(1) Loading spaces are required for the following uses:
- (a) Manufacturing;
- (b) Storage;
- (c) Warehouse;
- (d) Goods display;
- (e) Department store;
- (f) Wholesale store;
- (g) Market;
- (h) Hotel;
- (i) Hospital;
- (j) Mortuary;
- (k) Laundry;
- (l) Dry cleaning; or
- (m) Other use involving the receipt or distribution of vehicles, material, or merchandise.

(2) The loading space shall provide adequate space for standing, loading, and unloading services in order to avoid undue interference with the public uses of the streets or alleys.

(3) The space, unless otherwise adequately provided for, shall include a 10-foot by 25-foot loading space, with 14-foot height clearance for every 20,000 square feet, or fraction thereof, of gross building area used or land used for the above purposes.

(4) The space shall be situated so that no part of a truck or van using the loading space will project into the public right-of-way.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.26.065 Parking lot development standards.

(1) No building permit shall be issued until plans or other documentation showing provisions for the required off-street parking have been submitted and approved as conforming to the standards of this chapter.

(2) Interior site access lanes shall be designed to provide continuous, unrestricted vehicular movement and shall connect to public streets or private roads which provide legal access to the site.

(3) Access lanes and emergency vehicle lanes shall not be less than 20 feet in width, and emergency access shall be provided pursuant to the provisions of chapter 30.53A SCC.

(4) Parking in emergency vehicle lanes shall be prohibited, and indicated as being unlawful by signs and/or painting on the lane/parking lot surface.

(5) Emergency access shall be provided to within 50 feet of any multifamily building.

(6) Parking lot area (square footage) devoted to accessible routes of travel may be credited toward reducing the number of required off-street parking stalls at the ratio of one parking stall per each 160 square feet of accessible route of travel within parking areas.

(7) Accessible routes of travel may cross driveways, access lanes, and emergency vehicle lanes, but not loading spaces.

(8) If any of the requirements of this section are impractical due to the peculiarities of the site and building,

other provisions for emergency access may be approved by the fire marshal.

(9) All parking stalls and aisles shall be designed according to SCC Table 30.26.065(14) or SCC Table 30.26.065(17), "Off-Street Parking," unless all parking is to be done by parking attendants on duty at all times that the parking lot is in use for the storage of automobiles.

(10) When parking standards require 10 or more parking spaces, up to 40 percent of the off-street parking spaces required by this chapter may be designed for compact cars in accordance with SCC Table 30.26.065(16), "Compact Car Stall and Aisle Specifications" or SCC Table 30.26.065(19), "Interlocking - Compact Cars." Such parking stalls shall be individually marked on the site plan and on each constructed parking stall as being for compact cars only.

(11) Parking at any angle other than those shown is permitted, providing the width of the stalls and aisles is adjusted by interpolation between the specified standards.

(12) Parking shall be so designed that automobiles shall not back out into public streets.

(13) Electric Vehicle Charging.

(a) Infrastructure for the charging of electric vehicles shall not intrude into nor diminish the dimensions of the aisle or parking stall(s) it is intended to serve.

(b) Where electric vehicle infrastructure is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the infrastructure shall be located as to not interfere with accessibility requirements of WAC 51-50-005.

Table 30.26.065(14)
Off-Street Parking

Conventional Car Stall and Aisle Specifications

Parking Layout See Figure 30.26.065(15)	Angle Parking Angle A	Dimensions			One Way		Two Way	
		Stall Width B	Curb Length C	Stall Depth D	Aisle Width E	Parking Section Width F	Aisle Width E	Parking Section Width F
Parallel: one side	0^0	8'	21'	8'	12'	20'	22'	30'
two sides	0	8	21	8	22	38	24	40
Angular	20	8.5	24.9	14.5	11	40	20	49
	30	8.5	17	16.9	11	44.8	20	53.8
	40	8.5	13.2	18.7	12	49.4	20	57.4
	45	8.5	12	19.4	13.5	52.3	20	58.8
	50	8.5	11.1	20	15.5	55.5	20	60
	60	8.5	9.8	20.7	18.5	59.9	22	63.4
	70	8.5	9	20.8	19.5	61.1	22	63.6
	80	8.5	8.6	20.2	24	64.4	24	64.4
Perpendicular	90	8.5	8.5	19	25	63	25	63

Figure 30.26.065(15)

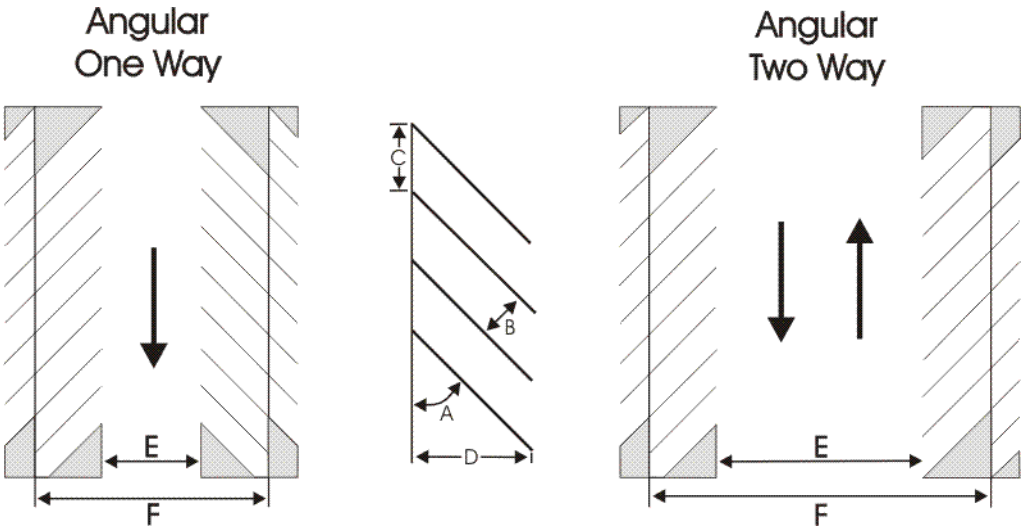


Table 30.26.065(16)
Compact Car Stall and Aisle Specifications

Parking Layout See Figure 30.26.065(15)	Angle Parking Angle A	Dimensions			One Way		Two Way	
		Stall Width B	Curb Length C	Stall Depth D	Aisle Width E	Parking Section Width F	Aisle Width E	Parking Section Width F
Parallel	0°	8'	20'	8'	12'	28'	20'	36'
Angular	45	8	11.3	15	12.5	42.5	20	50
	60	8	9.2	16.5	17	50	22	55
Perpendicular	90	8	8	16	22	54	25	57

Table 30.26.065(17)
Off-Street Parking

Interlocking - Conventional Cars

Parking Layout See Figure 30.26.065(18)	Angle Parking Angle A	Dimensions			One Way		Two Way	
		Stall Width B	Curb Length C	Stall Depth D	Aisle Width E	Parking Section Width F	Aisle Width E	Parking Section Width F
Parallel	0^0	8'	21'	8'	12/22'	28/38'	22/24'	38/40'
Angular	20	8.5	24.9	10.5	11	32	20	41
	30	8.5	17	13.2	11	37.4	20	46.4
	40	8.5	13.2	15.5	12	43	20	51
	45	8.5	12	16.4	13.5	46.3	20	52.8
	50	8.5	11.1	17.3	13.5	50.1	20	54.6
	60	8.5	9.8	18.6	18.5	55.7	22	59.2
	70	8.5	9	19.3	19.5	58.1	22	60.6
	80	8.5	8.6	19.5	24	63	24	63
Perpendicular	90	8.5	8.5	19	25	63	25	63

Figure 30.26.065(18)

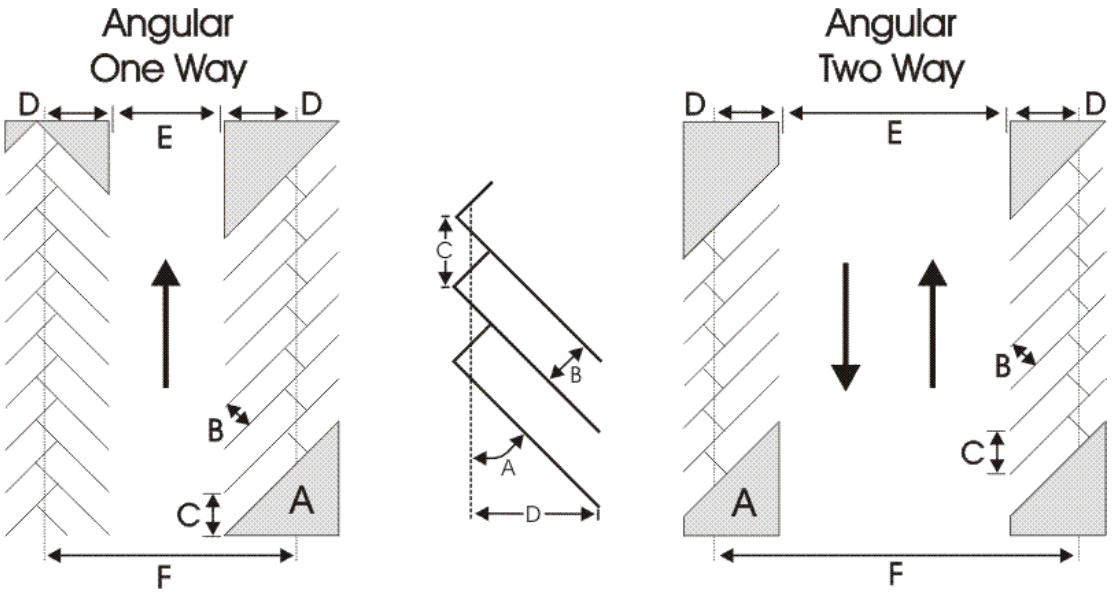


Table 30.26.065(19)
Interlocking - Compact Cars

Parking Layout See Figure 30.26.065(18)	Angle Parking Angle A	Dimensions			One Way		Two Way	
		Stall Width B	Curb Length C	Stall Depth D	Aisle Width E	Parking Section Width F	Aisle Width E	Parking Section Width F
Parallel	0^0	8'	20'	8'	12'	28'	20'	36'
Angular	45	8	11.3	14.1	12.5	40.7	20	48.2
	60	8	9.2	15.9	17	48.8	22	53.8
Perpendicular	90	8	8	16	22	54	25	57

(Added Amended Ord. 02-064, December 9, 2002, Eff date Februarys 1, 2003; Amended by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011)

30.26.070 Parking lot surfacing requirements.

The following requirements shall be complete prior to issuance of a certificate of occupancy:

(1) All off-street parking areas shall be graded and surfaced to standards for asphaltic concrete or other surfacing sufficient to:

(a) Eliminate dust and mud;

(b) Provide for proper storm drainage; and

(c) Allow for marking of stalls, and installation of other traffic control devices as set forth by the director of the department of public works and this chapter;

(2) Any required accessible parking spaces shall be linked to an accessible route of travel on site, and both shall be paved;

(3) All traffic control devices such as parking strips designating car stalls, directional arrows or signs, curbs, and other developments shall be installed and completed as shown on the approved plans; and

(4) Hard-surfaced parking areas shall use paint or similar devices to delineate parking stalls and directional arrows.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.26.075 Illumination.

Any lights provided to illuminate any public parking area, any semi-public parking area, or vehicle sales area shall be arranged so as to reflect the light away from any dwelling unit and the public right-of-way. Approval shall be obtained from the state department of transportation and/or the director of the department of public works, for any lights that flash, blink, or simulate traffic signals.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.26.080 Landscaping requirement for regulated parking areas.

Landscaping requirements for all parking areas subject to this chapter are contained in chapter 30.25 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.26.085 Accessible parking spaces for persons with disabilities.

Accessible parking spaces for persons with disabilities shall be installed in accordance with the International Building Code, Chapter 11 - Accessibility.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

Chapter 30.27
GENERAL DEVELOPMENT STANDARDS - SIGNS

30.27.010 Signs: general requirements.

The following regulations shall pertain to signs in all zones where signs are allowed unless modified by more specific regulations within this chapter:

(1) Signs not exceeding 15 square feet in area for each building site may be displayed for the purpose of advertising the sale or lease of the real property upon which displayed;

(2) For signs or displays that involve moving parts or flashing or blinking lights simulating traffic signals, three copies of drawings or sketches showing the proposed size, lettering, and location on the ground shall be filed with the department for the approval of the state highway department and/or the director of the department of public works;

(3) No sign or advertising display is permitted that obstructs in any way the vision of motorists entering or leaving public or private rights-of-way;

(4) At street intersections, signs or advertising displays shall be so located that they permit an unobstructed sight distance of at least 300 feet along the intersecting rights-of-way. Supports for signs or advertising displays do not constitute an obstruction;

(5) Signs shall observe the height regulations of the zone in which they are located;

(6) Artificial lighting shall be hooded or shaded so that direct light of lamps will not result in glare when viewed from the surrounding property or rights-of-way; and

(7) All signs must be a distance of 100 feet or more from all road crossings of railroad rights-of-way. They must be placed in a manner that they do not block the view of the crossing by operating personnel aboard the trains or by motorists approaching the crossing from either direction.

(8) Where required by chapter 30.53A SCC, those areas of drive aisles where parking is prohibited shall be designated as "no parking" areas on the approved administrative site plan for a single family detached unit development. Designation of "no parking" areas shall be with either striping, signage, or a combination thereof. Signs, when used, shall not be required to be spaced closer than every 100 feet; provided, however, signs may be required closer than 100 feet apart if necessitated by site topography. The approved striping, signage, or combination thereof shall be installed before the first certificate of occupancy is issued for that phase of the single family detached unit development. Provisions for enforcement of "no parking" areas shall be included in the covenants, conditions and restrictions for single family detached unit developments required pursuant to SCC 30.41F.030(3).

(9) No sign or advertising display is permitted in a critical area or required buffers designated pursuant to chapter 30.62A SCC except as provided in 30.62A.160(5).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.27.020 Signs: single family residences.

(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.

(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, R-5, F, RU, 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; and

(c) Notwithstanding the provisions of SCC 30.27.020(a) and (b) above, signs for home occupations located in the referenced zones shall comply with the provisions of SCC 30.28.050(1).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.27.030 Signs: binding site plan sites.

Signage for binding site plan (BSP) sites shall be regulated by the requirements of the underlying zone, and signage provisions shall be applied to the entire BSP site as a whole, subject to recorded covenants, conditions, and restrictions (CCRs).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.27.035 Signs: LDMR and MR zones.

(1) Signs shall be stationary and have no flashing, blinking, or variable-intensity lighting.
(2) Signs affixed to a building shall be located no higher than the abutting wall of the building.
(3) Signs not affixed to a building shall not exceed 12 feet in height.
(4) The total area for all signs upon any property shall not exceed 15 square feet.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.27.040 Signs: NB, CB, GC, LI, HI, CRC, RB, and RI zones.

(1) Signs for identification purposes shall be permitted to have an area not to exceed one square foot for each linear foot of business property frontage. For examples of sign area calculations, see Figures at SCC 30.27.090.

(2) Advertising displays or signs may have an area not to exceed 150 square feet in NB, CB, CRC, RB, and RI zones, or 500 square feet in GC, LI, and HI zones, and may be divided into not more than four single- or double-faced signs in NB, CB, CRC, RB, and RI zones, or not more than six single- or double-faced signs in GC, LI, and HI zones.

(3) Signs may extend to the front property line; provided that they do not violate other requirements of this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.27.045 Signs: PCB, BP, and IP zones.

(1) Signs for business identification or advertising of products shall conform to the approved sign design scheme submitted with the final plan.

(2) Each business establishment shall have no more than one business identification sign per building face and in no event more than two identification signs per establishment.

(3) No business identification sign shall have a surface area greater than 90 square feet per face.

(4) Business identification signs shall be attached to the principal building unless otherwise approved by the county in the sign design scheme. The uppermost portion of the sign shall not extend more than five feet higher than the principal building at its highest point, subject further to the overall height regulations of this zone.

(5) In addition to the business identification sign, advertising displays or signs pertaining only to the uses or sales on the property where displayed may be permitted where attached to the principal building; provided that

the total surface area of all such signs shall not exceed 50 square feet, and no single surface area shall exceed 25 square feet.

(6) Signs which are an integral part of a window shall occupy no more than 25 percent of the total window area.

(7) Signs shall not be animated, audible, rotating, or illuminated by any intermittent, flashing, or scintillating source of light.

(8) Projecting signs or graphics, and their supportive members, shall project outward no more than four feet from a building and be no lower than eight feet above ground level.

(9) The entire zone development may be identified by one freestanding sign, which sign shall not exceed 35 feet in height, nor have a surface area greater than 150 square feet per face; or, as an alternative in the BP and IP zones, one freestanding sign at each road entrance to the development, which signs shall not exceed four feet in height, nor have a surface area greater than 60 square feet per face.

(10) Minor signing modifications may be approved by the director of the department where it is demonstrated that the overall business park identification and internal directional needs will be served without reduction to the aesthetic quality of the business park or adjoining properties.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.27.050 Signs: FS and RFS zones.

(1) A business in the FS or RFS zone may erect the following signs; provided that one freestanding sign for business identification may be permitted in place of the sign permitted in SCC 30.27.050(1)(a) or (1)(b):

(a) One wall-mounted sign identifying the business conducted therein may be permitted. The sign must be solely supported by the attachment and the uppermost portion shall not extend more than five feet higher than the building at its highest point, subject further to the overall height regulation of this zone. Such sign may be an attached, single-faced sign or a back-to-back, double-faced sign and shall have a surface area not to exceed 150 square feet per face; and

(b) One additional business identification sign, having a surface area not in excess of 50 square feet, may be permitted when attached flat to one wall of the building, but not to extend above the exterior wall top plate line to which attached.

(2) An application for a freestanding sign pursuant to SCC 30.27.050(1) shall be a Type 1 permit application subject to the following conditions:

(a) Where permitted, the uppermost portion of the freestanding sign shall be a height not greater than 35 feet above the ground as measured from the average finished grade at the front face of the principal building;

(b) Such freestanding sign shall be located no farther than 100 feet from the principal building; and

(c) Freestanding, single-faced identification signs, or back-to-back, double-faced identification signs, shall have a surface area not to exceed 150 square feet per face. A V-shaped, double-faced sign with an interior angle of 60 degrees or less shall have a total surface area not to exceed 150 square feet. All other sign configurations shall have a surface area not to exceed 300 square feet, with no single face to exceed 100 square feet.

(3) Advertising displays or signs may be permitted subject to the following limitations:

(a) Such signs shall not identify the business, but shall be limited to advertising the product and/or service offered;

(b) The total surface area of all such signs shall not exceed 50 square feet, and no single surface area shall exceed 25 square feet;

(c) No business shall divide its display into more than four single sign faces or display surfaces;

(d) In no case shall the top of any display surface be more than seven feet above the ground as measured from the sign base; and

(e) No advertising sign shall be located as to be readable primarily from a limited access highway.

(4) Signs may be illuminated, but no rotating sign, flashing beacon, or variable intensity light shall be permitted.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.27.051 Permitted signs and standards in designated farmlands and land zoned A-10.

(1) For lands designated in the Snohomish County GMA Plan - General Policy Plan as riverway commercial farmland, upland commercial farmland, or local commercial farmland, and for land zoned A-10 Agriculture, signs shall be allowed as follows:

Sign Type	Number of Signs	Square feet per face	Height in Feet	Location on Farm Site	Special Setbacks from Residential Property	Seasonal Limits
Business Identification- Large		64	16	Within 200 feet of the primary driveway entrance to the farm building cluster Not limited	If sign has integrated reader board and/or is illuminated 50 feet setback required	None
Business Identification- Small	4	16	6	Not limited	If sign has integrated reader board and/or is illuminated 50 feet setback required	None
Location/ Directions	Not limited	12	Not limited	Not limited	If illuminated 50 feet setback required	Only during growing & harvesting season
Reader Board-Free Standing	6	32	Not limited	Not limited	If illuminated 50 feet setback required	Only during growing & harvesting season
Product Availability	Not limited	32	Not limited	Not limited	None	Only during growing & harvesting season

(2) Signs allowed pursuant to subsection (1) of this section shall also meet the following requirements:

(a) Signs shall be stationary and shall be externally and indirectly illuminated only. Signs that are flashing, blinking, or of variable intensity are prohibited;

(b) Illuminated signs shall be located at least 50 feet from any adjacent residential property; and

(c) Signs attached to buildings shall not be placed on the roof and shall not extend beyond the roofline.

(Added Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

30.27.060 Signs for particular uses.

(1) The 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 EDDS;

(d) SCC 30.23.100(3) provisions are met;

(e) Signs are stationary; and

(f) Any lighting for the sign must be indirect and may not be flashing, blinking, or of variable intensity.

(2) The hearing examiner may approve on-site or off-site subdivision identification signs in conjunction with preliminary plat approval. The hearing examiner may approve signs that do not meet the criteria in SCC 30.27.060(1) only when such sign(s) are compatible with the immediate neighborhood and surrounding property values are not adversely affected.

(3) Schools, churches, community clubs, and public structures/buildings, shall display two single- or double-faced signs for identification purposes subject to the following conditions:

(a) The signs shall not exceed 20 square feet per face and total signage shall not exceed 60 square feet of surface area;

(b) Freestanding signs shall not be more than eight feet in height and are to be stationary;

(c) Lighting which is flashing, blinking, or of variable intensity is prohibited; and

(d) 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 urban residential zone and the R-5 zone.

(4) A sign for a bed and breakfast guesthouse or inn 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-faced sign with dimensions not exceeding four square feet in area.

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

(5) Off-road vehicle use areas and motocross racetracks shall be permitted to display two single or double-faced signs for identification purposes subject to the following conditions:

(a) The signs shall not exceed 20 square feet per face and total signage shall not exceed 60 square feet of surface area;

(b) Freestanding signs shall be no more than eight feet in height and are to be stationary;

(c) Lighting which is flashing, blinking, or of variable intensity is prohibited; and

(d) Internal boundary, interpretive, regulatory, safety and directional signage shall be permitted if approved in conjunction with a conditional use permit.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-146, Jan. 18 2006, Eff date Feb. 12, 2006; Amended Ord. 06-137, December 13, 2006, Eff date Jan. 1, 2007)

30.27.070 Political signs.

The following regulations shall apply exclusively to political signs:

(1) Such signs shall bear the name and address of the person or organization responsible for the sign, except for political yard signs where exempt in accordance with RCW 42.17.510(4);

(2) No section of this code prohibiting the use of signs within specified zones, or regulating the total number or square footage of signs on a property, shall apply to political signs;

(3) Signs erected upon the right-of-way of any public road shall comply with the requirements of SCC 13.10.050(6);

(4) No political sign is permitted that obstructs sight distance requirements in accordance with the EDDS, for motorists entering or leaving public or private rights-of-way or motorists at intersections; and

(5) Political signs shall comply with any provision of this title regulating the height of signs or the use of moving signs or lighted signs.

30.27.080 Billboards.

(1) In no case shall a billboard be located closer than 15 feet to the rear and front property lines or five feet from the side property lines.

(2) No billboard shall be constructed closer than 1,000 feet to any other billboard when located on the same side of the street or right-of-way.

(3) For an example of billboard sign area, see Figure 30.27.090(2).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.27.090 Sign area examples.

Figure 30.27.090(1)
WALL SIGNS (AREA)

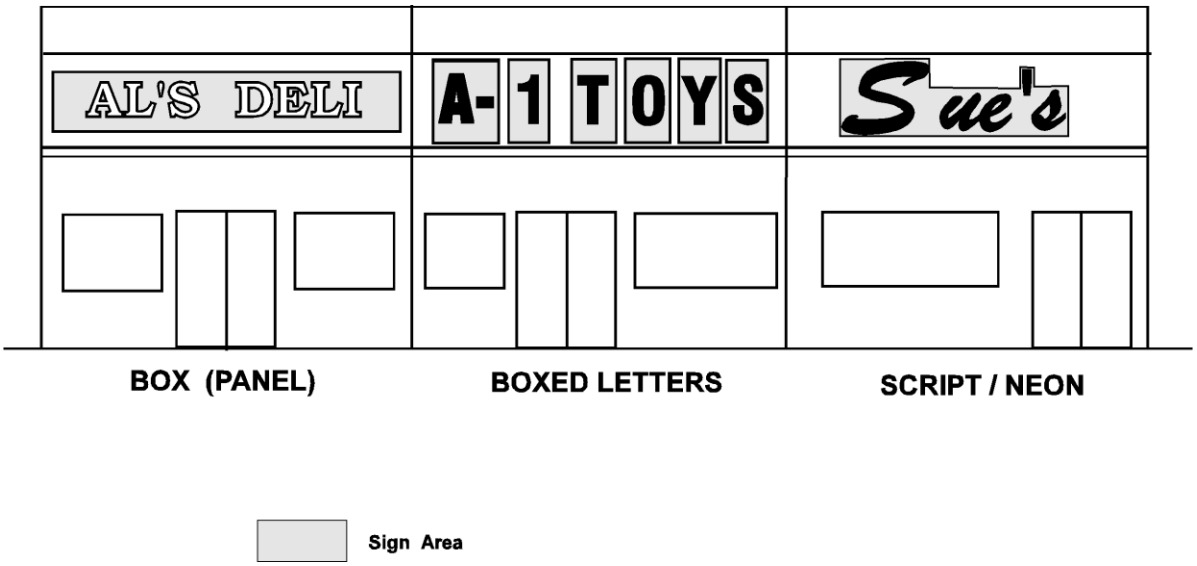
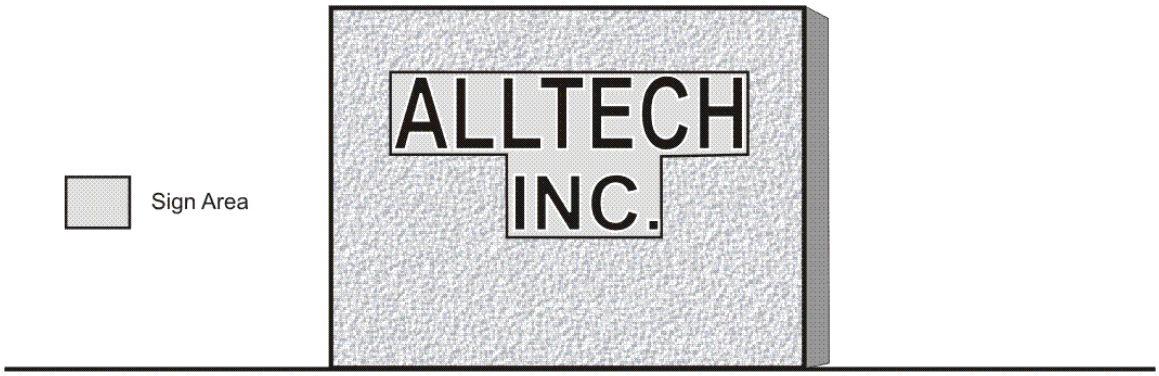


FIGURE 30.27.090(2)
BILLBOARD SIGN

Figure 30.27.090(3)
MONUMENT SIGN AREA



(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.28
GENERAL DEVELOPMENT STANDARDS - MISCELLANEOUS

30.28.005 Airpark disclosure.

The disclosure text set forth in this section shall be used under the following circumstances and in the following manner:

(1) Development permits and building permits for land that is in, or within 2,500 feet of an airpark shall include the disclosure text in subsection (2) on the final development permit and building permit in a location to be determined by the director of the department. The disclosure requirement shall apply to the real property that is subject to the development permit and/or building permit only so long as the subject property is in, or within 2,500 feet of an airpark. The disclosure notice shall:

(a) be in a form provided by the Department of Planning and Development Services;

(b) contain the legal description of the subject property; and

(c) shall be recorded with the County Auditor concurrent with permit issuance.

(2) The following shall constitute the disclosure required by this section:

"This real property is in, or within 2,500 feet of an airpark; therefore, you may be subject to inconveniences or discomforts arising from aviation activities."

(3) Property that is in, or within 2,500 feet of an airpark shall be identified on the county's official zoning maps using a designation provided by the Department of Planning and Development Services.

(4) In no case shall liability attach to Snohomish County for any actions, error, or omissions of any person subject to the requirements of this section.

(Added by Amended Ord. 10-008, March 24, 2010, Eff date April 11, 2010)

30.28.010 Accessory apartments.

(1) 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 is located.

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

(3) 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 floor area of the single family dwelling unit to which it is accessory, or the following fixed amount, whichever is applicable:

Table 30.28.010(1)
ACCESSORY APARTMENTS-MAXIMUM FLOOR AREA

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. The square footage of a mobile home allowed as a detached accessory apartment pursuant to SCC 30.91A.050 may exceed this limitation; provided, that the floor area remains less than the square footage of the existing owner occupied home.

(4) 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.

(5) The exterior materials, roof form, and window spacing and proportions of a proposed detached accessory apartment structure shall approximate those of the existing single family dwelling. A detached accessory apartment proposed for location within an existing structure, is not required to approximate the exterior features of the existing single family dwelling. A mobile home, where allowed as a detached accessory apartment pursuant to SCC 30.91A.050, is not required to approximate the exterior features of the existing single family dwelling if the existing owner occupied home is a mobile home or if the minimum planting standards for screening set forth at SCC 30.25.028 are incorporated in the building permit application.

(6) 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, unless screening, landscaping, or other measures are provided to ensure compatibility with the immediate neighborhood. Where a proposed detached
accessory apartment extends beyond the building front of the existing single family dwelling as described above, the building permit application site plan shall depict the existing and proposed screening, landscaping or other measures to ensure visual compatibility with the immediate neighborhood. The location of existing or proposed structures on the subject property and surrounding structures in the immediate vicinity shall be shown on the site plan. The site plan shall show the amount, type and spacing of proposed planting materials. Plant materials, species and design shall be approved by the department. Landscaping modifications, installation and maintenance requirements and minimum planting standards set forth at SCC 30.25.015 shall apply.

(7) 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.

(8) 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.

(9) An owner-occupant of a single family dwelling with an attached or detached accessory apartment shall file, on a form available from the department, a declaration of owner occupancy with the department prior to issuance of the building permit for the attached or detached accessory apartment. The initial declaration of owner occupancy shall be recorded with the county auditor prior to filing the declaration with the department. If the department receives information calling into question the owner-occupied status of the property, the department may request a renewed recording of the owner occupancy declaration. This renewal shall be submitted to the department upon request. Within 30 days of a sale or transfer of the property, the new property owner(s) shall record a declaration of owner occupancy with the county auditor. A copy of this recorded declaration shall be submitted to the department referencing the assessor's tax parcel number.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 04-021, Mar. 31, 2004, Eff date Apr. 23, 2004; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.28.015 Adult entertainment uses.

Adult entertainment uses must meet the following requirements:

(1) Adult entertainment businesses or uses are prohibited within the area circumscribed by a circle which has the radius shown below from any public or private school, preschool, educational institution, church or other religious facility, public or private park, youth oriented facility, establishment serving alcohol by the drink, or from the following zones: R-5, RC, RU, RD, SA-1, R-20,000, R-12,500, R-9,600, R-8,400, R-7,200, A-10, F, F and R, WFB, T, LDMR, and MR.

(a) Adult entertainment book stores-- 330'.

(b) Adult entertainment dance studios-- 660'.

(c) Adult entertainment movie theaters-- 330'.

(d) Adult hotels-- 330'.

(e) Adult tanning salons-- 330'.

(f) Escort businesses-- 0'.

(g) Nude house cleaning businesses-- 0'.

(h) Panoram premises-- 660'.

(i) Public bathhouses and hot tub premises-- 660'.

(j) All other adult entertainment uses-- 660';

(2) 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 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 SCC 30.28.015(1);

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

(a) 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

(b) Subject to enforcement in accordance with the provisions of chapter 30.85 SCC but shall not be subject to SCC 30.85.325;

(4) 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 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; and

(5) The following definitions apply to adult entertainment uses:

(a) "Adult entertainment" means any exhibition, performance or medium which is distinguished or

characterized by:

(i) acts of masturbation, sexual intercourse, or sodomy;

(ii) fondling or other touching of the human genitals, pubic region, buttocks or female breast;

(iii) human genitals in a state of sexual stimulation or arousal;

(iv) displays of less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola;

(v) human male genitals in a discernibly turgid state even if completely covered;

(vi) any exhibition, performance, or dance conducted in a premises where such exhibition, performance, or dance is performed within the view of one or more members of the public and is intended or is likely to sexually stimulate any member of the public; or

(vii) adult entertainment shall not include the following:

(A) plays, operas, musicals, or other dramatic works which are not obscene;

(B) classes, seminars, and lectures which are held for serious scientific or educational purposes;

(C) exhibitions or dances which are not obscene;

(viii) For this chapter, any exhibition, performance, dance, or other medium is obscene:

(A) which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and

(B) which explicitly depicts or describes patently offensive representations or descriptions, applying contemporary community standards of sexual conduct as described in RCW 7.48A.010(2)(b); and

(C) which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value.

(b) "Adult entertainer" means any person who provides live adult entertainment within an adult entertainment dance studio as defined in this section whether or not a fee is charged or accepted for entertainment.

(c) "Adult entertainment book store" means any business from which minors are excluded and in which the purchase, rental, viewing or use of books, magazines, newspapers, movie films, devices, slides, or other photographic or written reproductions distinguished or characterized by their emphasis on matter depicting, describing, or relating to adult entertainment or adult entertainment materials make up 25 percent or more of the stock in trade.

(d) "Adult entertainment business/use" means any establishment or premises which has as a substantial or significant portion of its trade, the display, barter, rental or sale of any adult entertainment medium, or which meets the definitions contained in this chapter of adult entertainment book stores, adult hotels, adult entertainment movie theaters, adult tanning salons, escort businesses, nude house cleaning businesses, adult entertainment dance studios, panoram premises, or public bathhouse or hot tub premises.

(e) "Adult entertainment dance studio" means any place where an exhibition or dance of any type is conducted where such exhibition involves adult entertainment as defined by this section.

(f) "Adult entertainment movie theater" means any establishment, from which minors are excluded and where the principal use of the premises consists of the showing of motion pictures, slides, or photographic or other visual reproductions, where the subject matter meets the criteria of adult entertainment as defined in this chapter and where fees of any kind are charged. This definition shall include establishments where the above mentioned medium is the major attraction on a regular basis and establishments wherein the above mentioned medium is shown at least 25 percent of the showing time of the theater.

(g) "Adult hotel" means a hotel, motel, or similar commercial establishment which offers a sleeping room for rent for a period of time less than 10 hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

(h) "Adult tanning salon" means any establishment which offers tanning services to a member of the public and in which adult entertainment takes place.

(i) "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for

another person.

(j) "Escort business" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for fee, tip, or other consideration.

(k) "Member of the public" means any customer, patron or person, other than an employee, who is invited or admitted to an adult entertainment premises.

(l) "Nude or state of nudity" means displays of less than completely and opaquely covered human genitals, pubic area, anus, buttocks, or female breast below the top of the areola.

(m) "Nude house cleaning business" means a business which offers house cleaning services in which the house cleaner is in a state of nudity.

(n) "Panoram premises" or "adult arcade" means any premises on which any panoram device is located and to which members of the public are admitted. The term "panoram premises" as used in this chapter does not include movie or motion picture theater auditoriums capable of seating more than five people.

(o) "Panoram," "preview," "picture arcade," or "peep show" means any device which, for payment of a fee, membership fee or other charge, is used to exhibit or display a picture, view, or other graphic display of adult entertainment. The terms "panoram" and "panoram device" as used in this chapter do not include games which employ pictures, views, or video displays or gambling devices regulated by the state or by chapter 6.36 SCC.

(p) "Public bathhouses and hot tub premises" means any place where baths or hot tubs of any kind are given or furnished to the public for or in expectation of a fee or other compensation, except as exempted in SCC 6.49.030.

(q) "Stock in trade" means the greater of:

(i) the retail dollar value of all prerecorded video tapes, discs, books, magazines, or similar material readily available for purchase, rental, viewing, or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or

(ii) the total number of titles of all prerecorded video tapes, discs, books, magazines, or similar material readily available for purchase, rental, viewing, or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

(r) "Youth oriented facility" means facilities owned or operated by non-profit organizations for the purpose of providing recreational or educational opportunities for youth including, but not limited to, Boys and Girls Clubs, YMCAs, YWCAs, Little League, and other youth sports associations.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.28.020 Bed and breakfast guesthouses and bed and breakfast inns.

(1) 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, if necessary, is vacated.

(2) Submittal requirements to accompany a conditional use or building permit application:

(a) 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 outbuildings; and

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

(i) 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; and

(ii) if an outbuilding or outbuildings are proposed, a land disturbing activity 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;

(c) 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; and

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

(3) Minimum performance standards:

(a) Parking requirements shall be in accordance with SCC Table 30.26.030(1). No on-street parking shall be allowed;

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

(c) The owner shall operate the facility and reside on the premises;

(d) One sign for business identification and advertising shall be permitted in conjunction with the bed and breakfast establishment in accordance with SCC 30.27.060(4);

(e) 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;

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

(g) 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;

(h) 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 state regulations pertaining to public water systems, if a water system is to be developed or connected to an existing public water system;

(i) If three or more guest rooms are proposed, the applicant shall also meet state regulations pertaining to transient accommodation;

(j) If six guest rooms are proposed, the applicant shall meet all requirements for a hotel occupancy pursuant to the building code in chapter 30.52A SCC.

(k) If outbuilding(s) are proposed for guest rooms, each outbuilding shall be a minimum of 130 square feet. The aggregate outbuilding square footage for guest use shall not exceed 850 square feet; and

(l) If an accessory apartment or temporary dwelling exists on the premises, the maximum number of bed and breakfast guest rooms shall be one less than otherwise permitted.

(4) A certificate of occupancy, to ensure compliance with applicable codes, shall be obtained from the department prior to allowing guests at the establishment. The certificate of occupancy shall be subject to an annual inspection and renewal pursuant to SCC 30.53A.060.

(5) In the Forestry (F) zone, bed and breakfast establishments shall not be permitted if the comprehensive plan designates the property as "Commercial Forest." In the F zone, up to three outbuildings for guest use may be permitted, provided that the aggregate outbuilding square footage does not exceed 850 square feet.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.28.025 Community Facilities for Juveniles performance standards

All community facilities for juveniles are subject to the following performance standards. Community facilities for juveniles may be located in zones as set forth in 30.22.100, 30.22.110, and 30.22.120 SCC and the following:

(1) The applicant for a facility shall demonstrate compliance with the siting process set forth in RCW 72.05.400. The applicant shall include the following elements within this public process:

(a) Notification to the County no later than ten days prior to any public meeting;

(b) Notice published in the newspapers of general circulation;

(c) Notice mailed to addresses within 500 feet of the subject site;

(d) A site plan for the public showing how the facilities meet the performance standards set forth in 30.28.025.

(e) A facility program description; and

(f) A security plan that includes the elements listed in 30.28.025(2)(a)(i-iii) SCC.

(g) When the applicant does not combine the public participation process requirement of RCW 72.05.400 with the special use permit process, the applicant shall submit as part of the permit and/or approval documentation, a written summary of the comments received from the public and the applicants or agencys response to the comments.

(2) The applicant shall provide the following facility information:

(a) A security plan that includes:

(i) Plans to monitor and control the activities of residents, including methods to verify the presence of residents at jobs or training programs, policies for resident trips away from the facility, and policies on penalties and placement back in the institution system.

(ii) Qualified staff numbers, level of responsibilities, and scheduling.

(iii) Visitation policy.

(iv) The contact name and phone number of the facilities manager. The applicant shall notify the County within 10 days of any change to the contact name and/or phone number.

(b) A statement that prior to accepting any youth into the facility, that the facility will provide verification from DSHS that it meets DSHS standards and the requirements of state law.

(3) The applicant shall demonstrate that the site size and building size is adequate for housing the requested number of residents. A copy of the American Corrections Association (ACA) Residential Standards shall be submitted to demonstrate compliance with this criterion.

(4) The applicant shall demonstrate on a site plan compliance with SCC 30.26.030(1) parking standards and SCC 30.25.026 parking lot landscaping.

(5) The applicant shall demonstrate on a site plans and in writing how impacts on traffic and parking are mitigated by increasing on-site parking or loading spaces to reduce overflow vehicles or changing the access to and location of off-street parking.

(6) A narrative describing how any activities producing steam, heat, noise,or glare shall be carried on in such a manner that the steam, heat, noise, or glare shall not create a nuisance beyond the boundary lines of the property within which the use is located. Building materials with high light relective qualities shall not be used in construction of buildings where reflected sunlight would throw intense glare on adjacent areas. Artificial lighting shall use full cut-off fixtures so that direct light from high intensity lamps will not result in glare. Lighting shall be directed away from adjoining properties so that not more than 1-foot candles of illumination leaves the property boundaries.

(7) A facility shall meet all health district requirements.

(8) Any proposed new building or proposed exterior modifications to an existing building shall be consistent with the existing or intended character, appearance, quality of development, and physical characteristics of the site and surrounding property pursuant to the guidelines established in the Residential Development Handbook for Snohomish County Communities.

(9) A change of use from an existing residential facility to a community facility for juveniles shall meet all requirements of the adopted construction codes. Any proposed facility locating within an existing building shall be required to apply for a change of occupancy approval in accordance with the adopted construction codes pursuant to chapter 30.52A SCC.

(10) Community facilities for juveniles are subject to environmental review unless otherwise exempt as set forth in chapter 30.61 SCC.

(Added Amended Ord. 05-040, July 6, 2005, Eff date Aug. 8, 2005)

30.28.036 Farmers markets.

(1) When another county permit or occupancy document is required to prepare a farm site for use as a farmers market, the county may review the site plan and description of the proposed market improvements and operational features submitted with that permit application in order to establish compliance with conditions in this section. If another county permit or occupancy document is not required to prepare a farm site for a farmers market, or if the other permit application does not address the conditions in this section, applicants shall submit a site plan and description of the proposed market improvements and operational features for review to establish compliance with conditions in this section.

(2) Farmers markets shall operate subject to the following conditions:

(a) They shall operate only during daylight hours;

(b) They shall meet the off-street parking requirements of 30.26.015 SCC and 30.26.030 SCC;

(c) At least 50% by farm product unit of the products sold shall be grown, raised, or harvested in Snohomish County, and 75% by farm product unit of the products sold shall be grown, raised or harvested in the State of Washington on an average annual basis;

(d) Vendors of locally hand-produced crafts shall be allowed, provided that the maximum percentage of craft vendors shall not surpass 25% of the total number of vendors;

(e) Farmers market facilities shall be located at least 20 feet from the closest street right-of-way and not less than 50 feet from any street right-of-way exceeding 60 feet in width, or the setback listed in Chapter 30.23 SCC, whichever is greater;

(f) Improvements and new structures shall not remove more than 10% of prime farmland soils up to a maximum of one acre, located on the farmers market site from production or from the potential for future production

(g) New structures to be utilized in or for a farmers market shall not exceed 5,000 square feet. Existing structures or portions thereof may be used as a farmers market, provided those structures or portions so used are no greater than 5,000 square feet. The combined total of any new and existing structures shall not exceed 5,000 square feet; and

(h) Structures shall meet all provisions of federal, state and local statute and laws, including provisions to assure water quality and flood protection.

(Added Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

30.28.037 Farmland enterprises

(1) Farmland enterprises shall be allowed only on land:

(a) zoned "Agriculture-10 acre;" or

(b) designated pursuant to the comprehensive plan as riverway commercial farmland or upland commercial farmland;

(2) Farmland enterprises are permitted only in structures that were legally existing on January 1, 2003, except that additional buildings may be allowed if all of the buildings on the farm site are in use;

(3) Applicants shall submit a site plan and description of the proposed farmland enterprise to permit approval

authorities to determine whether or not additional conditions may be required to avoid impacts that are unduly or unreasonably offensive or injurious to properties, residents or improvements in the vicinity. The site plan shall delineate existing structures in a farm building cluster needed to support the activity or business, and include areas proposed for parking, access, storage, signs, lighting and screening as applicable;

(4) Farmland enterprises shall be confined to the portion of the farm site that includes an existing farm building cluster. The farm building cluster shall be designated on the site plan with an accurate legal description. Where the farm site is less than 10 acres in size, the farm building cluster may be increased up to 10 percent of the farm site to serve the farmland enterprise. Where the farm site is 10 acres or more, the farm building cluster may be increased up to 1 acre in size to serve the farmland enterprise;

(5) The applicant must demonstrate that the activities conducted as a part of the farmland enterprise, including the hours of operation, will be clearly incidental and subordinate to, and will have no significant adverse impact on surrounding agricultural uses and activities or on nearby or adjacent residential or institutional uses, or the rural character of the surrounding area;

(6) Farmland enterprises shall meet the off-street parking requirements of Chapter 30.26 SCC, except that paved parking facilities shall not be required;

(7) Improvements associated with the farmland enterprise for access, parking, or drainage, as well as any other physical changes, shall not remove prime farmland soils from production or potential production. An exception shall exist for new buildings or infrastructures allowed when all existing buildings are in use for farm-related purposes, provided the new buildings or infrastructures support long-term farm viability and are consistent with the rural character of the surrounding area, and meet the expansion limitations set forth in subsection (4), above;

(8) No sewer lines shall be extended to service farmland enterprises;

(9) Any land disturbing activity required to support farmland enterprises shall not unduly impact prime farmland soils or existing natural vegetation;

(10) The farmland enterprise shall not displace any existing tree cover or vegetation that serves as a buffer between adjoining properties, tilled or grazed areas, adjacent wetlands, or adjacent water bodies;

(11) Structures shall meet all provisions of federal, state and local statute and laws, including provisions to assure water quality and flood protection.

(Added Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004; Amended by Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.28.038 Farm product processing and farm support business.

(1) When another county permit or occupancy document is required to prepare a farm site for use in farm product processing or as a farm support business, the county may review the site plan and description of the proposed improvements and operational features submitted with that permit application in order to establish compliance with conditions in this section. If another county permit or occupancy document is not required to prepare a farm site for a farm product processing or farm support business, or if the other permit application does not address the conditions in this section, applicants shall submit a site plan and description of the proposed improvements and operational features for review to establish compliance with conditions in this section. If the site will include more than 5,000 square feet of building(s) or processing area(s), applicants shall submit a description of the proposed processing activity or farm support business to permit approval authorities to determine whether or not additional conditions may be required to avoid impacts that are unduly or unreasonably offensive or injurious to properties, residents or improvements in the vicinity or the rural character of the surrounding area. Such information, at a minimum, shall include:

(a) The nature of the operation;

(b) The proposed number of employees associated with the processing activity or farm support business; and

(c) A site plan, including: the proposed location of any new or existing structures needed to support the activity or business; areas proposed for parking, access, access, and storage; and proposed signs, lighting, and screening, as applicable.

(2) For farm parcels of five (5) acres or less, no more than 20 percent of the parcel, or for farm parcels of five acres or greater, no more than two (2) acres of land, shall be developed for farm product processing or farm support business, including areas used for structures, parking, storage, display, setbacks, signage and landscaping. Land serving the farm support business may include portions of the parcel or farm contained on the same lot as farm product processing.

(3) The nature of the operation, activity generated, and any structures shall not significantly adversely affect adjacent properties.

(4) Physical scale and use intensity shall be compatible with the surrounding neighborhood.

(5) Adequate wastewater management facilities shall be provided on-site for farm product processing facilities.

(6) New structures shall be located at least 20 feet from the closest street right-of-way and not less than 50 feet from any street right-of-way exceeding 60 feet in width, or the setback listed in Chapter 30.23 SCC, whichever is greater.

(7) Structures shall meet all provisions of federal, state and local statute and laws, including provisions to assure water quality and flood protection.

(8) Improvements and new structures for farm product processing and farm support businesses shall not remove from production or from the potential for future production more than 10% of prime farmland soils located on the parcel to contain the proposed use.

(Added Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

30.28.039 Farm stands.

(1) The maximum size of a farm stand shall be 5,000 square feet and, if more than one stand is located on a lot, the total square footages shall not exceed 5,000 square feet.

(2) At least 50% by farm product unit of the products sold shall be grown, raised or harvested in Snohomish County, and 75% by farm product unit of the products sold shall be grown, raised or harvested in the State of Washington on an average annual basis.

(3) All new structures shall be located at least 20 feet, or the setback listed in Chapter 30.23 SCC, from public and private road rights-of-way, whichever is greater.

(4) Farm stands shall meet the off-street parking requirements of 30.26.015 SCC and 30.26.030 SCC.

(5) Structures shall meet all provisions of federal, state and local statute and laws, including provisions to assure water quality and flood protection.

(6) Structures or portions thereof existing prior to the effective date of this section may be used as a farm stand, provided the structures or portions so used are no greater than 5,000 square feet total.

(Added Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

30.28.040 Fences and freestanding walls.

(1) All fences and freestanding walls on corner lots must meet the vision clearance requirements of SCC 30.23.100.

(2) Where a fence is built on top of a retaining wall, fence height shall be measured on the up hill side.

(3) Up to three strands of wire are allowed on top of fences six feet or less in height.

(4) Fences and freestanding walls six feet or less in height shall be set back the width of any required landscaped area, or where no landscaped area is required, may be allowed without a setback in any required front, side, or rear yard.

(5) An open wire mesh or similar type fence may be erected in excess of the maximum heights permitted in this section on the periphery of play grounds associated with private and public schools and parks, public facilities, industrial and commercial uses, transmitter and transformer sites, and government installations where security or public safety is required.

(6) Site-obscuring fences and freestanding walls in excess of six feet shall meet the required building setback or the width of any required or approved landscaped area if less than the required building setback.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.28.050 Home occupation.

To verify that a home occupation use is allowed in a particular zone see SCC 30.22.100, 30.22.110, and 30.22.120.

(1) General.

(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.

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

(2) Winemaking in detached accessory structures shall be permitted as a home occupation in the R 9,600 zone, provided that the winery complies with the following:

(a) The home occupant operates under and maintains annual renewals of a valid domestic winery license originally issued by the Washington Department of Licensing, Business and Professionals Division pursuant to the rules and regulations of the state Liquor Control Board before November 1, 2003;

(b) The existing detached accessory structure is located on a lot at least 0.5 acres in size;

(c) The accessory structure does not exceed 2,500 square feet in gross floor area;

(d) The accessory structure meets a minimum setback of five feet from the property line;

(e) The accessory structure meets a building separation of at least 10 feet;

(f) The winery complies with SCC 30.28.050(1)(f). The remaining provisions of SCC 30.28.050(1) do not apply.

(g) Temporary outside storage of materials and equipment used in the production and transport of wine is outside of the setback area; and

(h) A certificate of occupancy is obtained from the department. The certificate of occupancy shall be subject to an annual inspection and renewal pursuant to SCC 30.53A.060.

(3) Use of accessory buildings. Home occupations may be conducted in an accessory building and/or an attached garage in accordance with the following:

(a) The provisions of SCC 30.28.050(1)(a), (c), (d), and (f) shall be met:

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

(c) SCC Table 30.28.050(3)(c) 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; except that in

the rural business zone the requirements of the table shall not apply, and a maximum allowable combined accessory building and attached garage area of 1,000 square feet shall be permitted, and the minimum building setback from adjacent residentially-zoned property shall be 30 feet.

Table 30.28.050(3)(c)
HOME OCCUPATION
MAXIMUM FLOOR AREA/MINIMUM BUILDING SETBACK

	One acre	Two acre	Three acre	Four acre	Five or more acres
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; auto-body work or painting; parking or storage of heavy equipment; and any Group H occupancies as defined in the 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; and

(i) A certificate of occupancy shall be obtained from the department 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 30.53A.060.

(4) Resource-based and rural home occupations. Home occupations that are related to mineral, agriculture or forestry resources, or related to rural residential land uses may use the provisions of this subsection instead of the provisions of SCC 30.28.050(3). When the provisions of this subsection are used, the provisions of SCC 30.28.050(3) shall not be used and all provisions of this subsection shall be met. Home occupations shall be subject to the following:

(a) A resource related home occupation shall be a resource-based business that is dependent upon mineral, agriculture, or forestry resources for its existence;

(b) A home occupation related to a rural residential land use shall be a rural residential-based business that either provides a service or creates a product primarily used in a rural area;

(c) The provisions of SCC 30.28.050(1)(f) shall be met;

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

(e) The home occupation hours shall be limited to: 7:00 AM to 8:00 PM, Monday through Friday; and 9:00 AM to 5:00 PM, Saturday and Sunday;

(f) A certificate of occupancy shall be obtained from the department 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 30.53A.060;

(g) Except for the outside storage area permitted in SCC 30.28.050(4)(j) , the home occupation shall be fully enclosed within an accessory building and/or an attached garage;

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

(i) SCC Table 30.28.050(4)(i) identifies the maximum allowable combined accessory building and attached

garage area and maximum allowable outside storage area that may be used for the home occupation, and minimum side and rear yard setback required for the garage and/or accessory building from adjacent residentially-zoned properties;

Table 30.28.050(4)(i)

HOME OCCUPATION MINIMUM SETBACKS & MAXIMUM ALLOWED AREA

	One acre	Two Acres	Three Acres	Fout Acres	Five Acres	Ten or More Acres
Building Area (sq. ft.	1,000	2,000	3,000	4,000	5,000	7,000
Storage Area (sq. ft.	2,500	2,500	3,000	4,000	5,000	7,000
Setback (ft.)	40	50	60	75	85	100

(j) Outside storage shall be enclosed with a solid fence or landscaped with a sight-obscuring vegetative screen effective in screening the area from adjacent properties and public roads;

(k) The combined accessory building and attached garage area used for the home occupations shall not exceed 7,000 square feet. Any accessory building 4,000 square feet or larger used for a home occupation pursuant to this subsection shall be screened from adjacent rural residential properties by Type A landscaping consistent with SCC Table 30.25.020(1) provisions along the length of the building when any portion of the building is within 100 feet of a property boundary or public right-of-way;

(l) The parking area for any commercial vehicles used in the conduct of the home occupation and all but three vehicles of persons employed in the home occupation shall be located either indoors or within the outside storage area specified in SCC 30.28.050(4)(j);

(m) The home occupation shall comply with applicable county code pertaining to maximum noise levels, drainage and dust control, and shall shield outdoor lighting and glare from adjacent residential properties;

(n) The home occupation shall not employ more than three persons outside the family who perform work on the site; and

(o) The following activities, including any similar activities, are prohibited as rural home occupations: processing of minerals, sawmills, retail or wholesale sale of motor vehicles, major and minor automobile repair (except repair of vehicles and equipment used in a rural residential based or resource-based home occupation business), motor vehicle body work or painting, and any Group H occupancies as defined in the building code, except for woodworking and spray finishing in conjunction with woodworking activities.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-101, Jan., 1, 2009, Eff date April 21, 2009)

30.28.055 Homestead parcel.

Lot area and lot width requirements may be reduced; provided that:

(1) 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;

(2) The resultant non-homestead parcel shall not be less than the minimum lot area permitted in the zone;
(3) A dwelling currently exists on the parcel, and must have existed on the parcel prior to the effective date of this amendment;
(4) 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;
(5) Concurrent with application under this section, the applicant shall submit an application under chapter 30.41B SCC or chapter 30.41E SCC, where appropriate; and
(6) 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 establishing an existing non-farm residential use, minimizes interference with the usual and normal farm practices on adjacent agricultural lands, and further that the following conditions are imposed:
(a) 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;
(b) 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; and
(c) 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.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.28.060 Model Hobby Park.

(1) An application for a model hobby park shall include the following:
(a) 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;
(b) 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; and
(c) 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.
(2) Runway, track, and pit surfaces shall be limited to natural grass or removable composite matting in the A-10 zone.
(3) Maximum allowable runway size shall be 600 feet by 100 feet, not including buffer overrun areas.
(4) 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.
(5) Minimum size of the site, including any overflight area, shall be 20 acres.
(6) 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.
(7) Operation of models shall be prohibited within identified non-use areas.
(8) In the A-10 zone, land disturbing activity shall be limited in order to preserve prime farmland. At least 75 percent of prime farmland on site shall remain undisturbed.
(9) A model hobby park permit application shall be processed in accordance with the provisions of chapter 30.42C SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.28.070 Nonconforming structures.

The following requirements apply to nonconforming structures:

(1) Continuance: Any legally established nonconforming structure is permitted to remain in the form and location in which it existed on the effective date of the nonconformance;

(2) Improvements: Nonconforming structures may be structurally altered or enlarged only if the setback, height, lot coverage, and open space requirements of the zone in which the structure is located are met; except that repair to the existing structure including ordinary maintenance or replacement of walls, fixtures, or plumbing shall be permitted so long as the exterior dimensions of the structure, as it existed on the effective date of the nonconformance, are not increased;

(3) Restoration: A structure that is accidentally destroyed may be fully restored only if the setback and yard requirements of chapter 30.23 SCC are met unless the structure is listed on the National Register of Historic Places, Washington State Cultural Resource Inventory, or Snohomish County Cultural Resource Inventory, in which case, the structure may be restored and located in its former location despite noncompliance with the bulk regulations:

(a) To restore a destroyed nonconforming structure, a building permit must be submitted to the department within one year of the destruction; and

(b) A structure shall be considered destroyed for purposes of this section if the restoration costs exceed 75 percent of assessed value of record when the damage occurred.

(Added Amended Ord. 02-064, December 9, 2002, Eff Date February 1, 2003)

30.28.072 Nonconforming uses.

(1) Continuance: Any legally established nonconforming use may be continued subject to the provisions of this section.

(2) Changes: Nonconforming uses may only be changed to other uses that are allowed by this title in the zone within which the nonconforming use is located.

(3) Abandonment: If a nonconforming use is abandoned or discontinued for a period of 12 consecutive months or more, the nonconforming status of the use is terminated, and any future use of the land or structures shall be in conformity with the provisions of this title. The mere presence of a structure, equipment, or material shall not be deemed to constitute the continuance of a nonconforming use unless the structure, equipment, or material is actually being occupied or employed in maintaining such use.

(4) Expansion: A nonconforming use may be expanded upon approval of an administrative conditional use permit. The department may impose conditions upon the expansion of the use to minimize impacts and ensure compatibility with nearby existing and potential uses. A nonconforming use may be expanded if the department determines that the following criteria are met:

(a) The area proposed for expansion is contiguous to the nonconforming use;

(b) The area is held under the same ownership as the land with the nonconforming use and has been so owned since immediately prior to the time the use has become nonconforming;

(c) The area for expansion is an area where the use would have been allowed immediately prior to the time the use became nonconforming;

(d) The expansion shall not increase the land area devoted to the nonconforming use by more than 100 percent of that in use at the effective date of the nonconformance;

(e) The expansion shall not increase the ground area covered by the structural portion of the nonconforming use by more than 100 percent of that existing at the effective date of the nonconformance;

(f) The expansion shall not be approved if it is found to be detrimental to surrounding properties, or to the implementation of the adopted comprehensive land use plan for the area; and

(g) The expansion shall not be granted if it would result in a significant increase in the intensity of the use of the nonconformity.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.28.075 Nonconforming uses - structures.

The following requirements apply to structures, whether conforming or nonconforming, that house or contain nonconforming uses:

(1) Improvements: No structure containing a nonconforming use shall be enlarged, extended or structurally altered, whether the structural alterations meet the bulk requirements of this code or not, unless the nonconforming use is changed to a use permitted by this code; except that repair to the existing structure including ordinary maintenance or replacement of walls, fixtures, or plumbing shall be permitted so long as the exterior dimensions of the structure, as it existed on the effective date of the nonconformance are not increased;

(2) Restoration: A structure housing a nonconforming use that is accidentally destroyed may be fully restored only if the setback and yard requirements of chapter 30.23 SCC are met unless the structure is listed on the National Register of Historic Places, Washington State Cultural Resource Inventory, or Snohomish County Cultural Resource Inventory, in which case, the structure housing the nonconforming use may be restored and located in its former location despite noncompliance with the bulk regulations:

(a) To restore a destroyed structure housing a nonconforming use, a building permit must be submitted to the department within one year of the destruction; and

(b) A structure shall be considered destroyed for purposes of this section if the restoration costs exceed 75 percent of assessed value of record when the damage occurred.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.28.076 Recreational facility not otherwise listed.

Recreational facilities are allowed in A-10 zones with a conditional use permit, except within lands designated in the comprehensive plan (GPP) as local commercial farmland, upland commercial farmland, or riverway commercial farmland. New playing fields and supporting facilities within lands designated as recreational land in the comprehensive plan are allowed with an administrative conditional use permit.

(a) Permissible recreational uses shall include only non-motorized field games or sports and shall be conducted on uncovered fields under private ownership and control;

(b) Site development shall be depicted on a site development plan and shall include only the following temporary improvements: ball fields, dugouts, seating, fencing, field equipment, storage structures for sports and field maintenance equipment, concession stands, parking areas, and other such temporary improvements as may be associated with the proposed recreational use;

(c) All buildings and parking areas shall be set back a minimum of 50 feet from the property boundaries. If the recreational use produces adverse conditions that will unduly affect an adjacent agricultural use, the director may impose a larger setback in order to alleviate the effects of such adverse conditions, which include but are not limited to noise, vibration, dust, and light;

(d) All buildings shall be less than 300 square feet in size and located in proximity to the parking areas;

(e) A maximum of two concession stands are allowed and shall not include permanently installed food service equipment;

(f) Parking area and perimeter landscaping are required pursuant to Chapter 30.25 SCC and Chapter 30.26 SCC;

(g) Unfenced playing fields shall be set back 50 feet from property boundaries. Fields with a perimeter fence, a minimum of six feet in height, may be placed within the setback subject to perimeter landscaping requirements;

(h) No outdoor lighting is allowed;
(i) Uses are restricted to daylight hours only; and
(j) Structures shall meet all provisions of federal, state and local statute and laws, including provisions to assure water quality and flood protection.

(Added Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004; Amended Ord. 06-004, March 15, 2006, Eff date April 4, 2006)

30.28.080 Off-road vehicle (ORV) use areas - authorization and minimum locational and size requirements

(1) ORV use areas authorized. Subject to the requirements of this section and SCC 30.28.085, ORV use areas are allowed as a conditional use pursuant to SCC 30.22.110 and chapter 30.42C SCC in portions of the Forestry and Recreation zone which are designated Forest on the comprehensive plan map; provided, however, that ORV use areas are prohibited in the following areas:
(a) forestry planting areas;
(b) natural area preserves identified by DNR;
(c) natural resource conservation areas;
(d) old growth research areas identified in forest management plans; and
(e) areas currently under harvest.
(2) Minimum size and locational restrictions. Proposed ORV use areas must meet the following minimum requirements in order to be eligible for a conditional use permit:
(a) ORV use areas shall be at least 20 acres in size, except that no minimum size shall be required for expansions of existing ORV use areas or where the location of a new ORV use area will develop trail connections with an existing ORV use area.
(b) ORV use areas shall be located no closer than 3 miles from the boundary of another ORV use area, except where (i) an existing ORV use area is expanded, or (ii) a new ORV use area is proposed for purposes of providing connected corridors and trails with an adjacent ORV use area.

(Added Amended Ord. 05-146, Jan. 18, 2006, Eff date Feb. 12, 2006)

30.28.085 Sludge utilization.

(1) Minimum total project area including setbacks is 20 acres; provided that sludge utilization at a completed sanitary landfill or on a completed cell within a sanitary landfill shall not be subject to this requirement.
(2) Access to the site shall be controlled in an acceptable manner using measures such as fences, gates, posting, etc.
(3) 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):
(a) Spray application: 500 feet;
(b) Surface application: 300 feet; and
(c) Sub-surface injection: 200 feet.
(4) Minimum setbacks from year-round surface waters shall be 200 feet, or greater if deemed necessary to protect water quality.
(5) A joint site inspection shall be arranged by representatives of the Snohomish Health District and the department at the time of initial application. The applicant shall provide said agencies with at least 10 days advance notice of such initial application.

(6) The applicant shall submit for approval by the hearing examiner a monitoring schedule suitable to the Snohomish Health District.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

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

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

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

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

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

(i) a vicinity map;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) One or more maps showing:

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

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

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

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

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

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

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

(b) Narrative text addressing each of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Environmental monitoring to evaluate trail usage problems and environmental impacts of the proposed ORV use area, as well as a description of expected impacts on critical areas, visual resources, cultural

sites, wildlife and surrounding land uses.

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

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

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

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

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

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

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

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

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

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

(Added Amended Ord. 05-146, Jan. 18, 2006, Eff date Feb. 12, 2006)

30.28.090 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:

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

(a) 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; and

(b) Operational information which demonstrates that:

(i) 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;

(ii) 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 ensuring that such material does not enter the site; and

(iii) the woodwaste material is being stored in conformance with Snohomish Health District Sanitary Code, chapter 3.1, "Regulations Governing Solid Waste Handling," code number 3.1-300(3)(c)(i);

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

(a) 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 Sanitary Code, chapter 3.1, "Regulations Governing Solid Waste Handling," code number 3.1-300(3)(c)(i);

(b) 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;

(c) 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;

(d) Screening pursuant to SCC 30.25.024 is required around the perimeter of all storage, recycling, processing, parking and other outside activity areas;

(e) 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;

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

(g) 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; and

(h) Outside storage, recycling and processing activity areas, parking areas and other outside activity areas shall be set back 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 the 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 director in accordance with adopted county regulations, plans, and policies.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.28.092 Odor prevention requirements

SCC 30.28.092 expired on October 18, 2006 pursuant to the provisions of Section 4 of Emergency Ordinance No. 06-024.

30.28.093 Odor prevention requirements.

(1) Purpose.

(a) The purpose of this section is to prevent certain detectable odors by establishing performance standards for hydrogen sulfide and ammonia emissions in order to prevent nuisance odor emissions, promote the health, safety, and welfare of the community and to maintain compatibility of surrounding land uses. This section is not to be construed to conflict with any applicable federal or state air emission standard or regulation.

(b) This section is not intended to prevent a single odor emission released as a direct result of necessary facility maintenance.

(2) Exemptions. This section does not apply to:

(a) agricultural activities as defined in SCC 30.91A.090, occurring on lands where agriculture is a legal use;

(b) solid waste facilities including landfills, transfer stations, drop boxes and refuse, leachate and landfill gas systems;

(c) side sewer systems;

(d) wastewater collection and conveyance system pipes under 24 inches in size;

(e) permitted yard waste processing facilities.

(f) wastewater treatment facilities with treatment plant capacity of less than 25 million gallons per day (MGD); and

(g) wastewater conveyance, collection and treatment systems, including treatment plants, or upgrades to such systems, in existence prior to December 31, 2004.

(3) Applicability. This section applies to:

(a) Permit applications for any new facilities which generate hydrogen sulfide or ammonia emissions or odors; and

(b) Permit applications for modification or expansion of facilities that generate hydrogen sulfide or ammonia odor emissions.

(4) Performance standard.

(a) There is hereby established a no detectable odor emission standardwhich is defined to mean odor emissions released from a facility or use of less than 0.8 part per billion (ppb) by volume of hydrogen sulfide and less than 2800 ppb by volume of ammonia emissions at or beyond the property boundary of a facility or use. This standard is based on a single highest three-minute concentration by volume averaged for a one-year period with worst-case meteorological conditions and summer emission loading levels. This standard excludes ambient air levels and is measured by current field instrument technology.

(b) All facilities and uses subject to SCC 30.28.093 shall comply with the no detectable odor emission standard.

(c) All facilities and uses subject to the provisions of this section shall comply with the following additional requirements and design standards for odor prevention systems, where needed to meet the odor emission standard:

(i) The odor prevention system shall be designed to remove hydrogen sulfide and ammonia compounds at peak load on a 24-hour, 365 days per year basis; and

(ii) The odor prevention system shall be sized and designed for the site to handle "worst-case" operating conditions when combinations of meteorological conditions, such as inversions and stagnant air, coincide with peak odor releases from treatment processes.

(d) Package lift/pump stations and collection system components are deemed to meet the design standards set forth in SCC 30.28.093(4)(a) and (c).

(5) New, modified or expanded facilities and uses. Applicable facilities shall be designed, constructed, operated and maintained to meet the no detectable odor emission standard set forth in SCC 30.28.093(4).

(6) Compliance Agreements. A development agreement approved under chapter 30.75 SCC or interlocal agreement approved under SCC 3.04.210 may add requirements and design standards or modify the standards in this section in order to meet the purpose of this chapter.

(7) Submittal Requirements.

(a) In addition to any other requirement of this title, all facilities and uses subject to this section shall submit information on a form, provided by the department, describing the facility or use and the processes or locations for potential emissions of hydrogen sulfide and ammonia. The department may require any of the following information:

(i) Engineering documentation showing the facility or use will meet the hydrogen sulfide and ammonia odor emission standard set forth in SCC 30.28.093(4) at or beyond the property boundary of the facility; or

(ii) Engineering documents for an odor control system appropriate for the site to prevent and control emissions of hydrogen sulfide or ammonia to meet the standard set forth in SCC 30.28.093(4) of no detectable odor at or beyond the property boundary of such facilities and uses; or

(iii) Letter from an applicable sewer district approving and accepting a lift/pump station.

(b) Odor monitoring. Before beginning odor emissions from new or upgraded facilities or uses, the applicant shall submit an odor monitoring and response plan to ensure the operation and maintenance of the facility or use complies with the odor prevention requirements of this section. The plan shall include the

standard sampling techniques, location and frequency of monitoring, and a proposed timeframe for response to nuisance odor complaints.

(8) Odor complaint response.

(a) When a complaint is received, the facility operator shall respond to the complainant, determine the potential location and source of odor emissions, and document in writing the steps taken in response to the odor complaint.

(b) If the performance standard set forth in SCC 30.28.093(4) is being met, no further action is required.

(c) If an odor emission violates the standard set forth in SCC 30.28.093(4), the facility operator shall select and implement the means to reduce the off-site odor impacts to the standard including, but not limited to, modifying the process, controlling emissions, improving dispersion, repairing or retrofitting equipment, or any combination subject to technical and financial feasibility.

(d) Facility operators shall keep complaint and response records available for County review consistent with state records retention requirements.

(9) Transportation of treatment waste and chemicals. In addition to any other requirements, sludge, biosolids, solid waste, and chemicals transported from facilities or uses subject to this section by vehicles such as trucks or trains shall be covered and secured to limit nuisance odors emanating from the vehicles.

(Added Amended Ord. 06-074 November 8, 2006, Eff date November 26, 2006)

30.28.095 Woodwaste recycling and woodwaste storage facility.

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

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

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

(b) 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 comprehensive 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;

(2) 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:

(a) 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;

(b) 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 Sanitary Code, chapter 3.1, "Regulations Governing Solid Waste Handling." This chapter of the sanitary code 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;

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

(i) 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;

(ii) a materials inspection plan which will ensure 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 ensuring that such material does not enter the site;

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

(iv) 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; and

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

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

(a) 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;

(b) 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 consultation with the county fire marshal;

(c) 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;

(d) The applicant shall provide an 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:

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

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

(e) Thirty-foot wide, Type A landscaping 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;

(f) 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 Sanitary Code, chapter 3.1, "Regulations Governing Solid Waste Handling," code number 3.1-300(3)(c)(i);

(g) 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;

(h) 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; and

(i) 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.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.28.100 Motocross racetracks—authorization, location and size requirements, and pre-application meeting.

(1) Motocross racetracks authorized. Subject to the requirements of this section and SCC 30.28.105, motocross racetracks are allowed as a conditional use pursuant to SCC 30.22.100, SCC 30.22.110 and chapter 30.42C SCC in the General Commercial (GC), Business Park (BP), Industrial Park (IP), Light Industrial (LI), Heavy Industrial (HI), Rural 5-acre (R-5) zones, and in the Forestry and Recreation (F&R) zone on lands designated Commercial Forest land by the Future Land Use Map (FLUM) of the comprehensive plan; provided, however, that motocross racetracks are prohibited in the following areas:

(a) Natural area preserves identified by DNR;

(b) Natural resource conservation areas; and

(c) Old growth research areas identified in forest management plans.

(2) Maximum size and location restrictions. Proposed motocross racetracks must meet the following minimum requirements in order to be eligible for a conditional use permit:

(a) Motocross racetracks shall not be allowed a development activity area of more than 75 acres, exclusive of private access drives to and from private and public roadways. Perimeter vegetated areas required pursuant to SCC 30.28.105(2)(d) shall not be included in the 75 acre size limitation.

(b) Motocross racetrack sites located on Commercial Forest land shall be:

(i) located no closer than 15 miles from the boundary of another motocross racetrack located on designated forest lands, except where an existing motocross racetrack is expanded; and

(ii) located no farther than 4 miles from an Urban Growth Area.

(3) Pre-application meeting. A pre-application meeting shall be required for all motocross racetrack conditional use permit applications. The pre-application meeting shall be conducted pursuant to the provisions of SCC 30.70.020(2) through (5).

(Added Amended Ord. 06-137, December 13, 2006, Eff date Jan. 1, 2007)

30.28.105 Motocross racetracks--submittal requirements, development standards and operation plan.

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

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

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

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

(i) a vicinity map;

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

(iii) a map depicting surrounding land uses at a scale no smaller than fifty feet to one inch. Distances from existing residential dwelling units, bed and breakfast inns or guesthouses, schools, resorts, and level I and level II health and social service facilities shall be noted on the site plan. Owners of such properties located within 2,000 feet of the motocross racetrack boundaries shall be identified by name and address on a map.

(d) A signed statement agreeing to indemnify and hold harmless the county, its employees, agents, representatives, and elected and appointed officials from any and all claims made against them arising from the operation or use of the motocross racetrack. If the motocross racetrack operator designated pursuant to SCC

30.28.085(2)(a) is a person or an entity other than the applicant for the motocross racetrack permit, than that person or entity shall also submit a signed statement agreeing to indemnify and hold harmless the county, its employees, agents, representatives, and elected and appointed officials from any and all claims made against them arising from the operation or use of the motocross racetrack.

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

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

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

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

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

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

(e) Motocross racetracks shall not exceed the maximum sound levels at the sites property boundaries as specified in Chapter 10.01 SCC. The applicant for a motocross racetrack shall submit a noise study prepared by a qualified professional that identifies projected noise levels at the sites property boundaries. The projected noise levels in the study shall be based upon the worst-case noise generation scenario for the racetrack use. When projected noise levels exceed maximum levels permitted by county code, noise mitigation measures shall be included in the proposal to reduce noise levels to acceptable levels. Noise mitigation berms may be used to reduce noise levels. Noise mitigation berms may be placed in the perimeter vegetated area required by SCC 30.28.105(2)(c). The county may request third party verification of the noise study results at the expense of the applicant.

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

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

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

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

(3) Motocross racetrack site plan. Site plans submitted for a proposed motocross racetrack pursuant to

subsection (1) of this section shall be approved by the hearing examiner, consistent with motocross racetrack permit conditions imposed pursuant to subsection (2) of this section. A motocross racetrack site plan must include the following:

(a) One or more maps showing:

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

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

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

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

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

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

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

(b) Narrative text addressing each of the following:

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

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

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

(iv) the name of the proposed motocross racetrack.

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

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

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

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

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

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

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

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

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

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

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

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

(i) Motocross competitive event programming and management at the proposed motocross racetrack, including traffic/access control, sanitary facilities, fire protection devices and equipment, and crowd/spectator control, which must comply with the requirements of chapter 6.37 SCC for public events and assemblies. A

separate public event/assembly permit is not required for each competitive event when the conditional use permit includes conditions that will satisfy chapter 6.37 SCC requirements, and the applicant can demonstrate that monitoring for compliance of all conditions will be accomplished for each event. Compliance with the provisions of 30.53A, Uniform Fire Code related to fire safety including, but not limited to emergency vehicle access and water availability shall be required.

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

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

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

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

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

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

(Added Amended Ord. 06-137, December 13, 2006, Eff date Jan. 1, 2007)

Chapter 30.28A
DEVELOPMENT STANDARDS AND SITING PROCESS FOR PERSONAL WIRELESS TELECOMMUNICATIONS SERVICES FACILITIES

30.28A.010 Purpose and applicability.

The purpose of this chapter is to provide the standards and regulations for siting personal wireless telecommunications services facilities. This chapter applies to all applications for the placement, construction and modification of personal wireless telecommunications service facilities.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.28A.020 Interpretation of this chapter.

This chapter shall not be interpreted in a manner inconsistent with the Telecommunications Act of 1996. Further, this chapter shall not be interpreted to prohibit the provision of personal wireless communications services, or in a manner that unreasonably discriminates between or among providers of functionally equivalent personal wireless services.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.28A.030 Personal wireless telecommunications facilities - Procedure.

(1) Building permits shall be required to construct new or modify existing personal wireless telecommunications service facilities in all zoning districts.

(2) Building permits shall be required for co-location or expansion projects on existing wireless communications support structure or electrical utility support structures located within any zoning district. For purposes of this section only, a building permit does not trigger a development permit application for a shoreline substantial development permit under Chapter 30.44 SCC when the application is to co-locate on an existing, previously permitted wireless communications support structure and there are no additional support structures proposed to be built on the ground.

(3) Additional land use permit approvals may be necessary as set forth in SCC 30.22.100 through 30.22.120.

(4) Notice is required to be provided to the FAA, on a form prescribed by the FAA, if the facility falls under the notification requirements mentioned in 14 CFR Part 77. The applicant is responsible for researching Part 77 to determine whether notification is required.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.28A.040 Exemptions.

The following facilities and activities are exempt from the provisions of this chapter (except for FAA notification requirements):

(1) Radar systems for military and civilian communications and navigation;

(2) Wireless radio utilized for temporary emergency communications in the event of a disaster declared by the County Executive pursuant to SCC 2.36.055; and

(3) Temporary mobile cellular towers used for testing wireless or cellular site performance not to exceed fourteen days within a 180-day time period. The equipment for these activities shall not be located in public rights-of-way unless a right-of-way permit is obtained in accordance with Title 13 SCC.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.28A.050 Conditional Use Permit application package requirements.

When required by SCC 30.22.100 through .120, an application form for a conditional use permit provided by the department shall be completed with supporting documents as identified in the Commercial and Land Use Application Process for Wireless Communications Facilities submittal details section on file at the department. Additional information shall be submitted as set forth in Chapters 30.70 and 30.42C SCC. At the discretion of the department, all personal wireless telecommunications service facilities applicants shall be required to submit any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the information to determine compliance with adopted rules and regulations.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.28A.060 Building Permit Requirements.

The applicant must submit a completed building permit application package as specified in the Commercial and Land Use Application Process for Wireless Communications Facilities on file in the department. When a conditional use permit is required, an applicant must obtain the condition use permit approval prior to issuance of a building permit for a personal wireless telecommunications service facility.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.28A.070 Prohibited Locations.

Personal wireless telecommunications services facilities and other wireless communications support structures are prohibited in the following locations:

(1) Sites or structures which are on federal, state or county recognized historic registers, state and local wildlife refuges, and permanently protected archaeological sites regulated under Chapter 30.32D SCC, and

(2) Resource protection areas established pursuant to SCC 30.32A.020(3).

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.28A.080 Co-location encouraged.

To minimize visual impacts associated with the proliferation of wireless communications support structures, co-location of personal wireless telecommunications service facilities on existing or new wireless communications support structures is encouraged as follows:

(1) Providers are encouraged to co-locate onto existing wireless communications support structures. If such co-location is accomplished in a manner consistent with the performance standards contained in this chapter, and the original wireless communications support structure permit provides adequate space for co-location equipment, then such co-locations are permitted and new or additional conditional use permit review approval is not required, except that any other permit, license, lease, or franchise requirements must be satisfied. This provision shall apply to pre-existing support structures with an approved conditional use permit.

(2) The county will not consider an application complete to construct new facilities unless the applicant has shown that it has made a diligent effort to mount the facilities on an existing structure or wireless

communications support structure that is within a one mile radius of the chosen site.

(3) When co-location on an existing facility is not feasible and a new wireless communications support structure is proposed:

(a) An applicant's site plan shall show a reserve area for potential future providers' equipment near the base of the applicant's wireless communications support structure; and

(b) The site plan for wireless communications support structures in excess of 100 feet must propose the height and ground space for a minimum of two additional providers, while the site plan for wireless communications support structures 100 feet or less in height must propose space for a minimum of one additional provider.

(4) To provide further incentive for co-location, an existing wireless communications support structure may be modified to accommodate co-location without new or additional conditional or special use permits. The following conditions shall also be met:

(a) An existing wireless communications support structure may be modified or rebuilt to a taller height, not to exceed 20 feet over the wireless communications support structures existing height and subject to the other provisions of this section. The height change may occur only once per structure.

(b) No banners or similar materials may be attached to the antenna or wireless communications support structure.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.28A.090 Co-location Cooperation.

No personal wireless telecommunications services provider or lessee thereof shall act to exclude or attempt to exclude any other personal wireless telecommunications services provider from using the same building, structure or location. Personal wireless telecommunications service providers or lessees or agents thereof shall cooperate in good faith to achieve co-location of personal wireless telecommunications service facilities and equipment with other personal telecommunications wireless service providers. Documentation of co-location attempts shall be submitted as specified in the Commercial and Land Use Application Process for Wireless Communications Facilities on file in the department. If a dispute arises about the feasibility of co-locating, the county may require a third party technical study at the expense of the applicant to resolve the dispute.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.28A.100 Requirements for third party review.

The county may require that the applicant pay for expert review of technical data, submitted by the applicant, for the personal wireless telecommunications service facilities. The selection of the third party expert shall be by mutual agreement between the applicant and the county, or at the discretion of the county if there is no agreement. The expert review is intended to be a site-specific review of technical aspects of the personal wireless telecommunications service facilities and not a subjective review of the site selection. Such a review shall address the accuracy and completeness of the technical data, possible interference problems and whether the analysis techniques and methodologies are legitimate. A determination on the validity of the applicant's conclusions, and any specific technical issues outlined by the department, or other county staff or other interested parties shall be made. Based on the results of the third party review, the county may require changes to the application for the personal wireless telecommunications services facilities that comply with the recommendations of the expert.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.28A.110 Site selection criteria.

In addition to using the highest priority locations set forth in SCC 30.28A.120 the following site selection criteria shall govern the issuance of permits and must be demonstrated by the applicant:

(1) Any applicant proposing to construct a wireless communications support structure, or mount an antenna on an existing structure, shall demonstrate by a propagation map that the facility must be located at the site to satisfy its function in the applicant's grid system. An analysis by a radio frequency expert documenting these demonstrations shall accompany the propagation maps.

(2) Further, the applicant must demonstrate by a propagation map that the height requested is no greater than the minimum height necessary to fulfill the facility site's function within the applicant's grid system. An analysis by a radio frequency expert documenting these demonstrations shall accompany the propagation maps.

(3) Personal wireless telecommunications service facilities shall be located and designed on the site to minimize aesthetic impacts on residential property. Facilities shall be placed in locations on the wireless communications support structure site where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening in accordance with SCC 30.23.110(26)(b).

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005; Amended by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.28A.120 Priority of locations.

The order of priorities for locating new personal wireless telecommunications services facilities shall be in accordance with SCC 30.28A.120(1) through (7) below. The applicant shall demonstrate that all other locations with a higher priority on the list are not feasible. Priorities rank from highest to lowest as set forth below. The zones listed in SCC 30.28A.120(4) through (7) are prioritized in order of preference within each subsection.

(1) On existing wireless communications support structures.

(2) Place on appropriate rights-of-way and existing structures such as buildings, towers, water towers and smokestacks located on non-residentially zoned property or in utility corridors. Wireless communications support structures for personal wireless telecommunications service facilities locating under this subsection shall secondarily consider the priorities established in SCC 30.28A.120(4) through (7).

(3) Place on other public property if practical and allowed, i.e., Snohomish County property, etc.

(4) Place in districts zoned:

(a) Heavy Industrial (HI);
(b) Light Industrial (LI);
(c) General Commercial (GC); and
(d) Community Business (CB).

(5) Place in districts zoned:

(a) Industrial Park (IP);
(b) Business Park (BP);
(c) Freeway Service (FS);
(d) Rural Freeway Service (RFS);
(e) Planned Community Business (PCB);
(f) Neighborhood Business (NB);
(g) Urban Center (UC)
(h) Rural Industrial (RI);
(i) Clearview Rural Commercial (CRC); and
(j) Rural Business (RB).

(6) Place in districts zoned:

(a) Rural Use (RU);

(b) Rural Diversification (RD);
(c) Rural Resource Transition-10 Acre (RRT-10);
(d) Forestry (F);
(e) Mineral Conservation (MC);
(f) Forestry and Recreation (F&R); and
(g) Agricultural-10 (A-10).

(7) Place in districts zoned:
(a) Rural 5 Acres (R-5);
(b) Rural Conservancy (RC);
(c) Suburban Agriculture 1 (SA-1);
(d) Residential 20,000 (R-20,000);
(e) Residential 12,500 (R-12,500);
(f) Waterfront Beach (WFB);
(g) Multiple Residential (MR);
(h) Mobile Home Park (MHP);
(i) Low-density Multiple Residential (LDMR);
(j) Townhouse (T);
(k) Residential 9,600 (R-9,600);
(l) Residential 8,400 (R-8,400); and
(m) Residential 7,200 (R-7,200).

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005; Amended Ord. 07-029, April 25, 2007, Eff date May 10, 2007; Amended by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.28A.130 Requirements for siting on Snohomish County property.

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

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

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

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

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

(d) The applicant will submit a performance security acceptable to the county to cover the costs of removing the facilities in accordance with Title 13 SCC;

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

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

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

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

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

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

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

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

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

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.28A.140 Inspection, noise, and federal requirements.

The following general requirements shall apply to antennas and wireless communications support structures construction:

(1) Each year after a personal wireless telecommunications service facility becomes operational, the facility operator shall conduct a safety inspection and file a report with the county within 60 days of the inspection. A report documenting that the facility complies with FCC Non-Ionizing Electromagnetic Radiation (NIER) limits shall be submitted with the report when any modifications to the facility have been made subsequent to the any previous NIER report submittal. This requirement shall be a condition of any permit.

(2) Noise generated by a personal wireless telecommunications service facility shall be subject to the provisions in Chapter 10.01 SCC. In addition, noise from air conditioners or other equipment associated with personal wireless service facilities and appurtenant structures shall not exceed 45dBA "EDNA" in accordance with Chapter 173-60 WAC at the adjacent residential property line, except for emergency situations requiring the use of a backup generator where the noise standards may be exceeded on a temporary basis in accordance with SCC 10.01.030(3). The owner or operator shall conduct tests when determined by the department to be necessary to demonstrate compliance with all applicable local regulations regarding the noise emissions of the facility. All tests shall be performed by or under the supervision of an engineer qualified to perform the tests and interpret the data. Failure to bring personal wireless telecommunications service facilities into compliance with the revised standards and regulations shall constitute grounds for the county to require removal or remove the provider's facilities at the provider's expense subject to the enforcement regulations and procedures set forth in Chapters 10.01 and 30.85 SCC.

(3) All antennas, wireless communications support structures, and facilities must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and any other agency of the federal government with the authority to regulate personal wireless telecommunications service facilities. If the standards and regulations are changed, then the personal wireless telecommunications services providers governed by this chapter shall bring the antennas and wireless communications support structures into compliance within the timelines provided by the revised standards and regulations. The revised standards and regulations are not retroactively applicable to existing providers unless otherwise provided or permitted by federal law. Failure to bring personal wireless telecommunications service facilities into compliance with the revised standards and regulations shall constitute grounds for the county to require removal or remove the provider's facilities at the provider's expense subject to the enforcement regulations and procedures set forth in Chapter 30.85 SCC.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.28A.150 Wireless communications support structure design criteria.

Wireless communications support structures for new personal wireless telecommunications service facilities shall be designed to accommodate co-location unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons. Thus, the applicant shall address the following design criteria:

(1) The applicant shall provide 3-dimensional, visual simulation of the facilities or other appropriate graphics to demonstrate the visual impact on the view of the county's foothills, mountains, open space areas, or other scenic resources within the county. Due considerations shall be given so that placement of personal wireless telecommunications service facilities do not obstruct or diminish these views. In determining a significant visual impact on a view listed above, the department shall, at a minimum, consider the following:

(a) the degree to which the wireless communications support structure is screened by topographic features from the views listed above;

(b) whether trees and vegetation can be preserved in a manner that would substantially limit the visibility of the proposed wireless communications support structure from the views listed above;

(c) whether background features in the line of sight to the proposed wireless communications support structure would obscure it or make it more conspicuous;

(d) whether the proposed design would reduce the silhouette of the portion of the wireless communications support structure extending above surrounding trees, landforms, or structures; and

(e) whether the facility is designed to blend into the surroundings.

(2) Setbacks shall be in accordance with SCC 30.23.110(26) (wireless communications support structures).

(3) No signals, lights or signs shall be permitted on wireless communications support structures unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). If the FCC or the FAA updates the requirements for lighting, the provider or wireless communications support structure owner is authorized to install the required lighting without any further county approvals.

(4) The applicant shall demonstrate that the antenna is no greater than the minimum height required to function satisfactorily. No wireless communications support structure that is taller than this maximum height shall be approved except as allowed by co-location.

(5) Security fencing no less than 6 feet in height with access through a locked gate shall be required around each wireless communications support structure and its related equipment and other support structures unless the entire wireless communications support structure area is fenced in a manner meeting these specifications, in which case the Department may grant relief from this requirement.

(6) The parking requirements for personal wireless telecommunications service facilities shall be in accordance with SCC 30.26.030 for utility and communications uses without regular employment. Alternate parking provisions may be approved by the approval authority when the applicant demonstrates vehicle parking is in proximity but may not be appropriate on the facility site.

(7) Site location and development shall preserve the preexisting character of the site as much as possible. Existing vegetation shall be preserved or improved, and disturbance of the existing topography of the site shall be minimized unless such disturbance would result in less visual impact of the site on the surrounding area.

(8) To ensure the structural integrity of wireless communications support structures, the owner of a structure or facility shall ensure that it is maintained in compliance with all applicable federal standards (i.e., FCC and FAA standards), state and local regulations, the applicable standards of the Electronic Industries Association (EIA), and the applicable building codes, as amended from time to time.

(9) If, upon inspection, the county concludes that a wireless communications support structure fails to comply with the standards, the applicable building codes or constitutes a danger to persons or property, written notice will be provided to the owner of the structure or facility in accordance with Chapter 30.85 SCC.

(10) Wireless communications support structures shall be constructed to the EIA Standards that may be amended from time to time and all applicable construction/building codes. Further, any improvements or additions to existing wireless communications support structures shall require submission of site plans, structural plans, and structural calculations stamped by a structural engineer registered or licensed in the State

of Washington, which demonstrate compliance with the EIA Standards and all other applicable building codes. The plans shall be submitted and reviewed at the time building permits are requested.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.28A.160 Antenna and wireless communications support structure siting criteria.

The antenna on or above a structure shall be subject to the following requirements:

(1) The antenna must be architecturally compatible with the building and wall on which it is mounted, and designed and located so as to minimize any aesthetic impacts.

(2) The maximum height allowed for a wireless communications support structure including antennas shall be as follows:

(a) 150 feet within urban growth areas;

(b) 180 feet outside urban growth areas;

(c) The approval authority may authorize up to an additional ten feet in height as necessary to allow adequate separation of antennas from power lines if the applicant demonstrates that the antenna is no greater than the minimum height required to function satisfactorily. The owner of antennas pursuant to SCC 30.28A.080 or as authorized under the regulated franchise agreement provisions set forth in Title 13 SCC when located in a public right-of-way, shall be allowed the additional height increase and shall not be required to provide such documentation.

(d) An existing height non-conforming wireless communications support structure may not be subject to height limitations set forth in SCC 30.28A.160 when being reconstructed as a result of destruction as defined in SCC 30.28.075(2)(b). The structure may exceed this height provisions to no greater than the original permitted height.

(3) The antenna may be mounted on the roof of a building if the following additional criteria are satisfied:

(a) The department finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.

(b) No portion of the antenna or base station causes the height of the building to exceed 15 feet above the building heights of the applicable zone as set forth in SCC Tables 30.23.030(1) and 30.23.030(2).

(c) Roof-mounted antennas are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.28A.170 Support facilities design.

Support facilities should be designed to complement or maintain the integrity of the surrounding landscape and built environment.

(1) Facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district or screened or otherwise integrated through location and design to blend in with the existing characteristics of the site to the greatest extent possible.

(2) Antennas and wireless communications support structures shall have a color generally matching the building, surroundings or background that minimized their visibility, unless the FCC or FAA requires a different color. Muted colors, earth tones and subdued colors shall be used wherever possible.

(3) Ground level equipment, related base stations for mounted antennas, buildings and the wireless communications support structures base shall be screened from public view. For the purposes of this chapter, equipment buildings shall include cabinets or any other structure used to shelter supporting equipment. The standards for the equipment structures are as follows:

(a) Equipment mounted on a roof shall have a finish similar to the exterior building walls.

(b) When equipment structures are located in residential or rural zones listed in SCC 30.28A.120(6) and (7) or on property developed for single family residential use, they shall comply with setback requirements of SCC 30.23.110(25) and shall be designed so as to conform in appearance with nearby residential structures, or be completely screened from view. Support facilities located in public rights-of-way may be exempt from the setback requirements as determined by the approval authority when co-located on existing utility facilities.

(c) A proposed equipment structure must blend with the surrounding buildings in architectural character and color. The structure must be architecturally and visually (color, size and bulk) compatible with surrounding existing buildings, structures, vegetation and uses. Such facilities will be considered architecturally and visually compatible if they are adequately screened to completely disguise the facilities.

(4) Height limitations shall be in accordance with SCC 30.28A.160(2).

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.28A.180 Landscaping and screening.

Landscaping used to screen a personal wireless telecommunications service facility shall be in accordance with SCC 30.25.025.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.28A.190 Security Device.

The director may require security devices pursuant to Chapter 30.84 SCC.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.28A.200 Notice and emergency contact.

All personal wireless telecommunications service providers shall provide to the department a current emergency contact name (or title) and phone number available 24 hours a day, seven days a week. The providers shall immediately notify the applicable department of any change in the notice address or emergency contact name (or title) and phone number. The same current emergency contact information shall be posted on the fence or structure of the facility where it is clearly visible from the outside.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.28A.210 Ownership Transfer, Non-Use, and Abandonment.

(1) In the event a personal wireless telecommunications services provider or owner transfers ownership of a facility to a different provider or owner, the previous and new service provider or owner shall notify the department no less than 10 days from the date of transfer. The new provider or owner shall include the name, address and phone number of the person to be contacted related to the service or the wireless communications support structure. The new provider shall notify the department with the required information set forth in 30.28A.200

(2) No less than 30 days prior to the date that a personal wireless telecommunications services provider plans to abandon or discontinue operation of a facility, the provider must notify the county by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. In the event that a provider fails to give notice, the facility shall be considered abandoned upon the county's discovery of discontinuation of operations. Upon such abandonment, the provider shall have 60 days, or an additional period of time determined in the

reasonable discretion of the county, within which to:

(a) Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility; or

(b) Dismantle and remove the facility. If the antenna, wireless communications support structure, foundation and facility are not removed within the 60-day time period, or an additional period of time allowed by the county, the county may remove such tower, antenna, foundation and related facility at the provider's expense in accordance with the enforcement provisions of Chapter 30.85 SCC. If there are two or more providers co-locating on a facility, then this provision shall not become effective until all providers cease using the facility.

(3) If abandonment of a facility occurs by all of the permittees, licensees or owners of the wireless communications support structure, the owner of the wireless communications support structure shall remain primarily responsible if the wireless communications support structure ceases to be used for its intended purposes by either it or other permittees or licensees for the transmission or reception of personal wireless telecommunications services. The owner of the wireless communications support structure shall maintain the prescribed painting and/or illumination of such tower, if applicable, until is dismantled. The county may be drawn upon the security required in SCC 30.28A.190, as necessary, to cover the costs of removal of the facility.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

Chapter 30.29
SEWER CONNECTION REGULATIONS

30.29.010 Purpose.

The purpose of this chapter is to protect the public health by providing rules establishing when connection to public sewers, within or outside urban growth areas (UGAs), is required or prohibited as a condition of development. Nothing in this chapter shall be construed to permit violation of regulations for on-site sewage disposal systems promulgated by the State Department of Health or the Snohomish Health District.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.29.020 Intent.

The intent of this chapter is to:

(1) Implement the comprehensive plan's requirement that development within urban growth areas occur on public sewer, with limited exceptions;

(2) Allow limited subdivisions or short subdivisions within UGAs prior to the provision of public sewer and in those areas in which public sewer is not economically or technically feasible, in a manner which does not conflict with GMA plans, policies and development regulations addressing future urbanization; and

(3) Prohibit extension of public sewer outside a UGA except as specified by this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.29.100 New structures and land divisions within UGA - public sewer connection required - exceptions.

(1) Inside a UGA, connection to a public sewer is required as a condition of building permit issuance for any new structure or the substantial modification of an existing structure, or as a condition of approval of any new land division, including but not limited to subdivision, short subdivision, binding site plan, boundary line adjustment, and record of survey, unless one of the following exceptions applies:

(a) The new structure is an alteration, expansion, or replacement of an existing structure already utilizing an on-site sewage disposal system that has been tested and is certified to be functioning properly and the proposal does not require installation of a larger capacity on-site sewage disposal system;

(b) The new structure, consistent with the requirements of subtitle 30.5 SCC, construction codes, lawfully incorporates no sewerage effluent facility;

(c) The new structure is within an unsewered urban enclave;

(d) The new structure is a public facility and the sewer purveyor with jurisdiction, or that purveyor most likely to serve the area, certifies that the proposed facility is located in an area in which public sewer connection will not be available according to the requirements established in paragraph (g) (iii) of this section;

(e) The new structure is for single family residential use on a lot lawfully existing as of July 10, 1995;

(f) The land division application proposes creation of new lots from a lot lawfully existing as of July 10, 1995, where:

(i) the land division is within an unsewered urban enclave; and

(ii) the proposed new lots are no larger than the minimum lot size necessary, as determined by the director of the department, to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District; or

(g) The land division application proposes creation of no more than two lots from a lot lawfully existing as of July 10, 1995, and in addition meets each of the following conditions:

(i) the land division is planned and designed to be provided with a full range of urban level services consistent with the development regulations adopted by the adjacent jurisdiction likely to be the purveyor of future urban services;

(ii) the design for the land division includes specific provisions for future accommodation of public sewers in a manner which will allow for future development at appropriate urban densities. The sewer purveyor with jurisdiction, or that purveyor most likely to serve the area, at its discretion, may require dry sewers and side sewer stub outs;

(iii) the sewer purveyor with jurisdiction, or that purveyor most likely to serve the area, certifies that either: the proposed land division is located in an area in which public sewer connection will not be available within the next six years, according to the purveyor's capital facilities plan; or that extension of public sewers to the proposed land division is not technically feasible within the next six years, as documented through standard civil engineering methods consistent with Criteria for Sewage Works Design, published by the Washington State Department of Ecology;

(iv) the land division is configured in a manner which, in the judgment of the director of the department, provides reasonable assurance that subsequent redevelopment will be at minimum or greater than minimum urban densities as defined in SCC 30.23.020(2) when public sewer becomes available. A site plan for subsequent redevelopment is not required, and application under this section shall not vest or bind the property owner to a specific redevelopment plan. Future redevelopment shall be consistent with the plans and ordinances in effect at the time of application;

(v) one of the proposed new lots is no larger than the minimum lot size necessary to accommodate an on-site sewage treatment system with the reserve area required by the Snohomish Health District; and

(vi) the director includes as a condition of subdivision or short subdivision approval a prohibition of further subdivision or short subdivision of the property until public sewer becomes available.

(2) Approval of any building permit or land division application utilizing one of the exceptions in SCC 30.29.100(1) above is contingent upon submittal of a legally binding agreement with the sewer purveyor with jurisdiction, or that purveyor most likely to serve the area, which must be recorded with the property records of the county and in a form acceptable to the director, in which the property owner and successors in interest agree to: annexation of the property by the future sewer purveyor, prompt connection with sanitary sewers when they become available, and participation without protest in any sewer Local Improvement District (LID) or Utility Local Improvement District (ULID), including agreement to pay any connection fees and monthly charges assessed by the sewer purveyor, LID, or ULID. Nothing in this section shall be construed to limit the ability of the applicant or any successor in interest to challenge the amount of any assessment.

(3) Approval of any building permit or land division approval utilizing the exceptions in SCC 30.29.100(1)(f) or (g) above is contingent upon submittal of a legally binding agreement with the city most likely to annex the property which must be recorded with the property records of the county and in a form acceptable to the director, in which the property owner and all successors in interest agree to annexation of the property to the city when proposed.

(4) This section shall not apply if the Snohomish Health District or a state agency requires public sewer connection.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.29.110 Public sewer connection prohibited outside UGA - exceptions.

Outside of a UGA, connection to public sewer is prohibited except when required by the Snohomish Health District or a state agency.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 03-104, Sept. 10, 2003, Eff date October 6, 2003, Resolution No. 04-023, September 1, 2004, Eff date September 1, 2004; Amended by Amended Ord. 11-050, Sept. 28, 2011, Eff date Oct. 16, 2011)

30.29.120 Public sewer construction prohibited outside UGA - exceptions.

Construction of public sewer outside of a UGA is prohibited except as follows:

(1) When required by the Snohomish Health District;

(2) In accordance with an adopted a public sewer comprehensive plan which has been reviewed and approved by the county council; or

(3) When system improvements designed solely to serve urban development within the UGA must be located outside of a UGA due to engineering design requirements or limitations on site availability.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 03-104, Sept. 10, 2003, Eff date October 6, 2003, Resolution No. 04-023, September 1, 2004, Eff date September 1, 2004)

Chapter 30.31A
BUSINESS PARK (BP), PLANNED COMMUNITY BUSINESS (PCB), NEIGHBORHOOD BUSINESS (NB) AND INDUSTRIAL PARK (IP) ZONES

30.31A.010 Purpose and applicability.

This chapter regulates development in and establishes zoning criteria for the planned community business (PCB), neighborhood business (NB), business park (BP), and industrial park (IP) zones. This chapter sets forth procedures and standards to be followed in applying for, and building in these zones.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-087, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.31A.020 Minimum zoning criteria.

(1) A tract of land proposed for BP zoning shall contain sufficient area to create a contiguous tract of BP zoned land at least four acres in size.

(2) A tract of land proposed for PCB zoning shall contain sufficient area to create a contiguous tract of PCB zoned land at least five acres in size.

(3) A tract of land proposed for NB zoning shall contain sufficient area to create a contiguous tract of NB zoned land at least three acres in size.

(4) A tract of land must be in single ownership or, for multiple parcels, under unified control. This requirement shall apply during preliminary and final plan stages to ensure continuity of plan development.

(5) Zoning request must be accompanied by a preliminary development plan prepared by a team of design professionals in compliance with the regulations and requirements of this chapter.

(6) Preliminary and final plans must comply with bulk regulations contained in SCC 30.23.030.

(7) All utility services and distribution lines shall be located underground, and in the case of the BP zone the property shall be served by public water and sewer services and paved streets, paved private roads, or paved common access areas.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-087, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.31A.100 General performance standards.

Each planned zone and uses located in the BP, PCB, NB and IP zones shall comply with the following requirements unless more specific requirements are provided in code:

(1) Processes and Equipment. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable beyond the boundaries of the lot upon which the use is located by reason of offensive odors, dust, smoke, gas, or electronic interference;

(2) Development Phases. Where the proposal contains more than one phase, all development shall occur in a sequence consistent with the phasing plan which shall be presented as an element of the preliminary plan unless revisions are approved by the department;

(3) Building Design. Buildings shall be designed to be compatible with their surroundings, both within and adjacent to the zone;

(4) Restrictive Covenants. Restrictive covenants shall be provided which shall ensure the long-term maintenance and upkeep of landscaping, storm drainage facilities, other private property improvements, and open space areas and facilities. Further, the covenants shall reference the official or binding site plan(s) and indicate their availability at the department, and shall provide that Snohomish County is an additional beneficiary with standing to enforce, and shall preclude the avoidance of performance obligations through lease agreements;

(5) Off-street Parking. Permanent off-street parking shall be in accordance with terms of chapter 30.26 SCC, except that parking shall be in accordance with SCC 30.34A.050 when the property is designated Urban Village on the future land use map;

(6) Signing. Signs for business identification or advertising of products shall conform to the approved sign design scheme submitted with the final plan, and must comply with chapter 30.27 SCC;

(7) Noise. Noise levels generated within the development shall not exceed those established in chapter 10.01 SCC - noise control, or violate other law or regulation relating to noise. Noise of machines and operations shall be muffled so as to not become objectionable due to intermittence or beat frequency, or shrillness; and

(8) Landscaping. General landscaping and open space requirements shall be in accordance with chapter 30.25 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-087, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010; Amended by Amended Ord. 12-069, Oct. 17, 2012, Eff date Nov. 10, 2012)

30.31A.110 PCB and NB zone performance standards.

In addition to the minimum zoning criteria and general performance standards set forth above, the following are specific performance requirements in the PCB and NB zones:

(1) All uses permitted in these zones shall be entirely contained within an enclosed structure except the following:

(a) Public utility transmission facilities;

(b) Eating establishments where the space for outdoor public service is adjacent to the closed structure and does not disrupt vehicular traffic within or adjacent to the zone;

(c) Permitted signing;

(d) Parking and loading facilities;

(e) Plant nurseries;

(f) Outdoor storage areas, when in conjunction with an enclosed principal use; and

(g) Public realm.

(2) No outside loading and unloading of goods and materials shall occur between the hours of 11:00 p.m. and 7:00 a.m. unless approved in writing by the director based upon a showing that any resulting impact to adjoining properties is minor.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-087, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012; Amended by Amended Ord. 12-069, Oct. 17, 2012, Eff date Nov. 10, 2012)

30.31A.115 Optional performance standards for properties designated Urban Village.

Properties designated Urban Village on the future land use map may develop under the underlying zoning or pursuant to the following performance standards. In choosing to submit a development application under this section, all of the requirements of this section shall be met including the requirements in SCC 30.31A.100 and SCC 30.31A.110.

(1) The following uses shall not be allowed :
(a) Accessory apartment;
(b) Dwelling attached, single family;
(c) Dwelling, duplex;
(d) Dwelling, single family;
(e) Family daycare home;
(f) Foster home;
(g) Garage, detached; private accessory;
(h) Garage, detached; private non-accessory;
(i) Greenhouse, Lath House, & Nurseries: retail;
(j) Greenhouse, lath house, nurseries: wholesale;
(k) Guesthouse;
(l) Hazardous waste storage & treatment facilities, onsite;
(m) Kennel;
(n) Mini-self storage;
(o) Stables; and
(p) Wholesale establishment.

(2) The maximum building height shall be 75 feet. Additional building height shall be allowed pursuant to SCC 30.23.050(3). The director may recommend a height increase in appropriate locations within the Urban Village of up to an additional 50 feet beyond that otherwise allowed when the applicant prepares an environmental impact statement pursuant to chapter 30.61 SCC and where such increased height in designated locations does not unreasonably interfere with the views from nearby residential structures.

(3) Front setbacks may be reduced to zero only if such reduction will not have a likely impact upon future right-of-way needs and/or right-of-way improvements as determined by the county engineer.

(4) Residential development shall maintain a minimum density of 12 dwelling units per acre and a maximum density of 44 dwelling units per acre.

(5) Open space shall comply with SCC 30.34A.070.

(6) Design standards shall comply with SCC 30.34A.100 through 30.34A.160.

(7) Development applications shall comply with the submittal checklist established by the department pursuant to SCC 30.70.030.

(8) A neighborhood meeting shall be held pursuant to SCC 30.34A.165.

(9) Development applications shall be reviewed and approved pursuant to SCC 30.34A.180(2). In addition, because the Urban Village at Point Wells is singularly unique due to its location, geography, access points, and historical uses, the applicant for any Urban Village development at Point Wells shall be subject to the following provisions:

(a) The applicant shall successfully negotiate binding agreements for public services, utilities or infrastructure that are to be provided by entities other than the County prior to the County approving a development permit that necessitates the provisions of public services, utilities or infrastructure;

(b) development applications may be planned and programmed in phases; and

(c) the intensity of development shall be consistent with the level of service standards adopted by the entity identified as providing the public service, utility or infrastructure.

(Added Amended Ord. 12-069, Oct. 17, 2012, Eff date Nov. 10, 2012)

30.31A.120 BP zone performance standards.

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

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

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

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

(4) Prior to the issuance of any building occupancy permits in a BP zone the developer(s) shall either complete all required improvements or the remaining improvements shall be secured with a security device in accordance with SCC 30.84.105; and

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

(a) Shine on adjacent properties;

(b) Conflict with the readability of traffic control devices; or

(c) Rotate or flash.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.31A.140 BP zone performance standards for residential development.

Placement of new single-family and multiple family dwellings in the BP zone is subject to the following:

(1) The site shall consist of a minimum of 100 contiguous acres which shall be under single ownership or unified development control.

(2) The BP zoning on the subject site shall have been approved prior to the effective date of this section.

(3) Where mixed use development consisting of residential and commercial/industrial uses is proposed:

(a) The BP preliminary and final plan requirements contained in chapter 30.31A SCC shall apply to all portions of the site containing commercial/industrial and/or residential uses except as modified by this section;

(b) The director may require additional buffering, setbacks, landscaping, or other design features to maximize compatibility between residential and commercial/industrial uses, and between single family and multiple family uses; and

(c) The provisions of SSC 30.31A.120 shall apply to any portion of the site used for commercial/industrial, and shall not apply to the area developed for residential use.

(4) A preliminary site plan proposing residential development shall, in addition to any other applicable requirements of the county code, meet the following development and design standards:

(a) The maximum residential unit yield for the entire site shall be based on a maximum net density of 12 dwelling units per acre for the residential development area, and shall be calculated based upon the number of dwelling units per buildable acre (gross area less roadways and critical areas);

(b) Bulk regulations specified for the MR zone shall be applied to residential development on the site unless modified by this section;

(c) The project shall make appropriate provisions for usable open space in an amount and manner reasonably related to the project or its impacts and acceptable to the director upon review of the applicants site-specific design guidelines for the site. Usable open space shall be integrated into the project design and be located in a manner as to be accessible to project residents by sidewalk and/or pedestrian paths;

(d) Visual diversification shall be achieved by variation of street elevations, front setbacks, and floor plans, together with a landscaping plan that complies with chapter 30.25.026 SCC;

(e) The applicant shall submit site specific design guidelines consistent with the development and design standards of this section. The Residential Development Handbook for Snohomish County Communities, March 1992, Site Planning and Building Design pertaining to residential development may be used as a guide in the preparation of the applicant's site specific design guidelines;

(f) The vehicular and pedestrian circulation system shall be either private or public roadways designed consistent with the provisions of chapter 13.05 SCC, Engineering Design And Development Standards (EDDS);

(g) Private and public roadways shall provide at a minimum, a 5 foot wide pedestrian sidewalk on at least

one side where such roadways serve more than seven dwelling units; and

(h) All private and public roadways serving the residential areas shall include street trees in an amount equal to one tree for each dwelling unit, or in an amount required by EDDS for such development, whichever is greater.

(5) Applications for residential building permits shall include:

(a) An approved preliminary site plan meeting the requirements of 30.31A.210 and this section. Approval of the preliminary site plan shall be by the Director or designee where no new commercial/industrial uses are proposed;

(b) A final site plan meeting the requirements of chapter 30.31A SCC. A final site plan may be approved concurrent with residential building permit application; and

(c) An approved binding site plan where the applicant has chosen to develop the land pursuant to chapter 30.41D SCC or an approved final plat where the applicant has elected to develop the land pursuant to chapter 30.41A SCC.

(6) All development shall be consistent with the design guidelines and final site plan approved pursuant to this section, including conditions of approval, and shall comply with any and all other applicable requirements of the county code unless modified by the Director under the provisions of this section.

(7) An existing preliminary or final BP plan may be revised to include single family and multiple family residential use when consistent with the provisions of this section. Such revision shall constitute and be processed as a minor revision pursuant to SCC 30.31A.500, where no new commercial/industrial structures are proposed and where no revisions are requested to the location of previously proposed or approved commercial/industrial structures except to remove proposed commercial/industrial structures. Any proposed changes to the site plan components that predominantly effect commercial/industrial uses will be processed pursuant to the provisions of SCC30.31A.500.

(Added Ord. 03-107, Sept. 10, 2003, Eff date Sept. 25, 2003)

30.31A.200 Rezone procedures.

(1) General Procedures. Rezone applications for the PCB, BP, and IP zones are considered for approval by the hearing examiner through the normal rezone process, pursuant to chapter 30.42A SCC and require site plan approval as follows:

(a) For sites that are five acres or larger, a preliminary site plan shall be considered for approval by the hearing examiner together with the rezone application. A preliminary site plan is not required for sites less than five acres in size; and

(b) A final plan is required for all sites and is reviewed administratively by the department after rezone approval, or when applicable, after rezone and preliminary site plan approval. 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, Short Subdivision or Subdivision, and Final Plan. Concurrent applications for rezone, short subdivision or subdivision, and final plans may be made. All items required by SCC 30.31A.210 for a preliminary site plan shall be submitted for the entirety of the rezone site at the time application is made. The rezone application, short subdivision or subdivision, and final plans shall be processed concurrently pursuant to chapter 30.42A SCC and chapter 30.72 SCC.

(3) County-Initiated Rezone Alternative Procedure for BP, IP, and PCB. When recommended by the comprehensive plan, Snohomish County may initiate rezoning to BP, IP, and PCB as part of the comprehensive plan implementation process pursuant to chapter 30.73 SCC as a Type 3 Process. When this alternative is exercised, the provisions of SCC 30.31A.020(1), (2), and (3) shall be waived, including the portion that establishes minimum lot size for BP and PCB. Prior to development of any BP, IP, or PCB site five acres or larger in size, the developer shall submit a preliminary site plan and fees as required by chapter 30.86 SCC for hearing examiner review and approval. Prior to the approval of a preliminary site plan the hearing examiner

shall hold a public hearing conducted pursuant to chapter 30.71 SCC. Notice of the hearing shall be provided in accordance with the notice requirements described in SCC 30.71.060.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.31A.210 Preliminary site plan.

The preliminary site plan shall contain, at a minimum, the following:

(1) Textual Material:

(a) The names and addresses of the developer, land surveyor, engineer, architect, planner, and other professionals involved;

(b) A document satisfactorily assuring unified control through the final plan approval stage for the total zone;

(c) A description of intended type of uses and operations including timing of development, if phased, and management control;

(d) A statement of intention to formally subdivide the property, if applicable;

(e) A description of proposed building design, including probable exterior finish;

(f) A provision for phasing out nonconforming uses and for removing existing structures or incorporating them into the overall development scheme;

(g) A statement of landscape maintenance provisions; and

(h) A traffic analysis, when required by the department of public works;

(2) Graphic Material. Prints of drawings, the number and scale determined by the department showing all the following information:

(a) A vicinity sketch locating the development;

(b) Property boundaries of the development area;

(c) All existing structures and improvements within the development area which are to remain;

(d) Existing streets bounding and/or within the development area;

(e) Tentative traffic and pedestrian circulation pattern within the development area, showing intended street widths;

(f) Tentative location of building lots and/or building areas and major areas intended for open space;

(g) Phasing plan depicting development divisions, if applicable; and

(h) General landscape plan showing areas to be landscaped, proposed plant height, and treatment of existing vegetation.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31A.220 Binding site plan (BSP).

(1) An applicant may choose to divide land pursuant to a binding site plan (chapter 30.41D SCC) in conjunction with obtaining approval of a final BP, PCB, or IP plan.

(2) All hearing examiner conditions of approval shall appear on the binding site plan and record of survey either in full or by reference to separately recorded covenants, conditions, and restrictions (CCRs).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31A.300 Requirements for the final plan.

(1) A planned development may be finalized as a whole or in successive divisions.

(2) The final plan for a planned development shall consist of the following for each division:

(a) A completed application form signed by the developer(s) of the project and by the property owner(s) if other than the developer;

(b) Prints of drawings, the number and scale determined by the director of the department, showing all the following information; however, the director may permit postponement of detailed building design information until application for building permits on each lot or site:

(i) site contours at five foot intervals, both existing and final where different, street layout and identification, size and shape of all building sites and lots, location of buildings, open space areas with any specific open space activity areas indicated;

(ii) final landscape plan, including plant locations and species sizes at planting, together with location and typical side or cross-section view of perimeter fencing or berms, if any;

(iii) plans for signing and lighting, including typical entrance treatment and entrance signs; and

(iv) plans for buildings and related improvements to a scale of at least one inch to 50 feet, showing:

(A) a typical plot plan for each type of building, including location of building entrance, driveway, parking, fencing, and sight screening;

(B) typical elevations (side views) of each type of building, including identification of exterior building materials;

(C) typical street and walkway cross-sections;

(D) plans for open space area improvements, if any;

(E) restrictive covenants as required, together with a statement from a private attorney as to their adequacy to fulfill the requirements of this chapter; and

(F) to ensure conformity, a short subdivision or subdivision, if required, shall be filed simultaneously with final plans. Final plan approval shall occur only after preliminary short subdivision or subdivision approval.

(3) Where no preliminary site plan has been required, the final plan shall also include:

(a) The names and addresses of the developer, land surveyor, engineer, architect, planner, and other professionals involved;

(b) A document satisfactorily assuring unified control through the final plan approval stage for the total zone;

(c) A vicinity sketch locating the development and defining the property boundaries of the development area;

(d) A description of intended type of uses and operations including timing of development, if phased, and management control;

(e) A tentative traffic and pedestrian circulation pattern within the development area and a traffic analysis, when required by the department of public works pursuant to SCC 30.66B.220(1);

(f) All existing structures and improvements within the development area which are to remain; and

(g) A statement of landscape maintenance provisions.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31A.310 Approval of the final plan.

(1) Final plan approval subsequent to preliminary site plan. The final plan or phased divisions thereof shall be submitted to the director for final approval or disapproval. The director shall submit copies of the final plan to appropriate departments for their review and comment. Any reviewing department may request changes if they are consistent with the approved preliminary site plan. Upon review and comment, the director shall approve the final plan in writing when found to be in conformance with the approved preliminary site plan and this chapter. The director may permit revision of the general design elements of the preliminary site plan so

long as it is found that impacts on adjoining properties are not significantly changed and major environmental protection features of the preliminary site plan are maintained. Upon approval, the final plan shall control all development of the property.

(2) Final plan where no preliminary site plan is required. The final plan shall be submitted to the department for final approval or disapproval. The department shall transmit copies of the final plan to appropriate departments for their review and comment. The final plan shall conform to the applicable provisions of this chapter and other applicable provisions of county code. Upon approval, the final plan shall control all development of the property.

(3) Final plan consolidation with building permit site plan. A final plan required pursuant to this section may be consolidated with the site development plan otherwise required for a commercial building permit application on the property, provided the provisions of SCC 30.31A.300 are met.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31A.400 Final plan disputes.

Where the applicant and the department are not able to reach agreement on the provisions of the final plan, the dispute shall be submitted to the hearing examiner in accordance with the procedures established by this title for administrative appeals.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31A.500 Revisions to approved plans.

Revisions of an approved plan shall be permitted as set forth below:

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

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

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31A.600 Revocation of approval.

Rezones and any concurrent or subsequent approvals issued pursuant to this chapter may be suspended or revoked in accordance with SCC 30.71.027.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.31B
FREEWAY SERVICE (FS) AND GENERAL COMMERCIAL (GC) ZONES

30.31B.010 Purpose and applicability.

This chapter regulates development in and establishes zoning criteria for the freeway service (FS) and general commercial zones. It sets forth procedures and standards to be followed in applying for, and building in these zones.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-085, December 21, 2005, Eff date Feb. 1, 2006)

30.31B.020 Minimum zoning criteria (Freeway Service only).

The FS zone is to be established only upon land abutting a frontage or access road of a limited access highway and under a single ownership or unified control. The official site plan approved for the zone must include provisions for the elimination of existing uses which are made nonconforming by establishment of the zone.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-085, December 21, 2005, Eff date Feb. 1, 2006)

30.31B.100 General performance standards.

Each development shall be permanently screened from adjoining and contiguous residential areas or zone by a wall, fence, greenbelt, or other enclosure approved by the hearing examiner of minimum height of four feet and maximum height of seven feet. No signs shall be permitted on any part of a screening enclosure unless equivalent screening is provided by existing parks, parkways, recreational area, or by topography or other natural conditions. No screening shall be required when abutting existing parks, parkways, recreational area, or by topography or other natural conditions.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31B.200 Official site plan.

(1) An official site plan for the zone, indicating the provisions for acceleration and deceleration lanes, ingress and egress driveways; curbing, internal traffic circulation and parking; the location of structures; and the floor area devoted to accessory uses must be reviewed and approved by:

(a) The hearing examiner concurrently with the freeway service or general commercial rezone request pursuant to chapter 30.42A SCC and subtitle 30.7 SCC as a Type 2 process; or

(b) The department only for properties where the freeway service or general commercial zones already exist, pursuant to chapter 30.43A SCC as a Type 1 process.

(2) The department may approve an official site plan for partial development of the existing zone.

(3) The department shall include in its staff report to the hearing examiner or in its decision pursuant to chapter 30.43A SCC the director of the department of public works' written evaluation of the adequacy of the proposed traffic control measures and, where applicable, the effect of the applicant's proposal on the proper function of the freeway interchange. Where a state facility is involved, the department of public works shall request a similar evaluation by the Washington State Department of Transportation.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-085, December 21, 2005, Eff date Feb. 1, 2006)

30.31B.210 Binding site plan (BSP).

(1) An applicant may choose to divide land pursuant to a binding site plan (chapter 30.41D SCC) in conjunction with obtaining approval of an FS or GC official site plan.
(2) All hearing examiner conditions of approval shall appear on the binding site plan and record of survey either in full, or by reference to separately recorded covenants, conditions, and restrictions (CCRs).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-085, December 21, 2005, Eff date Feb. 1, 2006)

30.31B.300 Revisions to approved official site plans.

Revisions of an official site plan shall be permitted as set forth below:
(1) Minor revisions. Minor revisions or changes in the official site plan may be permitted by administrative action of the department and shall be properly recorded as a part of the records for the approved building permits or rezone. A "minor" revision means any proposed change in an official site plan which does not involve a substantial alteration of the character of the official site plan;
(2) Major revisions. Major revisions of an official site plan shall be processed in the same manner as an original application. Major revision means any proposed change in the primary use shown on the official site plan, or any proposed change in the plans and specifications for structures or location of features that substantially modifies or changes in any material respect or to any material degree the official site plan; and
(3) Determining major or minor status. The determination of whether a proposed change is a "major" or "minor" revision shall be made by the department as a code interpretation in accordance with the foregoing principles and chapter 30.83 SCC; provided that any revision proposing an increase in trip generation or a change in access points shall be reviewed pursuant to SCC 30.66B.075.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31B.310 Review or revocation of approval.

Rezones and any concurrent or subsequent approvals issued pursuant to this chapter may be reviewed or revoked in accordance with SCC 30.71.027.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.31C
LANDING FIELD (LF) ZONE

30.31C.010 Purpose.

It is the intent of this chapter to exercise the authority given the county by state statute (chapter 14.12 RCW) to zone land surrounding an aircraft landing field. It is hereby found that an airport hazard endangers the lives and property of users of the airport and occupants of land in its vicinity. Airport hazards of the obstruction type, in effect reduce the size of the area available for landing, taking-off, and maneuvering of aircraft thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly it is declared:

(1) The creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question;

(2) It is therefore necessary in the interest of the public health, safety, and general welfare that the creation or establishment of airport hazards be prevented; and

(3) This should be accomplished, to the extent legally possible, by the exercise of police power, without compensation.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31C.020 Landing field areas.

(1) Land in the vicinity of aircraft landing fields shall be divided into "approach areas", "turning areas" and "transition areas" and shall be designated with the prefix LF (landing field) on the zoning maps which are a part of this title.

(2) No structure shall be erected, altered, or maintained, nor shall any tree be allowed to grow, in any area created by this section, to a height in excess of the height limit herein established for such landing field areas. The datum planes for these areas shall be established elevation of the landing field.

(3) The maximum height permitted, unless otherwise regulated by other sections of this title, is hereby established for the following areas:

(a) In "approach areas" to the height of the inclined plane of the approach areas as indicated on the sectional zoning map or maps;

(b) In "transition areas" to the height of the inclined plane of the transition areas as indicated on the sectional zoning map or maps; and

(c) In "turning areas" the height shall be limited to 150 feet above the datum plane.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31C.030 Airport zoning commission - duties.

(1) The planning commission shall be deemed to be sitting as the airport zoning commission when dealing with questions related with this chapter. This is in compliance with the provisions of RCW 14.12.070.

(2) No airport zoning regulation shall be adopted, amended, or changed except by action of the airport zoning commission after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Twenty days' notice shall be published in an official newspaper, or newspaper of general circulation in the county. This publication shall appear three times in the newspaper and the 20 days' notice shall be computed from the first date of publication. Wherever possible actual notice of 20 days shall be given to property owners within the proposed areas.

(3) The airport zoning commission shall adopt only reasonable regulations. In determining reasonableness, the commission will consider:

(a) The character of the flying operations expected to be conducted at the airport;

(b) The nature of the terrain within the airport hazard area; and

(c) The character of the neighborhood and the uses to which the property to be zoned is put and adaptable.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31C.040 Height variances and hazard beacons.

Variances as to height of structures may be granted, on application to the hearing examiner, and shall be allowed where a literal application or endorsement of the regulation would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in the spirit of the regulations and this chapter; provided that any variance may be allowed subject to any reasonable conditions that the hearing examiner may deem necessary to effectuate the purpose of this chapter.

In granting any permit or variance under this chapter, the hearing examiner may, if he deems such action advisable to effectuate the purpose of this chapter and reasonable in the circumstances, so condition such permit or variance as to require the owner of the tree or structure in question to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31C.050 Acquisition of air rights.

In any case in which:

(1) It is desired to remove, lower, or otherwise terminate a nonconforming structure or use;

(2) The approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this chapter; or

(3) It appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations;

the county may acquire, by purchase, grant or condemnation in the manner provided by law under which political subdivisions are authorized to acquire real property for public purpose, the air right, aviation easement, or other estate or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purposes of this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.31D
MINERAL CONSERVATION (MC) ZONE

30.31D.010 Purpose and applicability.

(1) The purpose of this chapter is to provide standards for excavation and processing of minerals; protect adjacent existing and planned land uses from significant conflicts; and ensure that mineral excavation, processing and transport are conducted consistent with the public health, safety and general welfare.

(2) Excavation and processing of minerals:

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

(b) At least one of the major mineral or material constituents being exploited shall be from the property on which the mineral operations are proposing to locate.

(c) Allowed uses shall include, but not be limited to, extraction, excavation, washing, crushing, stock piling, blasting, transporting, recycling, concrete batching, asphalt mixing, and the manufacturing of terra cotta, tile, brick, and concrete products.

(d) The use shall not be detrimental to the existing, developing, or projected land use.

(3) Excavation and processing of minerals is allowed only on mineral resource lands designated in the comprehensive plan, lands zoned Mineral Conservation (MC) or mining claims officially recognized by the state or federal government and recorded with the auditor, with the exception of:

(a) The extraction and processing of rock and gravel exclusively for forest practices shall be permitted in the Forestry (F) zone pursuant to chapter 76.09 RCW.

(b) Existing, legally established non-conforming mineral operations will be allowed to continue subject to the provisions and requirements of chapter 30.28 SCC.

(c) Expansion of existing legally established mineral operations onto adjacent undesignated land where a portion of the existing site has been designated mineral resource land or zoned MC.

(4) If a parcel contains any portion of designated mineral resource lands it will be considered fully designated for the purpose of determining eligibility to apply for the permits required for excavation and processing of minerals.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.31D.020 Relationship to comprehensive plan.

(1) Sites are eligible for administrative conditional use permit or conditional use permit consideration if they meet the criteria in SCC 30.31D.010(3).

(2) Sites may be proposed for Mineral Resource designation and shall be considered in accordance with the provisions in chapter 30.74 SCC using the criteria for designation set forth in the General Policy Plan Policies LU 9.A.1 through LU 9.A.13.

(3) Designation as Mineral Resource Lands in the General Policy Plan signifies that the use of mineral lands has been anticipated and evaluated at an area-wide level in terms of potential environmental impacts. The Mineral Resource Lands Designation environmental documents, the Draft Supplemental EIS Snohomish County Mineral Lands Designation (November, 2001), Draft Supplemental EIS Addendum Snohomish County Mineral Lands Designation (July, 2002), and the Final Supplemental EIS Snohomish County Mineral Lands Designation (August, 2003), may be relied on when making threshold determinations, preparing site specific

environmental documents, identifying mitigation measures in accordance with chapter 30.61 SCC, or developing administrative rules and procedures in accordance with chapter 30.82 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31D.030 Process for review of mining applications.

(1) A conditional use permit, pursuant to chapter 30.42C SCC, or an administrative conditional use permit, pursuant to chapter 30.43A SCC, shall be required for mineral excavation and processing proposals. An administrative conditional use permit process may be used only when the mining proposal meets the following criteria:

(a) total site disturbance, including all phases of excavation, internal haul roads and reclamation, comprises 20 acres or less;

(b) no processing, crushing or blasting will occur accessory to mining;

(c) the operation will generate less than 50 total vehicle trips per day; and

(d) the duration of the operation will be 5 years or less.

Where the proposal does not meet (a) through (d) above, it shall require a conditional use permit.

(2) All proposals shall be subject to the requirements of the State Environmental Policy Act and shall be reviewed pursuant to chapter 30.61 SCC.

(Added Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.31D.040 Submittal requirements.

An application for an administrative conditional use permit or a conditional use permit for mineral excavation shall comply with the requirements set out in the application checklist as provided by the department pursuant to SCC 30.70.030. A pre-application meeting is strongly recommended pursuant to SCC 30.70.020.

(Added Amended Ord. 05-085, December 21, 2005, Eff date Feb. 1, 2006)

30.31D.100 General performance standards.

In granting *an administrative** conditional use permit~~s~~ *or a conditional use permit** for mineral excavations, the following conditions shall apply in all cases, except when more restrictive conditions are imposed by the approval authority:

(1) The operator shall bury or remove all metal, lumber, or other refuse on the site in a method approved by the hearing examiner;

(2) After completion of excavation operations, the operator shall dismantle and remove within three months all equipment introduced to the site in support of the operations, with the exception of equipment necessary for reclamation for excavations not regulated by the state pursuant to chapter 78.44 RCW, which equipment shall not be removed until such reclamation is completed to the satisfaction of the state or local authorities. For excavations regulated by the state pursuant to chapter 78.44 RCW, removal of reclamation equipment shall be determined by the applicable reclamation plan. This three month period shall not be assumed to include time between projects or times when the plan is temporarily inoperative due to economic, weather, or other similar conditions recognized as reasonable by the hearing examiner. Such temporary discontinuance of operations shall not be the cause for removal of equipment;

(3) All excavation operations and trucking directly related to such operations may be permitted only between the hours of 7:00 a.m. and 5:30 p.m., Monday through Saturday, unless the approval authority determines that no nuisance exists, or that unusual and justifying circumstances are present, in which case the relaxation of this regulation shall terminate when such conditions and circumstances are deemed by the hearing

examiner to no longer exist;

(4) If property to be developed for excavation has an exterior boundary line which shares a common property line with developed property, or if in the judgment of the approval authority, the nature and location of the operation is such as to constitute a hazard to public safety, then a solid wall or fence at least five feet in height shall be installed and maintained at least 50 feet from the excavated area. All openings in the fence shall be barred by locked gates when the permittee or the permittee's agent are not on the premises;

(5) The area shall be posted with signs having letters at least three inches high and two inches wide, giving clear warning of the dangerous conditions resulting from the excavation. The signs shall be not more than 50 feet apart around the periphery of the subject property and shall be maintained in good repair until excavation and reclamation operations are completed; and

(6) One copy of approved excavation and reclamation plans and specifications for reclamation of excavations not regulated by the state pursuant to chapter 78.44 RCW shall be kept on the site at all times during the progress of the excavation operation.

(7) In no case shall mineral operations impair lateral support or cause earth movements or erosion to extend beyond the exterior boundary lines of property being excavated.

(8) Impacts resulting from traffic generated by mineral operations shall be addressed pursuant to chapter 30.66B SCC.

*Code Reviser Note: The text shown above in *italic font* was added by Amended Ord. 05-083 but was not indicated with addition marks.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.31D.110 Landscaping.

Landscaping shall be in accordance with SCC 30.25.027.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006))

30.31D.120 Setbacks.

Mineral excavation and processing operations, as well as related structures and buildings, shall be set back in accordance with SCC 30.23.110(26)

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.31D.130 Protection of water quality.

(1) Operators shall divert or protect all natural drain courses to prevent pollution or reduction of natural flow, shall impound runoff as necessary to hold run-off to levels existing prior to the introduction of excavation operations, shall protect streams and grounds from acid forming or toxic materials exposed or produced by excavation operations, shall seal off to the extent directed by the approval authority, any breakthrough of acid water creating a hazard, and shall not allow water to collect nor permit stagnant water to remain in excavations. Wherever possible, the operator shall refrain from disturbing natural drainage course, streams, rivers, and lakes.

(2) All applications for an administrative conditional use permit or a conditional use permit for mineral excavation shall also include a hydrogeologic site evaluation pursuant to chapter 30.64 SCC. The excavation shall identify an adequate separation between the bottom of the excavation and the groundwater table.

(3) Pursuant to SCC 30.31D.220, the approval authority may require summer testing of groundwater levels and quality.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006; Ord. 07-090, Sept.5, 2007, Eff date Sept. 21, 2007)

30.31D.135 Noise

Excavation and processing of minerals shall be conducted so as to comply with the maximum permissible noise levels established in chapter 10.01.

(Added Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.31D.140 Blasting.

Blasting or other activities producing ground vibration shall not constitute a nuisance to, or damage in any way, the property of adjacent land owners. The approval authority may require testimony by technical specialists in order to determine appropriate amounts and placement of explosives and other vibration producing equipment, and may place such restrictions as are appropriate to avoid such nuisance or damage.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.31D.145 Air quality.

Extraction and processing shall be conducted to comply with state air quality standards and any permit requirements as set forth by the Puget Sound Clean Air Agency. The approval authority may, as a condition of approval, require the use of best management practices (such as watering of the site and equipment) to control emissions of suspended particulates.

(Added Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.31D.150 Underground excavations.

Underground excavation operations shall not be left in a condition so as to be or become hazardous. Mine shafts, air courses, inclines, or horizontal working temporarily unused or deserted shall be blocked by solid bulkheads constructed of concrete, wood, or steel. A locked manway or door may be installed as part of the bulkhead. Where shafts, air courses, inclines or horizontal working are to be permanently abandoned in accordance with good mining practice, the collar portal to such workings shall be completely blocked by permanent bulkheads constructed of concrete and/or steel or by causing the collapse of solid rock at such collar or portal in such manner as to prohibit the reopening of said workings by natural movement of the collapsed rock by gravity down inclined workings.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31D.160 Land disturbing activity, reclamation and topsoil retention.

(1) Where applicable pursuant to SCC 30.63B.020, excavation and processing of minerals, and other mining-related development activities, including but not limited to road construction, drainage facilities and detention ponds, and reclamation of mining sites not subject to chapter 78.44 RCW, shall be in accordance with

chapter 30.63B SCC.

(2) Topsoil that exists on a site shall be retained on the site in sufficient quantities to ensure an adequate supply for reclamation purposes for excavations not regulated by the state pursuant to chapter 78.44 RCW.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.31D.210 Decision criteria.

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

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

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

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

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

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

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.31D.220 Additional conditions.

Additional conditions may be established or imposed on an administrative conditional use permit or a conditional use permit for excavation and processing of minerals and may include, but are not limited to, the following:

(1) Regulation of the height and location of all equipment installed on the site, above and beyond the setback restrictions of this chapter, if unusual circumstances bearing on public safety or other vital concerns are deemed to exist;

(2) The number and locations of points of ingress and egress to and from any mining operation;

(3) Wherever possible the operator shall schedule his excavation sequence in such a manner as to provide either natural or reclaimed buffers between the operation and adjoining properties;

(4) Lighting to minimize visibility from adjacent property and preclude it from shining directly onto adjoining property;

(5) Stockpiles and tailings shall not exceed the height, slope and moisture content limits determined by the hearing examiner, nor shall such stockpiles or tailings be so located as to threaten adjacent slopes or properties. In making this determination, the approval authority may consult with the Washington State Department of Transportation, the Department of Natural Resources, the director of the department of public works, or other authoritative sources;

(6) Selective cutting of timber in power line corridors;

(7) Control of signs;
(8) The selection of building materials in scenic areas;
(9) The preservation of animal trails by use of trestle and culverts;
(10) Public access to unexcavated areas, especially if the areas include waterfront property;
(11) Closed aggregate washing systems;
(12) The location of mining towns, mills, tailing dump sites, settling ponds;
(13) The removal of access roads in wilderness areas after the completion of mining, as well as their restriction from public use during such operations;
(14) Provisions for groundwater testing;
(15) The establishment of a haul route agreement; and
(16) Required participation in a monitoring program.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.31D.230 Inspections.

The granting of any permit hereunder is conditioned upon the consent of the owner to permit inspection of the site at any time. The inspection may include:
(1) A review of all applicable county permits;
(2) A review of all work actually being conducted on the site; and
(3) A comparison of the actual performance with approved methods contained in the permit, as well as a recording of any known violations of state or federal permits. All violations shall be noted whether or not they are corrected in the presence of the inspector.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31D.240 Suspension and/or Revocation of approval.

Administrative conditional use permits or conditional use permits for excavation may be suspended or revoked in accordance with SCC 30.85.300 or 30.85.310.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

Chapter 30.31E
TOWNHOUSE (T) ZONE

30.31E.010 Purpose.

The purpose of this chapter is to establish development standards in the Townhouse (T) zone. The intent of the Townhouse zone is to provide flexible zoning to allow for infill development within urban growth areas without adversely affecting the existing neighborhood.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.31E.020 Applicability.

(1) The provisions of this chapter shall apply to any property that is zoned Townhouse zone on the Snohomish County Official Zoning Map.

(2) Properties may be rezoned pursuant to chapter 30.42A SCC to Townhouse zone if the property is located in the Urban Medium Density Residential Comprehensive Plan designation as shown on the Future Land Use Map.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.31E.030 Density.

Dwelling unit density shall not exceed a maximum of nine dwellings per net acre. Maximum density shall be derived from the calculation of the gross area of the site less critical areas that cannot be developed, roads, and areas required for public use.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.31E.040 Uses, height and setback requirements.

Development within the Townhouse zone shall meet the following standards and regulations:

(1) Slopes. Placement of buildings shall not severely alter the natural topography and shall conform to limitations set forth in chapters 30.62 and 30.62B SCC. Building setbacks and limit of clearing lines shall be displayed on the site plan for projects with slopes regulated by chapters 30.62 or 30.62B SCC.

(2) Uses allowed in the Townhouse zone are set forth in SCC 30.22.100.

(3) The bulk standards in SCC 30.23.030 shall apply, except:

(a) The setbacks from side and rear lot lines may be reduced to allow for zero lot line development of townhouses and attached single family dwellings; and

(b) The setbacks from the front lot line may be reduced by up to 10 feet in order to create variety, as long as the average of all such setbacks is at least 15 feet and each townhouse has a combined total of 25 feet of front and rear setbacks.

(4) Where multiple buildings are located on the same lot, a minimum separation of at least 10 feet shall be maintained between buildings as measured from the outer walls of each building.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.31E.050 Lot area, width and coverage.

(1) Minimum lot area shall be:

(a) An average of 2,000 square feet per each dwelling; and

(b) None for non-residential uses.

(2) There is no minimum lot width.

(3) Lot coverage requirements shall be in accordance with the following:

(a) Single family detached dwellings, mobile homes and associated accessory structures located on individual lots shall cover not more than 35 percent of the lot;

(b) Dwellings, accessory structures and other uses not prescribed in SCC 30.31E.050(3)(a) that are located on individual lots shall together cover not more than 55 percent of the lot; and

(c) If common or single ownership of the development is utilized, the lot coverage in SCC 30.31E.050(3)(a) and (b) shall be the sum of the lot coverage applied using the gross area of the entire site less critical areas, roads, and areas required for public use.

(4) Subdivisions in the Townhouse zone shall be subject to the requirements in chapter 30.41A SCC.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.31E.060 Parking.

Parking shall be pursuant to chapter 30.26 SCC.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

Chapter 30.31F
RURAL BUSINESS (RB), RURAL INDUSTRIAL(RI), RURAL FREEWAY SERVICE (RFS) AND CLEARVIEW RURAL COMMERCIAL (CRC) ZONES

30.31F.010 Purpose and applicability.

This chapter regulates development in the Rural Business (RB), Rural Industrial (RI), Rural Freeway Service (RFS) and Clearview Rural Commercial (CRC) zones. It sets forth procedures and standards applicable to rezone and development approval in these zones.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31F.020 Minimum zoning criteria.

(1) The RI and RFS zones shall be applied only to properties that contain the appropriate land use designation as depicted on the Future Land Use Map (FLUM) of the General Policy Plan (GPP).

(2) The RB zone is a zoning classification which will be located within a rural residential land use designation. The RB zone, including expansions to the RB zone classification, shall be applied only to properties that meet all the following locational criteria, except as provided in SCC 30.31F.020(3) and (4):

(a) A minimum of 600 residential dwelling units shall be located within a two and one-half mile radius of the proposed site;

(b) The proposed site is located along a county road or state highway with at least 100 feet of street frontage or at an intersection of two public roads;

(c) The proposed new site shall be located no closer than two and one-half miles from an existing RB, RFS, or commercial designation in the rural area;

(d) The total area zoned RB at any given location shall not include more than five acres designated as net usable area. In calculating net usable area pursuant to this chapter, net usable area shall be the total site area less critical areas and their required buffers, pursuant to chapters 30.62, 30.62A and 30.62B SCC, public rights-of-way, private roads, detention/retention areas, and biofiltration swales;

(e) The proposed site shall be located outside of an urban growth area (UGA) boundary;

(f) The proposed site shall contain a rural residential designation on the GPP FLUM, and not be designated forest lands or farmlands by the FLUM;

(g) The size and configuration of the proposed site must be capable of accommodating applicable setbacks, buffers, and critical area protection pursuant to chapters 30.62, 30.62A, 30.62B and 30.62C SCC;

(h) Site information required pursuant to SCC 30.31F.200(2) shall have been submitted by the applicant. The information shall clearly demonstrate that an adequate building and development area is located on the site outside of identified critical areas and buffers pursuant to chapters 30.62, 30.62A and 30.62B SCC; and

(3) Any proposed site that expands an existing RB zone shall meet the requirements of SCC 30.31F.020(2)(d) through (h) and both of the following locational criteria:

(a) The expansion area shall have a common property boundary with the existing RB zone. A common property boundary may consist of properties separated by a public right-of-way where the centerline of the right-of-way is used as their extended front property boundary; and

(b) The majority of rural residential lots within a one-quarter mile radius of the proposed expansion area are not greater than one acre in size or the majority of rural residential lots that have a common property boundary with the proposed expansion area not greater than one acre in size.

(4) For properties that contain a commercial use permitted or otherwise allowed in the RB zone that existed on or before the effective date of this section, a rezone to RB may be approved only for that portion of the site

containing the existing use and may not expand beyond the location of the existing commercial use unless the locational criteria of SCC 30.31F.020(2) are met with respect to the expansion area. The locational criteria contained in SCC 30.31F.020(2) and the maximum building footprint requirements of SCC 30.31F.110 and 30.31F.120 need not be met for that portion of the site containing the existing use.

(5) Any applicant proposing a rezone to the RFS zone must

(a) Demonstrate that the proposed site is abutting a frontage or access road of a limited access highway and is under a single ownership or unified control; and

(b) Submit a freeway interchange evaluation in accordance with the provisions of SCC 30.31B.200(3).

(6) The CRC zone shall only be applied to those properties that contain a Clearview Rural Commercial designation on the comprehensive plan future land use map.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 03-099, Sept. 10, 2003, Eff date October 6, 2003; Ord. 04-070, July 28, 2004, Eff date Aug. 23, 2004; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.31F.100 General performance standards.

In addition to other applicable standards contained in subtitle 30.2 SCC, the following performance standards apply to development in the RB, RI, RFS, and CRC zones:

(1) Adequate water supplies shall be demonstrated for fire protection;

(2) Stormwater detention facilities such as ponds and grass swales shall be designed whenever possible as to integrate them into the overall site design and required landscaping and buffers on the site;

(3) Signage shall be consistent with the provisions of SCC 30.27.010 to 30.27.090; and

(4) Refuse collection, fuel loading, and above ground fuel storage areas, and large truck parking areas shall be located at least 100 feet from residential uses or designations and shall be screened in accordance with the landscaping requirements for outdoor storage and solid waste areas contained in SCC 30.25.024.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31F.110 Rural business zone performance standards.

In addition to the general performance standards of SCC 30.31F.100, and other applicable standards of subtitle 30.2 SCC, the following standards apply to development in the RB zone:

(1) The total impervious surface of all buildings, parking, and other support areas such as storage, trash containers, etc., shall not exceed 50 percent of the net usable area of the site; and

(2) The maximum area for each building footprint on the site shall not exceed 4,000 square feet.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31F.120 Rural freeway service zone performance standards.

In addition to the general performance standards of SCC 30.31F.100 and other applicable standards of subtitle 30.2 SCC, the following standards apply to development in the RFS zone:

(1) The total impervious surface of all buildings, parking, and other support areas such as storage, trash containers, etc., shall not exceed 60 percent of the site; and

(2) The maximum area for each building footprint on the site shall not exceed 6,000 square feet; except that, the maximum area for each building footprint for a hotel/motel use shall be 10,000 square feet.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31F.130 Rural industrial zone performance standards.

In addition to the general performance standards of SCC 30.31F.100 and other applicable standards of subtitle 30.2 SCC, the total impervious surface of all buildings, parking, and other support areas such as storage, trash containers, etc., shall not exceed 60 percent of the site.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31F.140 Clearview rural commercial zone performance standards.

In addition to the general performance standards of SCC 30.31F.100 and other applicable standards of subtitle 30.2 SCC, the following standards apply to development located within the CRC zone not subject to an approved binding site plan or official site plan:

(1) The total impervious surface on site shall be limited by the requirements of the Health District related to septic drain field development; and

(2) Access shall be taken from secondary side roads whenever possible.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31F.200 Procedural requirements.

(1) An official site plan shall not be required at the time of rezone application for the RB and RI zones. The performance standards of SCC 30.31F.100, 30.31F.110, and 30.31F.130, and other applicable provisions of this chapter shall be applied to a site development plan otherwise required at the time of initial development in the RB and RI zones.

(2) For the RB zone, information shall be submitted at the time of application for the RB rezone in a form acceptable to the director of the department, and in compliance with SCC 30.70.030, that identifies the approximate location and amount of net usable area designated on the site. The submittal shall also include the approximate location and type of critical areas and their probable required buffers pursuant to chapters 30.62, 30.62A and 30.62B SCC, detention/retention areas, biofiltration swales, public rights-of-way, and private roads. This information is to be used at the time of zoning approval to determine whether an adequate development and building area exists on the site, and whether the five-acre net usable area limitation of SCC 30.31F.020(2)(d) has been met.

(3) An official site plan shall be required at the time of rezone application for the RFS zone. The plan shall be reviewed and approved in accordance with the provisions governing official site plan approval for the Freeway Service (FS) zone as provided in SCC 30.31B.200. The performance standards of SCC 30.31F.100 and 30.31F.120, and other provisions of this title applicable to the RFS zone shall be applied at the time of official site plan review and approval. Modifications of a RFS official site plan are permitted in accordance with the provisions of 30.31B.300.

(4) An official site plan shall not be required at the time of rezone application for development in the CRC zone. The performance standards of SCC 30.31F.100 and 30.31F.140, and other applicable provisions of this title, shall be approved to the site development plan required at the time of building or land disturbing activity permit application submittal.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.31F.210 Binding site plan (BSP).

(1) If an applicant chooses to divide land pursuant to chapter 30.41D SCC, an approved RFS official site plan, or in the RB, and RI zones, a site plan approved concurrent with a building permit for the site may be used as a basis for binding site plan approval.

(2) All hearing examiner conditions of approval shall appear on either (a) the binding site plan, or (b) be referenced on the document and recorded separately as covenants, conditions, and restrictions (CCRs).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31F.300 Revisions to approved official site plan.

Revisions to an RFS official site plan are permitted in accordance with the provisions of SCC 30.31B.300.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.31F.310 Review or revocation of approval.

Rezones or any concurrent or subsequent approvals issued pursuant to this chapter may be reviewed or revoked in accordance with SCC 30.71.027.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.32A
FOREST LANDS

30.32A.010 Purpose and applicability.

(1) The purpose of this chapter is to regulate development on and adjacent to designated forest lands in order to conserve forest resources and ensure compatibility between forest lands and adjacent uses. An additional purpose of this chapter is to help assure that the use of lands adjacent to designated forest land does not interfere with the continued use, in the accustomed manner, of the designated forest land for the production of timber and other forest products, as required by the state Growth Management Act (chapter 36.70A RCW). This chapter establishes that forest management activities conducted in compliance with current Washington forest practice rules and regulations (Title 222 WAC) on designated forest lands are accepted activities which should be protected from nuisance complaints and lawsuits. A further purpose is to encourage a good neighbor relationship between forest landowners and residential and other landowners. The chapter promotes greater awareness of forest management activities through notification and disclosure requirements.

(2) The provisions of this chapter shall apply to:

(a) All subdivisions, short subdivisions, building permits, or any other development permits on designated forest land; and

(b) The sale or transfer of real property designated forest land or land adjacent to or within 500 feet of designated forest land.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.32A.020 Resource protection areas.

(1) Subdivision and short subdivision of parcels adjacent to forest land shall establish a resource protection area of a minimum 100-foot width along forest land boundaries.

(2) The resource protection areas shall be recorded in the manner required by law for covenants running with the land.

(3) Structures shall not be located in the resource protection area and this use restriction shall be considered in calculating the assessed value of the property.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32A.030 Exemption from special benefit assessments.

Forest land designated and classified pursuant to chapter 84.33 RCW shall be entitled to the exemption from special benefit assessments provided by RCW 84.33.210.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32A.100 Subdivision restrictions:

(1) There shall be no subdivision or short subdivision of land designated commercial forest, except that subdivision or short subdivision to allow installation of communication and utility facilities may be allowed if all the following requirements are met:

(a) The facility cannot suitably be located on undesignated land;

(b) The installation cannot be accomplished without short subdivision or subdivision;

(c) The facility is to be located on the lowest feasible grade of forest land; and
(d) The facility removes as little land as possible from timber production.
(2) Land designated local forest shall not be divided into lots or parcels of less than 20 acres in size except through a rural cluster subdivision pursuant to chapter 30.41C SCC.
(3) Any subdivision or short subdivision of rural land adjacent to designated local or commercial forest lands shall only occur through a rural cluster subdivision as provided under chapter 30.41C SCC; except that, if such rural land is designated rural residential-RD and located outside a rural/urban transition area, rural cluster subdivisions shall not be allowed, and the subdivision or short subdivision procedures of title 30 SCC must be used.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.32A.110 Siting of new structures: local forest land or adjacent to forest land.

Builders of new structures proposed to be located on parcels adjacent to forest lands or on lands designated local forest shall:
(1) Establish and maintain a minimum 100-foot setback, which shall be a resource protection area, from the property boundaries of adjacent forest lands except as follows:
(a) If the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 100 feet, the new structure shall maintain the maximum setback possible as determined by the department; or
(b) If the owner of the land on which the new structure is proposed and the owner of the adjacent forest land each sign and record with the county auditor, in the manner required by law for covenants running with the land, a document which establishes an alternative setback for one or both of the properties, a setback of less than 100 feet may be maintained;
(2) Submit a notice signed by the developing landowner and recorded with the title of the developing property, which explains the ability of the forest landowner to practice forestry using management practices as allowed under Title 222 WAC;
(3) Provide adequate access for fire vehicles; and
(4) If the proposed structure is located within 200 feet of the boundary of the property designated forest land, survey the property boundaries that abut forest land, locate the property boundaries on the ground, and submit a record of survey with a building permit application.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32A.120 Siting of new structures: commercial forest land.

An application for a new structure on parcels designated commercial forest, but not within a designated commercial forest - forest transition area, shall provide a minimum 500-foot setback, which shall be a resource protection area, from the property boundaries of adjacent commercial forest lands except that if the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain the maximum setback possible, as determined by the department.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32A.200 Forest management activities - presumed reasonable and not a nuisance.

Forest management activities conducted on designated forest land in compliance with best management practices as defined by the current Washington forest practices rules and regulations (Title 222 WAC) and in compliance with Washington's pesticides regulations (WAC 16-228-1220(5)), and established prior to

surrounding non-forestry activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on the public health, safety, or environment. Nothing in this section shall affect or impair any right to sue for damages.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32A.210 Notice and disclosure required.

The disclosure text set forth in SCC 30.32A.220 shall be used under the following circumstances and in the following manners:

(1) Within 90 days of December 22, 1993 (the original effective date of this requirement), and each three years thereafter, Snohomish County shall mail a copy of the disclosure text in SCC 30.32A.220, with an explanatory informational attachment to owners of designated forest land and real property within 500 feet of designated forest land;

(2) Development permits and building permits for land designated forest land or land adjacent to or within 500 feet of designated forest land shall include or have attached the disclosure text in SCC 30.32A.220 on the final development or building permit in a location determined by the director of the department. The disclosure notice shall apply to the real property upon development or building permit approval, and may not be applicable thereafter if areas designated forest land are changed from designated forest land;

(3) Prior to the closing of a transfer of real property designated forest land or real property adjacent to or within 500 feet of designated forest land, by sale, exchange, gift, real estate contract, lease with option to purchase, any other option to purchase, or any other means of transfer (except transfers made by testamentary provisions or the laws of descent), the transferor shall provide the transferee a copy of the disclosure text in SCC 30.32A.220 and shall record with the county auditor a copy of the same showing an acknowledgment of receipt executed by the transferee in a form prescribed by the director of the department. The form of the acknowledged disclosure text shall include a statement that the disclosure notice applies to the subject real property as of the date of the transfer, and may not be applicable thereafter if areas designated forest land are changed from designated forest land; and

(4) In no case shall liability attach to Snohomish County for any actions, errors or omissions of any person subject to the requirements of this section.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 04-119, November 17, 2004, Eff date December 10, 2004)

30.32A.220 Disclosure text.

The following shall constitute the required forest management disclosure:

Your real property is on, adjacent to, or within 500 feet of designated forest land, on which a variety of forest management activities could occur that may not be compatible with residential development for certain periods of limited duration. These forest management activities include, but are not limited to, timber harvest, road and trail construction, the operation of machinery, trucks and aircraft, brush control, slash burning, the application by spraying of forest chemicals, and other forest management activities, which activities are lawful if conducted in compliance with Title 222 WAC.

In addition, forest management activities may cause physical and aesthetic risks to residences and other structures within 200 feet of forest lands including falling timber and increased fire hazard. Due to these risks, Snohomish County encourages landowners to locate structures at least 200 feet from adjacent forest land boundaries.

Snohomish County has adopted Forest Lands Regulations (chapter 30.32A SCC) which may affect you and

your land. You may obtain a copy of chapter 30.32A SCC from Snohomish County.

A provision of chapter 30.32A SCC provides that "forest management activities conducted on the designated forest land in compliance with best management practices as defined by the current Washington Forest Practices Rules and Regulations (Title 222 WAC), and Washington's pesticide regulations (WAC 16-228-1220(5)), and established prior to surrounding non-forestry activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on the public health, safety, or environment."

This disclosure applies to real property upon any development or building permit approval; or, in the case of real property transfers, the disclosure applies to the subject property as of the date of the transfer. This disclosure may not be applicable thereafter if areas designated forest land are changed from designated forest land.

Nothing in chapter 30.32A SCC shall affect or impair any right to sue for damages.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 04-119, November 17, 2004, Eff date December 10, 2004)

Chapter 30.32B
AGRICULTURAL LANDS

30.32B.010 Purpose and applicability.

(1) The purpose of this chapter is to regulate development on and adjacent to designated farmlands in order to conserve farmland resources and ensure compatibility between farmlands and adjacent uses. This chapter is intended to assure that the use of lands adjacent to designated farmland does not interfere with the continued use, in the accustomed manner, of the designated farmland for the production of food and agricultural products. The chapter establishes that farm activities conducted on designated farmland are recognized as accepted activities. A further purpose is to encourage a good neighbor relationship between farmland owners and residential and other landowners. The chapter promotes greater awareness of farming activities through notification regarding farm activities to owners of land in, adjacent to, and near designated farmlands.

(2) The provisions of this chapter shall apply to:

(a) Lands designated as farmland;

(b) Lands adjacent to or within 1,300 feet of lands designated farmland; and

(c) Agricultural activities as defined in chapter 30.91A SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32B.020 Resource protection areas.

(1) Applicants for building permits for new dwellings proposed to be located on existing legal lots within farmlands or on parcels adjacent to farmlands may establish a resource protection area.

(2) Subdivisions, short subdivisions, and rural cluster subdivisions of parcels adjacent to designated farmland shall establish a resource protection area which implements the minimum setback requirements of 30.32B.130.

(3) Resource protection areas shall be recorded in the manner required by law for covenants running with the land.

(4) Dwellings shall not be located in the resource protection area and this use restriction shall be considered in calculating the assessed value of the property.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-089, December 21, 2005, Eff date Feb. 1, 2006)

30.32B.100 Prohibited uses: riverway and upland commercial farmland.

The following uses shall not be allowed within the riverway commercial farmland and upland commercial farmland designation areas:

(1) Churches;

(2) Ultralight airfields; and

(3) New government structures and facilities, except roads, utilities, and flood protection, drainage, and irrigation structures and facilities.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32B.110 Subdivision and short subdivision restrictions: upland commercial farmland.

Land designated upland commercial farmland and not zoned agriculture 10-acre, shall not be divided into lots of less than 10 acres unless a properly executed deed restriction that runs with the land is recorded with the

Snohomish County Auditor which provides that the land divided is to be used exclusively for agricultural purposes and specifically not for any dwelling.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-089, December 21, 2005, Eff date Feb. 1, 2006)

30.32B.120 Rural cluster subdivision restrictions: local commercial farmland.

Areas designated local commercial farmland shall not be divided into lots of less than 10 acres unless:

A properly executed deed restriction which runs with the land and which provides that the land divided is to be used exclusively for agricultural purposes and specifically not for a dwelling(s), is recorded with the Snohomish County Auditor.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-089, December 21, 2005, Eff date Feb. 1, 2006)

30.32B.130 Setbacks for new dwellings.

An application for a new dwelling shall require a setback from the boundary lines of abutting designated farmland as follows:

(1) Dwellings within designated farmland shall be setback 50 feet.

(2) Dwellings on parcels adjacent to designated farmland shall be setback 100 feet.

(3) If the size, shape, and/or physical site constraints of an existing legal lot do not allow for the required setback, the new dwelling shall maintain the maximum setback possible within the physical constraints of the lot as determined by the department; or

(4) If the owner of the land on which the new dwelling is proposed and the owner of the adjacent designated farmland each sign and record with the county auditor, in the manner required by law for covenants running with the land, a document which establishes an alternative setback for one or both of the adjacent properties, an alternative setback may be maintained.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-089, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009)

30.32B.140 Road and utility limits.

Environmental review pursuant to chapter 30.61 SCC for the installation within farmland of all new or expanded public road, utilities, or drainage facilities, shall include review of impacts on farmlands and farm operations. The road and utility development shall avoid prime farmland as much as possible and minimize disruption of current field and farm operation patterns.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32B.200 Agricultural activities - presumed reasonable and not a nuisance.

Agricultural activities conducted on designated farmland in compliance with acceptable agriculture practices are presumed to be reasonable and shall not be found to constitute a nuisance unless the activities have a substantial adverse effect on the public health or safety. Nothing in this chapter shall affect or impair any right to sue for damages.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-089, December 21, 2005, Eff date Feb. 1, 2006)

30.32B.210 Notice and disclosure required.

The disclosure text set forth in SCC 30.32B.220 shall be used under the following circumstances and in the following manners:

(1) Within 90 days of October 15, 1993 (the effective date of this requirement), and each three years after the effective date, Snohomish County shall mail a copy of the disclosure text in SCC 30.32B.220, with an explanatory informational attachment to owners of designated farmland and real property within approximately 1,300 feet of designated farmland;

(2) Development permits and building permits for land designated farmland or land adjacent to or within 1,300 feet of designated farmland shall include the disclosure text in SCC 30.32B.220, on the final development or building permit in a location determined by the director of the department. The disclosure notice shall apply to the real property upon development or building permit approval, and may not be applicable thereafter if areas designated farmland are changed from the farmland designation;

(3) Prior to the closing of a transfer of real property designated farmland, or real property adjacent to or within 1,300 feet of designated farmland, by sale, exchange, gift, real estate contract, lease with option to purchase, any other option to purchase, or any other means of transfer (except transfers made by testamentary provisions or the laws of descent), the transferor shall provide the transferee a copy of the disclosure text in SCC 30.32B.220 and shall record with the county auditor a copy of the same showing an acknowledgment of receipt executed by the transferee in a form prescribed by the director of the department. The form of the acknowledged disclosure text shall include a statement that the disclosure notice applies to the subject real property as of the date of the transfer, and may not be applicable thereafter if areas designated farmland are changed from the farmland designation; and

(4) In no case shall liability attach to Snohomish County for any actions, error, or omissions of any person subject to the requirements of this section.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32B.220 Disclosure text.

The following shall constitute the disclosure required by this part:

Your real property is on, adjacent to, or within 1,300 feet of designated farmland; therefore, you may be subject to inconveniences or discomforts arising from agricultural activities, including but not limited to, noise, odors, fumes, dust, smoke, the operation of machinery of any kind (including aircraft), 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 activities.

Snohomish County has adopted a Agricultural Lands Regulations (chapter 30.32B SCC) which may affect you and your land. You may obtain a copy of chapter 30.32B SCC from Snohomish County.

A provision of chapter 30.32B SCC provides that "agricultural activities conducted on designated farmland in compliance with acceptable agriculture practices are presumed to be reasonable and shall not be found to constitute a nuisance unless the activities have a substantial adverse effect on the public health or safety." This disclosure applies to the real property upon any development or building permit approval; or, in the case of real property transfers, the disclosure applies to the subject property as of the date of the transfer. This disclosure may not be applicable thereafter if areas designated as farmland are changed from the farmland

designation.

Nothing in chapter 30.32B SCC shall affect or impair any right to sue for damages.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-089, December 21, 2005, Eff date Feb. 1, 2006)

Chapter 30.32C
MINERAL RESOURCE LANDS

30.32C.010 Purpose and applicability.

The purpose of chapter 30.32C SCC is to implement notice requirements established by the Growth Management Act (GMA) in RCW 36.70A.060(1), and Land Use Policy 9.C.1 of the comprehensive plan; and to promote the policy that the use of lands adjacent to designated mineral resource lands shall not interfere with the continued use, in the accustomed manner, and in accordance with best management practices, of lands designated for the extraction of minerals as required by the GMA in RCW 36.70A.060(1).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32C.100 Excavation and processing of minerals: regulations and standards.

Performance standards, permit procedures and requirements, and decision criteria for excavation and processing of minerals related to designated mineral resource lands and mineral conservation zoning shall be in accordance with chapter 30.31D SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.32C.150 Provisions for subdivision of designated mineral resource lands and lands adjacent to mineral resource lands.

(1) Where the MRO coincides with the R-5 zone, residential subdivision is prohibited on any parcel, or portion of a parcel, located within the MRO. Where the MRO covers only a portion of a parcel zoned R-5, that portion of the parcel not covered by the MRO may be subdivided subject to the requirements of SCC 30.32C.150(2).

(2) Residential subdivision of land partially designated with the MRO, as well as land adjacent to the MRO, shall be allowed on that portion of the land located outside of the MRO provided the owner:

(a) Uses rural cluster subdivision methods consistent with chapter 30.41C SCC;

(b) Protects the mineral resource deposit for future resource use by adequate setbacks pursuant to SCC 30.23.110(27); and

(c) Includes open space configured to maximize preservation of the mineral resources and provide buffers between the MRO designation and residential uses. The option to utilize such open space for mineral operations shall be preserved as provided in SCC 30.41C.100.

(Added Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006; Ord. 07-090, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-087, Feb. 4, 2009, Eff date April 5, 2009)

30.32C.200 Notice and disclosure required.

The disclosure text set forth in SCC 30.32C.210 shall be used under the following circumstances and in the following manners:

(1) Within 90 days of July 10, 1995 (the effective date of this requirement) and each five years after the effective date, Snohomish County shall mail a copy of the notice text in SCC 30.32C.210, with an explanatory informational attachment, to owners of designated mineral resource land and to owners of real property within approximately 2,000 feet of designated mineral resource land;

(2) Development permits and building permits for land that is designated mineral resource land or land that is within 2,000 feet of designated mineral resource land shall include the notice contained in SCC 30.32C.210. The notice requirement shall apply to the real property which is subject to the development or building permit only so long as the subject property is designated or is within 2,000 feet of land that is designated mineral resource land.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.32C.210 Disclosure text.

The following shall constitute the disclosure required by SCC 30.32C.200:

Your real property is on or within 2,000 feet of designated mineral resource land, on which mineral extraction, or a variety of activities related to mineral extraction, may occur that are not compatible with residential development for certain periods of limited duration. An application might be made on the designated mineral resource land for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 04-119, November 17, 2004, Eff date December 10, 2004)

Chapter 30.32D
HISTORIC AND ARCHAEOLOGICAL RESOURCES

30.32D.010 Purpose and applicability.

(1) The purpose of this chapter is to identify, evaluate, and protect archaeological and historic resources within Snohomish county and to preserve and rehabilitate eligible historic properties for future generations, in order to

(a) Safeguard the heritage of the county as represented by those buildings, sites, structures, objects and districts which reflect significant elements of county history;

(b) Foster civic pride in the beauty and accomplishments of the past, and a sense of identity with county history;

(c) Assist, encourage and provide incentives to private owners for preservation, restoration, rehabilitation and use of outstanding historic buildings, sites, structures, objects, and districts;

(d) Promote and facilitate the early identification and resolution of conflicts between preservation of archaeological and historic resources and land uses; and

(e) Stabilize and improve the aesthetic and economic vitality and values of such sites improvements and objects.

(2) In Washington State, archaeology sites and Native American grave sites are protected by both federal and state laws. This chapter does not repeal, modify, or waive any provision of federal or state law currently enacted, or as enacted in the future, that regulates archaeological sites including, but not limited to: the Archaeological Resource Protection Act of 1979 (16 U.S.C. 470aa-mm); the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); the National Historic Preservation Act (16 U.S.C. 470 et seq.); Chapter 27.44 RCW titled “Indian Graves and Records”; and Chapter 27.53 RCW titled "Archaeological Sites and Resources."

(3) This chapter applies to:

(a) Properties eligible for and on the Snohomish county Register of Historic Places established pursuant to SCC 30.32D.020; and

(b) Properties listed on the Washington State Archaeological Site Inventory.

(4) Regulations concerning the Snohomish County Historic Preservation Commission are in chapter 2.96 SCC; regulations concerning the state tax incentive program for qualifying historic properties are located in chapter 4.31 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-037, December 13, 2006, Eff date Jan. 5, 2007)

30.32D.020 Creation of county register of historic places.

There is hereby established a Snohomish county register of historic places that identifies historic buildings, sites, structures, objects, and districts within the county.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32D.030 Designation of property on county register.

(1) Listing on the county register is an honorary designation denoting significant association with the historic, architectural, archaeological, engineering, or cultural heritage of the community. Property is listed individually or as properties that as a group contribute to the historical integrity of an historic district.

(2) The historic preservation commission, as established in Title 2 SCC, or any person may nominate a

building, site, structure, object, or district for placement on the county register by submitting a letter to the historic preservation commission.

(3) The county shall make a written recommendation to the historic preservation commission regarding the nomination and notify the property owner of the nomination, if necessary. If the property owner consents to the nomination, the department shall schedule a public meeting before the historic preservation commission to consider the nomination. The county shall publish notice of the public meeting in accordance with SCC 30.70.045 and provide mailed notice to the property owner, occupant, and nominator.

(4) The historic preservation commission shall consider the nomination at the public meeting. If the commission finds that the nominated property meets the criteria for designation established in SCC 30.32D.040, the commission shall designate the property on the county register. If the property is so designated by the commission, the department shall indicate the designation on county zoning maps by placing "HR" on the property.

(5) The county shall provide notice of the historic preservation commission's decision as required in SCC 30.32D.030.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.32D.040 Criteria for designation of property on county register.

(1) The historic preservation commission may designate a property or properties on the county register only if the building, site, structure, object, or district is at least fifty years old or, in the event that the property is of exceptional historical significance as determined by the commission, at least forty years old.

(2) The commission will also consider whether the nominated property or properties:

(a) Possess significant and important association with the history, architecture, archaeology, engineering, or cultural heritage of the county as documented in texts used as standard references by professionals in these disciplines;

(b) Possess one or more of the following:

(i) integrity of location, meaning the building, structure or object has remained on the same site for fifty years or more;

(ii) integrity of design, meaning the design of the building, structure, object, or the structures contributing to a district have remained unchanged for fifty years or more;

(iii) integrity of materials, meaning the materials used in the building, object or structure are either original or have been reproduced to replicate, as closely as possible, the original materials; or

(iv) integrity of workmanship, meaning the building must exhibit original workmanship, or if repairs or reconstruction of a building, structure, site or object have been or need to be carried out, the methods used are as similar to the original construction methods as possible. If modern construction methods were used, the resulting repair or reconstruction must replicate the original workmanship as closely as possible;

(c) Meet at least one of the following criteria:

(i) the property is associated with events that made an important contribution to national, state, or local history;

(ii) the property embodies architectural characteristics of a distinctive and defined type, period, style, or method of design or construction, as documented in professional architectural and historic preservation publications, or represents a significant and distinguishable entity whose components may lack individual distinction;

(iii) the property is an outstanding work of a recognized designer, builder, or architect whose work has been documented in professional publications as having made a substantial contribution to the artistic and aesthetic values of the community;

(iv) the property exemplifies or reflects elements of Snohomish county's cultural, social, economic,

political, aesthetic, engineering or architectural history;

(v) the property is associated with the life of a person of documented importance in national, state, or local history;

(vi) the property yields or is likely to yield important archaeological information related to history or prehistory;

(vii) the property contains a building or structure removed from its original location but which has significant and documented architectural value, or which is the only surviving building or structure associated with an historic person or event;

(viii) the property is a birthplace or grave of an historical figure of documented importance which is the only surviving building, structure or site associated with that person;

(ix) the property is a cemetery which derives its primary significance from age, design features, or association with historic events or cultural patterns;

(x) the property contains a building that has been reconstructed in an historically accurate manner on the original site; or

(xi) the property is an example of folk architecture and design that is creative and unique, but which does not fit into formal architectural or historical categories.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32D.050 Removal of properties from county register.

(1) Initiation of removal of a property from the local register may occur in one of the following ways:

(a) A property owner may request review of a property for removal from the local register by submitting a written request to the historic preservation commission; or

(b) The historic preservation commission may initiate removal.

(2) The historic preservation commission will schedule a public meeting for consideration of removal of any property from the local register. If removal is requested by the property owner, the commission must schedule the public meeting within 30 days of receipt of the request for removal. The department shall provide notice of the public meeting in accordance with SCC 30.32D.030(3).

(3) If the property owner has requested removal, the property owner must notify the historic preservation commission within one week of the conclusion of the public meeting that

(a) The property will be removed from the local register; or

(b) The property owner rescinds the removal request.

Failure by the property owner to so notify the historic preservation commission will result in the property remaining on the register.

(4) The historic preservation commission may remove property from the local register without the owner's consent if alterations to the property result in loss of historical integrity.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32D.060 Alteration or demolition of property on county register.

(1) An owner of property listed on the local register who proposes any physical alteration or rehabilitation of the exterior of a register property, or of interior features that are listed as contributing to the significance of the property, excluding ordinary repair, maintenance and emergency repairs, must request and receive a certificate of appropriateness from the historic preservation commission for the proposed work. If a building permit is required pursuant to subtitle 30.5 SCC for the work, issuance of a certificate of appropriateness will be a precondition to issuance of a building permit.

(2) An owner who proposes to partially or completely demolish a register property must request and receive

from the historic preservation commission a waiver of a certificate of appropriateness as a precondition to issuance of a permit for demolition.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32D.070 Procedure for obtaining certificate of appropriateness or waiver.

(1) The applicant for a permit to perform any work described in SCC 30.32D.060 shall submit a copy of the building permit or demolition permit application to the historic preservation commission along with a request to be considered for a certificate of appropriateness or waiver.
(2) The commission shall consider a request for a certificate of appropriateness or waiver at a public meeting. The department shall publish notice of the meeting as required in SCC 30.70.045 and provide mailed notice to the applicant and the property owner.
(3) The department shall not issue a building permit or a demolition permit for a property listed on the local register until a certificate of appropriateness or waiver is issued.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32D.075 Exemptions.

Ordinary repair and maintenance and emergency repair do not require a certificate of appropriateness or review by the historic preservation commission. For purposes of this chapter, ordinary repair and maintenance means work for which no county permit is required by law, and where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, the real property or structure and appurtenances thereto, and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage. For purposes of this chapter, emergency repair means work necessary to prevent destruction or disrepair to real property immediately threatened or damaged by fire, flood, earthquake, vandalism or other disaster.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32D.080 Review process for request for certificate of appropriateness.

(1) An applicant must include within a request for a certificate of appropriateness any information required by the historic preservation commission as set out by administrative rule. Information required by the commission will include information responding to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, referred to in WAC 254-20-100 and used by the Washington State Advisory Council on Historic Preservation and by the commission. A copy of the standards is available at the department front counter.
(2) When responding to a request for a certificate of appropriateness, the historic preservation commission shall review all features of the property that are proposed for alteration and that are listed as contributing to the property's designation on the local register nomination form.
(3) The commission shall meet with the applicant and review the proposed work according to the design review criteria established by administrative rule.
(4) The commission shall complete its review and make its recommendation within forty-five days of the date of receipt of the application. If necessary, the commission may extend the review period for up to an additional twenty days. If no recommendation has been made within sixty-five days, the commission is considered to have recommended approval.
(5) The commission will provide the applicant with its written recommendation, stating the findings of fact and conclusions leading to the recommendation. Any conditions agreed to by the applicant in the review

process and accepted by the commission shall become conditions of approval for any relevant permit granted and be incorporated in the commission's decision to grant a certificate of appropriateness.

(6) If the applicant agrees to the commission's recommendation, the commission shall issue a certificate of appropriateness, which shall be transmitted to the building official by the applicant.

(7) If the applicant does not agree to the commission's recommendation and any alteration to the property is determined to be inappropriate by the commission, the property may be removed by the commission from the local register. Once the property is removed from the local register, the requirement of SCC 30.32D.060(1) shall no longer apply.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-037, Dec. 13, 2006, Eff date Jan. 5, 2007)

30.32D.090 Review process for waiver of certificate of appropriateness.

(1) An applicant must include within a request for a waiver of a certificate of appropriateness any information required by the historic preservation commission as set out by administrative rule.

(2) The commission shall review the request for a waiver in accordance with the commission's administrative rules. The commission shall consider whether there is any feasible alternative to the demolition proposed.

(3) Following review of the request, the commission shall issue a waiver of a certificate of appropriateness, which shall be transmitted to the building official by the applicant.

(4) As a part of the issuance of the waiver, the commission may recommend to the building official that the applicant mitigate the demolition of register property. The commission shall support any recommended requirement of mitigation with findings of fact and conclusions. Mitigation may include, but is not limited to, an identification plaque, use of an architectural element of an historic building in new construction, and/or buffering or protection of remaining elements of an historic resource. The building official shall adopt a commission recommendation for mitigation as a condition of approval of any permit granted for partial or complete demolition of the property.

(5) After the property is partially or completely demolished, the commission shall remove the property from the local register.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32D.100 Applicability of zoning requirements.

Properties designated on the local register shall be subject to the provisions set forth in this title. Nothing contained in this chapter shall be construed as repealing, modifying, or waiving any other provision of this title.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32D.200 Archaeology site report.

(1) Known archaeological sites are recorded on the Washington State Department of Archaeology and Historic Preservation's Geographic Information System.

(2) An archaeological site may cover only a portion of a property, parcel, or lot and may be located on more than one property, parcel, or lot.

(3) Any construction, earth movement, clearing, or other site disturbance of a known archaeological site shall require either:

(a) relocation of the project to avoid the known archaeological site; or

(b) completion of an archaeological site report. The written report must be submitted to the department by the property owner or project proponent and include the location, condition, and extent of the

archaeological resources located on site, and any recommendations with respect to conditioning the activity to avoid or minimize impacts *on the known archaeological site**.

(4) The archaeological site report shall be written by a professional archeologist as defined in WAC 25-48-020, and include the results of consultation with any affected Indian tribe on proposed actions to avoid, protect, or mitigate impacts of the proposed project.

(5) The department shall provide a copy of the archaeological site report to any affected Indian tribe and the state office of archaeology and historic preservation, at the applicant's expense.

*Code Reviser Note: The text shown above in subsection (3)(b) in italic font was added by Amended Ordinance No. 06-037 but was not indicated with addition marks.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-037, December 13, 2006, Eff date Jan. 5, 2007)

30.32D.210 Project or permit approval for property on state register as an archaeological resource.

(1) The county approving authority shall not issue a permit for any development activity or project approval requiring an archeology site report pursuant to SCC 30.32D.200 without considering the archeology site report and any comments on the report submitted by an affected Indian tribe.

(2) If an applicant requests comments regarding mitigation from a potentially affected Indian tribe and the tribe fails to respond within 30 days of the request, the department may proceed with permit issuance based on the archaeology site report if the applicant provides documentation of the request for tribal comments to the department.

(3) Based on the information contained in the archeology site report and any comments submitted by the affected Indian tribe(s) obtained during the consultation process, the county approving authority will condition the permit or project approval in a manner that will avoid or minimize impacts to the archaeological resource consistent with federal and state law.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-037, December 13, 2006, Eff date Jan. 5, 2007)

30.32D.220 Human remains or archaeological resources found on a site.

(1) If, during the course of construction, earth movement, clearing, or other site disturbance, human remains or archaeological resources are encountered, all work shall cease immediately. Under these circumstances, the department may issue a stop work order pursuant to chapter 30.85 SCC.

(2) The applicant shall immediately notify the director and promptly notify any affected Indian tribe and the state office of archaeology and historic preservation.

(3) After consultation with any affected Indian tribe and the state office of archaeology and historic preservation, the state shall determine whether the site contains archaeological resources that should be preserved. The department will designate the appropriate area within the site as a preservation area. No ground disturbance is permitted within a preservation area. This designation shall not affect underlying zoning.

(4) The preservation area designation shall remain on the appropriate area within a site until

(a) The human remains or archaeological resources have been completely removed from the site; or

(b) The department and the applicant have otherwise reached an agreement, in consultation with the state and any affected Indian tribe, that provides for the preservation of the human remains or archaeological resources.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.32D.300 Appeals.

Any building permit issued with conditions imposed pursuant to this chapter may be appealed as a Type 1 decision pursuant to chapter 30.71 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.34A
URBAN CENTER DEVELOPMENT

30.34A.010 Purpose and applicability.

This chapter regulates development in the Urban Center (UC) zone. This chapter sets forth procedures and standards to be followed in applying for any required permits and for building in this zone. The standards outlined in this chapter are meant to encourage higher density transit- and pedestrian-oriented development that provides a mix of uses and encourages high quality design. The standards outlined in this chapter shall not apply to the following:

(1) Interior alterations that do not alter the exterior appearance of a structure or modify an existing site condition;

(2) Site and exterior alterations that do not exceed 75 percent of the assessed valuation (building or land) according to the most recent county assessor records;

(3) Building additions that are less than 10 percent of the existing floor area of the existing building(s). Any cumulative floor area increase (after the adoption date of this chapter) that totals more than 10 percent shall not be exempt unless approved pursuant to SCC 30.34A.180;

(4) Normal or routine building and site maintenance or repair that is exempt from permit requirements;

(5) Any remodeling or expansion of existing single-family residences with no change in use or addition of dwelling units involved;

(6) Reconstruction of a single-family residence if it is destroyed due to fire or natural disaster.

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.020 Permitted uses.

Permitted uses in the UC zone are governed by the matrix in SCC 30.22.100 and reference notes in SCC 30.22.130.

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.030 Floor area ratio.

(1) Floor to area ratios (FAR) in the UC zone are established in accordance with SCC Table 30.34A.030(1). Additional FAR is allowed in accordance with the bonuses as set forth in SCC Table 30.34A.030(2) and SCC Table 30.34A.030(3);

Table 30.34A.030(1)
Floor to Area Ratios

	Minimum	Maximum	Maximum allowable with bonus (Table 30.34A.030(2))	Maximum allowable with super bonus (Table 30.34A.030(3))
Non-Residential	.5	1.0	1.5	2.5
Residential	.5	1.0	1.5	2.5
Mixed Use	1.0	2.0	3.0	5.0
Ground Floor Retail	.25	2.0	2.25	5.0

Notes:
1. Allowable FAR for non-residential and residential uses may be added together within a development for a combined total.
2. Hotels are considered residential for the purpose of this chart.
3. " Mixed-use" means residential and non-residential uses located within the same building unless, for purposes of this section, the development proposal includes more than three buildings. To be eligible for the FAR for "mixed use" in development proposals that consist of three buildings or less the entire first floor of a proposed building must be devoted to retail use; or at least one-half of the first floor must be devoted to retail use and double the non-retail area of the first floor must be assigned to retail use on other floors within the building. In order to be eligible for the FAR for "mixed use for development proposals that consist of more than three buildings, the proposed development may include buildings that are devoted to a single use as long as there is a mixture of uses in the development as a whole (e.g. two residential use buildings and two non-residential buildings).
4. It is the intention of the Council that an applicant may utilize the FAR super bonus for a feature listed in Table 30.34A.030(3) only after using one of the features listed in Table 30.34A.030(2).

Table 30.34A.030(2)
Floor Area Ratio Bonuses

Feature	Additional Floor Area for Each Feature
• Street Level Commercial	• 250 sf of floor area for each linear foot of retail frontage
• Green roof (not to be combined with district energy bonus)	• 5 sf of floor area for each sf of green roof
• Daycare	• 5 sf of floor area for each sf of daycare
• Rooftop Solar Panels (not to be combined with district energy bonus)	• 10 sf of floor area for each sf of solar panel
• Community gardens for use by residents	• 10 sf of floor area for each sf of community garden
• Structured Parking that is set back from the street by 100 feet or more or is appropriately screened from the streetscape	• .5 FAR for 80% or greater of required parking contained in a structure
• Affordable housing pursuant to subsection 3 of this section.	• Affordable housing area up to 15% of the entire project area shall not be included in the calculation of FAR and shall be used to calculate a bonus of 5 sf for each square foot of affordable housing
• One Transfer of Development Rights (TDR) credit. In the alternative, this bonus would be available upon payment in lieu of TDR credit. The bonus shall be determined pursuant to subsection 2 of this section.	• 2,000 square feet

Table 30.34A.030(3)
Floor Area Ratio Super Bonuses

Feature	Additional Floor Area for Each Feature
• One percent of total construction cost for public art	• .2 FAR
• One Transfer of Development Rights (TDR) credit. In the alternative, this bonus would be available upon payment in lieu of TDR credit. The bonus shall be determined pursuant to subsection 2 of this section.	• 2,000 square feet
• District Energy System	• 1 FAR

Notes:

1. Public art is a fountain, sculpture, painting, mural, or similar object that is sited within a planned development as a focal point and is intended for the enjoyment of the general public. It does not contain characteristics of an advertising sign or identify or draw attention to a business.
2. A district energy system is a central facility that produces energy for the district or urban center and supplies it to a group of buildings or facilities, typically in the form of hot water, steam or chilled water. Forms of renewable energy that could be used include biomass (such as wood waste), geothermal power, and waste heat from industrial facilities.

(2)

(a) Credits used for the TDR density bonus offered in urban centers must be certified through the Snohomish County Transfer of Development Rights program as authorized in Chapters 30.35A and 30.35B of the SCC.

(b) To receive the additional floor area bonus with the use of TDR credit, the applicant must submit proof of the TDR credit purchase or the appropriate payment in lieu of TDR credit with the application.

(c) If the applicant chooses to pay in lieu of using a TDR credit, the amount of the payment shall be $21 per square foot of bonus floor area. This payment shall be reviewed at least once every two years and may be adjusted by ordinance.

(3)

(a) For purposes of this section, affordable housing is leased, rental or owner-occupied housing that has gross housing costs which do not exceed 30 percent of the gross income of individuals or families with household income not to exceed 80 percent of the county median income.

(b) Gross housing costs for owner-occupied housing include mortgages, amortization, taxes, insurance and condominium or association fees, if any. Gross housing costs for leased and rental units include rent and utilities.

(c) To be eligible for the affordable housing FAR bonus, the applicant shall record with the Snohomish County Auditor an agreement in a form approved by the county requiring affordable housing square footage that is provided under this section to remain affordable housing for the life of the project. This agreement shall be a covenant running with the land, binding on the assigns, heirs, and successors of the applicant.
(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.040 Building height and setbacks.

(1) The maximum building height in the UC zone shall be 90 feet. A building height increase up to an additional 90 feet may be approved under SCC 30.34A.180 when the additional height is documented to be necessary or desirable when the project is located near a high capacity transit route or station and the applicant prepares an environmental impact statement pursuant to chapter 30.61 SCC that includes an analysis of the environmental impacts of the additional height on, at a minimum:

(a) aesthetics;
(b) light and glare;
(c) noise;
(d) air quality; and
(e) transportation.

(2)

(a) Buildings or portions of buildings that are located within 180 feet of adjacent R-9600, R-8400, R-7200, T or LDMR zoning must be scaled down and limited in building height to a height that represents half the distance the building or that portion of the building is located from the adjacent R-9600, R-8400, R-7200, T or LDMR zoning line (e.g.-a building or portion of a building that is 90 feet from R-9600, R-8400, R-7200, T or LDMR zoning may not exceed 45 feet in height).

(b) Where the UC zoning line abuts a critical area protection area and buffer or utility, railroad, public or private road right-of-way, building heights shall not be subject the limitation in section (2)(a) if the critical area protection area and buffer or utility, railroad, public or private road right-of-way provides an equal or greater distance between the building(s) and the zoning line than would be provided in this subsection (2)(a). All ground floor residential units facing a public street must maintain a minimum structural ceiling height of 13 feet to provide the opportunity for future conversion to nonresidential use.

(3) Excluding weather protection required in SCC 30.34A.150, buildings must be setback pursuant to SCC Table 30.34A.040(4).

Table 30.34A.040(4)
Setbacks

Front	None
Side	None
Rear	None

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.050 Parking ratios, parking locations and parking lot and structure design.

(1) Development in the UC zone must comply with the parking ratios established in SCC Table 30.34A.050(1).

Table 30.34A.050(1)
Parking Ratios

Use	Minimum	Maximum	Bicycle Parking
Restaurants	2 stalls/1000 nsf	8 stalls/1000 nsf	2 spaces minimum
Retail	2 stalls/1000 nsf	4 stalls/1000 nsf	2 spaces minimum
Office	2 stalls/1000 nsf	4 stalls/1000 nsf	2 spaces minimum
Residential (units >1000 sq ft each)	1.5 stalls per unit	2.5 stalls per unit	2 spaces minimum
Residential (units <1000 sq ft each)	1 stall per unit	1.5 stalls per unit	2 spaces minimum
Senior Housing	.5 stalls per unit	1 stall per unit	2 spaces minimum
All other uses	See SCC 30.34A.050(5)		2 spaces minimum

(2) Parking must be located under, behind or to the side of buildings.

(3) Parking lots must be landscaped pursuant to SCC 30.25.022.

(4) Parking garage entrances must be minimized, and where feasible, located to the side or rear of buildings. Lighting fixtures within garages must be screened from view from the street. Exterior architectural treatments must complement or integrate with the architecture of the building through the provision of architectural details such as:

(a) window openings;
(b) plantings designed to grow on the façade;
(c) louvers;
(d) expanded metal panels;
(e) decorative metal grills;
(f) spandrel (opaque) glass; and
(g) any other architectural detail approved under SCC 30.34A.180 that reduces and softens the presence of above ground parking structures.

(5) Uses not listed in Table 30.34A.050(1) must undergo a parking demand analysis by an independent consultant with expertise in parking demand analysis to ensure no more than the necessary amount of parking is provided. An increase of up to 20 percent above the estimated parking demand may be approved under SCC 30.34A.180 when historical data of a particular use indicate additional parking is necessary to properly serve a use or uses at a site.

(6) A reduction from the parking space requirements as specified in SCC Table 30.34A.050(1) may be approved under SCC 30.34A.180 if a shared parking study based on the either the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved procedures is prepared by an independent consultant with expertise in performing shared parking studies. The study must demonstrate that the development will result in a more efficient use of parking provided the combined peak parking demand is less than that required in SCC Table 30.34A.050(1). The number of spaces required for an approved shared parking plan shall be based on the number of spaces estimated to be the combined use peak parking demand.
(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.060 Landscaping.

In addition to the landscaping requirements contained in SCC 30.25.015, 30.25.017, 30.25.023, 30.25.043 and 30.25.045, requirements for developments in the UC zone are as follows:

(1) Where a development abuts an R-9600, R-8400, R-7200, T or LDMR zone, a Type A landscaping buffer pursuant to SCC 30.25.017 averaging 25 feet, but not less than 15 feet must be provided. Where appropriate, existing vegetation and significant trees must be retained within the landscaping buffer.

(2) Areas of a site not occupied by buildings, parking lots, other improvements or textured paving must be intensively planted with trees, shrubs, hedges, ground covers, and/or grasses, unless such area consists of attractive existing vegetation and significant trees to be retained. Perennials and annuals are encouraged.

(3) Landscaping must be integrated with other functional and ornamental site design elements, where appropriate, such as recreational facilities, ground paving materials, paths and walkways, fountains or other water features, trellises, pergolas, gazebos, fences, walls, street furniture, art, and sculpture.

(4) The landscape design must reinforce and support the open space design, pedestrian circulation and building architecture.

(5) Street trees must be planted along public and private roads and drive aisles according to the road cross section and general landscaping standards of the EDDS. Street trees are not required around turnarounds at the end of roads less than 150 feet in length. Maintenance of street trees must be provided pursuant to SCC 30.25.015(9).

(6) No landscape buffer is required along or from a developed railroad right-of-way.

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.070 Open space.

(1) All developments in the UC zone must have a coherent integrated open space network that links together the various open spaces within the project.

(2) All developments must provide open space at a rate of 150 square feet per residential unit and 2 percent of the floor area of non-residential development (excluding parking), at least 50 percent of which must be accessible to the public as an active recreation area. At least 25 percent of the required active recreation area must be located on a single tract. Those portions of required sidewalks that abut an active recreation area may be counted toward the 50 percent active recreation open space requirement.

(3) On-site recreational open space for residential and non-residential developments must be designed and improved to allow one or more active uses. Active uses include:

(a) Playgrounds developed with children's play equipment;

(b) Outdoor sports courts (such as volleyball, basketball or tennis courts), swimming pools, and similar facilities;

(c) Picnic areas with permanent tables, benches or gazebos;

(d) Community gardens for use by residents;

(e) Improved trails or paths not otherwise required to provide pedestrian connections;

(f) Plaza;

(g) Courtyard;

(h) Forecourt; or

(i) Rooftop garden; and

(j) Other active recreational uses approved by the director.

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.080 Circulation and access.

(1) The vehicular and pedestrian circulation system must be designed to be consistent with this chapter, chapter 30.24 SCC, the EDDS and the provisions described in the following design reports available at the department:

(a) Southwest Snohomish County Urban Centers Phase 1 Report, February 2001, Appendix E, Street Design, pp. 9-13; and

(b) Specific road designs for public roads in urban centers that have been approved by the Department of Public Works, including but not limited to Ash Way Design for the Transit/Pedestrian Village, August 2003.

(2) Pedestrian connections must be provided to existing or previously approved walkways on adjacent urban center projects to provide for inter-project pedestrian circulation. The design of such connections must match or be consistent with the design of existing or previously approved walkways on adjacent urban center projects.

(3) Sidewalks must be designed to include a minimum clear zone of 7 feet for pedestrian travel and a planting/amenity zone of an additional 5 feet between the curb and the clear zone.

(4) A minimum 5-foot wide pedestrian connection, which complies with standards established by the Americans with Disabilities Act (ADA), must be provided through parking lots to building entrances, sidewalks and transit stops.

(5) Curb cuts for driveway entrances:

(a) may not be located closer than 100 feet apart; and

(b) may not exceed 35 feet in width for combined entry and exits.

(6) Internal public and private roads, drive aisles, woonerfs and auto courts must comply with the EDDS. The county engineer may approve a design that varies from the EDDS.

(7) Additional circulation requirements may be required as approved under SCC 30.34A.180, if needed, to ensure pedestrian safety or based on pedestrian connectivity pursuant to chapter 30.24 SCC, title 13 SCC and the EDDS.

(8) As a condition of site development approval, a property owner may be required to provide for joint access to and/or from adjacent parcels. This must be accomplished through easements or joint use agreements on forms approved by the county. Curb cuts from a public right-of-way allowed at the time of development may be temporary and subject to closure when more suitable access is developed on adjacent sites. Specifically, when a site plan is approved the owner may, at the county engineer's discretion, be allowed to develop either permanent or temporary curb cuts for site access. When adjacent sites are developed, the property owner may be required to close temporary curb cuts and provide access through one of the adjacent sites. Alternatively, one or more of the adjacent sites may be required to provide its access through a permanent curb cut granted to the first site. This shared access scheme is intended to provide greater traffic safety.

(9) Applicants must provide transportation demand management measures for developments pursuant to chapter 30.66B SCC with the potential for removing a minimum of 15 percent of the development's peak hour trips from the road system.

(10) If there is a conflict between the provisions of this chapter and other chapters within title 30 SCC, the county engineer shall determine the appropriate regulation.

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.090 Design standard-signs.

In addition to the sign requirements contained in chapter 30.27 SCC, requirements for development in the UC zone are as follows:

(1) Signs must fit with the overall architectural character, proportions, and details of the development;

(2) The base of any freestanding, pole, ground or monument sign must be planted with shrubs or seasonal flowers;

(3) Electronic reader boards and signs which include flashing, chasing, moving or animation are prohibited.

(4) Freestanding or pole signs located along non-arterials may be permitted if they are approved under SCC 30.34A.180 and if they meet the following criteria:

(a) No more than 15 feet in height;

(b) Designed with two poles placed at the outermost sides of the sign face;

(c) No more than 45 square feet in sign area per face; and

(d) Constructed of materials matching one or more buildings located on the site.

(5) Freestanding or pole signs located along freeways or principal arterials may be permitted if they are approved by the director and if they meet the following criteria:

(a) No more than 35 feet in height;

(b) Designed with two poles places at the outermost sides of the sign face; and

(c) No more than 150 square feet in sign area per face.

(6) Signs for business identification or advertising of products must conform to the following:

(a) Each business establishment may have no more than one business identification sign per building face and in no event more than two identification signs per establishment;

(b) No business identification sign may have a surface area greater than 90 square feet per face;

(c) Business identification signs must be attached to the principal building unless otherwise approved by the county in the sign design scheme. The uppermost portion of the sign may not extend more than five feet higher than the principal building at its highest point, subject further to the overall height regulations of this zone.

(d) Signs which are an integral part of a window may occupy no more than 25 percent of the total window area.

(e) Projecting signs or graphics, and their supportive members, may not project more than four feet outward from a building and may not be lower than eight feet above ground level.

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.100 Design standard-screeing trash/service areas and rooftop mechanical equipment.

(1) Garbage collection and service areas must be placed away from public right-of-way and screened from view on all sides with solid evergreen plant material or architectural treatments similar to those used in the design of the adjacent building.

(2) Rooftop mechanical equipment must be screened by an extended parapet wall or other roof forms that are integrated with the architecture of the building.

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.110 Design standard-lighting.

(1) All lighting fixtures must be equipped with a "cut-off," which is either an external housing or internal optics that directs light downward.
(2) Flashing lights are prohibited, except for low wattage holiday and special occasion accent lights.
(3) Lighting directed upwards above the horizontal plane (up-lighting) is prohibited.
(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.120 Design standard-step back and roof edge.

(1) Any parts of the building façade over 60 feet high facing a public right-of-way and those portions of buildings facing R-9600, R-8400, R-7200, T or LDMR zoning must be stepped back at least 10 feet from the first floor façade.
(2) Façades of floors that are stepped back must be distinguished by a change in elements such as window design, railings, trellises, details, materials and/or color so that the result is a rich and organized combination of features that face the street. Balconies may extend into the step back areas.
(3) Buildings with pitched roofs must have a minimum slope of 4:12.
(4) An alternative step back may be approved under SCC 30.34A.180 provided the effect is that the upper floor(s) appears to recede from view.
(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.130 Design standard-massing and articulation.

(1) Buildings over 30 feet in height must distinguish a "base" at ground level using articulation and materials such as stone, masonry, or decorative concrete.
(2) The "top" of the building must emphasize a distinct profile or outline with elements such as projecting parapet, cornice, upper-level setback or pitched roof line.
(3) For buildings over 60 feet in height, the "middle" of the building may be distinguished from the top and base by a change in materials or color, windows, balconies, step backs and signage.
(4) An alternate design for massing and articulation may be approved under SCC 30.34A.180 provided the design reduces the apparent bulk of multi-story buildings and maintains pedestrian scale.
(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.140 Design standard-ground level detail and transparency.

(1) Façades of commercial and mixed-use buildings that face the streets must be designed to be pedestrian-friendly through the inclusion of at least three of the following elements:
(a) kickplates for storefront windows;
(b) projecting window sills;
(c) pedestrian scale signs;
(d) canopies or awnings;
(e) plinth;
(f) containers for seasonal plantings;
(g) ornamental tilework;
(h) pilasters;
(i) cornice;
(j) medallions; or
(k) an element not listed above that is approved by the director, if it reinforces the character of the streetscape and encourages active and engaging design of the pedestrian edge of the streetscape.

(2) Street-facing, ground-floor façades of commercial and mixed-use buildings must incorporate glass in storefront-like windows in sufficient type and quantity to produce the following quality and dimensions: clear, transparent glass must be incorporated in at least 40 percent of the ground level façade length and the bottom of such glass must be located no higher than 2 feet above grade and top of such glass must be located up to at least 10 feet above grade.

30.34A.150 Design standard-weather protection.

(1) Overhead weather protection elements such as canopies must be installed on street-facing façades along county arterials and streets intended for pedestrian activity and connectivity within the urban center. Canopies or awnings must be a minimum of 5 feet in width.
(2) Canopies or awnings must be at least 10 feet, but not more than 13 feet, above the sidewalk.
(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.160 Design standard-blank walls.

Blank walls longer than 20 feet must incorporate two or more of the following:
(1) vegetation, such as trees, shrubs, ground cover and/or vines adjacent to the wall surface;
(2) artwork, such as bas-relief sculpture, murals, or trellis structures;
(3) seating area with special paving, lighting fixtures and seasonal plantings; and/or
(4) architectural detailing, reveals, contrasting materials or other techniques that provide visual interest.
(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.165 Pre-application neighborhood meeting.

(1) The applicant shall conduct a neighborhood meeting to discuss the proposed urban center development. The meeting must be held at least 30 days before submitting an urban center development application.
(2) The purpose of the neighborhood meeting is to:
(a) Ensure that an applicant pursues early and effective public participation in conjunction with the application, giving the applicant an opportunity to understand and mitigate any real or perceived impacts that the proposed development might have to residents in the neighborhood or neighboring cities;
(b) Ensure that neighborhood residents and business owners have an opportunity at an early stage to learn about how the proposed development might affect them and to work with the applicant to resolve concerns prior to submittal.
(c) Ensure that any nearby cities have an opportunity at an early stage to learn about how the proposed development might affect them and to work with the applicant to resolve concerns prior to submittal.
(3) The applicant is responsible for notifying, facilitating and summarizing the neighborhood meeting pursuant to the following requirements:
(a) Public notice for the neighborhood meeting must include:
(i) Date, start time, and location of the meeting;
(ii) Proposed development name;
(iii) Map showing the location of the proposed development and the location of the neighborhood meeting;
(iv) Description of proposed development; and
(v) Name, address and phone number of the applicant or representative of the applicant to contact for additional information.
(b) Public notice must be mailed to the department at least 10 days prior to the neighborhood meeting and must, at a minimum, be mailed to:
(i) Each taxpayer of record and each known site address within 500 feet of any portion of the boundary of the subject property and contiguous property owned by the applicant; and

(ii) Any city or town whose municipal boundaries are within one mile of the subject property and contiguous property owned by the applicant.

(c) The department, upon request, shall provide the applicant with necessary names and addresses or mailing labels. The applicant shall reimburse the department for any costs associated with this request consistent with department procedures.

(d) The neighborhood meeting shall be held at a location accessible to the public and within a reasonable distance from the boundary of the proposed development.

(e) At a minimum the applicant shall provide at the neighborhood meeting:

(i) Conceptual graphic presentation depicting the layout and design of the proposed development;

(ii) Size of the proposed development;

(iii) Proposed mix of land uses including the number of dwelling units and the amount of non-residential square footage;

(iv) Proposed building heights and FAR;

(v) Number of parking spaces; and

(vi) Location and amount of open space.

(f) The applicant shall prepare a written summary of meeting to be included with the urban center development application, including:

(i) A copy of the notice of the neighborhood meeting along with a list of persons to whom it was mailed;

(ii) A signed affidavit listing the persons who attended the meeting and their addresses; and

(iii) A signed affidavit listing the summary of concerns, issues, and problems expressed during the meeting.

(4) County staff is not required to attend the meeting.

(5) If no one attends the meeting within 30 minutes of the start time indicated on the notice provided per this section, the applicant shall have satisfied the requirements of this section.

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.170 Submittal requirements.

(1) An urban center development plan must contain, at a minimum, the following:

(a) A graphic presentation depicting:

(i) Conceptual graphic presentation depicting the layout and design of the proposed development;

(ii) Size of the proposed development;

(iii) Proposed mix of land uses including the number of dwelling units and the amount of non-residential square footage;

(iv) Proposed building heights and FAR;

(v) Number of parking spaces; and

(vi) Location and amount of open space;

(vii) The location of existing structures to be retained, proposed structures, parking, internal circulation required pursuant to chapter 30.24 SCC, landscape areas required pursuant to chapter 30.25 SCC, recreation open space, pedestrian facilities, and other applicable design components required by this chapter, including any design standards selected by the applicant for compliance with the provisions of chapter 30.34A SCC;

(b) A detailed description of the design intent, architectural character and spatial qualities and relationships of and between the major structures and physical amenities and attributes within the Urban Center;

(c) A preliminary LEED checklist or other similar means of demonstrating sustainable design goals;

(d) A narrative description, together with either architectural drawings or photographs that will adequately demonstrate compliance with any required architectural design standard of chapter 30.34A SCC, where applicable;

(e) The location of building envelopes of all structures, and points of egress;

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

(g) The names and addresses of the developer, land surveyor, engineer, architect, planner, and other professionals involved;

(h) Calculations showing acreage of the site and recreational open space, number of dwelling units proposed, zoning, FAR, number of parking spaces and site density;

(i) Scale and north arrow;

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

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

(l) A description of intended type of uses including timing of development, if phased, and management control;

(m) A document satisfactorily assuring unified control through the final urban center development plan approval;

(n) A provision for removing existing structures or incorporating them into the overall development scheme; and

(o) A signed affidavit that includes a written summary of the pre-application neighborhood meeting pursuant to SCC 30.34A.165(3)(f).

(2) The applicant for a proposed development in a UC zone must certify that, in addition to the direct involvement of an architect licensed in the state of Washington, one of the following has been involved with the preparation of the urban center development plan:

(a) A landscape architect licensed in the state of Washington;

(b) A registered civil engineer licensed in the state of Washington; or

(c) A registered land surveyor licensed in the state of Washington.

(3) A circulation, landscape and open space plan must be submitted which includes the following requirements:

(a) A narrative containing:

(i) A list of the types of plants to be incorporated in a final landscape plan;

(ii) Assessment of whether temporary or permanent irrigation is required;

(iii) How potential off-site pedestrian connections relate to the development and all abutting properties; and

(iv) How potential off-site public and private road right-of-way connections relate to the development and all abutting properties;

(v) How potential critical areas and/or designated open space tracts on abutting properties will be integrated into the development.

(b) A site plan containing:

(i) Location of parking lot landscaping;

(ii) Location of proposed and existing landscaping areas;

(iii) Information indicating the size of required landscape buffers and whether such buffers use Type A or B landscaping;

(iv) Critical areas and their buffers including any extending into abutting properties;

(v) Active recreation space including plazas and public realm elements;

(vi) All internal roads and drive aisles;

(vii) All internal pedestrian walkways, sidewalks and trails;

(viii) Designation of all potential off-site pedestrian connections; and

(ix) Designation of all potential off-site public and private road right-of-way connections.

(4) Illustrations representing the design intent and architectural character for the urban center, including:

(a) Overall massing;

(b) General architectural character of buildings indicating color and material range;

(c) General character of open spaces, including exterior site lighting.

(5) A shared parking allocation plan showing all the shared parking must be submitted when shared parking is proposed.

(6) A complete application for urban center approval meeting requirements of this section is deemed to have vested to the zoning code, development standards and regulations as of the date of submittal.

(7) A plan for the phasing, if any, of the on-site recreation required in SCC 30.34A.070 and pedestrian circulation required in SCC 30.34A.080. Such recreation and pedestrian circulation facilities shall be installed with the completion of the first building or first phase of the development if the overall development is to be phased unless the applicant demonstrates that site characteristics or constraints make compliance impractical in which case such improvements shall be installed in compliance with any timing requirements set forth in the terms and conditions of the urban center approval.

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.175 Design review board.

(1) A design review board shall be convened for the purpose of reviewing urban center developments. The design review board shall be comprised of five persons nominated by the Snohomish County Executive and appointed by the Snohomish County Council. Members of the design review board:

(a) shall reside in Snohomish County;

(b) shall possess experience in neighborhood land use issues and demonstrate by their experience sensitivity in understanding the effect of design decisions on neighborhoods and the development process; and

(c) should possess familiarity with land use processes and standards as applied in Snohomish County.

(2) No member of the design review board shall have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in a project under review by the design review board on which that member sits.

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.180 Review process and decision criteria.

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

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

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

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

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

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

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

(b) Following review of the agreement reached under subsection (1)(a) of this section, the department shall negotiate a development agreement with the applicant and process the application under chapter 30.75 SCC. If

the department and the applicant cannot reach agreement on a development agreement, the applicant may choose to have the application reviewed under subsection (2) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) Use of complementary materials; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Snohomish Health District;

(ii) Department of public works;

(iii) Washington State Department of Transportation; and

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

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

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

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.190 Public spaces and amenities.

On-site recreation required in SCC 30.34A.070 and pedestrian circulation required in SCC 30.34A.080 must be installed with completion of the first building or first phase of the development if the overall development is to be phased.

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.200 Priority permit processing.

Applications that include public or nonprofit housing will receive priority for expedited site plan review as authorized in chapter 30.76 SCC.

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.210 City or town review.

(1) Within 60 days of the adoption of this ordinance, the county shall contact any city or town whose municipal boundaries are within one mile of the proposed urban center development or whose urban growth area includes the subject site or whose public utilities or services would be used by the proposed urban center development for the purpose of determining if the city or town wishes to consult with the county regarding the preparation of generalized design principles and development review procedures for the urban center.

(2) If the city or town responds affirmatively in writing within 60 days of receiving such notice, the county and city or town shall consult and may negotiate the terms and provisions of an interlocal agreement to define the terms related to the preparation of general design guidance for development of the urban center, development review procedures and other issues of mutual interest. The owner(s) of any property located within the urban center shall be invited to attend and participate in all such meetings and negotiations. The interlocal agreement, if any, is intended to provide general design guidance for development of the urban center, as appropriate.

(3) The county and city or town are encouraged to enter into an interlocal agreement to formalize a cooperative process.

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.34A.220 Urban Centers as TDR receiving areas.

Areas zoned UC are designated as Transfer of Development Receiving Areas, consistent with GPP Policy LU 14.A.6 and chapter 30.35A SCC. Credits used for the TDR density bonus offered in urban centers must be certified through the Snohomish County Transfer of Development Rights program as authorized in chapters 30.35A and 30.35B SCC.

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

Chapter 30.34B
REDUCED DRAINAGE DISCHARGE DEMONSTRATION PROGRAM

30.34B.010 Purpose and applicability.

(1) A reduced drainage discharge demonstration program is created with the purpose of encouraging innovative design and development techniques which will significantly reduce drainage discharge from a site after development. The purpose of the program is:

(a) To provide housing developers the opportunity to demonstrate the environmental benefits of alternative forms of site development which significantly reduce offsite drainage discharge;

(b) To improve the conditions of habitat and ground and surface waters within a watershed with innovative urban residential design and development techniques;

(c) To foster broad community acceptance of the use of significantly less impervious surface and greater natural habitat conservation on housing sites;

(d) To allow some flexibility within the development standards in county code through a demonstration program to allow development which reduces drainage discharge while maintaining necessary safety features; and

(e) To provide the opportunity to identify and evaluate potential substantive changes to land use development regulations which support and improve natural functions of watersheds.

(2) This chapter applies to land use applications on sites in urban or rural areas for residential subdivisions, short subdivisions, multifamily development, and planned residential developments submitted for participation in the program.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.34B.020 Project selection committee - creation and membership.

The project selection committee is hereby created for the purpose of overseeing the reduced drainage discharge program, to select projects for the program and to make recommendations regarding deviations from the county code and the EDDS. The county executive shall appoint a committee of no more than 10 persons including, but not limited to, representatives from:

(1) The department;
(2) Department of public works - roads and surface water management divisions;
(3) The county planning commission;
(4) An environmental organization;
(5) A university or college; and
(6) The construction or development industry.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.34B.030 Project selection committee - duties and authority.

(1) The project selection committee will meet as necessary to review and select applications for participation in the reduced drainage discharge demonstration program. The program will accept no more than five project applications. The committee will employ the project evaluation and scoring methodology adopted by the director pursuant to SCC 30.34B.100 to assess the merits of project applications relative to the purposes of this chapter.

(2) Upon request by an applicant, the committee shall evaluate and make recommendations to the directors of the department and the department of public works regarding deviations from the county code and the EDDS,

respectively, on a particular project or revision to an official site plan in accordance with SCC 30.34B.060, 30.34B.070, and 30.34B.080.

(3) The project selection committee will conduct a program evaluation and make annual reports to the county council in accordance with SCC 30.34B.090.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.34B.040 Accepted projects - compliance with applicable requirements.

Acceptance of a project into the reduced drainage discharge demonstration program in no way guarantees or implies approval of any development permit. An application for a project accepted in the reduced drainage discharge demonstration program will be required to meet all applicable requirements of the county code and the EDDS, unless a deviation is approved by the director of the department or the department of public works, or the hearing examiner as specified in this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.34B.050 Minimum performance standards for participation.

(1) An applicant shall demonstrate that the following standards will be met:

(a) The development will not create new effective impervious surface, unless the applicant can demonstrate that infiltration is infeasible. In all cases the proposed development must result in a significant reduction in the amount of impervious surface that would typically result from a traditional development of the type proposed. Any necessary impervious surface will be placed in discontinuous increments such that runoff travel distance to a forested buffer is minimized and in no case exceeds 50 feet;

(b) The development will retain natural vegetative cover to the maximum extent possible. Any landscaped areas will be minimized and mitigated on the downslope side by a forested area at least 50 feet in width. Forested area must comprise at least 60 percent of the project site. Forested areas must be maintained in perpetuity on the site through designation as a resource protection area easement on the site plan and recorded on the title of the subject property pursuant to SCC 30.32A.020(2);

(c) As an alternative to the minimum performance standards cited above, the development may, subject to the approval by the department, utilize a combination of open space, landscaping, permeable soils, trees and other vegetative ground cover, and similar elements which achieve the goal of 100 percent infiltration of drainage on site, i.e., zero drainage discharge from the site;

(d) The site is characterized by predominance of a soil type which is capable of allowing infiltration;

(e) The proposed development will be located in one of the following zones: MR, LDMR, NB, PCB, CB, GC, R-7200, R-8,400, R-9,600, WFB, R-5, or RC;

(f) The county will assist each applicant to create a means of data collection, measurement, and recording that conforms with the county's requirements for creating an accurate, reliable database that will serve as a basis for future policy analysis; and

(g) An ongoing monitoring program acceptable to the county will be prepared and submitted by the project applicant and will be used by the county to determine whether the goals of this chapter are met by the constructed development.

(2) In the event of a conflict between the requirements of SCC 30.34B.050(1) of this section and any other applicable section of this code, the requirements of SCC 30.34B.050(1) will control, unless the director or the director of the department of public works, whichever retains administrative authority over the section of the code in question, determines that imposition of the requirement would be detrimental to the public health, safety, or welfare.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.34B.060 Development review process.

(1) Any project accepted in the reduced drainage discharge demonstration program will submit all necessary project applications and required documentation pursuant to county code. The department will coordinate county and outside agency review. Project applications will comply with applicable provisions of the county code and may deviate from certain code provisions pursuant to this chapter. At the time of application submittal, in addition to providing all underlying submittal documents which would otherwise be required for the proposed development, the applicant will also submit documentation that the requested deviations meet the criteria specified in SCC 30.34B.070(2) and (3).

(2) If a proponent fails to demonstrate progress on a selected project six months following receipt of a letter from the department outlining the status of project compliance with the requirements of this chapter, the project selection committee may immediately thereafter terminate the project's participation in this program. In the event of termination, the proponent may submit the project subject to applicable land use development regulations of the county.

(3) Deviations from requirements of the county code and the EDDS authorized pursuant to SCC 30.34B.070 and 30.34B.080 may be recommended by the project selection committee and approved by the director or the director of the department of public works, whichever retains administrative authority over the deviation request, or by the hearing examiner for permits under the jurisdiction of that office, if the approving entity determines that the deviation is consistent with this chapter. Projects granted deviations from the EDDS will be required to demonstrate adequate provision for fire safety and access.

(4) A site plan will be prepared for all demonstration projects in conformance with the regulations for official site plans in SCC 30.42B.200.

(5) A concomitant agreement in a form approved by the county must be signed by the property owner for all projects accepted into the program. The agreement shall be recorded, and shall be binding on the owners, heirs, and successors of the property. The concomitant agreement will reference the required conditions of approval, including the site plan, for the application.

(6) The county may require adoption of covenants and restrictions as a condition of approval. Development of land, site design, landscaping, natural drainage features, habitat protection, stormwater design, housing design, building placement and size, and other site features related to this program shall be consistent with the approved site plan. A specific land clearing and tree retention plan shall be submitted as part of the approved site plan.

(7) Changes to the site plan proposed or approved under this chapter will require approval under the appropriate revision process established by the county code. The project selection committee will make recommendations on any revision to the official site plan to the appropriate decision-making body. The project selection committee may immediately terminate the project's participation in this program if it determines that as a result of the revision, the project is no longer consistent with the purposes of this chapter. If the project is terminated from this program, all deviations from the code approved pursuant to this chapter shall be null and void, and the project will be required to comply with the county code.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.34B.070 Deviations from Snohomish County Code.

(1) To accomplish the purposes of the reduced drainage discharge program, an applicant may request deviations from the following provisions of the county code:

(a) Chapter 30.23 SCC, General development standards - bulk regulations;

(b) Chapter 30.42B SCC, Planned residential developments;
(c) Chapter 30.51 SCC, Construction code;
(d) Chapter 30.63A SCC, Drainage; and/or
(e) Chapter 30.41C SCC, Rural Cluster Subdivision.

(2) Deviations from the county code listed in SCC 30.34B.070(1) or 30.34B.080 will be made based upon the following criteria:

(a) The change is consistent with and furthers the purposes of this chapter;
(b) The change does not result in significant adverse environmental impacts;
(c) The change furthers compliance with the county's NPDES permit responsibilities and deviates from particular provisions of chapters 30.51 or 30.63A SCC of the county code only for the purpose of demonstrating higher levels of compliance than is achieved by applying those chapters' standards for off-site drainage for water quantity and quality purposes;
(d) The change complies with the substantive environmental requirements of chapter 30.61 SCC;
(e) The change does not threaten public health, safety, or welfare;
(f) The change is consistent with generally accepted engineering and design criteria, except as provided in this chapter;
(g) The change promotes one or more of the following: innovative site or housing design furthering the purposes of the program, increased on-site stormwater retention using a variety of vegetation and landscape conditions, retention or redevelopment of original natural habitat conditions over a significant portion of the site, improved on-site water quality beyond that required by current applicable regulations, retention or re-creation of pre-development and/or natural hydrologic conditions, and retention or re-creation of forested watershed conditions;
(h) The change does not allow unit yield greater or lesser than what would otherwise be allowed under existing county regulations; and
(i) The change complies with the critical areas regulations in chapters 30.62, 30.62A, 30.62B and 30.62C SCC.

(3) As a part of an application for deviations from the county code or the EDDS, the applicant must quantify reductions in runoff and improvements to water quality and demonstrate which deviation, whether it results in a change to public infrastructure or to private development or building design, causes the reduction in runoff or improvement to water quality.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.34B.080 Deviation from the EDDS.

Deviations from the EDDS may be approved by the director of the department of public works to allow for the flexibility necessary to accomplish project innovations, to allow greater compatibility with natural site conditions and restraints, to reduce impervious surfaces and reduce drainage discharge offsite or to otherwise further the purposes of this program. Any approval will be based on a finding by the director of the department of public works that the deviation will not be detrimental to the public health, safety, and welfare, and will meet criteria in SCC 30.34B.070. Applicants will be required to list and document each deviation required from the EDDS and its justification.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.34B.090 Program evaluation.

The project selection committee and the department will document project progress, itemize innovations and code deviations and their intended purpose, and record the process of design and development review by the

county. Progress evaluations will be conducted quarterly by the department and proponent, with written summaries provided to the executive and county council. An annual report on all selected projects will be prepared for the county council as part of the department's budget submittal including a summary description and evaluation of each selected project, and recommendations regarding substantive changes to the county code supported by evidence gathered from the program experience. Relevant materials gathered in the course of project selection and development will be collated and made available by the department for the use of the professional development community as well as the general public.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.34B.100 Rulemaking authority.

The director, after soliciting input from the committee, will adopt a project evaluation and scoring methodology by administrative rule pursuant to chapter 30.82 SCC designed to evaluate at least the following:

(1) Ability to perform proposed technical innovations;

(2) Project readiness to proceed, including access to financing, feasibility, and transferability of design techniques to other projects;

(3) Potential environmental benefits of innovative techniques proposed;

(4) Development experience of the proponent;

(5) Ability to meet the requirements and purposes of this chapter;

(6) Location of the project within a particular watershed; and

(7) Ability to demonstrate that basic public health and safety requirements will be met.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.34B.110 Sunset clause.

This chapter will expire three years from April 10, 2003, for purposes of project selection, and for selected projects whose applications are determined by the department to be complete within three years from April 10, 2003, this chapter will expire at such time as final county administrative land use approval occurs for all selected projects.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 03-037, April 9, 2003, Eff date April 10, 2003)

Chapter 30.35A
TRANSFER OF DEVELOPMENT RIGHTS

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

(1) Purpose. The purpose of this chapter is to establish a voluntary and incentive-based process, based on free market principles, to conserve natural resource and open space lands for the use and enjoyment of future generations by allowing the transfer of development rights from lands with significant conservation values to lands considered more appropriate for development. Subject to the requirements of this chapter, the transfer of development rights from sites located within TDR sending areas to sites located within TDR receiving areas is allowed in order to:

(a) permanently preserve natural resource and open space lands with countywide public benefit;

(b) provide flexibility and better use of land and building techniques;

(c) help preserve commercial farmlands designated as TDR sending areas by reducing residential development within such areas;

(d) implement the goals, policies, and objectives of the countywide planning policies, the comprehensive plan, and the provisions of this chapter.

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

(a) determining the number of certified development rights that a sending site is eligible to transfer based on the overall developable area of the site multiplied by a transfer ratio, which is intended to provide an incentive for use of the TDR program;

(b) issuing TDR certificates reflecting the number certified development rights that a sending site is eligible to transfer;

(c) conveying TDR certificates and recording conservation easements that restrict development on sending sites;

(d) qualifying TDR sending sites and TDR receiving sites, in accordance with the comprehensive plan;

(e) applying certified development rights to TDR receiving sites and the extent of increased development allowed on receiving sites;

(f) purchasing, holding and selling certified development rights by the county; and

(g) interlocal agreements providing for the use of TDR certificates within incorporated TDR receiving areas.

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005; Amended Ord. 06-055, July 19, 2006, August 5, 2006)

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

(1) Issuance and conveyance of TDR certificates. Subject to the requirements of this chapter, sending site owners may obtain from the department serially numbered TDR certificates reflecting the number of certified development rights that may be transferred from the sending site owner to a purchaser, and which may thereafter be freely transferred from purchaser to purchaser until ultimately applied to a receiving site located within a receiving area. The number of certified development rights credited to a sending site is determined based on the overall developable area of the sending site. TDR certifcates may be applied to receiving sites pursuant to the requirements of this chapter or applicable city regulations..

(2) Grant of TDR conservation easement. TDR certificates may be issued in exchange for a conservation easement granted to the county pursuant to the requirements of this chapter. The TDR conservation easement is used to conserve, for agricultural use, the sending site for which TDR certificates are certified.

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

(4) County purchase, holding and sale of certified development rights. Subject to the requirements of this chapter, the county may purchase certified development rights from the TDR Pilot Program sending area and hold those rights for subsequent resale.

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005; Amended Ord. 06-046, July 19, 2006, Eff date August 5, 2006)

30.35A.030 Transfer of development rights - sending sites.

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

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

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

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

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

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

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

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.35A.040 Transfer of development rights (TDR) — sending site calculations.

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

(2) Number of certified development rights. The number of certified development rights that an unincorporated sending site is eligible to transfer shall be determined by multiplying the TDR net area for the sending site, as determined pursuant to subsection 3 of this section, by the TDR transfer density ratio established for the sending site zone in subsection 4 of this section. Any fractions that result from the calculation required by this subsection shall not be included in the final determination of total development rights available for transfer.

(3) TDR net area. For purposes of determining the number of certified development rights that a sending site can transfer pursuant to subsection 1 of this section, the sending site net area shall equal the area of the sending site minus the following:

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

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

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

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

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

(5) Legal lots. In lieu of the calculation provided under subsection 2 of this section, the sending site shall, at the request of the applicant, be credited one certified development right, multiplied by the transfer density provided under subsection 4 of this section, for every legal lot with an area of 12,500 square feet or more that existed on or before March 15, 2005, as recognized through the department administrative lot status process.

(6) TDR calculation final. Except as otherwise provided by SCC 30.35A.050(1)(b), the determination of the number of certified development rights that a sending site is eligible to transfer to a receiving site pursuant to subsection 1 of this section shall not be revised due to subsequent rezones or other changes to the sending site.

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.35A.050 Transfer of development rights (TDR) certification of development rights and issuance of TDR certificates.

(1) TDR certification process. Subject to the requirements of this section, sending site landowners may obtain TDR certificates which can be transferred pursuant to SCC 30.35A.070 and used by receiving area landowners to obtain density bonuses pursuant to SCC 30.35A.080 through SCC 30.35A.120. The required process for obtaining TDR certificates is as follows:

(a) Following application for TDR certificates by the sending site owner pursuant to subsection 2 of this section, the department shall issue a TDR certificate letter of intent. The letter shall contain a determination of the number of development rights calculated for the sending site pursuant to SCC 30.35A.040 and an agreement by the department to issue a corresponding number of TDR certificates in exchange for a sending site

conservation easement granted to the county by the sending site owner pursuant to SCC 30.35A.060. The sending site owner may use the TDR certificate letter of intent to market sending site development rights to potential purchasers, but the certificate letter of intent shall have no value and cannot be transferred or used to obtain increased development rights within receiving areas.

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

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

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

(b) The following documents, which shall be used as the basis for determining net area pursuant to SCC 30.35A.040(3):

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

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

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

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

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

(c) A title report issued no longer than 30 days prior to the date of application confirming that the ownership interest(s) in the sending site are in the name(s) of the person(s) whose signature(s) appear on the application for TDR certificates.

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

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

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

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

(h) A review fee pursuant to SCC 30.86.135.

(3) Supplemental information. When the information required by subsection 2 of this section is inadequate

or unavailable, the department may require additional documentation from the applicant or rely on information contained in the county geographic information system or other county records.

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005)

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

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

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

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

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

(b) A legal description of the sending site.

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

(d) A covenant prohibiting the construction of all single family or other residential, commercial, or industrial structures except for those dwellings, if any, that were proposed in the documentation submitted to the department pursuant to SCC 30.35A.050(2)(v). The covenant shall allow accessory and temporary dwelling units that are subservient to existing or proposed single family or other residential dwellings.

(e) A covenant prohibiting all uses that impair or diminish the agricultural use of the land.

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

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

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

(i) Additional provisions that are reasonably necessary for the enforcement and administration of the conservation easement as determined by the director, including a covenant granting the county a right of entry, subject to reasonable advance notice, to conduct brief inspections for the sole purpose of determining compliance with the requirements of the easement.

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005)

30.35A.070 Transfer of development rights (TDR) conveyance of certified development rights.

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

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

(3) Recording of deed and notice of transfer. At the time a TDR certificate is conveyed, the parties shall record the deed of transferable development rights documenting the conveyance. The department shall review and approve the deed of transferable development rights, subject to the requirements of this section, prior to its recording. Costs associated with the recordation shall be paid by the seller.

(4) Contents of deed. The deed of transferable development rights required by subsection 3 of this section shall specify the number of certified development rights sold or otherwise conveyed and shall be on a form provided by the department and approved the prosecuting attorney. The deed of transferable development rights must include:

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

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

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

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

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

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

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

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

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

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

(i) The signature of the department staff member(s) who have reviewed the deed for completeness.

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005)

30.35A.080 Reserved.

30. 35A.090 Reserved.

30. 35A.100 Reserved.

30. 35A.110 Reserved.

30.35A.115 Transfer of development rights (TDR) - application of TDR certificates to receiving sites and extinguishment of TDR certificates.

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

(2) Effect of applying TDR certificates to a receiving site. TDR certificates that have been applied to a

receiving site pursuant to subsection 1 of this section shall be considered void by the county and may not be applied to receiving sites pursuant to this chapter; provided, however, that if a decision approving a receiving site development activity is appealed, the TDR certificates provided in connection with that approval shall not be considered void under this section unless the decision approving the development activity is affirmed following the exhaustion of all administrative and judicial appeals.

(3) TDR extinguishment document required. Upon application to a receiving site pursuant to subsection 1 of this section, the applicant receiving approval of a receiving site development activity shall provide a TDR extinguishment document to the department. The TDR extinguishment document shall be on a form provided by the department and shall include the serial number of each TDR certificate that has been applied to a receiving site and the legal description of the receiving site to which the certificate(s) have been applied.

(Added Amended Ord. 06-046, July 19, 2006, Eff date August 5, 2006)

30.35A.120 Reserved.

30.35A.125 Transfer of development rights (TDR) - interlocal agreements for incorporated TDR receiving areas.

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

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

(Added Amended Ord. 06-046, July 19, 2006, Eff date August 5, 2006)

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

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

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

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

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

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

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

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

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

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

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

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

(5) Exempt purchases. Compliance with the proposal requirements in subsection 2 of this section shall not be required for the purchase of TDR certificates issued for properties within the TDR sending areas listed in Attachment A to the Cooperative Agreement between the United States of America Commodity Credit Corporation and Snohomish County for the Farm and Ranch Lands Protection Program, dated September 24, 2003.

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005; Amended Ord. 06-046, July 19, 2006, Eff date August 5, 2006)

30.35A. 140 Transfer of development rights (TDR) TDR advisory committee.

(1) Establishment, composition and terms of TDR advisory committee. The TDR advisory committee is hereby established pursuant to SCC 2.03.090. The committee shall be subject to the following requirements:

(a) The committee shall consist of five members selected as follows:

(i) Position 1: a resident of the Stillaguamish River valley who is engaged in some aspect of commercial agriculture.

(ii) Position 2: a member of the Snohomish County Agricultural Advisory Board who is also engaged in some aspect of commercial agriculture.

(iii) Position 3: a representative from the Snohomish Conservation District who is also engaged in some aspect of commercial agriculture.

(iv) Position 4: a representative from the Snohomish County Farm Bureau who is also engaged in some aspect of commercial agriculture.

(v) Position 5: one of the following as determined by the county executive: the director of the parks department, or his or her designee, the director of the department of parks, or his or her designee, or the director of the department of planning and development services, or his or her designee.

(b) Positions 1-4 shall be appointed by the county council consistent with the requirements of chapter

2.03 SCC, with terms as follows: members of odd-numbered positions shall serve an initial term of three years and terms of two years thereafter, and members of the even-numbered positions shall serve an initial term of two-years and terms of two years thereafter. Members of positions 1-4 shall serve no more than two consecutive terms. Position 5 shall not be subject to term limits.

(2) Purpose. The purpose of the TDR advisory committee is to review, pursuant to SCC 30.35A.130(2), proposals for the county to purchase certified development rights from sending sites located within the TDR pilot program sending area and to provide recommendations to the department concerning which proposals should be accepted in order of priority based on the review criteria set forth in subsection 3(b) of this section.

(3) Duties. The duties of the TDR advisory committee are as follows:

(a) The committee shall meet at least once every six months, or more frequently if necessary, to review proposals to purchase certified development rights received by the county pursuant to SCC 30.35A.130(2); provided, however, that such meetings shall not be required if no requests to purchase certified development rights have been received. The committee may, at its discretion, invite individuals or groups who submitted proposals pursuant to SCC 30.35A.130(2) to attend committee meetings in order to make a presentation or answer questions about a proposal.

(b) Following one or more meetings held pursuant to subsection 3(a) of this section, the committee shall provide the department with its recommendations, by priority, for the purchase of certified development rights received by the county pursuant to SCC 30.35A.130(2). The committee shall base its recommendations on consideration of the following factors:

(i) location of the sending site within the TDR pilot program sending area, as required by SCC 30.35A.130(2);

(ii) the extent to which the sending site has been used for commercial production of agriculture within the preceding five years and the extent to which the sending site owner(s) relied upon income from farming the sending site for their livelihood;

(iii) the likelihood that development on or near the sending site will occur in the near future, as evidenced by overall market trends in the area of the sending site;

(iv) the number of residential dwelling units or other structures, if any, intended to be built on the sending site, as documented in the application for TDR certificates provided to the department pursuant to SCC 30.35A.050(2);

(v) the extent to which conservation of the sending site will further the creation of a contiguous pattern of agricultural land conservation.

(vi) the extent to which restricting development on the sending site would further the agricultural conservation goals and objectives of the Snohomish County General Policy Plan; and

(vii) the likelihood that the sending site will be used for some aspect of commercial agricultural in the future.

(c) The committee may develop more specific evaluation criteria in order to complete its recommendation under SCC 30.35A.140(3)(b) as long as the criteria are consistent with the factors contained in SCC 30.35A.140(3)(b)(i)-(vii).

(d) The committee shall select a chairperson.

(4) Staff support. The department shall provide staff support to the TDR advisory committee. Staff duties include, but are not limited to, assisting the committee in reserving meeting rooms, reviewing proposals and drafting written recommendations reflecting the committee's review of proposals under subsection 3(b) of this section.

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005)

30.35A.150 Transfer of development rights (TDR) sales exempt from surplus provisions.

The sale of certified development rights by the Snohomish County may be completed consistent with its needs and in accordance with the requirements of this chapter. Such sales are exempt from the real and personal property provisions of chapter 4.46 SCC relating to surplus property.

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005)

Chapter 30.35B

DESIGNATION OF TRANSFER OF DEVELOPMENT RIGHTS SENDING AREAS BY COUNCIL MOTION

30.35B.010 Designation of Transfer of Development Rights (TDR) Sending Areas by Council Motion-purpose and applicability.

(1) Purpose. The purpose of this chapter is to create a process that allows the county by council motion to identify certain open space, natural and resource areas in unincorporated Snohomish County as TDR sending areas. The county may take timely action to conserve watershed, habitat, open space and resource areas for the use and enjoyment of future generations by allowing the transfer of development rights from lands with significant conservation values to lands considered more appropriate for development. Subject to the requirements of this chapter, the transfer of development rights from sites located within TDR sending areas to sites located within TDR receiving areas is allowed in order to:

(a) permanently preserve watershed, habitat, open space, and natural resource and lands with countywide public benefit;

(b) provide flexibility and better use of land and building techniques;

(c) help preserve watershed, habitat, open space and natural resource lands of significance;

(d) implement the County-wide Planning Policies, and GPP TDR goals, objectives, and policies, and the provisions of this chapter.

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

(a) determining the number of certified development rights that a sending site is eligible to transfer based on the overall developable area of the site which is intended to provide an incentive for use of the TDR program;

(b) issuing TDR certificates reflecting the number certified development rights that a sending site is eligible to transfer;

(c) conveying TDR certificates and recording conservation easements that restrict development on sending sites;

(d) qualifying TDR sending sites in accordance with the comprehensive plan.

(Added by Ord. 09-059, June 3, 2009, Eff date June 18, 2009)

30.35B.020 Designation of Transfer of Development Rights (TDR) sending areas by council motion overview.

(1) Designation of sending areas. Upon a completed application the County Council, may by motion designate a site as a TDR sending area, if they find the area to be designated is has significant conservation, watershed, habitat, open space or natural resource values.

(2) Issuance and conveyance of TDR certificates. Subject to the requirements of this chapter, sending site owners may obtain from the department serially numbered TDR certificates reflecting the number of certified development rights that may be transferred from the sending site owner to a purchaser, and which may thereafter be freely transferred from purchaser to purchaser until ultimately applied to a receiving site located within a receiving area. The number of certified development rights credited to a sending site is determined based on the overall developable area of the sending site. TDR certificates may be applied to receiving sites pursuant to the requirements of this chapter or applicable city regulations.

(3) Grant of TDR conservation easement. TDR certificates from a site designated a sending area pursuant to requirements of chapter 30.35B SCC may be issued in exchange for a conservation easement granted to the county pursuant to the requirements of this chapter. The TDR conservation easement is used to conserve, watershed, habitat, open space and natural resource use, on the sending site for which TDR certificates are certified.

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

(Added Ord. 09-059, June 3, 2009, Eff date June 18, 2009)

30.35B.030 Transfer of development rights (TDR) - designation of sending area sites by council motion.

(1) The County Council may by motion designate certain sites as sending areas when it is in the public interest to transfer development rights to preserve land with significant watershed, habitat, open space, and natural resource values.

(2) To be designated a sending area under chapter 30.35B SCC, the site must meet the following minimum requirements:

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

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

(c) Code compliance required. If the sending site is the subject of code enforcement action by the county, the person responsible upon whom a notice for a violation has been served pursuant to chapter 30.85 SCC must resolve these violations, including any required abatement, restoration, or payment of civil penalties, before development rights for the sending site may be certified or transferred by a sending site landowner. This requirement may be waived at the discretion of the director where a proposal is in the public interest, provided that any outstanding code violations do not materially affect the conservation value of the sending site and the

person responsible for code compliance is making a good faith effort to resolve the violations. Waivers granted pursuant to this subsection are solely for the purpose of TDR sending site eligibility and do not constitute a waiver of any county land use regulations or affect ongoing or future code enforcement actions related to the sending site.

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

(Added by Ord. 09-059, June 3, 2009, Eff date June 18, 2009)

30.35B.040 Transfer of development rights (TDR) - sending site calculations.

(1) Calculation for transfer purposes only. The determination of the number of certified development rights that a sending site is eligible to transfer pursuant to this section, including the determination of TDR net area pursuant to this section, shall be valid for transfer purposes only and shall not entitle the sending site landowner to building permits or other development approvals.

(2) Number of certified development rights. The number of certified development rights that a sending site is eligible to transfer shall be determined by calculating the number of residences that could be allowed on the sending site area under the zoning and development code regulations that apply to the sending site.

(3) TDR net area. For purposes of determining the number of certified development rights that a sending site can transfer pursuant to subsection (2) of this section, the sending site net area shall equal the area of the sending site area minus the following:

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

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

(4) The applicant for the TDR credits shall submit on a form provided by the county, a calculation for the number of credits that may be certified, subject to review and approval by the director.

(5) TDR calculation final. Except as otherwise provided by SCC 30.35B.050(3)(e), the determination of the number of certified development rights that a sending site is eligible to transfer to a receiving site pursuant to subsection 1 of this section shall not be revised due to subsequent rezones or other changes to the sending site.

(Added Ord. 09-059, June 3, 2009, Eff date June 18, 2009)

30.35B.050 Transfer of development rights (TDR) - certification of development rights and issuance of TDR certificates.

(1) TDR certification process. Subject to the requirements of this section, sending site landowners may obtain TDR certificates which can be transferred pursuant to SCC 30.35B.070. The required process for obtaining TDR certificates includes the application process in subsection (2) of this section and the certification process in subsection (3) of this section:

(2) Application for TDR certificates. In order to obtain TDR certificates pursuant to subsection 1 of this section, the sending site owner(s) must submit an application for TDR certificates. The applicant for the TDR credits will submit on a form provided by the county, a calculation for the number of credits that may be certified and will be subject to review and approval by the director. The department shall use the application to determine whether the sending site meets the requirements of SCC 30.35B.030 and, if so, the number of certified development rights that the sending site is eligible to transfer pursuant to SCC 30.35B.040. The application shall include all of the following:

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

(b) The following documents, which shall be used as the basis for determining net area pursuant to SCC 30.35A.050(2):

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

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

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

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

(c) A title report issued no longer than 30 days prior to the date of application confirming that the ownership interest(s) in the sending site are in the name(s) of the person(s) whose signature(s) appear on the application for TDR certificates and that there are no existing conservation easements on the sending site.

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

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

(f) A review fee pursuant to SCC 30.86.135.

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

(3) Certification of TDR certificates

(a) Following application for TDR certificates by the sending site, staff shall verify the credit calculations prior to submitting the request to the county council for action.

(b) The department may issue a TDR certificate letter of intent. The letter shall contain a determination of the number of development rights calculated for the sending site pursuant to SCC 30.35B.040 and an agreement by the department to issue a corresponding number of TDR certificates in exchange for a sending site conservation easement granted to the county by the sending site owner pursuant to SCC 30.35B.060. The sending site owner may use the TDR certificate letter of intent to market sending site development rights to potential purchasers, but the certificate letter of intent shall have no value and cannot be transferred or used to obtain increased development rights within receiving areas.

(c) The county council may designate the site as a sending area by motion, if they find the area to be designated has significant conservation values.

(d) A conservation easement for the sending site shall be approved and accepted by the County prior to issuing any TDR certificates.

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

(Added Ord. 09-059, June 3, 2009, Eff date June 18, 2009)

30.35B.060 Transfer of development rights (TDR) - conservation easement.

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

(2) Acceptance and recording of TDR conservation easement. Subject to the restrictions of SCC 30.35A.050(3)(e), the director shall accept and sign on behalf of the county a conservation easement offered by a sending site owner in exchange for TDR certificates following issuance of a TDR certificate letter of intent; provided, however, that the easement meets the requirements set forth in subsection 3 of this section. Following

acceptance of a conservation easement by the director, the department shall record the easement with the county auditor.

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

(a) A legal description of the sending site.

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

(c) A covenant prohibiting any subdivision of the sending site except for subdivisions, if any, that were proposed in the documentation submitted to the department pursuant to SCC 30.35A.050(2)(b)(iv).

(d) A covenant prohibiting all uses that impair or diminish the functions or use of watershed, habitat, open space or resource areas being conserved and the construction of any new residential structures.

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

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

(g) Additional provisions that are reasonably necessary for the enforcement and administration of the conservation easement as determined by the director, including a covenant granting the county a right of entry, subject to reasonable advance notice, to conduct brief inspections for the sole purpose of determining compliance with the requirements of the easement.

(Added Ord. 09-059, June 3, 2009, Eff date June 18, 2009)

30.35B.070 Transfer of development rights (TDR)- conveyance of certified development rights.

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

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

(3) Recording of deed and notice of transfer. At the time a TDR certificate is conveyed, the parties shall record the deed of transferable development rights documenting the conveyance. The department shall review and approve the deed of transferable development rights, subject to the requirements of this section, prior to its recording. Costs associated with the recordation shall be paid by the seller.

(4) Contents of deed. The deed of transferable development rights required by subsection 3 of this section shall specify the number of certified development rights sold or otherwise conveyed and shall be on a form provided by the department and approved the prosecuting attorney. The deed of transferable development rights must include:

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

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

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

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

(i) sold the sending site but retained the TDR certificates issued for the sending site pursuant to SCC 30.35B.050; or

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

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

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

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

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

(i) The signature of the department staff member(s) who have reviewed the deed for completeness.

(Added Ord. 09-059, June 3, 2009, Eff date June 18, 2009)

30.35B.080 Reserved.

30.35B.090 Reserved.

30.35B.100 Reserved.

30.35B.110 Reserved.

30.35B.115 Transfer of development rights (TDR) - application of TDR certificates to receiving sites and extinguishment of TDR certificates.

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

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

(3) TDR extinguishment document required. Upon application to a receiving site pursuant to subsection 1 of this section, the applicant receiving approval of a receiving site development activity shall provide a TDR extinguishment document to the department. The TDR extinguishment document shall be on a form provided by the department and shall include the serial number of each TDR certificate that has been applied to a receiving site and the legal description of the receiving site to which the certificate(s) have been applied.

(Added Ord. 09-059, June 3, 2009, Eff date June 18, 2009)

30.35B.120 Reserved.

30.35B.125 Transfer of development rights (TDR)- interlocal agreements for incorporated TDR receiving areas.

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

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

(Added Ord. 09-059, June 3, 2009, Eff date June 18, 2009)

Chapter 30.41A
SUBDIVISIONS

30.41A.010 Purpose and applicability.

(1) The purpose of this chapter is to:

(a) Regulate the division or redivision of land into five or more lots, tracts, or parcels outside of an urban growth area, or 10 or more lots, tracts, or parcels inside an urban growth area;

(b) Promote the public health, safety, and general welfare;

(c) Further the goals and objectives of the comprehensive plan;

(d) Prevent the over-crowding of land;

(e) Lessen congestion in the streets and highways;

(f) Promote effective use of land;

(g) Promote safe and convenient travel by the public on streets and highways;

(h) Provide for adequate light and air;

(i) Require that appropriate provisions are made for open space, drainage ways, streets, alleys or roads, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and sidewalks or other planning features that assure safe walking conditions for students who walk to and from school;

(j) Adequately provide for the housing and commercial needs of citizens;

(k) Provide for proper ingress and egress;

(l) Require uniform monumentation of subdivisions;

(m) Require conveyancing by accurate legal description; and

(n) Provide for expeditious review and approval of proposed subdivisions that conform to the requirements of this code.

(2) The provisions of this chapter shall apply to subdivisions as defined in this title and to every redivision of a short subdivision occurring within five years of the date of recording of the original short subdivision, except as provided in SCC 30.41B.010(2).

(3) The property owner of a split parcel may submit a plat to subdivide parcel split by a UGA boundary if one division of the parcel occurs on the UGA boundary line resulting in one lot encompassing the entire rural or resource area, even if this one lot does not meet minimum lot dimension requirements. Any additional division of the lot including lots created within the urban portion of the original parcel or additional lots created within the rural or resource area of the site must meet all applicable zoning and development standards set forth in subtitle 30.2 SCC and applicable subdivision requirements in subtitle 30.4 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 06-062, Oct. 4, 2006, Eff date Oct. 15, 2006; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.41A.020 Exemptions.

The provisions of this chapter shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions made by testamentary provisions or the laws of descent;

(3) Division of land for the purpose of lease, when used for a mobile home park or recreational vehicle park pursuant to the binding site plan provisions of chapter 30.41D SCC;

(4) Boundary line adjustments completed pursuant to chapter 30.41E SCC;

(5) Condominiums, when prepared and filed in accordance with the Horizontal Property Regimes Act, chapter 64.32 RCW, or the Condominium Act, chapter 64.34. RCW;

(6) Assessor's plats, when prepared and filed in accordance with the provisions of RCW 58.18.010 and when

the lot size requirements of this code have been met;

(7) Division of land into lots, tracts or parcels each of which is at least one eighth of a section of land or larger, or 80 acres or larger in size if not definable as a fraction of a section of land; and

(8) Divisions of land pursuant to the binding site plan provisions of chapter 30.41D SCC.

(9) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.41A.030 Prior divisions of land.

A legal division of land shall be recognized as having occurred in the following circumstances, provided that lots, tracts, or parcels shall be recognized only if the division of land complied, at the time, with all minimum requirements of applicable state law and zoning and access requirements of this code or if no legal access was created at the time of the division, the requirements of SCC 30.24.050(4) must be met:

(1) Land was divided into lots, tracts or parcels five acres or larger if the land is not capable of subdivisional description, or 1/128th of a section in size or larger prior to September 16, 1986, where actual subdivision or short subdivision occurred or intent to subdivide was demonstrated through one or more of the following actions:

(a) There was filed with the department a large lot subdivision map of lots;

(b) There was filed with the Snohomish County Auditor a record of survey of tracts to be subdivided;

(c) There was filed with the Snohomish County Assessor a tax segregation of the tracts to be subdivided; or

(d) There were sales and/or transfers of interest in tracts or parcels;

(2) Land was divided into lots, tracts, or parcels 20 acres or larger if the land is not capable of subdivisional description, or 1/32nd of a section in size or larger prior to May 16, 1991, where actual subdivision or short subdivision occurred or intent to subdivide was demonstrated through one or more of the following actions:

(a) There was filed with the department a large lot subdivision map of lots;

(b) There was filed with the Snohomish County Auditor a record of survey of tracts to be subdivided; or

(c) There were sales and/or transfers of interest in tracts or parcels.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 06-013, April, 5, 2006, Eff date April 22, 2006)

30.41A.040 Procedure, special notice, and timing requirements.

(1) The hearing examiner may approve, approve with modifications, or deny subdivisions under the circumstances set forth in this chapter. The decision is processed as a Type 2 application as described in chapter 30.72 SCC.

(2) A preliminary subdivision application may be denied without prejudice by the hearing examiner pursuant to SCC 30.71.060. If denied without prejudice, the application may be reactivated under the original project number and without additional filing fees if a revised application is submitted within six months of the date of the hearing examiner's decision. In all other cases a new application shall be required.

(3) In addition to the notice required by chapter 30.70 SCC, the department shall distribute copies of the preliminary subdivision application to each of the following and shall allow 21 days from the date of published notice for the agencies to submit comments on the proposal:

(a) Snohomish Health District;

(b) Department of public works;

(c) Washington State Department of Transportation;

(d) Any city or town whose municipal boundaries are within one mile of the proposed subdivision or whose

urban growth area includes the subject site, or whose public utilities would be used by the proposed subdivision; and

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.050 Submittal requirements.

(1) A preliminary subdivision application shall comply with the requirements set out in the application checklist as provided by the department pursuant to SCC 30.70.030.

(2) A preliminary plat shall be prepared and bear the signature and seal of a registered professional land surveyor.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.060 Subdivision name reservation.

The person(s) executing the subdivision application must provide a form from the county auditor's office showing that they have reserved the name of the subdivision being submitted.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.080 Rural cluster subdivisions.

An application for a subdivision located in the Forestry, Forestry and Recreation, Rural 5-acre, Rural Conservation, Rural Diversification, or Rural Transition - 10 acre zones may, at the request of the applicant, be processed as a rural cluster subdivision pursuant to chapter 30.41C SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.100 Decision criteria - general.

(1) The hearing examiner and the department shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The hearing examiner shall approve a preliminary subdivision only if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, sites for schools and school grounds, fire protection and other public facilities. The hearing examiner shall consider all other relevant facts, including the physical characteristics of the site and sidewalks and other planning features that assure safe walking conditions for students who walk to and from school to determine whether the public interest will be served by the subdivision and dedication.

(2) If the hearing examiner finds that the proposed preliminary subdivision makes appropriate provisions for the matters listed in SCC 30.41A.100(1) and enters written findings that the subdivision conforms to all applicable development regulations and construction codes, then it shall be approved. If the hearing examiner finds that the proposed subdivision does not make such appropriate provisions or that development regulations requirements are not met, or the public use and interest will not be served, then the hearing examiner may deny the proposed preliminary subdivision.

(3) Dedication of land or payment of fees to any public body may be required as a condition of preliminary subdivision approval. Evidence of such dedication and/or payment shall accompany final subdivision approval.

(4) The hearing examiner shall not, as a condition of preliminary subdivision approval, require the applicant to obtain a release from damages from other property owners.

(5) All subdivisions are also subject to the requirements of chapters 30.32A, 30.32B, and 30.32C SCC, regarding forest, agricultural and mineral lands and the right to practice forestry and to farm. In the event of a conflict between the provisions of this chapter and the resource lands chapters, the resource lands chapters shall control.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.41A.110 Decision criteria - flood hazard areas.

(1) The hearing examiner shall consider the physical characteristics of a proposed subdivision site, and may disapprove a proposed preliminary subdivision because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final subdivision.
(2) No preliminary subdivision shall be approved in a special flood hazard area as defined by chapter 30.65 SCC unless the requirements of SCC 30.65.110(3) are met.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.120 Decision criteria - health district.

Except as limited by the requirements of SCC 30.23.020 or chapter 30.29 SCC, the Snohomish Health District may require as a condition of preliminary subdivision approval lot sizes larger than the minimum permitted by the zoning code in those instances where topography, soils, water table, or other conditions make larger lot sizes necessary in order to prevent possible health hazards due to water contamination or sewage disposal system malfunction.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.130 Decision criteria - school district.

(1) The hearing examiner shall ensure that the applicable requirements of chapter 30.66C SCC are met.
(2) When a preliminary subdivision wholly or partially contains a school site proposed in the comprehensive plan or other officially adopted plans, or when the school district finds a reasonably foreseeable need for such a site, the applicant may be required to dedicate a portion of the subdivision or reserve it for future purchase by the school district. The county shall require evidence of need from the school district as a prerequisite to requiring dedication or reservation. The hearing examiner may set a time limit on the effective period of any reservation.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.140 Decision criteria - fire district.

(1) When the affected fire district finds a reasonably foreseeable need for a site wholly or partially contained within the preliminary subdivision, the applicant may be required to dedicate a portion of the subdivision or reserve it for future purchase by the fire district. The county shall require evidence of need from the fire district as a prerequisite to requiring dedication or reservation. The hearing examiner may set a time limit on the effective period of any reservation.
(2) The applicant may be required to present evidence in the form of a letter or agreement with the affected

fire district documenting that the applicant has agreed to offset the cost of the district's growth which is reasonably attributable to the proposed subdivision.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.150 Decision criteria - parks.

(1) The hearing examiner shall ensure that the requirements of chapter 30.66A SCC are met.
(2) When a preliminary subdivision contains a portion of a county trail or open space network which is indicated in the park plan element of the comprehensive plan or other officially adopted plan, an area encompassing such trail or open space network may be required to be set aside for its intended purpose by the granting of a trail or open space easement to the county, dedication, or reservation for future purchase by the public. The hearing examiner may determine a reasonable time or specify the event, limiting the effective period of the reservation.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003

30.41A.160 Fire code.

Compliance with the Snohomish County fire code, chapter 30.53A SCC, is required.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.170 Shoreline management.

For any portion of a preliminary subdivision wholly or partially located within an area subject to the jurisdiction of the Shoreline Management Act of 1971, chapter 90.58 RCW, the applicant shall comply with the shoreline management program, chapter 30.44 SCC and chapter 90.58 RCW.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.41A.180 Decision criteria - minimum net density in urban growth areas.

All residential subdivisions located in an urban growth area designated in the comprehensive plan shall maintain a minimum density of four dwelling units per net acre consistent with the minimum net density provisions of SCC 30.23.020.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.190 Decision criteria - signage.

Identification signs for residential subdivisions are permitted subject to the standards in SCC 30.27.060.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.200 Design standards - general.

The public use and interest require compliance with the standards set out in this chapter unless a modification is specifically allowed through the preliminary approval process. Modifications may be granted only where explicitly provided for by specific code authority.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.210 Design standards - roads.

Roads for subdivisions shall comply with the requirements set forth in chapter 30.24 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.41A.220 Design standards - drainage.

All subdivisions shall comply with the requirements of chapter 30.63A SCC. Modification of drainage standards or requirements shall be done only pursuant to chapter 30.63A SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.225 Design standards - tree retention and landscaping.

All subdivisions shall meet the applicable tree retention and landscaping requirements of chapter 30.25 SCC.

(Added by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.41A.235 Design standards - construction area.

Each new lot shall have an accessible area suitable for construction of at least 1000 square feet and located outside any required building setback, unbuildable easement, required buffer, or critical area, except that for lots in a planned residential development, there is no minimum construction area.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.240 Design standards - lot size averaging.

The minimum lot size within a residential subdivision may be reduced below the size required by zoning pursuant to SCC 30.23.210. Minimum lot size may also be reduced pursuant to chapter 30.42B SCC and chapter 30.41C SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.250 Density for sloping land.

All subdivisions shall comply with applicable requirements of SCC 30.28.050 regarding development on steep slopes. For other regulations affecting development activity on slopes see also SCC 30.62B.320 and 30.62B.340. In addition, the following requirements shall apply to all subdivisions:

(1) Determination of Slope. The applicant shall determine land slope and assess the applicability of this section. This information shall be provided to the department along with the completed application. In determining slope, the applicant shall 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 applicant shall determine maximum

unit yield for the specified zones from Table 30.41A.250(2), except that this requirement shall not apply to a planned residential development combined with a preliminary subdivision; and

Table 30.41A.250(2)
RESIDENTIAL DENSITY FOR SLOPING LAND

Zoning	Dwelling units/Gross acre			
	15-20% slope	21-25% slope	26-33%slope	Over 33% slope
Rural Conservation	.5	.5	.5	.25
SA l-Acre	1.0	1.0	1.0	.25
R-20,000	1.8	1.8	1.8	.25
R-12,500	2.8	2.8	1.8	.25
R-9,600	4.0	2.8	1.8	.25
R-8,400	4.0	2.8	1.8	.25
R-7,200/WEB	4.0	2.8	1.8	.25

Slope means an inclined ground surface, the inclination of which is expressed as a rating of horizontal distance to vertical distance. Slope percentages are calculated by taking the vertical rise over the horizontal run. For land areas greater than 15 percent natural slope, maximum unit yield in the identified zones shall be determined by multiplying the gross site area by the appropriate density factors found in SCC Table 30.41A.250(2). For the purpose of this table, a continuous slope with a horizontal run of less than 50 feet shall be considered level when the slope percentage is less than 33 percent.

(3) The department may require engineering or other technical justification for development in sloped areas where it determines that the public health, safety, welfare, or environment may be jeopardized by the proposed development.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.41A.300 Preliminary subdivision approval - term.

(1) The standard term of approval for a preliminary subdivision is seven years. An applicant must file for and complete final subdivision approval within the seven year period, running from the date of preliminary subdivision approval, or the approval will expire. However, preliminary subdivision approval may be extended beyond the seven year period as provided for in SCC 30.41A.300(2), (3), and (4).

(2) An applicant or his or her successors may request, in writing, one or more extensions of preliminary approval, not to exceed a total of two years. Such request must be received by the director at least 30 days prior to the expiration of the preliminary subdivision approval or prior extension. The department may grant an extension if the applicant can demonstrate that a good faith effort was exerted to complete the final subdivision within the initial seven-year approval period in accordance with the terms of the preliminary approval, or within the subsequent extension period. Except as provided for in SCC 30.41A.300(3) and (4), the department may not extend preliminary subdivision approval beyond a nine-year period if the date of preliminary approval is on or before December 31, 2014, and the preliminary approval period has not expired. The applicant shall pay a fee for each extension pursuant to SCC 30.86.100.

(3) In addition to any extension granted by the department, preliminary subdivision approval may be further extended for a period not to exceed four months by the county council if the applicant demonstrates that a continued good faith effort has been exerted to complete the final subdivision and provides justification of the extenuating circumstances as to why the additional four months is required. A request for consideration of the

four month extension shall be filed with the Clerk of the Council at any time during the final extension granted by the department.

(4) The department shall grant an extension in cases where a preliminary approval has been appealed to court, not to exceed the period of time the approval is under judicial review.

(5) The applicant may request final subdivision approval in phases, subject to the time restrictions in SCC 30.41A.300(1) and the terms of the preliminary subdivision approval. Open space, amenities, and other requirements of the preliminary approval shall be completed coincident with each phase of the final subdivision on a prorata basis unless otherwise required in the preliminary approval. A revision to the preliminary approval, pursuant to SCC 30.41A.330, must be applied for with the request to complete the final subdivision improvements in phases.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 09-018, June 3, 2009, Effective June 25, 2009; Amended by Amended Ord. 11-075, Jan. 11, 2012, Eff date Feb. 4, 2012; Amended by Amended Ord. 12-075, Oct. 3, 2012, Eff date Oct 28, 2012)

30.41A.310 Preliminary subdivision withdrawal.

When the owner(s) of property subject to an approved preliminary subdivision wish to withdraw the approved preliminary subdivision prior to its normal expiration pursuant to SCC 30.41A.300, the owner(s) shall file with the hearing examiner's office, a notarized written statement, in a form provided by the county, requesting withdrawal and acknowledging the effects of such withdrawal. The hearing examiner shall issue an administrative order approving the withdrawal within 15 days of receipt of a properly completed request form. A copy of the order shall be transmitted to the owner(s) and to the department for inclusion in the official records of the county.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.320 Prohibition against other subdivisions.

No short subdivision (chapter 30.41B SCC) shall be approved which includes any land contained within an approved preliminary subdivision during the period in which the preliminary subdivision is valid.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.330 Revisions after preliminary subdivision approval.

Approved preliminary subdivisions may be revised prior to installation of improvements and recording of the final subdivision. Revisions that are generally consistent with the approved preliminary subdivision, which do not alter conditions of preliminary approval and do not adversely affect public health, safety, and welfare may be administratively approved by the department; provided that any increase in trip generation or change in access points shall be reviewed pursuant to SCC 30.66B.075. Any other change shall require processing as a new preliminary subdivision. Relevant county departments and agencies shall be notified of any administrative revision. A revision does not extend the life or term of the preliminary subdivision approval, which shall run from the original date of preliminary approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.400 Construction drawings - submittal and review.

The following construction drawings, plans, and evidence shall be prepared and submitted either at the time of consideration of the preliminary subdivision or prior to construction. Plan submittal requirements shall be detailed by the department and available in checklist form:

(1) A full drainage plan shall be submitted as per chapter 30.63A SCC;

(2) A construction plan shall be submitted complying with the EDDS; and

(3) The full drainage plan and construction plan as specified above shall be reviewed under the direction of and approved by a registered professional engineer qualified in civil engineering assigned to the department.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.410 Improvements - how pledged.

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

(a) By actual installation of improvements to the satisfaction of the department; or

(b) If acceptable to the department, by furnishing the county with a security device in accordance with SCC 30.84.105.

(2) A maintenance security shall be required in order to assure the successful operation of the improvements in accordance with chapter 30.84 SCC. The maintenance security shall be required upon completion of construction and installation of the improvements to the satisfaction of the department.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 09-077, Aug. 26, 2009, Eff date Sept. 19, 2009; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.41A.420 As built plans - submittal.

After completion of all required improvements and prior to final acceptance of said improvements, the applicant shall submit:

(1) As built drawings reflecting any changes to previously approved construction drawings to the department. No changes in improvements may be made without prior approval of the department;

(2) Copies of the subdivisions and drawings showing the actual location of all mains, hydrants, valves, and other fire improvements to the fire marshal; and

(3) A statement by the applicant and his registered engineer that the drawings show the actual location of the improvements required to be shown therein.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.430 Installation of improvements - time limits.

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

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.41A.500 Model homes.

A limited number of model homes are allowed to be constructed in an approved preliminary subdivision prior to final subdivision approval and recording in accordance with SCC 30.41A.510 - 30.41A.550. These sections shall not be construed to supersede or amend the purpose and intent of the Snohomish County Code regarding the requirements for subdivision approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.510 Number of model home permits authorized.

Building permit applications for model homes may be accepted for a maximum of nine lots.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 04-017, Mar. 31, 2004, Eff date Apr. 23, 2004)

30.41A.520 Eligibility for a model home permit.

Any applicant who has received preliminary subdivision approval may apply for a building permit or building permits for model homes, up to the number authorized under SCC 30.41A.510. Prior to the issuance of model home permit(s), the applicant must demonstrate that the following criteria are met:

(1) The applicant for the model home building permit, if different than the owner and applicant for the approved preliminary subdivision, shall provide a document signed by the owner demonstrating that the applicant has real or possessory interest in the property on which the model home will be constructed;

(2) The applicant has submitted and received approval of construction plans for the model home to be built;

(3) Retention/detention facilities that serve the model home lots shall be in place or approved for recording;

(4) Any road improvement required as a condition of preliminary subdivision approval which is designed to provide access to the model home lots from an existing public road or public highway shall be constructed to final alignment and subgrade from such public street to the model lots (but not including the required curb, gutter, sidewalk or paving). The access road shall meet the requirements of 30.53A.150(902.2.2.2). The driveway(s) for the model home(s) shall be approved in accordance with the EDDS. Lot corners and driveway locations for the model home lots shall be staked by a registered professional land surveyor;

(5) All mitigation fees required as a condition of preliminary subdivision approval, which are required to be fulfilled prior to building permit issuance, shall have been paid for the model home lot(s) prior to the issuance of a building permit for the model home;

(6) The application for the model home must be submitted at least 60 days prior to the date of preliminary subdivision expiration; and

(7) Fire protection must be available to any lot proposed for construction of a model home.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 04-017, Mar. 31, 2004, Eff date Apr. 23, 2004)

30.41A.530 Model home application requirements.

Each residential building permit application for a model home shall include the following additional submittals:

(1) Title certificate demonstrating ownership interest in the property on which the model home will be constructed;

(2) Building plot plan(s) showing the location(s) of the proposed model home(s); distances from the proposed

final subdivision lot lines; all existing, required or proposed easements including but not limited to easements required by 30.63A.330 SCC and 30.63A.340 SCC; and the setbacks required in 30.63A.200(4) SCC, and 30.63B.330 SCC;

(3) One dark line print of the proposed final subdivision;

(4) A statement signed by the applicant in which the applicant agrees to indemnify and hold harmless the county, its employees, agents, representatives, and elected and appointed officials from any and all claims made against them arising from the construction or occupancy of the model home(s) prior to recording of the final subdivision; and

(5) In addition to the residential building permit fees for plan check, site review, and access permit, a model home fee for each model home and subdivision base fee shall be required. See chapter 30.86 SCC for applicable fees.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 04-017, Mar. 31, 2004, Eff date Apr. 23, 2004)

30.41A.540 Model homes - occupancy.

The applicant may request final inspection and occupancy for only one model home prior to final subdivision approval and recording. Additional model homes constructed in the same preliminary subdivision in compliance with chapter 30.41A SCC shall be used for display and marketing purposes only and shall not be occupied prior to final subdivision approval and recording. Occupancy as a model house/sales office prior to final plat recording is subject to meeting the life/safety requirements of subtitle 30.5 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 04-017, Mar. 31, 2004, Eff date Apr. 23, 2004)

30.41A.550 Model homes - as-built submittal.

Prior to final subdivision approval, the applicant shall submit two copies of a plot plan delineating the as-built location of the model home on the lot. The corners of the lot shall be set by a registered professional land surveyor prior to commencement of construction. The plot plan shall be included in both the building permit record and the subdivision file record.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 04-017, Mar. 31, 2004, Eff date Apr. 23, 2004)

30.41A.600 Final subdivision application approval - timing.

A final subdivision application shall be approved within the seven year time period for preliminary subdivision approval unless an extension of time is granted pursuant to SCC 30.41A.300.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 11-075, Jan. 11, 2012, Eff date Feb. 4, 2012)

30.41A.605 Final subdivision application - form.

An application for a final subdivision shall meet the submittal requirements established by the department pursuant to SCC 30.70.030, and shall include declarations, dedications, and acknowledgments in the form prescribed by the department.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.610 Monumentation.

(1) Monumentation complying with the current EDDS shall be placed at all public road(s) intersections, boundary angle points, points of curves in public road(s), or at such intermediate points as may be required by the department.

(2) If any land in a subdivision is contiguous to a body of water, river, or stream, monuments shall be set along a meander line which shall be established along the shore at such distance back from the ordinary high-water mark as to reasonably ensure against damage and destruction by flooding or erosion. Property lying beyond the meander line shall be defined by distance along the side property lines extended from the meander line.

(3) All lot and block corners or witness corners shall be set with an iron pipe or steel reinforcing bar at least 24 inches in length, or alternate materials as approved by the department, before recording of the subdivision. All corners shall be identified with the land surveyor's registration number.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.620 Miscellaneous approvals.

The following approvals must be submitted in writing to the department prior to certification of the final subdivision:

(1) Health approval. The Snohomish Health District shall indicate compliance with the health requirements of the preliminary subdivision and shall indicate the adequacy of the method of sewage disposal. The health district may require that those lots which do not meet health district standards be so noted on the face of the final subdivision. Approval by the health district of the final subdivision shall not vary or negate any requirements for obtaining septic tank and drainfield permits for any lots therein;

(2) Fire marshal's approval;

(3) Water purveyor's approval;

(4) Sewer purveyor's approval (when applicable);

(5) Proof of electrical availability; and

(6) Other approvals as may be required in the conditions of preliminary subdivision approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.630 Dedications.

(1) All highways and public roads or portions thereof and parcels of land shown on the final plat intended for any public use shall be deeded or offered for dedication for public use except where the provisions of this chapter provide otherwise.

(2) Public roads, or portions thereof, may be reserved by the county for future dedication where the immediate opening and improvement is not required, but where it is necessary to ensure that the county can later accept dedication when the public roads become needed due to traffic impacts of the subdivision, together with expected impacts of reasonably foreseeable future development of the areas or adjacent areas.

(3) Easements shall be dedicated and indicated on the face of the final plat in a form acceptable to the department. Easements for the purpose of serving the subdivision and other property with utility services and granting the right to enter upon the lots, tracts, and common areas at all times to install, lay, construct, renew, operate, and maintain underground conduit, cables, pipe, and wires with necessary facilities and other equipment shall be reserved for and granted to all utilities and to their respective successors and assigns, under and upon the exterior 10 feet parallel with and adjoining the street frontage of all lots, tracts, and common

areas. Easements for storm drainage sewers and other purposes shall be dedicated as appropriate. The department shall establish standard language for the establishment of such easements and shall make the standard language available with the submittal requirements checklists for final subdivision approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.640 Public notice of final subdivision submittal and departmental review for final subdivision.

(1) The department shall examine the final subdivision application to ensure compliance with applicable law and conditions of preliminary approval. The department may require additional information from an applicant where necessary to review the final subdivision application. Computation records for the lots and boundaries shall be furnished.

(2) When the final plat is found to be in correct form, and the matters shown thereon are sufficient, the department shall obtain the necessary signatures on the final plat. Each final plat shall be accompanied by an updated certificate of title showing the names of all persons, firms, or corporations whose consent is necessary to dedicate land for public usage, as well as any easements or other encumbrances to the land proposed for subdivision. For the purposes of this section, an updated title report is a title report or supplemental title report which has been prepared no more than 30 days prior to submittal of the final subdivision.

(3) Public notice of final subdivision submittal shall be provided by the department within 21 days of determination that the application is complete by:

(a) Mailing to all taxpayers of record and known site addresses within 300 feet of any portion of the boundary of the final subdivision, and to those official parties of record listed in the hearing examiner decision on the preliminary subdivision application;

(b) Posting in accordance with SCC 30.70.050 and 30.70.045;

(c) Mailing to all parties that have provided written comment on the preliminary subdivision in accordance with SCC 30.70.045; and

(d) Notices required in the SCC 30.41A.640(3)(a) through (c) shall solicit comments on the final subdivision recommendation. All comments shall be submitted to the department within 15 days of the mailing of the public notice.

(4) The department shall coordinate the final subdivision review process among the appropriate county departments and other agencies and, after compliance with the public notice provisions of SCC 30.41A.640(3), and upon confirmation of compliance with the conditions of preliminary approval shall transmit a recommendation for final subdivision approval to the council. The final subdivision application shall be scheduled for consideration at a regular or special meeting of the council.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-047, June 4, 2003, Eff date June 20, 2003; Ord. 06-093, Nov. 8, 2006, Eff date Nov. 26, 2006)

30.41A.645 Council procedure and public notice.

(1) Each application for final subdivision approval scheduled for council consideration shall be accompanied by the following agencies' recommendations for approval or disapproval:

(a) Local health district or other agency furnishing sewage disposal and supplying water, as to the adequacy of the proposed access of sewage disposal and water supply;

(b) The department, as to compliance with all terms of the preliminary approval of the proposed plat, subdivision or dedication;

(c) The department of public works; and

(d) Other relevant federal, state, or local agencies. None of the agencies listed in SCC 30.41A.645(a) and (c) shall modify the terms of its recommendation without the consent of the applicant.

(2) Public notice of the time, date, and location of the council meeting on the final subdivision application shall be given at least five days prior to the meeting by:

(a) Mailing to the applicant;

(b) Mailing to all parties who provided comment on the notice of recommendation for final subdivision action; and

(c) Posting notice of time, date, and location of the public meeting on the signs required pursuant to SCC 30.70.060.

(d) Public notices provided under this section shall state that public testimony may be presented but will be limited to the issue of whether the final subdivision conforms to all conditions of preliminary subdivision approval and otherwise meets the requirements of state law and county code.

(3) The county council shall act on a final subdivision application by motion at a regular or special meeting as provided in SCC 30.41A.650. Any person may present relevant testimony or other evidence as described in SCC 30.41A.645(2)(d).

(4) The notices provided for in this section shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each taxpayer of record and known site address.

(5) Notices mailed to taxpayers of record and known site addresses shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the division to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-047, June 4, 2003, Eff date June 20, 2003)

30.41A.650 Council action.

(1) Upon a finding that the final subdivision has been completed in accordance with the provisions of this code, that the plat is in proper form for recording as established by the submittal requirements, that all required improvements have been completed or the arrangements or contracts have been entered into to guarantee that such required improvements will be completed, that all conditions of the preliminary subdivision approval and requirements of state law and county code have been met, and that the interests of the county are fully protected, the council, upon consideration of the final subdivision at a regular or special council meeting, shall approve the final subdivision and the chairperson shall sign the final plat accepting such dedications and easements as may be included thereon. Written notice of the council decision to approve shall be given by:

(a) Mailing to the applicant;

(b) Mailing to all parties of record listed in the hearing examiner and county council decisions;

(c) Mailing to all parties who individually wrote and submitted letters concerning the subject subdivision application;

(d) Mailing to all parties who testified at the public meeting on final action;

(e) Mailing to all parties that were mailed public notice pursuant to SCC 30.41A.645(2), and to the department of ecology; and

(f) Publication in the county official newspaper.

(2) The final subdivision may be denied upon findings and conclusions that the requirements for final subdivision approval have not been met. If the council does not approve the final subdivision, it may grant the project proponent a period of time, not to exceed four months, to bring the final subdivision into compliance with the conditions of preliminary subdivision approval and set a specific time and date for the council to reconsider the final subdivision. Notice of a council decision extending the time period for compliance with the conditions of preliminary subdivision approval shall be given as prescribed in SCC 30.41A.650(1) and to all parties who have requested notification of the council's decision.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-047, June 4, 2003, Eff date June 20, 2003)

30.41A.660 Taxes.

(1) All taxes on the property within a final plat must be paid for the current year in advance, together with all delinquent assessments for which the property may be liable as of the date of certification and all special assessments against the property which, under the subdivision filed, become public roads, alleys, and other public places. The county treasurer shall indicate by seal and signature proof of payment on the face of the final subdivision.

(2) Any person filing a final subdivision subsequent to May 31 in any year and prior to the date of the collection of taxes, shall deposit with the county treasurer a sum equal to the product of the county assessor's latest valuation on the unimproved property in such subdivision multiplied by the current year's millage rate and increased by 25 percent on the property platted.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.665 File with auditor.

(1) The original of the final subdivision shall be filed and recorded with the county auditor within 30 days from the date of council approval or the final approval shall lapse. In the case of a lapsed final approval, SCC 30.41A.300 shall govern the expiration of the preliminary approval.

(2) The auditor shall prepare and distribute copies bearing the auditor's recording data to the department, the department of public works, county or district fire officials, and the county assessor.

(3) The auditor shall refuse to accept any final subdivision for filing and recording until final subdivision approval has been given. Should a final subdivision or dedication be filed or recorded without such approval, the prosecuting attorney shall apply for a writ of mandate in the name of and on behalf of the council, directing the auditor and assessor to remove from their files or records the unapproved subdivision or dedication of record.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.670 Effect of filing a final subdivision.

Final subdivisions approved and recorded pursuant to this chapter are subject to the provisions of RCW 58.17.170.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.675 Homeowners association.

A homeowners association established for purposes of tract ownership and maintenance pursuant to this title shall be incorporated as a profit or non-profit corporation and shall remain the owner unless tract ownership by all lots within the subdivision is authorized pursuant to a final plat alteration. In the event that a homeowners association established pursuant to this title should be dissolved, then each lot shall have an equal and undivided ownership interest in the tracts previously owned by the association as well as responsibility for maintaining the tracts. A covenant that requires maintenance of the tracts consistent with county code, that restricts use of the tracts to that specified in the approved preliminary plat, and that requires compliance with those county regulations and conditions of final subdivision approval specified on the plat, must be approved by the County and recorded with the County Auditor. Said covenant shall be binding upon and inure to the benefit of the homeowners association, the owners of all lots within the subdivision and all others having any interest in the tracts or lots. Prior to the recording of the final plat, the department shall receive evidence that the articles of incorporation for the homeowners association have been filed. In any subdivision containing a homeowners

association approved pursuant to this title, membership in the homeowners association and payment of dues or other assessments for maintenance purposes shall be a requirement of lot ownership and shall remain an appurtenance to and inseparable from each lot.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.700 Subdivision alteration.

(1) A recorded final subdivision may be altered pursuant to SCC 30.41A.710 through 30.41A.750. These provisions apply to the reconfiguration of any element graphically portrayed on a recorded final plat and to the alteration of conditions, restrictions, easements, or other textual materials on the plat or with a recorded final subdivision.

(2) Any change to a recorded final plat where an additional lot(s) is proposed shall not be considered a subdivision alteration and shall be processed as a new subdivision or short subdivision.

(3) The subdivision alteration provisions do not apply to corrections to recorded final plats, revisions to lot boundaries authorized pursuant to the boundary line adjustment provisions of chapter 30.41E SCC, or to alterations of final short subdivisions pursuant to SCC 30.41B.700.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.710 Application for subdivision alteration.

(1) An application for a subdivision alteration shall contain the signatures of a majority of those persons having an ownership interest in lots, tracts, parcels, sites, or divisions in the subdivision or portion to be altered.

(2) If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.

(3) The applicant shall present a certificate of title showing the names of all persons who would be affected by the proposed alteration, as well as any easements or other encumbrances on the property subject to the proposed alteration.

(4) If the alteration proposes to change the recorded plat, a drawing prepared at the same scale as the recorded plat shall be submitted showing the details of the proposed alteration.

(5) If the alteration proposes a change to restrictions, conditions, or easements of a textual nature not depicted on the plat, a clearly written textual revision shall be submitted.

(6) A written statement of why the alteration is being requested and how the public interest would be served by its approval shall be submitted.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.720 Procedure for subdivision alteration.

(1) Public notice, project review, and the decision for a subdivision alteration application shall be done administratively by the department unless:

(a) A public hearing is requested by any person within 21 days of published notice of the application; or

(b) The department determines that a public hearing is in the public interest.

(2) The department may determine a public hearing is required based on, but not limited to, the following:

(a) The final subdivision being altered was approved prior to the enactment of the county's subdivision regulations;

(b) The requested alteration is a significant deviation from the overall lot configuration, open space

configuration or size, or design features of the final subdivision;

(c) Significant revisions to recorded conditions or restrictions are requested in the alteration; or

(d) The requested alteration may detrimentally affect access or other public health, welfare, or safety concerns.

(3) If a public hearing is required, public notice shall be provided and the application shall be reviewed and decided as a Type 2 decision by the hearing examiner. If approved, the subdivision alteration shall be provided to the county council for final processing pursuant to SCC 30.41A.750.

(4) If no public hearing is held, the department shall make a recommendation and forward the application to the hearing examiner for a written decision.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.730 Special notice requirements.

(1) Notice of the application for a subdivision alteration shall be provided as set forth in SCC 30.70.050 and 30.70.060.

(2) In addition to the notice requirements set forth above, mailed notice requirements for the application shall include a mailing to each property owner within the subdivision, and if a hearing is required, notice of the hearing to all persons who submitted written comments during the comment period.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.740 Decision criteria.

The hearing examiner may approve a subdivision alteration if the application is found to be consistent with the general decision criteria of SCC 30.41A.100, and with any other applicable county regulations.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.750 Final subdivision alteration process and recording.

(1) Upon approval of a subdivision alteration the applicant shall produce a revised drawing and any other documents required to show the authorized changes to the final plat.

(2) The revised final plat shall bear the seal of a registered professional land surveyor, shall include the contents of a final plat, and shall be processed and recorded in the same manner as set forth for final subdivisions.

(3) All persons with an ownership or security interest in the property to be altered must sign the altered plat prior to recording.

(4) Altered subdivisions shall change, alter, or supersede the original subdivision only in the specific ways approved and set forth in the recorded documents.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.800 Review or revocation of preliminary approval.

After preliminary subdivision approval, if the department learns of any possible violations of conditions of approval, the department may initiate review or revocation proceedings in accordance with SCC 30.71.027 within 90 days of notice of the violation.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.810 Segregation notice.

When it comes to the attention of the assessor and/or treasurer of the county that a division of land has been made and not contained within a plat or parcel map, the assessor and/or treasurer shall immediately notify the department of such segregation.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.820 Sale or transfer without subdivision.

(1) Except as provided in SCC 30.41A.820(2), whenever any parcel of land is divided into two or more lots, tracts, or parcels, and any person or any agent, sells, transfers, or advertises for sale or transfer any such lot, tract, or parcel without either having a final subdivision filed for record or a parcel map filed as required herein or large lot subdivision, the prosecuting attorney shall commence an action to restrain and enjoin further subdivisions or sales or transfers or offers of sale or transfer and compel compliance with all provisions of this code. The cost of such action shall be taxed against the person or agent selling or transferring the property.

(2) If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary subdivision approval is expressly conditioned on the recording of the final subdivision containing the lot, tract, or parcel, the offer or agreement is not subject to SCC 30.41A.820(1) and does not violate any provision of this code. All payments on account of an offer or agreement conditioned as provided in this subsection shall be deposited in an escrow or other regulated trust account, and no disbursement to sellers shall be permitted until the final subdivision is approved and recorded.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.830 Permit prohibition.

No building permit, septic tank permit, or other development permit shall be issued for any lot, tract, or parcel of land divided in violation of this code or of chapter 58.17 RCW, unless the authority authorized to issue such permit finds that the public interest would not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All purchasers' or transferees' property shall comply with the provisions of chapter 58.17 RCW and each purchaser or transferee may recover damages from any person or agent, including any amount reasonably spent as a result of an inability to obtain any development permit and any amount spent to conform to the requirements of this code, as well as cost of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser or transferee may, as an alternative to conforming the property to these requirements, rescind the sale or transfer and recover cost of investigation, suit, and reasonable attorney's fees occasioned thereby.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41A.840 Enforcement.

(1) In the enforcement of this chapter, the prosecuting attorney may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court for Snohomish County. The violation of such assurance shall constitute prima facie proof of a violation of this chapter.

(2) Any person who violates any court order or injunction issued pursuant to this chapter shall be subject to a fine of not more than $5,000 or imprisonment for not more than 90 days, or both.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.41B
SHORT SUBDIVISIONS

30.41B.010 Purpose and applicability.

(1) The purpose of this chapter is to:

(a) Regulate the division or redivision of land into nine or fewer lots, tracts, or parcels in an urban growth area, and four or fewer lots, tracts, or parcels outside an urban growth area, except as set forth in SCC 30.41B.010(2) - (4) below;

(b) Promote the public health, safety, and general welfare;

(c) Further the goals and objectives of the comprehensive plan;

(d) Prevent the over-crowding of land;

(e) Lessen congestion in the streets and highways;

(f) Promote effective use of land;

(g) Promote safe and convenient travel by the public on streets and highways;

(h) Provide for adequate light and air;

(i) Require that appropriate provisions are made for open space, drainage ways, streets, alleys or roads, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and sidewalks, or other planning features that assure safe walking conditions for students who walk to and from school;

(j) Adequately provide for the housing and commercial needs of citizens;

(k) Provide for proper ingress and egress;

(l) Require uniform monumentation;

(m) Require conveyancing by accurate legal description; and

(n) Provide for expeditious review and approval of proposed short subdivisions that conform to the requirements of this title.

(2) Land within a short subdivision which has been recorded within the immediately preceding five years may not be further divided in any manner, except that a final subdivision may be approved and filed for record pursuant to chapter 30.41A SCC, or the short subdivision may be altered to contain up to the maximum number of permissible lots, tracts, or parcels, as follows: When a short subdivision contains fewer than the maximum number of permissible lots, tracts, or parcels, based on the short subdivision's location either outside or inside an urban growth area, the owner who filed the short subdivision may file an alteration within the five year period to create, within the original boundaries of the short subdivision, a greater number of lots, tracts, or parcels than were originally created, up to a total of four lots outside an urban growth area, or a total of nine lots inside an urban growth area.

(3) After five years, further divisions may be permitted through the short subdivision process by a parcel owner when otherwise consistent with the then current regulations. PROVIDED, that when the subdivider owns more than one lot within a short subdivision, he may not divide the aggregate total into more than four lots when located outside an urban growth area or nine lots when located in an urban growth area.

(4) Where there have been no sales of any lots in a short subdivision, nothing contained in this section shall prohibit an applicant from completely withdrawing the entire short subdivision and thereafter presenting a new application.

(5) Land within a subdivision exempted from subdivision or short subdivision requirements by RCW 58.17.040(2) or SCC 30.41A.020(7), may not be further divided in any manner within five years immediately following the date of exempt subdivision so as to create any nonexempt lot, tract or parcel; except that a final subdivision may be approved and filed for record pursuant to chapter 30.41A SCC. This prohibition shall not apply as to lots, tracts, or parcels conveyed to purchasers for value. For the purpose of this subsection, the phrase "date of exempt subdivision" shall mean the date of creation of an exempt subdivision as shown by

documents of sale or lease, filing of maps or surveys thereof with the county auditor or the department, or such other similar proof as is considered sufficient by the department. After five years, further divisions may be permitted by a parcel owner when otherwise consistent with the current regulations.

(6) Any nonexempt redivision of land authorized by paragraphs (2) and (3) above shall be subject to all subdivision requirements of chapter 30.41A SCC if approval would result in the subdivider owning more than four contiguous lots when located outside an urban growth area, or more than nine contiguous lots when located in an urban growth area, regardless of whether the lots are subdivided, short subdivided, or are unplatted lots.

(7) A split parcel may be divided into a two-lot short plat if:

(a) the parcel is divided on the UGA boundary line;

(b) both resulting parcels or lots meet all applicable subdivision requirements set forth in subtitle 30.4 SCC; and

(c) both resulting parcels or lots meet all applicable development standards set forth in subtitle 30.2, except:

(i) the urban portion of the parcel is exempt from compliance with minimum net density requirements pursuant to SCC 30.23.020; and

(ii) the rural or resource portion of the parcel is exempt from compliance with minimum lot dimension requirements pursuant to SCC 30.23.010.

(8) A split parcel may be divided into a short plat if the original split parcel is divided along the UGA boundary line creating at least one lot in the rural or resource designated area, even if this one lot does not meet minimum lot dimension requirements. Any additional divisions of the lot, including lots created within the urban portion of the original lot or additional lots created in the rural or resource area of the site must meet all applicable zoning and development standards set forth in subtitle 30.2 SCC and applicable subdivision requirements in subtitle 30.4 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 06-062, Oct. 4, 2006, Eff date Oct. 15, 2006; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.41B.020 Exemptions.

The provisions of this chapter shall not apply to:

(1) Cemeteries and other burial plots while used for that purpose;

(2) Divisions made by testamentary provisions or the laws of descent;

(3) Any division of land regulated by chapter 30.41A SCC;

(4) Boundary line adjustments completed pursuant to chapter 30.41E SCC;

(5) Condominiums when prepared and filed in accordance with the Horizontal Property Regimes Act, chapter 64.32 RCW or the Condominium Act, chapter 64.34 RCW;

(6) Assessor's plats, when prepared and filed in accordance with the provisions of RCW 58.18.010 and when the lot size requirements of this code have been met;

(7) Division of land into lots, tracts, or parcels each of which is at least one-eighth of a section of land or larger, or 80 acres or larger in size if the land is not capable of subdivisional description;

(8) Divisions of land pursuant to the binding site plan provisions of chapter 30.41D SCC;

(9) Divisions of land due to condemnation or sale under threat thereof, by an agency or division of government vested with the power of condemnation;

(10) Any division where no permanent road may be constructed and where restrictive covenants or lease provisions prohibit construction of buildings of a type that permits human occupancy, overnight camping, or other human habitation;

(11) Transfers of land to the county for open space, conservation, or park purposes. Any remaining area must meet the minimum requirements of SCC 30.23.230(1). The land remaining must meet the minimum access requirements of SCC 30.24.050(3) and SCC 30.24.050(4) and

(12) Sales of tax title property to an adjoining property owner by the county pursuant to SCC 4.46.160(5);

and

(13) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005; Ord. 06-013, April 5, 2006, Eff date April 22, 2006)

30.41B.025 Prior divisions of land.

(1) A legal division of land shall be recognized as having occurred in the following circumstances provided that the requirements of subsection (2) are met:

(a) Land was divided into lots, tracts or parcels five acres or larger if the land is not capable of subdivisional description, or 1/128th of a section in size or larger prior to September 16, 1986, where actual subdivision or short subdivision occurred or intent to subdivide was demonstrated through one or more of the following actions:

(i) There was filed with the department a large lot subdivision map of lots;

(ii) There was filed with the Snohomish County Auditor a record of survey of tracts to be subdivided;

(iii) There was filed with the Snohomish County Assessor a tax segregation of the tracts to be subdivided; or

(iv) There were sales and/or transfers of interest in tracts or parcels;

(b) Land was divided into lots, tracts, or parcels of 20 acres or larger if the land is not capable of subdivisional description, or 1/32nd of a section in size or larger prior to May 16, 1991, where actual subdivision or short subdivision occurred or intent to subdivide was demonstrated through one or more of the following actions:

(i) There was filed with the department a large lot subdivision map of lots;

(ii) There was filed with the Snohomish County Auditor a record of survey of tracts to be subdivided; or

(iii) There were sales and/or transfers of interest in tracts or parcels.

(2) Lots, tracts, or parcels shall be recognized only if the division of land complied with all minimum requirements of applicable state law, and zoning and access requirements of this title in effect at the time of division. If no legal access was created at the time of the division, the requirements of SCC 30.24.052(2) must be met.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.030 Procedure and special notice requirements.

(1) Short subdivisions shall be processed as a Type 1 administrative decision except that if a dedication of right-of-way for a new public road is proposed or required, a Type 2 process decision by the hearing examiner shall be used. The decision maker may approve, approve with conditions, deny, or deny without prejudice a proposed short subdivision application.

(2) A preliminary short subdivision application which has been denied without prejudice may be reactivated under the original project file number and without additional filing fees if a revised application is submitted within six months of the date of the denial without prejudice.

(3) The department shall distribute copies of the preliminary short subdivision application to each reviewing section within the department and to each of the following and shall allow 21 days from the dated published notice for the agencies to submit comments on the proposal:

(a) Snohomish Health District;

(b) department of public works;

(c) Washington State Department of Transportation;

(d) Any city or town whose municipal boundaries are within one mile of the proposed short subdivision or

whose urban growth area includes the subject site or whose public utilities would be used by the proposed short subdivision; and

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

(4) Public notice of application shall be provided as set forth in SCC 30.70.050.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.040 Submittal requirements.

(1) Preliminary short subdivision applications shall comply with the requirements set out in the short subdivision application checklist as provided by the department pursuant to SCC 30.70.030.

(2) Preliminary short subdivision applications shall include a preliminary short plat prepared by and bearing the signature and seal of a registered professional land surveyor.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.060 Identification markers and other postings.

(1) The applicant shall, for identification purposes only, cause markers of a type approved by the department to be placed upon each of the road frontage corners of the subject land and maintain them thereon during the period extending from the time of short subdivision application to the time of final action for the purpose of permitting field checks of the proposed short subdivision.

(2) Where other data or where identification markers are found necessary by any relevant agency to assist it in making its determination, such data and markers shall be placed upon the land and maintained thereon during the period extending from the time of application to the time of final action for the purpose of permitting field checks by the applicable agencies.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.070 Resource lands.

The provisions of this chapter are subject to the requirements of chapters 30.32A SCC, 30.32B SCC, and 30.32C SCC. In the event of a conflict between a provision of this chapter and chapters 30.32A SCC, 30.32B SCC, or 30.32C SCC the requirements of chapters 30.32A SCC, 30.32B SCC, and 30.32C shall control.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.41B.075 Short subdivisions under rural cluster provisions.

Applications for short subdivisions located in the Forestry, Forestry and Recreation, Rural 5-acre, Rural Conservation, or Rural Diversification or Rural Resource Transition - 10-acre zones may, at the request of the applicant, be processed as rural cluster short subdivisions pursuant to chapter 30.41C SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1,2003)

30.41B.100 Decision criteria.

The preliminary short subdivision application shall be approved only if the department or the hearing examiner finds that

(1) The proposal makes appropriate provisions for, but not limited to, the public health, safety, and general welfare; for open spaces, drainage ways, streets, alleys, other public ways; transit stops; potable water supplies; sanitary wastes; parks and recreation; playgrounds, sites for schools and school grounds; fire protection; and other public facilities. The decision maker shall consider all other relevant facts, including the physical characteristics of the site and sidewalks and other planning features that assure safe walking conditions for students who walk to and from school to determine whether the public interest will be served by the short subdivision.

(2) If the decision maker finds that the proposed preliminary short subdivision makes appropriate provisions for the matters listed in SCC 30.41B.100(1) and enters written findings that the short subdivision conforms to all applicable development regulations and construction codes, then it shall be approved. If the decision maker finds that the proposed short subdivision does not make such appropriate provisions or that development regulations requirements are not met, or the public use and interest will not be served, then the decision maker may deny the proposed preliminary short subdivision.

(3) Dedication of land or payment of fees to any public body may be required as a condition of preliminary subdivision approval. Evidence of such dedication and/or payment shall accompany final subdivision approval.

(4) The hearing examiner shall not, as a condition of preliminary subdivision approval, require the applicant to obtain a release from damages from other property owners.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.120 Decision criteria: minimum net density.

All residential short subdivisions located in an urban growth area as designated on the comprehensive plan shall maintain a minimum net density of four dwelling units per net acre consistent with the minimum net density provisions of SCC 30.23.020.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.200 Design standards.

The following design standards shall be met, unless a modification is specifically provided for:

(1) Each lot shall contain sufficient square footage to meet minimum zoning and health requirements, provided that the minimum lot size within a short subdivision may be reduced below the size required by applicable zoning through the lot size averaging provisions of SCC 30.23.210, or through the planned residential development or rural cluster subdivision provisions of this title;

(2) Each new lot shall have an accessible area suitable for construction pursuant to SCC 30.41A.235;

(3) Short subdivisions located in special flood hazard areas shall comply with the provisions of SCC 30.65.110(3);

(4) Roads and access shall be provided in accordance with the requirements in chapter 30.24 SCC; and

(5) All short subdivisions shall meet the applicable tree retention and landscaping requirements of chapter 30.25 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.41B.210 Design standards - slopes.

All short subdivisions shall comply with the requirements of SCC 30.41A.250 .

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.41B.300 Preliminary short subdivision approval - term.

(1) The standard term of approval for a preliminary short subdivision is seven years. An applicant must file for and complete final short subdivision approval within the seven year period, running from the date of preliminary short subdivision approval, or the approval will expire. However, preliminary short subdivision approval may be extended beyond the seven year period as provided for in SCC 30.41B.300(2) and (3).

(2) An applicant or his or her successors may request, in writing, one or more extensions of preliminary approval, not to exceed a total of two years. Such request must be received by the director at least 30 days prior to the expiration date of the preliminary short subdivision approval or prior extension. The department may grant an extension if the applicant can demonstrate that a good faith effort was exerted to complete the final short subdivision within the initial seven-year approval period in accordance with the terms of the preliminary approval, or within the subsequent extension period. Except as provided for in SCC 30.41B.300(3), the department may not extend preliminary short subdivision approval beyond a nine year period if the date of preliminary approval is on or before December 31, 2014, and the preliminary approval period has not expired. The applicant shall pay a fee for each extension pursuant to SCC 30.86.110.

(3) The department shall grant an extension in cases where a preliminary approval has been appealed to court, not to exceed the period of time the approval is under judicial review.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 09-018, June 3, 2009, Eff date June 25, 2009; Amended by Amended Ord. 11-075, Jan. 11, 2012, Eff date Feb. 4, 2012; Amended by Amended Ord. 12-075, Oct. 3, 2012, Eff date Oct. 28, 2012)

30.41B.310 Revisions after preliminary short subdivision approval.

Approved preliminary short subdivisions may be revised prior to installation of improvements and recording of the final short subdivision. Revisions that are generally consistent with the approved preliminary short subdivision, which do not alter conditions of preliminary approval and do not adversely affect public health, safety, and welfare may be administratively approved by the department. Any other change shall require processing as a new preliminary short subdivision application. Relevant county departments and agencies shall be notified of any administrative revision. A revision does not extend the life or term of the preliminary subdivision approval, which shall run from the original date of preliminary approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.400 Installation of improvements.

(1) Any improvements required within a short subdivision shall be installed, or installation assured, in accordance with chapter 30.84 SCC, within the period or term of approval of the preliminary short subdivision

approval, as set forth in SCC 30.41B.300.

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

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.41B.500 Reserved.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.600 Final short subdivision application approval - timing.

A final short subdivision application shall be approved within the seven year time period for preliminary approval unless an extension of time is granted pursuant to SCC 30.41B.300.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 11-075, Jan. 11, 2012, Eff date Feb. 4, 2012)

30.41B.605 Final short subdivision application approval - form.

An application for a final short subdivision approval shall meet the submittal requirements established by the department pursuant to SCC 30.70.030, and shall include declarations, dedications, acknowledgments, certificates, and easements in the form prescribed by the department.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.610 Approval procedure for final short subdivision.

(1) The department shall examine the final short subdivision for adequacy of any required road improvements and right-of-way dedications, the mathematical closure of all lots and boundaries and any other conditions required for compliance with the provisions of this code and the conditions of preliminary approval. The department may require additional information from an applicant where necessary to review the final short subdivision application.

(2) The final short subdivision shall be approved or disapproved by the department within 30 days from the date of submittal unless the applicant consents in writing to an extension. The department shall base its decision on the following:

(a) The recommendations of the Snohomish Health District and/or purveyors with jurisdiction as to the adequacy of the sewage disposal and potable water supply;

(b) The recommendation of the department of public works;

(c) The recommendations of other relevant federal, state, and local agencies;

(d) The requirements of state law, the county code, and all other applicable codes;

(e) The submittal of a current short subdivision certificate prepared by a title insurance company which must confirm that the ownership interest in the land to be divided is in the name(s) of the person(s) whose signature(s) appear(s) on the short plat;

(f) Any evidence of ownership interests not shown of record; and

(g) Compliance with all conditions imposed in the granting of the preliminary short subdivision.

(3) The department shall approve the final short subdivision only upon finding that all required improvements have been completed or arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that all conditions of preliminary approval have been met and when the short plat is in proper form for recording as established by the submittal requirements.

(4) When all parties known to the county to have an ownership interest in the real property have signed the final short plat and the requirements of SCC 30.41B.610(3) have been satisfied, the department shall grant its approval by signing the final short plat.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.620 Monumentation.

(1) Monumentation complying with the current EDDS shall be placed at all public road intersections, boundary angle points, points of curves in public roads, or at such intermediate points as may be required by the department.

(2) If any land in a short subdivision is contiguous to a body of water, river, or stream, monuments shall be set along a meander line which shall be established along the shore at such distance back from the ordinary high-water mark as to reasonably ensure against damage and destruction by flooding or erosion. Property lying beyond the meander line shall be defined by distance along the side property lines extended from the meander line.

(3) All lot and block corners or witness corners shall be set with an iron pipe or steel reinforcing bar at least 24 inches in length, or alternate materials as approved by the department, before recording of the short plat. All lot corners shall be identified with the land surveyors registration number.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.630 Dedications.

(1) All highways, public roads or portions thereof, and parcels of land shown on the final short plat and intended for any public use shall be offered for dedication for public use except where the provisions of chapter 30.24 SCC provide otherwise.

(2) Public roads, or portions thereof, may be reserved by the county for future dedication where the immediate opening and improvement is not required, but where it is necessary to ensure that the county can later accept dedication when the public roads become needed due to traffic impacts of the short subdivision, together with expected impacts of reasonably foreseeable future development of the area or adjacent areas.

(3) Easements shall be dedicated and indicated on the face of the short plat in a form acceptable to the department. Easements for the purpose of serving the short subdivision and other property with utility services and granting the right to enter upon the lots, tracts and common areas at all times to install, lay, construct, renew, operate, and maintain underground conduit, cables, pipe, and wires with necessary facilities and other equipment shall be reserved for and granted to all utilities and to their respective successors and assigns, under and upon the exterior 10 feet parallel with and adjoining the street frontage of all lots, tracts and common areas. Easements for storm drainage sewers and other purposes shall be dedicated as appropriate. The department shall establish standard language for the establishment of such easements and shall make the standard language available with the submittal requirements checklists for final short subdivision approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.41B.635 Acceptance of conveyances

Where real property interests are to be conveyed to the public, such real property, conveyances shall be made in conformance with adopted engineering standards or land use and development standards, and subject to approval and acceptance of the director of public works, the county engineer or the director of PDS pursuant to SCC 2.68.035 or 2.01.040 respectively.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.640 File with auditor.

(1) A final short subdivision approved by the department shall be filed as a short plat and recorded with the county auditor within 30 working days of the date of approval by the department or the approval shall lapse. A final short subdivision shall not be deemed approved until so filed. In the case of a lapsed final approval, SCC 30.41B.300 shall govern the expiration of the preliminary approval.

(2) The auditor shall prepare and distribute copies bearing the auditor's recording data to the department, the department of public works, county or district fire officials, and the county assessor.

(3) The auditor shall refuse to accept any short plat for filing and recording until final short subdivision approval has been given. Should a short plat or dedication be filed or recorded without such approval, the prosecuting attorney shall apply for a writ of mandate in the name of and on behalf of the council, directing the county auditor and assessor to remove from their files or records the unapproved short subdivision or dedication of record.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.650 Homeowners association.

A homeowners association established for purposes of tract ownership and maintenance pursuant to this chapter shall be incorporated as a profit or non-profit corporation and shall remain the owner unless tract ownership by all lots within the short subdivision is authorized pursuant to the final short plat alteration process. In the event that a homeowners association established pursuant to this chapter should be dissolved, then each lot shall have an equal and undivided ownership interest in the tracts previously owned by the association as well as responsibility for maintaining the tracts. A covenant that requires maintenance of the tracts consistent with county code, that restricts use of the tracts to that specified in the approved preliminary short plat, and that requires compliance with those county regulations and conditions of final short subdivision approval specified on the short plat, must be approved by the county and recorded with the Snohomish County Auditor. Said covenant shall be binding upon and inure to the benefit of the homeowners association, the owners of all lots within the short subdivision and all others having any interest in the tracts or lots. Prior to the recording of the final short plat, the department shall receive evidence that the articles of incorporation for the homeowners association have been filed. In any short subdivision containing a homeowners association approved pursuant to this chapter, membership in the homeowners association, and payment of dues or other assessments for maintenance purposes shall be a requirement of lot ownership, and shall remain an appurtenance to and inseparable from each lot.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.700 Short subdivision alterations.

(1) A recorded final short plat may be altered through a Type 1 process. The reconfiguration of any element graphically portrayed on a recorded final short plat and the alteration of restrictions, easements, conditions, or

other textual materials on or with a recorded final short plat shall be altered using the same process and decision criteria as for a new short subdivision approval; provided that mailed notice shall be limited to property owners within or directly abutting on the original short subdivided property.

(2) The addition of one or more lots to a recorded short plat approved pursuant to this title may be processed as an alteration or a new short subdivision, provided that no more than four total lots may be created within five years of recording of the original short subdivision.

(3) The provisions of this section do not apply to corrections to recorded final short plats, revisions to lot boundaries authorized pursuant to the boundary line adjustment provisions of chapter 30.41E SCC, or to alterations of final subdivisions.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.800 Violation of preliminary approval.

After preliminary short subdivision approval, if the department learns of possible violations of conditions of such approval, the department may set the matter for public hearing before the hearing examiner within a reasonable time, not to exceed 90 days of notice of the violation. Notice of this hearing shall be provided in the same manner as was provided on the preliminary short subdivision application. At the hearing, the hearing examiner shall determine whether a violation exists, and may impose conditions that conform the short subdivision to the provisions of the county code and/or to the conditions of the original preliminary short subdivision approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.810 Sale or transfer without short subdivision approval.

(1) Except as provided in SCC 30.41B.810(2), whenever any parcel of land is divided into two or more lots, tracts, or parcels and any person or any agent sells or transfers or advertises for sale or transfer any such lot, tract, or parcel without either having a final short plat filed for record or a parcel map filed as required herein or large lot subdivision, the prosecuting attorney shall commence an action to restrain and enjoin further short subdivisions or sales or transfers or offers of sale or transfer and compel compliance with all provisions of this code. The cost of such action shall be taxed against the person or agent selling or transferring the property.

(2) If performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary short subdivision approval is expressly conditioned on the recording of the final short plat containing the lot, tract, or parcel, the offer or agreement is not subject to SCC 30.41B.810(1) and does not violate any provision of this code. All payments on account of an offer or agreement conditioned as provided in this subsection shall be deposited in an escrow or other regulated trust account, and no disbursement to sellers shall be permitted until the final short plat is approved and recorded.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.820 Segregation notice.

When it comes to the attention of the assessor and/or treasurer of the county that a division of land has been made and not contained within a plat or parcel map, he shall immediately notify the department of such segregation.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.830 Permit prohibition.

No building permit, septic tank permit, or other development permit shall be issued for any lot, tract, or parcel of land divided in violation of this code or of chapter 58.17 RCW, unless the authority authorized to issue such permit finds that the public interest would not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All purchasers' or transferees' property shall comply with chapter 58.17 RCW and each purchaser or transferee may recover damages from any person or agent, including any amount reasonably spent as a result of an inability to obtain any development permit and any amount spent to conform to the requirements of this code, as well as cost of investigation, suit and reasonable attorney's fees occasioned thereby. Such purchaser or transferee may, as an alternative to conforming the property to these requirements, rescind the sale or transfer and recover cost of investigation, suit and reasonable attorney's fees occasioned thereby.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.835 Duplex development in single family subdivisions.

No building, septic, or other type of development permit shall be issued for a duplex structure on a lot or lots that have been created after January 5, 1990, which have not been identified as lots for potential duplex development. Disclosure of the potential for duplex development shall be made with the application for a short subdivision and noted on each lot on the final short plat.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41B.840 Enforcement.

(1) In the enforcement of this chapter, the prosecuting attorney may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court for Snohomish County. The violation of such assurance shall constitute prima facie proof of a violation of this chapter.

(2) Any person who violates any court order or injunction issued pursuant to this chapter shall be subject to a fine of not more than $5,000 or imprisonment for not more than 90 days, or both.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.41C
RURAL CLUSTER SUBDIVISIONS AND SHORT SUBDIVISIONS

30.41C.010 Purpose.

The purpose of this chapter is to provide regulations and standards for lot clustering in rural areas consistent with rural character. It does this by an alternative subdivision method for developing rural residential property, whereby landowners and developers are given incentives to cluster 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. In order to take advantage of these incentives, landowners and developers are required to meet specific requirements called forth in this chapter, in the County's rural land use policies, and in requirements that may be elsewhere referenced in the SCC.

Specifically, this chapter is designed:

(1) To preserve areas of land which are suitable for agriculture, forestry, open space or, when applied in the rural urban transition area, possible future development;

(2) To preserve rural open space with the purpose of assuring continued viable undeveloped natural vegetated corridors for wildlife habitat, protection of watersheds, and preservation of wetlands and rural character;

(3) To produce a development pattern in rural areas consistent with rural character in accordance with rural land use policies and manifesting variety in design rather than uniformity of appearance in siting of clusters, 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;

(4) 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;

(5) 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;

(6) 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;

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

(8) To minimize adverse impacts on the county's environmentally sensitive areas such as wetlands, fish and wildlife habitat conservation areas, areas of unique vegetation or wildlife species, steep slopes, geologically hazardous areas, and other critical areas;

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

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

(11) To support the provision of more affordable housing in rural areas;

(12) To provide reasonable opportunity for rural property owners to derive economic use of land characterized by features which substantially limit its development potential;

(13) To protect rural natural features and landscape by minimizing tree, vegetation, and soil removal; and

(14) To provide a subdivision or short 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.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009)

30.41C.020 Applicability.

(1) An application for a rural cluster subdivision or short subdivision shall be combined with the application for a subdivision or short subdivision, and shall be processed as a single application.

(2) Clustering is permitted in the following zones:

(a) Forestry (F);

(b) Forestry and Recreation (F & R);

(c) Rural Resource Transition - 10 acre (RRT-10);

(d) Rural Five-Acre (R-5);

(e) Rural Conservation (RC);

(f) Rural Diversification (RD); and

(g) Mineral Conservation (MC).

(3) The provisions of this chapter shall not be used in the zones listed in SCC 30.41C.020(2) if the properties are designated on the Future Land Use Map (FLUM) as follows:

(a) Commercial Forest (CF);

(b) Commercial Forest-Forest Transition Area (CF-FTA);

(c) Upland Commercial Farmland (UCF);

(d) Local Commercial Farmland (LCF); or

(e) Riverway Commercial Farmland (RCF)

(f) Rural Residential-Rural Diversification (RR-RD) outside a RUTA overlay; or

(g) Located within an urban growth area.

(4) Where the mineral resource overlay (MRO) covers a portion of a parcel zoned R-5, the provisions of this chapter may be used on that portion of the parcel located outside the MRO, if the provisions of SCC 30.32C.150 are met.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005; Eff date Feb. 1, 2006; Amended Ord. 05-089, December 21, 2005, Eff date Feb. 1, 2006; Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009)

30.41C.030 Approval procedure.

(1) Rural cluster subdivisions or short subdivisions are subject to the same procedures, requirements, and approval criteria as any standard subdivision or short subdivision as set forth in chapters 30.41A and 30.41B SCC, except when the procedures, requirements, and approval criteria are specifically modified or added to by the provisions of chapter 30.41C SCC.

(2) Rural cluster subdivisions and short subdivisions are subject to the landscaping provisions of chapter 30.25 SCC.

(3) Rural cluster subdivisions and short subdivisions shall meet applicable rural concurrency standards and traffic impact mitigation requirements in accordance with chapter 30.66B SCC.

(4) Rural cluster subdivisions and short subdivisions shall be located in a rural fire district and are required to provide adequate fire flow in accordance with SCC 30.53A.514 through SCC 30.53A.520 or to provide other means of fire protection as approved by the Snohomish County Fire Marshal, unless exempt pursuant to SCC 30.53A.514.

(5) At the time of application, the site shall not be subject to any pending county enforcement action or in violation of federal, state, or county regulations.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009)

30.41C.040 Submittal requirements.

In addition to the documents required by the department's submittal checklist for a preliminary subdivision or short subdivision, an application for a rural cluster must include the following:

(1) A narrative description of how the proposal is consistent with SCC 30.41C.010 and 30.41C.050. The narrative document shall also describe how the proposal makes appropriate provisions for the public health, safety, and general welfare; for open spaces, drainage ways, streets, other public ways and safe walking conditions; potable water supplies; sanitary wastes; recreation; fire protection; and other public facilities, if any.

(2) A site plan showing the existing character of the site, including:

(a) Natural features that distinguish the site or are characteristic of the area;

(b) The location of existing vegetation and open space;

(c) Existing structures and landscapes, including buildings, rock walls, fences, storage tanks, and areas of cultivation and plantings typical of rural settlement, such as windbreaks, hedgerows, orchards and agricultural fields;

(d) Uses on adjacent properties, including location of houses; and

(e) The location and the approximate size of designated natural resource lands on the project site and on properties adjacent to it.

(3) A site plan depicting how existing character-defining features identified pursuant to SCC 30.41C.040(2)(a) through (c) will be maintained or enhanced by the proposed development, including:

(a) Undisturbed restricted open space tracts under SCC 30.41C.090(2)(d);

(b) Areas where structures and landscapes identified pursuant to SCC 30.41C.040(2)(c) will be retained;

(c) Location of all proposed open space tracts and their intended use; and

(d) A landscape plan showing areas where existing vegetation will be retained and demonstrating compliance with SCC 30.25.033.

(e) A sketch site plan for pre-submittal review of open space tract placement, retention of existing structures and landscape features is strongly encouraged to expedite design review of the subdivision site plan required in accordance with chapters 30.41A and 30.41B,

(4) The approximate location of the building footprint on each lot.

(5) An open space management plan in accordance with SCC 30.41C.120.

(6) A description and proposed schedule for phasing of the project, if any.

(7) A sketch and general description of any proposed entrance sign or gate, including approximate dimensions and materials.

(8) A street lighting plan, if street lights are proposed.

(Added by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009)

30.41C.050 Site planning principles.

All rural cluster subdivisions and short subdivisions must comply with the following site planning principles to the greatest extent feasible:

(1) The post-development view of the site from the roads should be as similar to the pre-development view as is practical.

(2) Avoid placing lots on ridgelines and other prominent topographic features to blend new development into the existing rural landscape.

(3) Landscaping, using both retention of existing vegetation and new plantings, shall soften and minimize the view of new development and preserve scenic views.

(4) Retain 50 percent of the overall tree canopy on the predevelopment site whenever feasible.

(5) Incorporate existing landscape features and structures into the site design to maintain rural character and the familiar landscape.

(6) Configure the clusters and lots to maintain the natural features of the site and minimize topographic alteration and clearing of existing vegetation.

(7) Avoid uniformity of cluster siting and building sites to provide visual diversity and maintain the dominance of natural features and open space in the rural area.

(8) Provide connectivity between open space tracts and natural habitat and wildlife corridors with adjacent properties whenever practical.

(9) Use low impact development site planning principles identified in chapter 30.63A SCC and low impact development best management practices identified in SCC 30.63C.030 to meet the requirements of chapter 30.63A SCC when they are appropriate to the site conditions.

(10) Phase land disturbing activity site plans in accordance with any construction phasing.

(Added by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009; Amended by Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 10-024, June 9, 2010, Eff date Sept. 30, 2010)

30.41C.070 Site design and development standards - general.

The following standards shall apply to all rural cluster subdivisions and short subdivisions:

(1) Site design shall be subject to the following standards for clustering and protection of natural resource lands and critical areas:

(a) A subdivision may contain more than one cluster of housing lots;

(b) The minimum number of residential lots in a cluster shall be 2, except a residential lot may stand alone when an existing residence is maintained;

(c) The maximum number of residential lots in a cluster shall be 13;

(d) In addition to the minimum front yard setback defined in Table SCC 30.41C.130, the building areas on the plat shall represent residential dwellings and accessory buildings located at varying front yard setback distances to provide a visually diversified streetscape. The minimum variation between setbacks for buildings on adjacent lots shall be 10 feet;

(e) Individual clusters shall be located a minimum of 100 feet from adjacent natural resource lands designated in accordance with chapters 30.32A, 30.32B and 30.32C SCC; and

(f) Designate and protect critical areas and their buffers pursuant to chapter 30.62A SCC.

(2) Tree retention is encouraged on building sites with the approved fire mitigation review in accordance with SCC 30.53A.514.

(3) Services and optional development features shall conform to the following standards:

(a) Electric, telephone, and other utility lines and support infrastructure shall be located underground;

(b) Rural cluster subdivisions or short subdivisions are prohibited from connecting to public sanitary sewers, except when required by the Snohomish County Health District or a state agency to protect public health;

(c) When a proposal includes street lights, lighting should be low intensity and shall be projected downward, with full cut-off illumination that shields light from being emitted upwards toward the night sky or surrounding natural areas;

(d) Entrance signs shall incorporate materials typical of the rural character of the area and shall comply with all applicable provisions of SCC 30.27.060; and

(e) Rural cluster subdivisions shall draw water supply from a public water utility when one is available within 1/4 mile of the project site as measured along the existing right-of-way and the water utility is willing and able to provide service to the subdivision at the time of preliminary subdivision approval.

(4) Rural cluster subdivisions shall, when site conditions allow, use the low impact development best management practices (BMPS) allowed pursuant to SCC 30.63C.030 to meet the requirements of chapter 30.63A SCC. Only when site conditions prevent exclusive use of LID BMPs may the applicant use conventional stormwater management techniques.

(Added by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009; Amended by Ord. 10-024, June 9, 2010, Eff date Sept. 30, 2010)

30.41C.075 Site design and development standards - buffers and open space.

The following standards shall apply to all rural cluster subdivisions and short subdivisions:

(1) Setback buffers to separate existing or perimeter road rights-of-way that border the development project from the nearest cluster residential lot lines in the development shall be established in open space tracts that are a minimum of 100 feet in width. When the existing site character is meadow or pasture, the setback buffer tract(s) shall be a minimum of 200 feet in width. Setback buffer tracts may be reduced to a minimum of 60 feet in width when a sight-obscuring topographic variation or physical condition, such as forest, will serve as a visual buffer. Setbacks for a meadow or pasture site may be reduced to a minimum of 120 feet in width if natural characteristics such as topography or geologic outcrops, or if existing buildings retained on site, obscure the view of new rural cluster development.

(a) Maintenance of existing vegetation or additional landscaping in setback buffer tracts shall be required in accordance with SCC 30.25.033.

(b) An exception to the vegetation retention requirements in SCC 30.25.033(5) may be made for utility easements and designated road rights-of-way or walkways, if no other options are available.

(2) Perimeter buffers shall be established in open space tracts on all boundaries of the project site abutting residential property. Perimeter buffers shall be a minimum of 50 feet in width unless larger buffers are required under SCC 30.41C.075(1). Maintenance of existing vegetation or additional landscaping in perimeter buffers shall be required in accordance with SCC 30.25.033.

(3) Open space tracts to separate clusters shall be a minimum of 200 feet in width, and may be reduced to a minimum of 120 feet when a sight-obscuring topographic variation or physical condition, such as forest, will serve as a visual buffer between the clusters.

(a) Landscaping in buffers between clusters shall be required in accordance with SCC 30.25.033.

(b) Open space tracts retained for forestry resource uses shall be separated from residential lots by a buffer 100 feet in width.

(4) Open space shall include a minimum of 45 percent of the gross site area except in forestry and forestry and recreation zones and designated natural resource lands, where 60 percent is required, and in the rural urban transition area, where 65 percent is required.

(a) Open space required for separation from roadways and adjacent properties and for separation of clusters may be counted toward the open space calculation in lot yield.

(b) Where practicable, open space tracts within a rural cluster subdivision or short subdivision shall be located contiguous to designated open space tracts on adjacent properties.

(c) Open space shall be configured so that it is adjacent to or directly across the street from as many of the clustered lots as practical.

(Added by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009)

30.41C.080 Site design standards - roads, gates and pedestrian pathways.

The following standards shall apply to the design of roads in a rural cluster subdivision or short subdivision.

(1) All roads, whether public or private, shall be designed and constructed in accordance with county engineering design and development standards (EDDS).

(2) Access to the internal roads of a rural cluster subdivision by a private road may be permitted pursuant to SCC 30.41A.210.

(3) Access to the existing public roadway system shall be limited to no more than 2 points per cluster unless specifically approved or required by the county engineer.

(4) Internal roads shall be provided in accordance with the EDDS and with chapter 30.24 SCC.

(5) Connect clusters with pedestrian trails or pathways when feasible.

(6) Pedestrian facilities shall be physically separate from vehicular roadways. Use of pervious materials for pedestrian facilities is encouraged where conditions allow.

(7) If entrance gates are used, they shall be constructed to accommodate emergency vehicle access in accordance with SCC 30.53A.512. Gate locations and width shall be approved by the fire marshal and the county engineer. Gates serving 2 or fewer dwelling units may be exempt from these requirements if approved by the local fire district.

(Added by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.41C.090 Restricted open space - general requirements.

(1) All open space within the rural cluster subdivision used to meet the open space requirements for lot yield calculations shall be restricted open space. Such restricted open space shall be designated, held in tracts separate from residential lots, and marked on the face of the plat.

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

(a) It must be used for buffering, critical area protection, resource production, conservation, recreation, community utility purposes, or general preservation;

(b) At least 25 percent of the open space tract shall be accessible by all residents of the rural cluster subdivision or short subdivision for passive recreation, except when the restricted open space is fenced off as a critical area protection area. Access points to open space shall be shown on the face of the plat;

(c) The following uses are permitted in restricted open space tracts unless prohibited by chapters 30.62, 30.62A, 30.62B or 30.62C SCC:

(i) Beaches, docks, swimming areas, picnic areas, trails/pedestrian walkways, equestrian trails, equestrian centers or structures related to animal husbandry or farming, playgrounds, or any non-motorized passive recreational facilities and other similar uses as authorized by the director;

(ii) Community wells, well houses, water lines, water system appurtenances and community drain fields;

(iii) The following drainage facilities that meet the landscaping requirements in SCC 30.25.023:

(A) Unfenced detention, retention and wetponds;

(B) Stormwater treatment wetlands; and

(C) Stormwater infiltration trenches and bioswales that serve more than one dwelling.

(iv) Natural resource uses in accordance with chapters 30.32A, 30.32B and 30.32C SCC; and

(d) At least 30 percent of the total area of restricted open space shall be left undisturbed. Undisturbed open space may contain critical areas and their buffers. Such undisturbed restricted open space shall be identified on the site plan and marked clearly on the land disturbing activity site plan.

(3) SCC Table 30.41C.090 establishes the minimum percentage of the original gross development area that shall be retained as restricted open space tracts, except when the land is also designated as rural urban transition area (RUTA), which is governed by SCC 30.41C.140.

Table 30.41C.090

RESTRICTED OPEN SPACE AREA REQUIREMENTS

Zones and comprehensive plan designation	(1) Forestry (F) zone (2) Forestry & Recreational (F&R) zone (3) Mineral Conservation zone (MC) with or without MRO	(1) Rural 5-acre zone in RR-5 & RR-10(RT) without MRO (2) Rural Resource Transition 10-acre zone, Rural Conservation (RC) zone & Rural Diversification zones in RR-10(RT) designation with MRO	(1) Rural 5-acre zone in RR (RR Basic) designation without MRO
Minimum restricted open space	60 percent	45 percent	45 percent
Minimum restricted open space (natural resource lands)	60 percent	60 percent	60 percent
Notes: The Mineral Resource Lands Overlay (MRO) is a comprehensive plan designation overlay which overlaps other designations. Where the MRO overlaps the R-5 zone, residential subdivision is prohibited on any portion of a parcel located within the MRO under SCC 30.32C.150.			

(4) No more than 65 percent of the total restricted open space area may consist of unbuildable land as defined in SCC 30.91U.060.

(5) To retain rural character, the restricted open space shall contain on-site forested areas, active agriculture, meadows, pastures or prominent hillsides or ridges.

(6) The following notice shall be filed on the title of the properties within the plat and shall be placed on the face of the final plat and short plat:

> "Tract ___ is a restricted open space tract with limited uses pursuant to chapter 30.41C SCC. The open space tract is intended to be preserved in perpetuity."

(Added by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009)

30.41C.100 Restricted open space - natural resource lands.

If the open space required in SCC 30.41C.090 contains natural resource lands as defined in SCC 30.91N.030, the following shall be required:

(1) A minimum 100-foot open space buffer shall be provided between the boundary of the designated natural resource land and the property lines of any residential lots or any structure within an open space; and

(2) A disclosure statement regarding the use rights associated with natural resource lands, as required by SCC 30.32A.210, SCC 30.32B.210 or SCC 30.32C.200, shall be recorded on the final plat or final short plat.

The disclosure statement shall contain text stating the protections and potential hazards of proximity to agricultural, forestry, or mineral uses as required in SCC 30.32A.220, SCC 30.32B.220 or SCC 30.32C.210.

(Added by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009)

30.41C.110 Ownership and preservation of restricted open space.

The following provisions shall apply to the ownership and preservation of restricted open space as required in SCC 30.41C.090:

(1) Open space requirements must be met with restricted open space tract(s) held in separate ownership from residential lots and marked on the face of the plat with limited uses referenced.

(2) Restricted open space tracts shall be owned by a single property owner, a homeowners association, a public agency or a not for profit organization.

(3) When ownership of restricted open space is by a single property owner, the property owner shall:

(a) Record a restricted covenant against the open space tract that runs with the land and restricts the use of the open space tract to those uses allowed in SCC 30.41C.090(2); and

(b) Provide an open space management plan pursuant to SCC 30.41C.120.

(4) Common ownership shall be by the property owners of the subdivision as a whole, in the form of a homeowners association.

(a) The applicant shall provide the county with a description of the association, proof of incorporation of the association, a copy of its bylaws, a copy of the conditions, covenants and restrictions regulating the use of the property and setting forth methods for maintaining the open space.

(b) Membership in the homeowners association, and dues or other assessment for maintenance purposes, shall be a requirement of lot ownership within the development.

(5) All lands classified as natural resource lands, including lands designated mineral resource overlay, that are included in restricted open space areas shall be:

(a) Placed under a unified system of property management for the purpose of maximizing their continued or future management for beneficial resource production/conservation purposes; and

(b) If the land is designated mineral resource overlay it shall be subject to the requirements of SCC 30.32C.150.

(6) Forest practices within restricted open space shall be permitted, provided that:

(a) The activity is consistent with an applicable approved forest practice permit; and

(b) The activity is included in the open space management plan.

(Added by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009)

30.41C.120 Open space management plan.

The applicant shall provide a plan for the long term management of designated open space, including maintenance and management of any water supply, stormwater management, wastewater disposal, or any other common facilities which may be located within areas of designated open space.

(1) An open space management plan shall include the following information:

(a) Current ownership information and a plan or provisions to update the project file number when ownership contact information changes;

(b) Parties responsible for maintenance of designated open space, and their contact information;

(c) Description of any uses allowed in designated open space, consistent with SCC 30.41C.090(2);

(d) Any proposed development activities;

(e) Fire breaks provided in accordance with fire district requirements;

(f) Any covenants, conditions and restrictions to be recorded related to open space management; and

(g) Other information that the director determines necessary to ensure proper management of the open space.

(2) The open space management plan must be approved by the director and shall be recorded as a separate document from the subdivision or short subdivision. The recording number shall be referenced on all property deeds arising from the rural cluster subdivision or short subdivision and copies of the management plan shall be provided to property owners with ownership documents.

(3) In approving the open space management plan, the director shall make a written finding that the parties designated as responsible for maintenance of designated open space are capable of performing this function, hat provisions are included in the plan for succession to other qualified and capable parties should that become necessary, and that the county is indemnified should the responsible parties not fulfill their management obligations.

(Added by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009)

30.41C.130 Rural cluster-bulk regulations.

(1) SCC Table 30.41C.130 establishes the bulk regulations for rural cluster subdivisions or short subdivisions located outside of the RUTA and replaces SCC Table 30.23.030(1) for rural cluster subdivisions. Bulk regulations for rural clusters located inside the RUTA are governed by SCC 30.41C.140.

Table 30.41C.130

BULK REGULATION REQUIREMENTS

Zones and comprehensive plan designations	(1) Forestry zone (F) with or without MRO (2) Forestry & Recreation zone (F&R) with or without MRO (3) Mineral Conservation zone (MC) (4) Rural 5-Acre zone in RR-5 & RR-10(RT) designation without MRO designation (5) Rural Resource Transition (RRT)10-acres zone, Rural Conservation zone (RC) & Rural Diversification zone in RR-10(RT) designation with MRO
Maximum lot coverage	35 percent
Minimum lot width at building site	125 feet
Minimum lot size	20,000 square feet
Minimum front yard setback [1, 2]	20 feet, plus at least a 10 foot variation in setbacks on lots adjacent to one another
Minimum rear yard setback	5 feet
Minimum side yard setback [1]	25 feet
Minimum setback for residential lots from designated adjacent agriculture, forest and mineral lands	100 feet

[1] In accordance with 30.91L.170, corner lots have two front yard setbacks.

[2] Pursuant SCC 30.41C.070(1)(d), the variations in front yard setbacks shall be at least 10 feet on lots adjacent to each other. Variety in lot size and configuration is also encouraged to avoid creating uniformity, which is characteristic of urban development.

(Added by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009)

30.41C.140 Bulk regulations and interim open space for rural clusters in the RUTA.

Rural cluster subdivisions and short subdivisions located inside of a Rural/Urban Transition Area (RUTA) as designated on the future land use map (FLUM) shall be subject to the open space and bulk regulation requirements set forth in this section.

(1) The open space required in this section shall be designed as interim open space to be reserved for future use as urban development.

(2) SCC Table 30.41C.140 establishes the interim open space requirements and bulk regulations for rural cluster subdivisions or short subdivisions inside a RUTA:

SCC Table 30.41C.140

RUTA BULK REGULATIONS AND INTERIM OPEN SPACE REQUIREMENTS

	Applies to all zoning classifications and parcels underlying a RUTA as designated on Snohomish County GMA Comprehensive Plan Future Land Use Map (FLUM)
Minimum interim open space	65 percent
Maximum lot coverage	35 percent
Minimum lot frontage on a public or private street	80 feet
Minimum lot size	See SCC 30.23.220
Maximum lot size	20,000 square feet
Minimum front yard setback [1]	20 feet
Minimum rear yard setback	5 feet
Minimum side yard setback [1]	10 feet
Minimum setback for single family residential/duplex lots from adjacent agriculture, forest and mineral lands	100 feet

[1] In accordance with 30.91L.170, corner lots have two front yard setbacks.

(3) To maintain rural character of the site and facilitate future re-division of the interim open space, the following provisions apply:

(a) The percentage of interim open space shall be based on the gross area of the original parcel(s) existing at the time the property is subdivided; and

(b) The interim open space tract shall be configured to such shape and dimensions as to allow for future land division based on the following design criteria:

(i) The interim open space tract shall not be fragmented by private road easements;

(ii) The location of the interim open space tract in the subdivision or short subdivision shall accommodate future public roadway access upon re-division and facilitate the clustering of the rural cluster subdivision or short subdivision lots near the periphery of the subdivision or short subdivision boundary rather than a central location; and

(iii) The proposed interim open space on a preliminary plat/short plat drawing shall show a non-binding conceptual shadow plat of 4 dwelling units per acre to reflect the potential for the interim open space to be subdivided in the future, but such shadow plat shall not be depicted on the final plat or short plat.

(4) When more than 40 percent of the gross area of the site is constrained by critical areas, the minimum interim open space requirements may be reduced by up to 40 percent.

(5) The interim open space tract may be used for any use otherwise permitted in restricted open space as specified in SCC 30.41C.090(2), except that no new permanent structures shall be allowed.

(6) The interim open space tract shall be established and maintained in accordance with SCC 30.41C.110 and 30.41C.120.

(7) The interim open space tract shall not be eligible for further division until it is removed from the RUTA as designated on the FLUM and becomes part of an urban growth area and can be served with adequate utilities. A note on the final plat or short plat shall be included indicating such restriction.

(8) The following notice shall be filed on the title of the properties within the plat and shall be placed on the face of the final plat and short plat:

> "Tract ___ is an open space tract reserved for future development when the Urban Growth Area is expanded to include the open space parcel. Future development of this tract may include residential, commercial and industrial uses commonly found in an urban area. The open space tract is not intended to be preserved in perpetuity."

(9) Applicants for rural cluster subdivisions or short subdivision proposed in a RUTA as designated on the FLUM shall notify the adjacent city of plans for proposed infrastructure improvements. When a master annexation inter-local agreement has been adopted by the county council, infrastructure improvements for the rural cluster subdivision or short subdivision shall be subject to approval from the city.

(Added by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009)

30.41C.150 Modifications.

Rural sites may exhibit diverse characteristics reflecting unique rural character and, in the event that the applicant promotes innovative and creative design in the rural area while meeting the intent of preserving rural character, modifications to some standards required in this chapter may be approved.

(1) An applicant may request a modification to the following standards:

(a) The location of open space, except when adjacent to resource lands;

(b) The amount of existing vegetation that must be preserved pursuant to SCC 30.25.033(5);

(c) Landscaping requirements described in SCC 30.25.033 with modifications pursuant to SCC 30.25.040; and

(d) Width of the open space tract between property lines and roads pursuant to SCC 30.41C.070(2).

(2) A request for modification:

(a) Shall be submitted to the department and processed concurrently with the application for a rural cluster short subdivision or rural cluster subdivision; and

(b) Shall include a narrative description and any documents necessary to demonstrate that the modification meets the approval criteria in SCC 30.41C.030(2) and the performance standards in SCC 30.41C.050.

(3) The department, in the case of a rural cluster short subdivision, or the Hearing Examiner, in the case of a rural cluster subdivision may approve a request for modification when:

(a) The modification furthers the purpose of protecting rural character in accordance with SCC 30.41C.010 and 30.41C.050;

(b) The modification does not conflict with other applicable provisions of the Snohomish County Code;

(c) The modification fulfills the intended purpose of this chapter and represents an equal or better result than would be achieved by strictly following the requirements of the code; and

(d) The modification provides one or more of the following:

(i) Reduction of visual impact of primary and accessory structures on nearby properties;

(ii) Enhanced use of low impact development methods for the retention and treatment of storm water on-site;

(iii) Improvement to on-site water quality control beyond the requirements prescribed in the Snohomish County Code; or

(iv) Increased retention of original natural habitat conditions by 20 percent or more than is required by chapters 30.62, 30.62A, 30.62B or 30.62C SCC.

(Added by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009)

30.41C.230 Design standards - lot yield.

(1) Basic lot yield shall be obtained by dividing the gross site area by the larger of 200,000 square feet or the minimum required lot area of the zone in which the rural cluster subdivision or short subdivision is to be located (with both numbers expressed in the same units).

(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 30.41C.240.

(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.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009; Amended by Amended Ord. 09-046, August 12, 2009, Eff date September 10, 2009)

30.41C.240 Design standards - bonus residential density.

(1) For all lands, except those specified in subsections 2 and 3 of this section, a rural cluster subdivision or short 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 30.41C.075 and 30.41C.090. If additional restricted open space is proposed beyond the minimum amount required, a rural cluster subdivision or short 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.

(2) A rural cluster subdivision or short subdivision on lands designated local forest or subject to the mineral resource overlay shall be awarded a residential density bonus of 5 percent if the amount of restricted

open space meets or exceeds the amount required in SCC 30.41C.075 and 30.41C.090. If additional restricted open space is proposed beyond the minimum amount required, a rural cluster subdivision or short 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 10 percent.

(3) On lands designated RR-RD within a RUTA overlay, no density bonus is allowed.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009; Amended by Amended Ord. 09-046, August 12, 2009, Eff date September 10, 2009)

Chapter 30.41D
BINDING SITE PLANS

30.41D.010 Purpose and applicability.

(1) The purpose of this chapter is to provide an alternative method for the division of land as authorized by RCW 58.17.035 and 58.17.040(4), (5), and (7). A binding site plan ensures through covenants, conditions, restrictions, easements, and other requirements binding upon all lot owners that the collective lots continue to function as one site concerning but not limited to public roads, improvements, open spaces, drainage, and other elements specified in this chapter.

(2) The provisions of this chapter shall apply to:

(a) The division of commercial or industrial zoned land for sale or lease when used for commercial or industrial purposes, or the division of land for lease when used as a mobile home park, or recreational vehicle park;

(b) The division of land resulting from subjecting a portion of a parcel or tract to the Horizontal Property Regimes Act, chapter 64.32 RCW, or the Condominium Act, chapter 64.34 RCW; and

(c) The division of land for the creation of special purpose tracts pursuant to chapter 30.42B SCC.

(3) The provisions of this title do not apply to:

(a) Divisions of commercial or industrially-zoned property for lease during exhibitions or other special events of a temporary, short-term nature, not to exceed six months duration;

(b) Boundary line adjustments;

(c) Housing cooperatives; and

(d) Divisions for commercial or industrial zoned land when such lands are being used only for single family or multifamily residential purposes, or proposed for such residential purposes, except when the division is proposed pursuant to SCC 30.41D.010(2)(b).

(e) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.41D.020 Procedure.

The department will process a binding site plan according to the procedures for a Type 1 administrative decision. Submittal requirements are established and implemented per SCC 30.70.030. A binding site plan application will be processed concurrently with any other application for development of the same site, unless the applicant requests otherwise.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41D.030 Application process for county-owned property.

A binding site plan application for county-owned property will be processed in the same manner as any other binding site plan application, except that when a master development plan exists for county-owned property, the master development plan will serve as the approved binding site plan. To effect the proposed land division, the binding site plan must be recorded with a record of survey.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41D.040 Additional submittal requirements.

The submittal requirements for binding site plan applications are set forth in an application checklist provided by the department pursuant to SCC 30.70.030. All binding site plan applications must include one of the following site plan representations which show the proposed and existing location of all roads, improvements, open space, and any other element specified by this title:

(1) A previously approved site plan;
(2) A revision to a previously approved site plan; or
(3) A new site plan for proposed development.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41D.100 Decision criteria.

In order to approve a binding site plan, the department must find that the newly created lots function and operate as one site, and that the binding site plan and record of survey comply and are consistent with the following provisions as well as any other applicable regulations as determined by the department:

(1) The requirements of this chapter;
(2) Requirements for noise control - see chapter 10.01 SCC;
(3) Requirements for public or private roads, right-of-way establishment and permits, access, and other applicable road and traffic requirements;
(4) Compliance with fire lane, emergency access, fire-rated construction, hydrants and fire flow, and other requirements of chapter 30.53A SCC;
(5) Compliance with applicable construction code requirements, subtitle 30.5 SCC;
(6) Compliance with applicable use and development standard requirements of Subtitle 30.2 SCC;
(7) Compliance with applicable shoreline management code requirements of chapters 30.44 and 30.67 SCC and/or flood hazard area requirements of chapter 30.65 SCC;
(8) Compliance with environmental policies and procedures, critical areas regulations, and resource lands requirements of chapters 30.61, 30.62A, 30.62B, 30.62C and 30.32A - 30.32C SCC;
(9) Compliance with applicable drainage requirements of chapter 30.63A SCC;
(10) Compliance with applicable impact fee requirements of chapters 30.66A - 30.66C SCC;
(11) Applicable sewerage regulations, chapter 30.29 SCC, and provisions for adequate water supply and refuse disposal; and
(12) Any other applicable provision of this title.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.41D.105 Subsequent development permits.

Subsequent site development permits for the land are subject to compliance with the zoning, building, and other applicable land use codes and regulations existing at the time of development permit review, unless addressed as part of the binding site plan review and expressly depicted on the binding site plan.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41D.110 Decision criteria - conditions of approval.

(1) The department is authorized to impose conditions and limitations on the binding site plan. By this authority, and if the department determines that any delay in satisfying requirements will not adversely impact

the public health, safety, or welfare, the department may allow requirements to be satisfied prior to issuing the first building permit for the site, or prior to issuing the first building permit for any phase, or prior to issuing a specific building's certificate of occupancy, or in accordance with an approved phasing plan.

(2) The binding site plan shall contain a provision requiring that any development of the site shall be in conformity with the approved binding site plan.

(3) The department may authorize sharing of open space, parking, access, and other improvements among properties subject to the binding site plan. Conditions and restrictions on development, use, maintenance, shared open space, parking, access, and other improvements shall be identified on the binding site plan and enforced by covenants, conditions, restrictions, easements, or other legal mechanisms.

(4) All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the owner, purchaser, and any other person acquiring a possessory ownership, security, or other interest in any property subject to the binding site plan.

(5) After approval of a binding site plan for land zoned and used for commercial or industrial purposes, or for land zoned and used for mobile home parks, recreational vehicle parks, courts, the applicant shall record the approved binding site plan with a record of survey (except for the provision of RCW 58.09.090 (1)(d)(iv)) as one recording document complying with the requirements of this chapter 30.41D SCC labeled as "Binding Site Plan."

(6) After approval of a binding site plan for land, all or a portion of which will be subjected to the provisions of chapter 64.32 or 64.34 RCW, the applicant shall record the approved binding site plan with a record of survey (except for the provisions of RCW 58.09.090(1)(d)(iv)) as one recording document complying with the requirements of this chapter 30.41D SCC labeled as "Binding Site Plan." Following recordation of the binding site plan with record of survey, the applicant shall independently complete improvements shown on the approved binding site plan and file a declaration of condominium, and survey map and plans as required by chapter 64.32 or 64.34 RCW.

(7) Under subsection (5) or (6) above, when a record of survey is not required pursuant to RCW 58.09.090(1)(d)(iv), the applicable record of survey data, consistent with the submittal requirements as adopted by the department pursuant to SCC 30.70.030, shall be shown on the binding site plan to be recorded.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41D.120 Conditions for previously approved site plan.

If a previously approved site plan is submitted for binding site plan approval, the conditions and limitations imposed by the department may, where appropriate, include any conditions and limitations contained in the previously approved site plan.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41D.130 Conditions when concurrently reviewed.

When a binding site plan is being considered concurrently with another land development application, the department will incorporate all conditions and limitations imposed on the concurrent application into the binding site plan.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41D.200 Design standards - access requirements.

Access requirements and road standards to and within lots of the binding site plan shall be provided in accordance with chapter 30.24 and 30.66B SCC and the EDDS. New public road(s) shall be provided for lot

access where determined by the director of public works to be reasonably necessary as a result of the proposed development or to make appropriate provisions for public roads. The applicant may also propose establishment of public road(s).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41D.210 Road and right-of-way establishment and right-of-way dedication.

(1) Where road and/or right-of-way establishment is required for a binding site plan application or proposed by the applicant, establishment shall be in accordance with chapter 13.90 SCC and shall occur prior to recording the binding site plan with record of survey. The establishment shall be effective upon recording of the binding site plan with record of survey.

(2) Where dedication of new right-of-way is required for binding site plan approval, the dedication shall be made in accordance with chapter 30.66B SCC and pursuant to chapter SCC 2.01.040, prior to or at the time of recording the binding site plan with record of survey. The dedication shall be effective upon recording of the binding site plan with record of survey.

(3) Road and right-of-way establishment and right-of-way dedications stated as approval conditions for a previously approved site plan requiring implementation prior to issuance of any subsequent building or development permit, shall be implemented at the time of binding site plan with record of survey recording.

(4) Where right-of-way is established by recording a binding site plan with record of survey but not required or built upon at the time of site development, a revised binding site plan with record of survey may be prepared, approved, and recorded showing the elimination of the right-of-way.

(5) This section shall not apply where the establishment or dedication has already been approved or is being considered for approval with another concurrent land development application that includes a site plan approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41D.220 Phased development.

(1) An applicant who chooses to develop a site in phases or divisions shall submit to the department a phasing plan consisting of a written schedule and a drawing illustrating the plan for concurrent review with the application for a binding site plan.

(2) Site improvements designed to relate to, benefit, or be used by the entire development (such as stormwater detention pond or tennis courts in a residential development) shall be noted on the phasing plan. The phasing plan shall relate completion of such improvements to completion of one or more phases or stages of the entire development.

(3) Once a phasing plan has been approved, the information contained therein shall be shown on, or the phasing plan attached to and made a part of, the binding site plan.

(4) Approval of a phasing plan does not constitute approval of the binding site plan. No land may be used, no buildings may be occupied, and no lots may be sold except in accordance with the approved binding site plan.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41D.300 Acceptance of site improvements.

All public and private site improvements must be completed and accepted by the county or subjected to a performance security approved by the department, pursuant to SCC 30.84.105, prior to issuing the first building permit for the site, prior to issuing the first building permit for any phase, or prior to issuing a specific building's

certificate of occupancy. Alternatively, the department may condition the completion of such improvements pursuant to an approved phasing plan.

(Added Amended ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.41D.310 Performance security.

Prior to issuing the first building permit for a site development, prior to issuing the first building permit for each phase, or prior to issuing a specific building's certificate of occupancy, a performance security shall be required pursuant to chapter 30.84 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.41D.320 Revisions.

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

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

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

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

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

(c) Any increase in vehicle trip generation or change in vehicle access points shall be reviewed pursuant to SCC 30.66B.075.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41D.330 Taxes.

(1) Prior to recording a binding site plan with record of survey, all taxes for the current year must be paid, together with taxes for any delinquent years. Proof of payment must be indicated by the seals and signatures of the county treasurer and deputy treasurer on a certificate shown on the face of the binding site plan with record of survey.

(2) If a binding site plan with record of survey is recorded after May 31 in any year and prior to the date of the collection of taxes, the applicant shall deposit with the county treasurer a sum equal to the product of the county assessor's latest valuation on the unimproved property multiplied by the current year's mileage rate and increased by 25 percent.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41D.340 Recording with auditor.

(1) The applicant shall file for record the approved original binding site plan and original record of survey as one document with the auditor in accordance with SCC 30.41D.110(6). The auditor shall distribute copies of the recorded document to the department, the department of public works, and the county assessor. All distributed copies shall bear the auditor's recording data.

(2) The auditor shall refuse to accept any binding site plan and record of survey for filing and recording until the director has approved and signed each document.

(3) A binding site plan and record of survey shall take effect upon recording, which must occur within 120 days after both are approved by the director, subject to the conditions contained therein.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41D.350 Vacation.

The department is authorized to adopt standards and procedures for vacating a binding site plan upon the request of all owners of the subject property. The standards and procedures shall, if determined appropriate by the department, require that all parties having an interest in property subject to the binding site plan consent to vacation and that all legal instruments effecting the division of property into lots be rescinded.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.41E
BOUNDARY LINE ADJUSTMENTS

30.41E.010 Purpose and applicability.

The purpose of this chapter is to allow for adjustment to boundary lines of existing lots where no new lot is created pursuant to SCC 30.91B.180. This chapter applies to all boundary line adjustment (BLA) applications.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-042, July 6, 2005, Eff date Aug. 8, 2005)

30.41E.015 Boundary line adjustment prohibitions.

This section established prohibitions to prevent the creation of new building sites from the boundary line adjustment of divisions and descriptions of land recorded for other purposes.

(1) A boundary line adjustment shall not be permitted to adjust or reconfigure divisions or descriptions of parcels, easements, exceptions, and reservations into configurations eligible for use as a building site if they were solely created:

(a) For access, road, railroad, or other right-of-way, utility, or drainage course purposes;
(b) To resolve encroachment problems or describe survey gaps;
(c) To describe properties divided by non-navigable water courses;
(d) To describe deed releases for a mortgage, or other financial contract; or
(e) To describe tax title parcels.

(2) Lots that touch corner points shall not be adjusted by the boundary line adjustment process.

(3) The "solely created" determination of SCC 30.41E.015(1) shall be made strictly upon the basis of the language in the instrument creating the parcel, easement, exception, or reservation. PDS may consider documentation of insurance from a title company as well. The burden of proof shall rest upon the party asserting the "solely created" prohibition.

(Added by Amended Ord. 11-058, Jan. 25, 2012, Eff date Feb. 16, 2012)

30.41E.020 Procedure and special timing requirements.

(1) Boundary line adjustments shall be approved, approved with conditions, or denied as follows:

(a) The department shall process the BLA as a Type 1 decision; or

(b) If accompanied by a concurrent Type 2 application, the BLA application may, at the applicant's request, be processed as a Type 2 permit application pursuant to the provisions of SCC 30.41E.100(5). In order to be considered concurrent, the Type 2 application must be submitted to the county at the same time as the BLA application and involve the same property or adjacent property.

(c) The BLA is exempt from notice provisions set forth in SCC 30.70.050 and 30.70.060(2) except that the BLA shall comply with SCC 30.70.045(4)(d) when applicable.

(2) The department shall decide upon a BLA application within 45 days following submittal of a complete application or revision, unless the applicant consents to an extension of such time period.

(3) The department or hearing examiner may deny a BLA application or void a BLA approval due to incorrect or incomplete submittal information.

(4) Multiple boundary line adjustments are allowed to be submitted under a single BLA application if:

(a) the adjustments involve contiguous parcels;
(b) the application includes the signatures of every parcel owner involved in the adjustment; and
(c) the application is accompanied by a record of survey.

(5) The legal descriptions of the revised lots, tracts, or parcels, shall be certified by a licensed surveyor or title company.

(6) A boundary line adjustment shall be not approved for any property for which an exemption to the subdivision provisions set forth in SCC 30.41A.020(6) or 30.41A.020(7) or an exemption to the short subdivision provisions set forth in SCC 30.41B.020(6) or 30.41B.020(7) has been exercised within the past five years.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-042, July 6, 2005, Eff date Aug. 8, 2005; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.41E.100 Decision criteria.

In reviewing a proposed boundary line adjustment, the department or hearing examiner shall use the following criteria for approval:

(1) The proposed BLA is consistent with applicable development restrictions and the requirements of this title, including but not limited to the general development standards of subtitle 30.2 SCC and any conditions deriving from prior subdivision or short subdivision actions;

(2) The proposed BLA will not cause boundary lines to cross a UGA boundary, cross on-site sewage disposal systems, prevent adequate access to water supplies, or obstruct fire lanes;

(3) The proposed BLA will not detrimentally affect access, access design, or other public safety and welfare concerns. The evaluation of detrimental effects may include review by the health district, the department of public works, or any other agency or department with expertise;

(4) The proposed BLA will not create new access which is unsafe or detrimental to the existing road system because of sight distance, grade, road geometry, or other safety concerns, as determined by the department of public works. The BLA shall comply with the access provision set forth in SCC 30.41E.200;

(5) When a BLA application is submitted concurrently with a type 2 application pursuant to SCC 30.41E.020(1)(b), and frontage improvements are required for the area subject to the BLA and the concurrent application, the improvements must be agreed to prior to approval of the BLA;

(6) If within an approved subdivision or short subdivision, the proposed BLA will not violate conditions of approval of that subdivision or short subdivision;

(7) The proposed BLA will not cause any lot that conforms with lot area or lot width requirements to become substandard;

(8) The proposed BLA may increase the nonconformity of lots that are substandard as to lot area and/or lot width requirements provided that the proposed BLA satisfies the other requirements of this chapter and the nonconforming condition is not increased by more than 50 percent; and

(9) The proposed BLA will not result in lots with less than 1000 square feet of an accessible area suitable for construction when such area existed before the adjustment. This requirement shall not apply to lots that are zoned commercial or industrial zones identified in SCC 30.21.025(1)(c), 30.21.025(1)(d), and 30.21.025(2)(d) through 30.21.025(2)(g).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-042, July 6, 2005, Eff date Aug. 8, 2005)

30.41E.200 Design standards - access.

If proposed lots within a BLA result in reduced public road frontage and/or changes in access, the department of public works may require verification that all lots have safe access points. In such cases, the applicant shall stake approximate proposed access points and property lines along the public road frontage within five days of receipt of a request by the department of public works to do so.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-042, July 6, 2005, Eff date Aug. 8, 2005)

30.41E.300 Future development approvals.

The applicant shall acknowledge by signature on the application form that county approval of a BLA proposal does not guarantee or imply that the subject property may be developed or subdivided, and that boundary line adjustment approval may not be grounds for approval of subsequent modification or variance requests.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41E.400 Recording.

To finalize an approved BLA, the applicant must record with the county auditor the BLA application, certified legal descriptions, and the BLA map within one year of approval or the application and approval shall lapse. The department may grant up to one one-year extension for good cause. If the BLA affects more than one property owner, a conveyance document(s) shall be recorded at the same time as the BLA documents. The conveyance document(s) shall establish ownership consistent with the approved, adjusted boundaries. When a BLA is recorded subsequent to a record of survey for the same property, the recording number of the record of survey shall be noted on the BLA map. Recording fees and applicable state fees shall be paid by the applicant. Immediately after recording, copies of the recorded BLA documents shall be provided to the department by the applicant. The BLA shall not take effect until recorded.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.41E.410 Correcting errors on an approved BLA.

Typographical errors in recorded legal descriptions or minor discrepancies on recorded BLA maps may be corrected by filing an Affidavit of Correction of Boundary Line Adjustment with the department. The affidavit shall be on a form supplied by the department. The department shall review the affidavit for compliance with applicable code provisions. If approved, the applicant shall record the affidavit with the county auditor within 45 days. Immediately after recording, copies of the recorded Affidavit of Correction shall be provided to the department by the applicant.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.41F
SINGLE FAMILY DETACHED UNITS

30.41F.010 Purpose and Applicability.

(1) This chapter establishes and describes development standards and review procedures for single family detached units residential development created outside the traditional subdivision process.

(2) The provisions of this chapter shall apply to single family detached units developed on properties designated in the comprehensive plan for medium and high density residential development. Any combination of two or more detached single family dwelling units, two or more duplexes on one lot, or one or more detached single family dwelling unit and one or more duplexes, whether alone or in combination with multifamily dwellings (e.g., triplexes or larger multi-family units, etc.) on the same lot, may be created. Multiple lots may be combined to create one development site.

(3) Single family detached units may be located in the following zones: LDMR (Low Density Multiple Residential), MR (Multiple Residential), NB (Neighborhood Business), CB (Community Business), and GC (General Commercial).

(4) This chapter and all other applicable chapters of this title ensure development is consistent with the intent and function of each zone. Unless specifically modified by this chapter, all bulk requirements of the underlying zone shall apply.

(5) The purpose of this chapter is to allow an alternative method for developing higher density single family housing within urban growth areas outside the traditional subdivision process and lot ownership patterns. This alternative may be used to infill existing single family neighborhoods where infrastructure exists to deliver efficient land use and cost-effective delivery of urban services or may be used to develop larger scale higher-density single family housing where infrastructure may be developed in areas designated in the county's comprehensive plan for medium and high density development.

(Added Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007)

30.41F.020 Procedures.

(1) Single family detached units applications shall be processed as a Type 1 administrative decision pursuant to SCC 30.71.030.

(2) Public notice of applications shall be provided as set forth in chapter 30.70 SCC for Type 1 applications.

(3) At the request of the applicant, applications may be combined with other types of permits or be processed concurrently with other types of permits pursuant to SCC 30.70.120.

(4) The department will process an administrative site plan according to the procedures for Type 1 administrative decisions. Submittal requirements are established and implemented per SCC 30.70.030.

(5) Specifications for development access onto county right-of-way shall be subject to the county's Engineering Design and Development Standards (EDDS). Access to a city right-of-way shall be subject to the city's applicable standards.

(6) Frontage improvements required within the public right-of-way shall be determined by the department pursuant to chapter 30.66B SCC and the county's Engineering Design and Development Standards (EDDS).

(7) A pre-construction meeting shall be scheduled by the applicant to identify and prepare for potential safety issues before construction begins. The department shall provide the applicable fire district written notice of the pre-construction meeting.

(Added Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007)

30.41F.030 Submittals.

Administrative site plan. An administrative site plan shall be submitted with each single family detached units permit application. Pursuant to SCC 30.70.030, the department will supply a submittal checklist for textual and graphical requirements. A complete application for an administrative site plan meeting the requirements of this section shall be deemed to have vested as of the date of submittal.

(1) An administrative site plan for a single family detached units application may be finalized as a whole or in successive divisions or phases. When phasing is proposed, and all information required by this section is provided for only a portion of the entire site, a preliminary plan shall be submitted for the entire site concurrently with the first phase plan. The preliminary plan shall include the following:

(i) general phasing plan for the entire site;

(ii) general vehicular circulation and access control plan for the entire site;

(iii) general pedestrian circulation plan for the entire site; and

(iv) general landscape and open space plan for the entire site.

The preliminary plan shall be used as a guide for adequate connectivity of the plan components for all development phases on the site. A preliminary plan shall not be required where an entire site is proposed for final administrative site plan approval.

(2) The site plan or phased divisions shall be submitted to the director for final approval or disapproval. The director shall submit copies of the final plan for a 21-day review and comment period to appropriate departments, cities or agencies for their review and comment. Reviewing departments, cities or agencies may make comments consistent with the county code. If a consulted department, city or agency does not respond in writing within the 21-day comment period, the director may assume that the consulted department, city or agency has no comments on the proposal. Upon review of any comments received, the director shall approve the site plan in writing when found to be in conformance with this chapter and other applicable chapters of title 30 SCC. Upon approval, the final administrative site plan shall control all development of the property.

(3) Within 45 days of the effective date of this chapter, the department shall develop a set of standard covenants (SFDU Covenants) that will be required for all developments of single family detached units. The standard SFDU Covenants shall include provisions for parking enforcement, and for the maintenance of areas held in common ownership, including drive aisles and pedestrian facilities, landscaping, and common open space. The standard SFDU Covenants shall also include provisions authorizing the department to assess fines against the homeowners' association of a development of single family detached units for the failure to enforce drive aisle parking requirements. The standard SFDU Covenants shall be required to be recorded prior to the final inspection for the first unit in a development of single family detached units.

(Added Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007)

30.41F.040 Approvals.

(1) Administrative site plan. In order to approve an administrative site plan, the department must find:

(a) that the site plan is consistent with the requirements of this chapter and other applicable regulations as determined by the department; and

(b) no significant trees other than hazardous trees were removed after January 7, 2009, and within six years prior to the date of the submission of the application, pursuant to SCC 30.25.016(3).

(2) Final inspection and occupancy shall not be completed until the following requirements are met for those units included in the inspection:

(a) Fire lane signs and/or striping are completed for all access ways to the units;

(b) Address signs, street signs and unit addressing is completed;

(c) All landscaping, site amenities, fencing, pedestrian facilities, lighting, and other requirements for the units, pursuant to this chapter, are installed and approved; and

(d) Parking restrictions, common facilities, drive aisles, fire lanes and other vehicle and pedestrian facilities, and all other commonly-owned and operated property shall be protected in perpetuity by a recorded covenant, in a form approved by the director.

(3) Director's discretion. For the purpose of achieving greater innovation and design flexibility, the director and Public Works director shall have the authority to grant modifications or deviations as follows:

(a) Modifications or deviations may be granted to the following provisions of the county code if the applicant demonstrates that its proposal is consistent with the requirements of this chapter and the requested modification or deviation is consistent with the intent and purpose of this chapter and its provisions:

(i) Chapter 30.24;

(ii) Chapter 30.25;

(iii) Chapter 30.26; and

(iv) Chapter 30.27

(b) The director shall retain administrative authority over the request. The director's decision shall be final and not subject to appeal to the hearing examiner.

(c) Nothing in this section limits the director's and/or Public Works directors' authority to grant modifications as provided in chapter 30.63C SCC if an applicant incorporates low impact development techniques into the design of single family detached units.

(4) An approved administrative site plan shall expire pursuant to SCC 30.23A.100(6).

(Added Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.41F.050 Provisions for public safety.

Pursuant to SCC 30.53A.150, the required width of a fire lane shall not be obstructed in any manner, at any time, including parking of vehicles. The developer and/or builder shall consult with the applicable fire district/department during a pre-construction meeting regarding maintenance of fire lane access throughout construction. Fire lane and no parking signage shall be provided pursuant to chapter 30.27 SCC.

(Added Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007)

30.41F.060 Design guidelines.

A single family detached units residential development shall meet the following standards:

(1) Single family detached unit developments meeting the applicability thresholds of chapter 30.23A SCC shall be subject to the design standards of that chapter.

(2) Vehicular and pedestrian circulation shall be provided pursuant to the applicable requirements in chapter 30.24 SCC.

(3) Landscaping shall be provided as specified pursuant to the applicable landscaping and tree retention requirements in chapter 30.25 SCC.

(Added Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.41F.090 Maintenance of landscaped and open areas.

To ensure permanent, ongoing maintenance of all landscaped and open space areas required by this chapter and SCC 30.25.045:

(1) Landscape maintenance covenants shall be prepared by the applicant and submitted together with documents otherwise required for maintenance of site improvements.

(2) Total open space shall be protected in perpetuity by a recorded covenant, in a form approved by the director. The recorded covenant must restrict use of the total open space to those specified in the approved site plan and concomitant agreement and must provide for the maintenance of the total open space in a manner which assures its continuing use for the intended purpose.

(3) The maintenance of pervious surfaces used for open space requirements must also be maintained to retain the purpose of the pervious surface.

(Added Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007)

30.41F.100 Parking standards.

(1) Resident parking shall be provided pursuant to Table 30.26.030(1).

(a) Garages may count towards the dwelling parking requirements.

(b) Parking may be designed in clusters spaced throughout the development.

(2) Adequate provisions for resident parking shall be provided:

(a) In garages;

(b) On individual dwelling unit driveway aprons between the garage doors and the nearest edge of the drive aisle or pedestrian facility, whichever is closer. No vehicle parked on a driveway apron may obstruct any part of a pedestrian facility or drive aisle;

(c) In designated parking areas; and

(d) As parallel parking on internal drive aisles, provided the aisles are wide enough to ensure emergency vehicle access, pursuant to the Fire Code, chapter 30.53A SCC.

(Added Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007)

Chapter 30.41G
COTTAGE HOUSING

31.41G.010 Purpose.

The purpose of this chapter is to:

(1) Provide development regulations for cottage housing, which responds to changing household sizes and ages;

(2) Encourage creation of more usable open space for residents of cottage housing development through flexibility in lot standards;

(3) Ensure that the overall size, including bulk and mass of cottage structures and cottage housing developments, remains smaller and incurs less visual impact than standard sized single-family dwellings, particularly given the allowed intensity of cottage dwellings;

(4) Provide a centrally located and functional common area that fosters a sense of community and a sense of openness in cottage housing developments;

(5) Provide private areas around the individual dwellings to enable diversity in landscape design and foster a sense of ownership; and

(6) Ensure minimal visual impact from vehicular use and storage areas for residents of the cottage housing development as well as adjacent properties, and to maintain a detached single-family character along public streets.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.41G.015 Applicability.

The regulations in this section apply to cottage housing projects meeting the definition in SCC 30.91D.495.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.41G.020 Procedures.

Cottage housing development shall be processed as an administrative conditional use permit pursuant to chapter 30.43A SCC and shall include a site plan meeting the requirements in SCC 30.23A.100(3).

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.41G.030 Cottage housing design standards.

(1) The bulk requirements for cottage housing development shall be pursuant to SCC Table 30.41G.030(1).

Table 30.41G.030(1)

Cottage housing bulk requirements.

Standard	Requirement
Maximum gross floor area	1,200 square feet per dwelling
Maximum gross floor area/ground or main Floor	800 square feet per dwelling
Minimum common outdoor space	400 square feet per dwelling
Minimum private open space	200 square feet per dwelling
Maximum height for cottages with minimum roof slope of 6:12	25 feet, subject to all parts of the roof above 18 feet shall be pitched
Maximum height for cottages without roof slope of 6:12 and all accessory structures	18 feet
Setbacks for all structures from adjacent property lines along the perimeter of the site.	Same as the underlying zone
Front lot line setback from interior roads within the development	15 feet
Minimum distance separating structures (Including accessory structures)	10 feet
Minimum parking spaces	See SCC 30.26.030(1)
Number of dwellings within a cluster groups	Developments shall contain a minimum of 4 and a maximum of 12 dwellings located in a cluster group. A development site may contain more than one group

(2) Cottage housing dwellings shall have a porch or covered entry at least 60 square feet in size with a minimum dimension of six feet on any side.

(3) Parking shall be:

(a) Clustered and separated from the common area by a landscaping screen. Fencing shall not be substituted for the landscape screen;

(b) Screened from public streets and adjacent residential uses by a landscaping or architectural screen;

(c) Include a means for parking bicycles, such as racks or lockers; and

(d) Prohibited in yard setback areas except rear yards.

(4) A pitched roof design is required for all detached parking structures.

(5) All fences on the interior of a lot or property line shall be no more than three feet in height.

(6) Internal pedestrian circulation shall be provided through paved paths.

(7) All cottage housing dwellings shall meet the requirements of SCC 30.53A.518.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.41G.040 Common outdoor and private open space requirements.

Common outdoor space shall be made available to the residents in cottage housing developments as follows:

(1) The amount of common outdoor space shall be provided pursuant to SCC Table 30.41G.030(1);

(2) The common outdoor space shall abut at least 50 percent of the cottage dwellings in a cottage housing development;

(3) The common outdoor space shall abut cottage dwellings on at least two sides of the common outdoor space;

(4) Cottage dwellings shall be oriented around and have the main entry facing the common outdoor space;

(5) Cottage dwellings shall be within 60 feet walking distance of the common outdoor space; and

(6) Private open space shall be provided pursuant to SCC Table 30.41G.030(1) and located adjacent to each dwelling. Private open space shall be for the exclusive use of the cottage resident(s). The private space shall:

(a) Be oriented towards the common outdoor space as much as possible; and

(b) Not contain a dimension less than 10 feet.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.41G.050 Modifications to the design standards, outdoor common space and private open space.

The director may modify the requirements in SCC 30.41G.030 and 30.41G.040, provided that:

(1) The site is constrained due to unusual shape, topography, easements or critical areas;

(2) The modification is consistent with the purpose statements in SCC 30.41G.010; and

(3) The modification will not result in a project design that is less compatible with adjacent neighboring development.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.41G.060 Bonus density.

(1) The maximum number of dwelling units permitted in a cottage housing development shall be 120 percent of the maximum number of units permitted by the underlying zone as determined in SCC 30.41G.060(2), unless adjusted per the provisions of SCC 30.41G.060(2)(b).

(2) The maximum number of dwelling units permitted shall be computed as follows:

(a) The gross area of the site shall be divided by the minimum lot area of the underlying zone set forth in SCC Table 30.23.030(2), except in the LDMR zone where a lot area of 4,000 square feet shall be used. The resulting number shall be multiplied by 1.2; and

(b) If the number computed in subsection (a) is a fractional equivalent of 0.5 or more, the fraction shall be rounded up to the next whole number. Fractions of less than 0.5 shall be rounded down.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

Chapter 30.42A
REZONES

30.42A.010 Purpose and applicability.

The purpose of this chapter is to establish the procedure and criteria for site-specific rezones. A rezone is the mechanism to change the official zoning map and any applicable conditions tied to the zoning for particular property. This chapter applies to site-specific rezone proposals that conform to the comprehensive plan. County-initiated rezones in support of subarea plans or other area-wide planning processes are decided pursuant to chapter 30.73 SCC as legislative decisions.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42A.020 Rezone procedure.

Rezones as described in SCC 30.42A.010 shall be processed as Type 2 applications with a hearing examiner decision pursuant to chapter 30.72 SCC. For rezones tied to citizen-requested (non-project related) changes to the comprehensive plan and for county-initiated rezones related to subarea planning or other area-wide processes, see chapters 30.73 and 30.74 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42A.030 Initiating a rezone.

(1) A rezone may be initiated by an owner of the property, by request of the county council, or by the department when the amendment will further the objectives and goals of the comprehensive plan.
(2) Rezone applications shall be submitted according to the requirements of the rezone submittal checklist provided by the department pursuant to SCC 30.70.030.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42A.100 Decision criteria.

The hearing examiner may approve a rezone only when all the following criteria are met:
(1) The proposal is consistent with the comprehensive plan;
(2) The proposal bears a substantial relationship to the public health, safety, and welfare; and
(3) The proposal would not increase the allowed density of residential development on any site where any significant trees other than hazardous trees were removed after January 7, 2009, and within six years prior to the date of the submission of the application, pursuant to SCC 30.25.016(3); and
(4) Where applicable, minimum zoning criteria found in chapters 30.31A through 30.31F SCC are met.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009))

30.42A.110 Withdrawal.

Any application for a site-specific rezone may be withdrawn upon the written request of any one of the property owners who signed the application.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42A.120 Continuing classification.

The continuance of rezoning classifications shall be dependent on fulfillment of all of the established standards and conditions to the rezone approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42A.130 Reapplication after denial without prejudice.

After the hearing examiner's or council's final action denying a rezone, no further rezone action involving substantially the same property shall be requested for at least one year. If the hearing examiner or council finds that extraordinary circumstances exist, or that the request might deserve approval in the near future, but not at the present time, then the rezone may be denied without prejudice. In such a case, if the rezone request is reactivated in writing by the applicant within six months, and is reheard within nine months of the date of the original action, then the original case file and number shall be used and the rezone fee shall be waived.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42A.140 Review or revocation of approval.

Rezones and any concurrent or subsequent approvals issued pursuant to this chapter may be reviewed or revoked in accordance with SCC 30.71.027.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.42B
PLANNED RESIDENTIAL DEVELOPMENT

30.42B.010 Purpose.

The purposes of this chapter are to:
(1) Provide an alternative form of development within urban growth areas (UGAs) to traditional subdivision which allows flexibility and creativity in site layout and design and protects critical areas through the use of open space;
(2) Provide for small and large scale developments incorporating a variety of housing types and related uses, that are planned and developed as an integral 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 developed under traditional zoning regulations;
(6) Provide for the integration of new development into the existing community while protecting and preserving the value of the surrounding neighborhood;
(7) Provide the opportunity for affordable housing to meet the needs of a wide range of income and age groups;
(8) Encourage the preservation of existing natural site features such as trees, topography, and geologic features;
(9) Create permanent, useable and commonly owned open space for both active and passive recreation to serve the development; and
(10) Implement the policies of the comprehensive plan.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42B.020 Applicability.

(1) A PRD is permitted only within UGAs in the R-9,600, R-8,400, R-7,200, LDMR, and MR zones.

(2) A retirement apartment or retirement housing PRD is permitted only within the LDMR, MR, NB, PCB, CB, and GC zones.

(3) A PRD is not permitted in the rural area, except in the R-5 zone when consistent with Policy LU 6.A.3 of the comprehensive plan.

(4) A PRD is not permitted on any site where any significant trees other than hazardous trees were removed after January 7, 2009, and within six years prior to the date of the submission of the application, pursuant to SCC 30.25.016(3).

(5) Except for the retirement apartment and retirement housing PRDs, the density of a PRD shall be consistent with the land use designation identified in the comprehensive plan.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-084, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.42B.025 PRD not a rezone action.

A PRD is not a rezone action, and shall be processed as an official site plan approval pursuant to SCC 30.42B.030.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42B.030 Procedure.

(1) Applications for a PRD shall be processed as a Type 2 decision pursuant to chapter 30.72 SCC.
(2) The hearing examiner may approve, approve with conditions, or deny a PRD official site plan. A PRD official site plan may only be approved when it is found to meet applicable minimum standards of this chapter, and the decision criteria of SCC 30.42B.200. Applications shall be made according to the submittal requirements checklist provided by the department pursuant to SCC 30.70.030.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42B.040 Unit yield and bonus.

(1) For all PRDs, except retirement apartment and retirement housing PRDs, the maximum number of dwelling units permissible shall be 120 percent of the maximum number of units permitted by the underlying zone as determined in SCC 30.42B.040(2), unless adjusted per the provisions of SCC 30.42B.040(3).
(2) The maximum number of dwelling units permitted in a PRD shall be computed as follows:
(a) Determine the net development area on the project site. Net development area is the gross site area (in square feet) less critical areas and their buffers subject to chapters 30.62A and 30.62B SCC.
(b) Divide the net development area by the minimum lot area permitted by the underlying zone, or where LDMR and MR standards apply, by 4,000 square feet and 2,000 square feet respectively. For retirement apartment PRDs and retirement housing PRDs in the LDMR zone divide by 4,000 square feet and in the MR zone and commercial zones divide by 2,000 square feet.
(c) Divide the area comprised of critical areas and their buffers subject to chapters 30.62A and 30.62B SCC by the minimum lot area of the underlying zone used for the calculation in SCC 30.42B.040(2)(b).
(d) Add the numerical unit yield results of subsections SCC 30.42B.040(2)(b) and (2)(c) and multiply the resulting number of units by 2.2 for retirement housing PRDs, 1.54 for retirement apartment PRDs, and 1.2 for all other PRDs.
(3) In the R-7,200, R-8,400, and R-9,600 zones, the maximum number of dwelling units allowed pursuant to SCC 30.42B.040(2) shall be reduced so that the maximum net density (number of dwelling units per acre in the net development area) does not exceed nine dwelling units per net acre. Except that, a maximum net density of 12 dwelling units per net acre is allowed when the PRD is accepted in the reduced drainage discharge housing demonstration program of chapter 30.34B SCC.
Whenever the calculated number of dwelling units results in a fractional equivalent of 0.5 or more, the fraction shall be rounded up to the next whole number, fractions of less than 0.5 shall be rounded down.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 04-003, March 31, 2004, Eff date May 17, 2004; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.42B.100 Design criteria - general.

(1) The design criteria contained in SCC 30.42B.100 through SCC 30.42B.140 are applicable to all PRDs.
(2) Unless specifically modified by this chapter, all requirements of the underlying zone shall apply within the PRD.

(3) PRDs located in the R-7,200, R-8,400, and R-9,600 zones and that are not accompanied by a concurrent subdivision or short subdivision approval, wherein each dwelling unit is to be placed on a single lot, shall be subject to a declaration of condominium pursuant to chapters 64.32 and/or 64.34 RCW. The applicant shall commit to use of the condominium provisions at the time of PRD application.

(4) All housing types listed in the bulk requirements in SCC 30.42B.145 shall be allowed in any PRD in the zones specified in SCC 30.42B.020, except as follows:

(a) Single family dwellings shall not be permitted in the Multiple Residential (MR) zone;

(b) Multifamily dwellings shall not be permitted in the R-7,200, R-8,400 and R-9,600 zones, except that, a multiple family structure containing three or four dwellings units shall be permitted when the PRD is designed utilizing low impact development best management practices pursuant to chapters 30.63A and 30.63C SCC where feasible; and

(c) Single family dwellings, duplexes, attached single family dwellings, townhouses, and multiple family structures containing three or four dwellings units shall not be permitted in the R-7,200, R-8,400, or R-9,600 zones without concurrent subdivision or short subdivision approval, or condominium approval for all dwelling units.

(5) Planned residential developments meeting the applicability thresholds of chapter 30.23A SCC shall be subject to the design standards of that chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 04-003, March 31, 2004, Eff date May 17, 2004; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Ord. 10-024, June 9, 2010, Eff date Sept. 30, 2010)

30.42B.115 Design criteria - open space.

(1) Open space shall be provided in PRD developments consistent with the following standards:

(a) Within a PRD, a minimum of 20 percent of the gross site area shall be established as open space;

(b) Open space shall be used for:

(i) On-site recreation space;

(ii) Critical areas and their required buffers subject to chapters 30.62, 30.62A and 30.62B SCC;

(iii) Perimeter landscaping areas outside of right-of-ways;

(iv) All other open space areas owned in common and shared by residents and/or owners in the PRD, excluding those items listed in SCC 30.42B.115(1)(c);

(c) Open space shall not include any of the following:

(i) Lots, dwellings, and associated private yards, outdoor storage areas, and building setback areas;

(ii) Public or private street right-of-way including sidewalks and planter strips;

(iii) Parking lots, driveways and other areas of motorized vehicle access;

(iv) Open drainage facilities such as detention and retention ponds, wetponds, and other drainage facilities that require fencing pursuant to chapter 30.63A SCC, the Drainage Manual, or the EDDS; or

(v) Submerged lands when not defined as critical areas pursuant to chapters 30.62A, 30.62B or 30.62C SCC;

(d) Open space shall be permanently established in clearly designated, separate tracts. Tracts shall be owned by:

(i) The landowner, when no individual building lots are created and the property is held under single ownership;

(ii) All lot owners and condominium owners jointly, with an equal and undivided interest; or

(iii) A homeowners association, when consistent with SCC 30.42B.210(6);

(e) Open space shall be protected in perpetuity by a recorded covenant, in a form approved by the director. The recorded covenant must restrict uses of the total open space to those specified in the approved PRD site plan and must provide for the maintenance of the total open space in a manner which assures its continuing use for the intended purpose.

(2) On-site recreation space shall be provided as a component of total open space and shall be consistent with the following standards:

(a) The on-site recreation space shall be for the uses set forth in SCC 30.23A.080(4), excluding the following:

(i) Critical areas and their buffers subject to chapters 30.62, 30.62A and 30.62B SCC; and

(ii) Utility easements that exist on the project site at the time of application submittal;

(b) The requirement for on-site recreation space shall be at least 600 square feet per dwelling unit: except that retirement apartments and retirement housing shall be 200 square feet per dwelling unit;

(c) 40 percent of the required on-site recreation space shall be located in a single open space tract or permanent easement. Alternatively, the applicant shall be permitted to satisfy this requirement when no more than three open space tracts are created that provide a comparable open space use to that otherwise required. Power line, utility rights-of-way and other similar easement may be incorporated into on-site recreation space and counted towards the open space requirements of this section, provided they are developed with active recreational improvements. Remaining on-site recreation space shall be adequate in design and size for the intended passive and/or active recreation. No on-site recreation space shall have any dimension less than 20 feet (except for segments containing trails, which shall not be less than 10 feet in width), unless the applicant can demonstrate that a lesser dimension will not inhibit the use of the open space for its designated purpose;

(d) On-site recreation space shall be accessed by all-weather pedestrian pathways and/or sidewalks from all lots and dwellings within the PRD;

(e) On-site recreation space designed for children shall not be located adjacent to any street designated as a collector/arterial unless properly designed with fencing, located away from street edges and other provisions to ensure adequate child safety. On-site recreation space designed for children shall be open, accessible, and visible from adjacent dwellings in order to enhance security;

(f) On-site recreation space shall have the appropriate location, slope, soils, and drainage to be considered for recreational development;

(g) On-site recreation space shall not contain above ground utility transmission lines and associated easement or right of way;

(h) On-site recreation space shall be landscaped pursuant to the provisions of SCC 30.42B.125, and in accordance with the required landscape plan in a manner that enhances the design of the open space while not conflicting with the function of the proposed recreation use; and

(i) Any buildings, structures, and improvements to be permitted in the on-site recreation space shall be those appropriate to the proposed uses.

(3) Active recreation uses shall be provided as follows:

(a) A minimum of 30 percent of the required on-site recreation space within PRDs with 10 or more lots or dwelling units shall be developed for active recreation uses.

(b) The active recreation requirement may be reduced by up to 30 percent for projects of 20 or fewer dwelling units, if pedestrian access is constructed to an adjacent off-site public recreation area that contains an active recreation use that meets the needs of residents within the PRD and is approved by the off-site recreation provider;

(c) The active recreation facility shall be located on a reasonably level site with slopes no greater than six percent unless the applicant can demonstrate that the recreation facility can function adequately on greater slopes; and

(d) Playgrounds with children's play equipment shall meet all safety recommendations and construction specifications of the manufacturer of the equipment used.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 04-003, March 31, 2004, Eff date May 17, 2004; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.42B.125 Design criteria – tree retention and landscaping.

All planned residential developments shall meet the applicable tree retention and landscaping requirements in chapter 30.25 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 04-003, March 31, 2004, Eff date May 17, 2004; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.42B.140 Design criteria - roads, access, circulation, pedestrian facilities, and parking.

(1) Roads, access, circulation, and pedestrian facilities shall be provided pursuant to chapter 30.24 SCC.

(2) The PRD shall provide for parking as required in chapter 30.26 SCC. In addition, guest parking shall be provided at the rate of one-half space per single family dwelling.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 04-003, March 31, 2004, Eff date May 17, 2004; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.42B.145 Design criteria - bulk requirements.

(1) Unless specifically modified by this chapter, all requirements of the underlying zone shall apply within a PRD.

(2) SCC Table 30.42B.145(1) and SCC 30.42B.145(3) through 30.42B.145(8) establish bulk requirements for PRDs.

Table 30.42B.145(1)

PRD Bulk Requirements

Use	Min. Lot Area	Min. Lot Width	Minimum setbacks from			Maximum Lot Coverage
			Front Lot Line	Rear Lot Line	Side Lot Line	
Single-family dwellings and duplexes (detached)	None	None	10 feet	10 feet	5 feet	55%
Attached single-family dwellings and townhouses	None	None	10 feet	10 feet	5 feet	55%
Multifamily dwellings	None	60 feet	25 feet	25 feet	5 feet[1]	40%

[1] The setback from the side lot line for multifamily dwellings shall be increased to 20 feet for those portions of a building higher than 25 feet.

(3) Setbacks from front and rear lot lines may be reduced to five feet provided the total distance of the setbacks from the front and rear lot lines adds up to a minimum of 20 feet.

(4) If a lot has more than one front lot line, the front lot line may be reduced to five feet, provided the total distance of the setbacks from all front lot lines adds up to a minimum of 20 feet if the lot has two front lot lines, and 30 feet if the lot has three front lot lines.

(5) The minimum setback for automobile entry of garages or carports from the front lot line shall be 18 feet.

(6) Setbacks from side lot lines may be modified as follows:

(a) Attached single-family dwellings and townhouses developed as zero-lot-line development may have the setback reduced to zero provided the setback from the outer walls of the building meets the side lot line setback requirement in SCC Table 30.42B.145(1); and

(b) Setbacks may be reduced to zero provided the total distance of the setbacks from the side lot lines adds up to 10 feet, except for those portions of multifamily dwellings above 25 feet in which case the total distance shall add up to 40 feet.

(7) When residential dwellings are developed as a condominium or single ownership, the maximum lot coverage shall be calculated based on the cumulative building footprint for all structures in the buildable area of the PRD site. The buildable area of the site shall not include tracts or public and private roadways.

(8) Buildings shall not be required to be setback from alleys or auto courts that provide vehicle access to the rear of the property. When this provision is used, SCC 30.42B.145(3) and 30.42B.145(4) shall not apply.

(9) When a condominium of single ownership is utilized, buildings shall maintain a minimum separation of at least 10 feet between the outer walls of the buildings.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 04-003, March 31, 2004, Eff date May 17, 2004; Repealed by and new section Added by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.42B.200 Approval of PRD official site plan - decision criteria.

(1) The hearing examiner may approve the PRD official site plan based on findings and conclusions demonstrating that all applicable standards and requirements of this chapter have been met.
(2) If the project is phased, each phase of the proposed development shall independently meet the requirements of this chapter.
(3) Any dedication of property pursuant to this chapter must be based on an individualized determination that the required dedication is reasonably related in nature and extent to the impact of the proposed development.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

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

(1) The site plan as approved by the hearing examiner shall become the official site plan of the PRD and any changes thereto shall require review under the provisions of SCC 30.42B.220.
(2) The official site plan noted on the official zoning maps.
(3) All development within an approved PRD shall conform to the official site plan and associated conditions. In order to assure compliance, a performance security may be required by the hearing examiner. Satisfactory performance of all conditions and required improvements must occur prior to recording required by SCC 30.42B.210(5), and occupancy of units in the PRD project.
(4) A final plat, final short plat, or binding site plan/record of survey application filed concurrently with a PRD application shall be approved by the county decision making body and filed for recording with the county auditor prior to the issuance of a building permit for any structure in a PRD development, except that building permits for model home units may be approved pursuant to the requirements of chapter 30.41A SCC.
(5) All PRD applications must be accompanied by an application which will establish all required open space areas as separate tracts. Any applicant for PRD official site plan approval who does not concurrently apply for subdivision or short subdivision approval pursuant to chapters 30.41A or 30.41B SCC respectively, must apply for binding site plan and record of survey approval pursuant to chapter 30.41D SCC. This requirement applies even if the applicant intends the PRD site to be held under single ownership or to be subject to a declaration of condominium pursuant to chapters 64.32 and/or 64.34 RCW. The following shall apply to all PRDs accompanied by a concurrent application under chapter 30.41D SCC:
(a) An approved PRD official site plan shall constitute a previously approved site plan pursuant to SCC 30.41D.120 for purposes of chapter 30.41D SCC compliance;
(b) Open space tracts shall be depicted on a record of survey and properly recorded pursuant to the applicable provisions of chapter 30.41D SCC;
(c) The record of survey shall depict an accurate location of open space tracts, and shall include necessary dedications, covenants and restrictions, and maintenance provisions as may be prescribed by the director. Projects subject to a declaration of condominium may include the information required pursuant to this section on the record of survey otherwise required pursuant to chapters 64.32 and/or 64.34 RCW; and
(d) The record of survey for PRDs located in the R-7,200, R-8,400, and R-9,600 zones shall also include

the location of all proposed structures, access roadways, and parking areas.

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.42B.220 Revision of the official site plan.

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

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

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

(4) Any minor revisions or changes shall be noted on the official site plan filed with the department. A major revision requires a new PRD official site plan.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42B.230 Binding site plan.

(1) If an applicant chooses to divide land by subjecting a portion of a lot, parcel, or tract to either chapter 64.32 or 64.34 RCW, the applicant shall obtain approval of a PRD official site plan and approval of a binding site plan pursuant to chapter 30.41D SCC.

(2) All hearing examiner conditions of approval shall appear on either (a) the binding site plan with record of survey to be recorded, or (b) be referenced on said document and recorded separately as covenants, conditions, and restrictions (CCRs).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42B.240 Other uses permitted.

One acre of land for every 300 dwelling units may be used for neighborhood business purposes. A zone change to establish the Neighborhood Business zone shall be obtained as a separate action pursuant to the provisions of chapter 30.42A SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42B.250 Maintenance of site improvements.

Prior to initiation of any site work and/or prior to issuance of any development/construction permits by the county, the applicant shall submit to the department covenants, deeds, and homeowners' association bylaws, and other documents guaranteeing maintenance and common fee ownership, if applicable, of open space, community facilities, private roads and drives, and all other commonly-owned and operated property. These documents shall be submitted in a form acceptable to the director and accompanied by a certificate from an attorney that they comply with the requirements of this chapter prior to approval by the department. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the county auditor as a condition precedent to the filing of any final plat, final short plat, or binding site plan/record of survey of the property or division thereof, except that the conveyance of land to a homeowners' association may be recorded simultaneously with the filing of the final plat, final short plat, or binding site plan/record of survey.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.42C
CONDITIONAL USE PERMITS

30.42C.010 Purpose and applicability.

The purpose of this chapter is to set forth the procedure and decision criteria for conditional use permit applications. A conditional use permit is the mechanism by which the county may gather input through an open record hearing and place special conditions on the use or development of land. The provisions of this chapter apply to all conditional use permit applications except where chapter 30.44 or 30.67 SCC applies.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42C.020 Conditional use permit procedure.

The hearing examiner may grant conditional use permits under the circumstances set forth in this chapter. The approval process is a Type 2 process described in chapter 30.72 SCC. Applications shall be made according to the submittal requirements checklist provided by the department pursuant to SCC 30.70.030.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42C.030 Previous use - occupancy.

Where prior to July 1, 1962, special authority was granted for establishing or conducting a particular use on a particular site and for a special period of time or as set forth in an action then titled "Use and Occupancy," such previous permits are by this section declared to be continued as a conditional use permit without specific time limit. If the particular use is such as is not otherwise permitted in the zone in which it is located, such established use and improvements incidental thereto shall be considered under the terms of this title as a nonconforming use.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42C.100 Decision criteria - conditional use permit.

(1) The hearing examiner may deny, approve, or approve with conditions an application for a conditional use permit. If an application for a conditional use permit satisfies all of the criteria set forth below, the application may be approved or approved with conditions. If any of the criteria set forth below are not met, the application must be denied.

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

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

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

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

(2) As a condition of approval, the hearing examiner may impose or require any one or more of the following:

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

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

(c) Require structural features or equipment essential to serve the same purpose set forth in SCC

30.42C.100(2)(b);

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

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

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

(g) Require the posting of performance and maintenance securities sufficient to secure to the county the estimated cost of construction and/or installation and maintenance of required improvements; and/or

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.42C.110 Revision of conditional use permits.

(1) Revision of a conditional use permit or conditions of permit approval is permitted as follows:

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

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

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

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

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42C.200 Land use permit binder required.

The recipient of any conditional use permit shall file a land use permit binder on a form provided by the department with the county auditor prior to any of the following: initiation of any further site work, issuance of any development/construction permits by the county, or occupancy/use of the subject property or buildings thereon for the use or activity authorized. The binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the conditional use permit and as a notice to prospective purchasers of the existence of the permit.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42C.208 Vacation of conditional use permit.

(1) Any conditional use permit issued pursuant to this chapter may be vacated by the current landowner upon county approval provided that:

(a) the use authorized by the permit does not exist and is not actively being pursued; or

(b) the use has been terminated and no violation of the terms and the conditions of the permit exists.

(2) Landowner request for vacation of a conditional use permit shall be conducted in accordance with SCC 30.72.140.

(Added Amended Ord. 05-022, May 11, 2005, Eff date May 28, 2005)

30.42C.210 Continuing jurisdiction - review and revocation.

Any review or revocation proceedings shall be conducted in accordance with SCC 30.72.140.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-022, May 11, 2005, Eff date May 28, 2005)

30.42C.220 Transfer of ownership.

A conditional use permit runs with the land and compliance with the conditions of any such permit is the responsibility of the current owner of the property, whether that is the original applicant or a successor.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.42E
MOBILE HOME PARK STANDARDS AND PERMITS

30.42E.010 Purpose and applicability.

This chapter contains the standards and regulations used as a basis in establishing a mobile home park. The use matrices found in chapter 30.22 SCC show which zones allow a mobile home park. For individual mobile home permits see chapter 30.54A SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42E.020 Mobile home parks - procedure.

The hearing examiner may approve, approve with conditions, or deny a conditional use permit application for a mobile home park pursuant to this chapter. The requirements of this chapter are in addition to those contained in chapter 30.42C SCC. The decision process is a Type 2 process as set forth in chapter 30.72 SCC. Applications shall be made according to the submittal requirements checklist provided by the department pursuant to SCC 30.70.030. Property owners may choose to divide the mobile park land in accordance with chapter 30.41D SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42E.030 Additional submittal requirements.

Additional submittal requirements shall include the following:

(1) 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:

(a) Project staging and expected completion time;

(b) Location, width, and typical cross-sections of internal circulation streets;

(c) Dimensions and areas of the mobile home park;

(d) Location and size of all mobile home pads;

(e) Location and size of all parking and bulk storage areas;

(f) Location and size of open space areas required by SCC 30.42E.110; and

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

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

(3) 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 prior to initial site work; and

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42E.040 Official site plan.

The site plan, as approved by the hearing examiner, shall become the official site plan of the mobile home park. In order to ensure development and maintenance as per the approved plan, security devices shall be required in accordance with chapter 30.84 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.42E.100 Design standards - mobile home parks.

In granting conditional use permits for mobile home parks, the following regulations shall apply, except when more restrictive conditions are imposed by the hearing examiner:

(1) Minimum site size shall be five acres and density shall be a minimum of four dwelling units per net acre pursuant to SCC 30.23.020 and a maximum of eight dwelling units per gross acre;

(2) Evidence of water and sewer facilities. The developer shall present evidence to indicate the following:

(a) That the proposed development will have an adequate public water supply meeting applicable state and local requirements;

(b) That the proposed mobile home park will be served by a fire protection system meeting the requirements of the Snohomish County fire marshal; and

(c) That the proposed mobile home park will be immediately served by a sanitary sewer system and that connection to such sewers is feasible. Alternate devices or methods may be used if they have received prior approval from the state Department of Social and Health Services and the Snohomish Health District in accordance with the procedure established in WAC 246-272-04001;

(3) Flood hazard. Mobile home park sites shall not be approved if the site is located within a designated 100-year floodplain;

(4) Circulation system.

(a) All interior mobile home park roads shall be private roads.

(b) All interior mobile home park roads shall be constructed within a tract or easement which shall extend at least two feet beyond the paved surface but which shall, in no case, be less than 30 feet in width.

(c) Park roads shall have widths and surfacing as follows:

(i) park roads shall have a minimum paved width of 20 feet. One-way roads shall have a minimum 12-foot travel lane and an eight-foot parking lane. Two-way roads shall have a minimum of two 10-foot travel lanes and may have eight-foot parking lane(s); and

(ii) park roads shall have surfacing depths as proposed by a licensed engineer and approved by the department.

(d) Cul-de-sac turnarounds shall have a minimum pavement width of 40 feet and a minimum diameter of 80 feet, exclusive of any parking lanes or areas;

(5) Bulk requirements.

(a) Setbacks. All mobile homes, together with their additions and appurtenant structures, accessory structures, and other structures on the site (excluding fences), shall observe the following setbacks (excluding any hitch or towing fixture):

(i) park roads - 15 feet from centerline of tract or easement, but in no case less than five feet from the paved surfaced edge.

(ii) exterior site boundary, not abutting an off-site public or private right-of-way - 15 feet from property line.

(iii) exterior site boundary, abutting an off-site public right-of-way or private road less than 60 feet in width - 50 feet from centerline of right-of-way.

(iv) exterior site boundary, abutting an off-site public right-of-way or private road 60 feet or more in

width - one-half right-of-way plus 20 feet measured from centerline.

(b) Structure separations. A minimum 10-foot separation shall be maintained between all mobile homes, including their habitable additions. One-hour fire resistant structures may abut the unit they serve and shall maintain a minimum three-foot separation from adjacent mobile homes. Structures that are not fire resistant shall maintain a minimum six-foot separation from all other structures and mobile homes, except that carports may abut the unit they serve;

(6) Parking requirements.

(a) Two off-street parking spaces, located adjacent to each respective mobile home pad, shall be provided for each unit and shall be surfaced.

(b) Off-street guest parking shall be provided at the ratio of one parking space for each four mobile home pads and shall be distributed for convenient access to all pads and may be provided by a parking land and/or separate parking areas. Clubhouse and community building parking facilities may account for up to 50 percent of this requirement.

(c) All off-street parking spaces shall meet the minimum dimension requirements of chapter 30.26 SCC;

(7) Storage facilities.

(a) Outside storage of household items and equipment shall not be permitted within the mobile home park. It shall be the responsibility of the park management to ensure compliance with this requirement.

(b) A bulk storage and parking area for boats, campers, travel trailers, etc., shall be provided within the mobile home park. A minimum of 300 square feet of space, exclusive of driveways, shall be provided for every 10 mobile home pads. Bulk storage and parking areas shall be separated from all other parking facilities and shall be provided with some means of security. The requirements of this subsection may be waived by the hearing examiner when the mobile home park developer/owner agrees to prohibit the storage of such items within the park.

(8) Tree retention and landscaping. Mobile home parks shall meet the applicable tree retention, screening and landscaping requirements of chapter 30.25 SCC.

(9) Open space. All mobile home parks shall include a minimum of 20 percent of the site area for common open space. Open space acreage may include community recreational areas and facilities such as playgrounds, swimming pools, hobby and craft shops. Planting strips specified in EDDS and other landscaping required by chapter 30.25 SCC may account for no more than 50 percent of the required open space. The following areas shall not be included as open space:

(a) Surfaced widths of park roads;

(b) Bulk storage, guest parking areas; and

(c) Minimum ground area for each pad, calculated as follows:

(i) Single wide - 3,200 square feet;

(ii) Double wide - 4,300 square feet; and

(iii) Triple wide - 5,400 square feet.

(10) Lighting. Adequate lighting shall be provided to illuminate streets, driveways, and walkways for the safe movement of pedestrians and vehicles.

(11) Utilities. All water, sewer, electrical, and communication service lines shall be underground.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.42E.110 Binding site plan (BSP).

(1) If an applicant chooses to divide land pursuant to chapter 30.41D SCC, an applicant shall obtain approval of a mobile home park official site plan, and approval of a binding site plan pursuant to chapter 30.41D SCC.

(2) All hearing examiner conditions of approval shall appear on either (a) the binding site plan with record of

survey, or (b) be referenced on said document and recorded separately as covenants, conditions, and restrictions (CCRs).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42E.120 Revisions to approved official site plans.

Revisions of an official site plan shall be permitted as set forth below:

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

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

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.42E.130 Review or revocation of approval.

Approval of a mobile home park conditional use permit issued pursuant to this chapter may be reviewed or revoked in accordance with SCC 30.42C.210.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.42F
SPECIAL USE PERMITS COMMUNITY FACILITIES FOR JUVENILES

30.42F.010 Purpose and applicability.

The purpose of this chapter is to set forth the procedures for review, notice, and appeal process for community facilities for juveniles special use permit applications.

(Added Amended Ord. 05-040, July 6, 2005, Eff date Aug. 8, 2005)

30.42F.020 Special use permit for community facilities for juveniles - procedure.

The hearing examiner shall grant special use permits for community facilities for juveniles under the circumstances set forth in this chapter. The approval process described in chapter 30.72 SCC for a Type 2 Permit shall be used except that the hearing examiner may not deny an application for a special use permit for a community facility for juveniles.

(Added Amended Ord. 05-040, July 6, 2005, Eff date Aug. 8, 2005)

30.42F.030 Special use permit for community facilities for juveniles review, notice, and appeal procedures

In conjunction with a special use permit, community facilities for juveniles shall comply with the review, notice, and appeal procedures set forth in chapter 30.70 SCC except that the hearing examiner may not deny a permit for a community facility for juveniles and the facility is exempt from denial provision in SCC 30.70.130 and 30.70.150. The noticing requirements may be combined in accordance with SCC 30.70.080 when the applicant combines the public participation requirements for the applicant and the community facilities for juveniles special permit process pursuant to SCC 30.70.090.

(Added Amended Ord. 05-040, July 6, 2005, Eff date Aug. 8, 2005)

30.42F.040 Hearing examiner - authority.

The hearing examiner shall approve or approve with conditions a special use permit for community facilities for juveniles upon demonstration by the applicant that the proposal complies with the performance standards of SCC 30.28.025. The hearing examiner may condition the permit as follows:

(1) Increase or decrease requirements in the standards if warranted by site specific considerations required by this title; and

(2) Impose conditions necessary to avoid, minimize or mitigate any adverse impacts identified as a result of the project.

(Added Amended Ord. 05-040, July 6, 2005, Eff date Aug. 8, 2005)

Chapter 30.43A
ADMINISTRATIVE CONDITIONAL USE PERMIT

30.43A.010 Purpose and applicability.

The purpose of this chapter is to set forth the procedure and decision criteria for administrative conditional use permits. An administrative conditional use permit is a mechanism by which the county may place special conditions on the use or development of property to ensure that new development is compatible with surrounding properties and achieves the intent of the comprehensive plan. This chapter applies to each application for an administrative conditional use and to uses formerly identified as special uses (expansion of a nonconforming use) or temporary uses.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43A.020 Administrative conditional use permit procedure.

(1) The department may approve, approve with conditions, or deny an administrative conditional use permit through a Type 1 process as described in chapters 30.70 and 30.71 SCC.
(2) Applications for an administrative conditional use permit shall contain the information required by the submittal requirements checklist established by the department pursuant to SCC 30.70.030.
(3) When an application is submitted together with another permit application requiring a predecision hearing by the hearing examiner, the administrative conditional use permit shall be processed concurrently with the other application and the hearing examiner shall make the decision on the administrative conditional use, using a Type 2 process.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43A.100 Decision criteria - administrative conditional use permits.

(1) The department may grant approval for an administrative conditional use when all the following criteria are met:
(a) The proposal is consistent with the comprehensive plan;
(b) The proposal complies with applicable requirements for the use set forth in this code;
(c) The proposal is not materially detrimental to uses or property in the immediate vicinity; and
(d) The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing or intended character, appearance, quality of development, and physical characteristics of the subject property and the immediate vicinity.
(2) The department may impose conditions to ensure the approval criteria are met.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43A.105 Revision of administrative conditional use permits.

(1) Revision of an administrative conditional use permit or of conditions of permit approval is permitted as follows:
(a) Minor revisions may be permitted by the department and shall be properly recorded in the official case file. No revision in points of vehicular access to the property shall be approved without prior written

concurrence of the director of the department of public works; and

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

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

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

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

(c) Any increase in vehicle trip generation shall be reviewed pursuant to SCC 30.66B.075 to determine whether the revision is major or minor.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43A.108 Vacation of administrative conditional use permit.

(1) Any administrative conditional use permit issued pursuant to this chapter, or any temporary or special use permit issued previously, may be vacated by the current landowner upon county approval provided that:

(a) the use authorized by the permit does not exist and is not actively being pursued; or

(b) the use has been terminated and no violation of the terms and the conditions of the permit exists.

(2) Landowner request for vacation of an administrative conditional use permit shall be conducted in accordance with SCC 30.71.026.

(Added Amended Ord. 05-022, May 11, 2005, Eff date May 28, 2005)

30.43A.110 Review or revocation of permit.

The office of the hearing examiner shall have jurisdiction to review and modify or revoke all administrative conditional uses. Any review or revocation proceeding shall be conducted in accordance with SCC 30.71.027.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43A.120 Transfer of ownership.

An administrative conditional use permit runs with the land and compliance with the conditions of any such permit is the responsibility of the current owner of the property, whether that is the original applicant or a successor.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43A.130 Land use permit binder required.

The recipient of an administrative conditional use permit shall file a land use permit binder on a form provided by the department with the county auditor prior to initiation of any further site work; issuance of any development/construction permits by the county; or occupancy/use of the subject property or the building thereon for the use/activity authorized, whichever comes first. The binder shall serve both as an

acknowledgment of and agreement to abide by the terms and conditions of the permit and as a notice to prospective purchasers of the existence of the permit.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.43B
VARIANCES

30.43B.010 Purpose and applicability.

The purpose of this chapter is to set forth the procedures and decision criteria for reviewing variance applications. A variance is the mechanism by which an adjustment is made to specific regulations being applied to a particular piece of property. This chapter applies to applications for variances to any development standard contained in subtitle 30.2 SCC, chapters 30.31A - 30.31F SCC, chapter 30.42B SCC and chapter 30.42E SCC. A variance shall not permit uses that are prohibited by this title.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43B.020 Variance procedure.

(1) The department shall have authority to approve, approve with conditions, or deny applications using a Type 1 process.
(2) Any variance submitted with another application requiring a predecision hearing by the hearing examiner shall be processed concurrently before the hearing examiner as a Type 2 decision.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43B.100 Decision criteria - variances.

The department may approve or approve with conditions a variance request when the following criteria are met:
(1) There are special circumstances applicable to the subject property or to the intended use, such as size, shape, topography, location or surroundings, that do not apply generally to other properties or classes of use in the same vicinity and zone;
(2) A variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties in the same vicinity and zone but which because of special circumstances is denied to the property in question;
(3) The granting of the variance will not be materially detrimental to the public welfare or injurious to the properties or improvements in the vicinity and zone in which the subject property is located; and
(4) The granting of the variance will not adversely affect the comprehensive plan.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43B.110 Transfer of ownership.

A variance runs with the land and compliance with the conditions of any such permit or variance is the responsibility of the current owner of the property, whether the original applicant or a successor.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43B.120 Land use permit binder required.

The recipient of any variance shall file a land use permit binder on a form provided by the department with the county auditor prior to initiation of any site work; issuance of any development or construction permits by the county; or occupancy or use of the subject property or building thereon for the use or activity authorized. The binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the

variance and as a notice to prospective purchasers of the existence of the variance and any conditions of approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43B.128 Vacation of variance.

(1) Any variance issued pursuant to this chapter may be vacated by the current landowner upon county approval provided the:

(a) the use authorized by the variance does not exist and is not actively being pursued; or

(b) the use has been terminated and no violation of the terms and the conditions of the permit exists.

(2) Landowner request for vacation of a variance shall be conducted in accordance with SCC 30.71.026.

(Added Amended Ord. 05-022, May 11, 2005, Eff date May 28, 2005)

30.43B.130 Variance - review or revocation.

The office of the hearing examiner shall have jurisdiction to review or revoke all variance in accordance with SCC 30.71.027.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.43C
FLOOD HAZARD PERMITS

30.43C.010 Purpose and applicability.

The purpose of this chapter is to set forth the procedures and decision criteria for flood hazard permits. This chapter applies to all development in a special flood hazard area as provided in chapter 30.65 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43C.020 Flood hazard permit

Prior to any development within a special flood hazard area, a flood hazard permit shall be obtained. The department shall have the authority to approve, approve with conditions, or deny a flood hazard permit using a Type 1 administrative decision. The flood hazard permit is exempt from the notice provisions set forth in SCC 30.70.050 and SCC 30.70.060(2) except that the notice shall be provided in compliance with 30.70.045(4)(d) when applicable. If the permit is accompanied by a concurrent Type 2 application, the flood hazard permit application may, at the applicant's request, be processed concurrently with the Type 2 permit application. In order to be considered concurrent, the Type 2 application must be submitted to the county at the same time as the flood hazard permit application. .

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-005, February 21, 2007, Eff date March 4, 2007)

30.43C.030 Additional submittal requirements.

All persons applying for a flood hazard permit shall make application to and shall meet the submittal requirements established by the department pursuant to SCC 30.70.030. Additional submittal requirements shall include the following:

(1) Name of the stream or body of water associated with the floodplain in which the development is proposed;

(2) General location of the proposed development, including direction and distance from the nearest town or intersection;

(3) Site plan map showing:

(a) Site boundaries;

(b) Location and dimensions of the proposed development or structure;

(c) Location and volume of any proposed fill material; and

(d) Location of existing structures;

(4) Topographic, engineering, and construction information necessary to evaluate the proposed project that may be requested by the department through the preapplication process or during the initial review for completeness of the application; and

(5) Additional information when required pursuant to chapter 30.65 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43C.040 No liability.

The granting of a permit for any development or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the county, or any official or employee thereof, of the practicality or safety of any

structure or use proposed and shall create no liability upon, or cause of action against, such public body, official, or employee for any damage that may result thereto.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43C.100 Decision criteria - flood hazard permit.

The department may approve or approve with conditions a flood hazard permit when the following is met:

(1) The requirements of chapter 30.65 SCC are met, including, but not limited to

(a) Floodproofing requirements;

(b) Floodway encroachment provisions;

(c) Density fringe area provisions; and

(d) Requirements relating to the alteration or relocation of a watercourse; and

(2) Permits from those agencies for which prior approval is required have been issued; and

(3) The permit is in accordance with this code and other applicable local, state, and federal regulations; and

(4) Development authorized by the permit will not:

(a) Significantly increase the level of flooding on any lands;

(b) Threaten the preservation of those natural conditions which are conducive to the maintenance of constant rates of water flow throughout the year by:

(i) creating or exacerbating rapid water runoff conditions which contribute to increased downstream flooding; and

(ii) eliminating natural groundwater absorption areas essential for reducing surface flood flows downstream. In-kind on-site mitigation may be used to achieve this requirement; and

(c) Materially pollute or contribute to the turbidity of flood waters.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-005, February 21, 2007, Eff date March 4, 2007)

30.43C.200 Permit expiration.

(1) The start of construction, as defined in SCC 30.91S.570, for any new construction or substantial improvement must commence within 180 days of the issuance of a flood hazard permit or the flood hazard permit will automatically expire.

(2) A permit may be renewed for the original project description only once for up to 24 additional months.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005)

Chapter 30.43D
FLOOD HAZARD AREA VARIANCES

30.43D.010 Purpose and applicability.

The purpose of this chapter is to set forth the procedures and decision criteria for flood hazard area variances. A flood hazard area variance is the mechanism by which an adjustment is made to specific flood hazard area regulations of chapters 30.65 and 30.43C SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43D.015 Variance limitations.

Variances shall be limited solely to the consideration of:
(1) Elevation requirements for first floor construction;
(2) Elevation requirements for floodproofing; and
(3) The type and extent of required floodproofing.
Variances shall not be considered for any procedural or informational requirements or use prohibitions.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43D.020 Flood hazard area variance procedure.

(1) Requests for variances from the provisions of chapter 30.65 SCC shall be approved, approved with conditions, or denied by the department.
(2) Applications for a flood hazard variance shall contain the information required by the submittal requirements checklist established by the department pursuant to SCC 30.70.030.
(3) When an application is submitted together with another permit application requiring a predecision hearing by the hearing examiner, the flood hazard variance shall be processed concurrently with the other application and the hearing examiner shall make the decision on the flood hazard variance, using a Type 2 process.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43D.100 Decision criteria - flood hazard area variance.

The department or the hearing examiner may approve or approve with conditions a flood hazard area variance request when the following criteria are met:
(1) There are special circumstances applicable to the subject property or to the intended use, such as shape, topography, location, or surroundings, that do not apply generally to other properties or classes of use in the same vicinity and zone;
(2) The granting of such variance will not be materially detrimental to the public welfare or injurious to the properties or improvements in the vicinity and zone in which the subject property is located;
(3) For residential new construction and residential substantial improvements, that such construction and improvements are contained on a lot one-half acre or less in size which is contiguous to and surrounded by existing structures constructed below the base flood elevation;
(4) Such a variance is the minimum necessary, considering the flood hazard, to afford relief;
(5) Failure to grant the variance would result in exceptional hardship to the applicant;
(6) The granting of such a variance will not result in:
(a) Increased flood heights;

(b) Additional threats to public safety;
(c) Extraordinary public expense;
(d) Creation of nuisances;
(e) Fraud on, or victimization of the public; and
(f) Conflicts with other existing local laws or ordinances;

(7) Such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone but which because of special circumstances is denied to the property in question; and

(8) The granting of such variance will not adversely affect the comprehensive plan.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.43D.110 Additional notification requirements.

All decisions to grant a variance pursuant to this chapter shall contain notification to the applicant that:

(1) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance which may be as high as $25.00 per $100.00 of insurance coverage or more; and

(2) Such construction below base flood level increases risks to life and property.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.43E
REASONABLE ACCOMMODATION

30.43E.010 Purpose.

The purpose of this chapter is to allow the director the authority to waive or vary provisions of Subtitle 30.2 SCC, or other applicable county code provisions when necessary to reasonably accommodate the statutory rights of the disabled under the Americans With Disabilities ACT (ADA), the Federal Fair Housing Act (FHA), or the Washington Law Against Discrimination (WLAD).

(Added Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004)

30.43E.020 Applicability.

(1) The provisions of this chapter shall be applied when necessary to provide a disabled person full enjoyment of a dwelling unit that otherwise could not be achieved without a waiver or variation in regulations pertaining to the construction or occupancy of the dwelling unit.

(2) The process established by this chapter shall be administered in a manner that will ensure the full exercise and enjoyment of a disabled person's right to the residential housing of his or her choosing.

(3) The provisions of this chapter shall not apply to commercial activities or zones, provided that, nothing herein shall be interpreted to limit the exercise of a disabled person's right by or through a residential care provider. In the event of any conflict, or if interpretation of this chapter is required, it shall be implemented and interpreted in accordance with the provisions of the American With Disabilities Act, the Federal Fair Housing Act and the Washington Law Against Discrimination.

(Added Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004)

30.43E.030 Reasonable accommodation.

(1) Upon application by a disabled person or individual or entity providing services to the disabled in a residential facility or other group living arrangement, the director or his designee is hereby authorized to vary, modify, or waive the provisions of the Snohomish County Code in order to provide a reasonable accommodation as necessary to provide a disabled person or care provider to the disabled person full enjoyment of a dwelling unit.

(2) The review may, at the discretion of the director, include citizen input into the administrative process. The department shall provide written notice of the accommodation to the applicant and property owners adjacent to the subject site.

(3) When applying the reasonable accommodation process to the Snohomish County Code, including subtitle 30.5 SCC and other regulations adopted pursuant to the Snohomish County Code, the department shall avoid the stereotypical assumptions regarding the disabled and shall attempt to ascertain the actual physical and/or mental limitation of the disabled individual in order to craft an accommodation which best suits the exercise of that individual's rights.

(Added Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004)

30.43E.040 Level of safety to be maintained.

No reasonable accommodation shall be provided by a waiver or variance of the provisions of subtitle 30.5 SCC which does not substantially accomplish the purposes of those chapters or which would reduce the safety of any

structure. Modifications, waivers or variances of the provisions of subtitle 30.5 SCC shall provide at least the same level of safety as that required by the respective state code. The applicant shall have the burden of establishing that the proposed modification, waiver or variance accomplishes substantially the same purpose without reduction of safety.

(Added Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004)

30.43E.050 Accommodations personal to the applicant.

(1) Any reasonable accommodation made pursuant to this chapter shall accommodate the disability of, and be personal to the applicant, and shall not run with the land, unless all the following are met:

(a) the accommodation is a change to a residential structure;

(b) the accommodation is necessary to a disabled person using the structure or to the operation of a residential care provider to the disabled; and

(c) if applicable, any future operator of similar facilities at the site has established the same use within six months of the date of discontinuation of the use for which the accommodation was allowed.

(2) If a residential structure possessing a physical change that was the result of a reasonable accommodation made pursuant to this chapter is vacated, sold or transferred to a person or entity not qualifying for the reasonable accommodation, the director may require that the structure be brought into compliance with the standards that were modified, varied or waived pursuant to this chapter.

(Added Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004)

Chapter 30.44
SHORELINE PERMITS

PART 000 – GENERAL PURPOSE AND APPLICABILITY

30.44.010 Purpose and applicability.

(1) The purpose of this chapter is to establish a program for the administration and enforcement of the permit system for shoreline management provided by the Shoreline Management Act of 1971 (chapter 90.58 RCW).

(2) This chapter applies to all shorelines of the state within Snohomish County.

(3) All development in shoreline jurisdiction shall comply with the policy, provisions, and intent of the Snohomish County Shoreline Management Program (SMP) even when no permit is required unless exempt pursuant to SCC 30.44.020.

(4) Where there are conflicts with this chapter and other provisions of this title, the provisions of this chapter shall apply.

(5) Definitions contained in the Shoreline Management Act of 1971 (chapter 90.58 RCW) and the Shoreline Master Program Guidelines (chapter 173-26 WAC) shall apply to all terms used in this chapter, provided that definitions contained in this title shall be applicable where not in conflict with the Shoreline Management Act and the Shoreline Master Program Guidelines.

(6) Applicability of this chapter to federal lands will be determined as follows:

(a) Applicability of this chapter to federal agency activities will be determined pursuant to WAC 173-27-060;

(b) This chapter shall apply to all nonfederal developments, uses and modifications undertaken on federal lands and on lands subject to nonfederal ownership, mining claim, lease or easement even though such lands may fall within the external boundaries of a federal ownership; and

(c) Shorelines of the state within the external boundaries of federal ownership are designated in accordance with SCC 30.67.220.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.020 Development not subject to the Shoreline Management Act.

The following developments are not required to meet the requirements of the Shoreline Management Act, chapter 90.58 RCW, as described below:

(1) Notwithstanding any other provision of law, any legal requirement under the Shoreline Management Act, including any standard, limitation, rule, or order is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.21K RCW.

(2) The procedural requirements of the Shoreline Management Act shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department of ecology shall ensure compliance with the substantive requirements of chapter 90.58 RCW through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or during the department-conducted remedial action, through the procedures developed by the department pursuant to RCW 70.105D.090.

(3) The holder of a certification under chapter 80.50 RCW shall not be required to obtain a permit under chapter 90.58 RCW or the Snohomish County Shoreline Management Program.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.030 Compliance with other laws.

Nothing in this chapter shall be construed as excusing a person from compliance with any other local, state, or federal statute, ordinance, or regulation applicable to a proposed development.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.040 Letter of exemption from the shoreline substantial development permit requirements.

When a development falls within the exemptions stated in SCC 30.44.020 or 30.44.120, the department shall prepare a letter addressed to the applicant and the regional office of the department of ecology, exempting the development from the shoreline substantial development permit requirements of chapter 90.58 RCW when either of the following applies:

(1) The development is subject to a U.S. Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899, or a Section 404 permit under the federal Water Pollution Control Act of 1972; or

(2) The property owner requests an official letter of exemption.

(3) All shoreline exemptions shall be tracked within the county AMANDA data base tracking system.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.050 Relationship to shoreline management program.

This chapter implements chapter 173-27 WAC but is not adopted as part of the SMP.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

PART 100 – PERMIT REQUIREMENTS AND REVIEW STANDARDS

30.44.110 Shoreline substantial development, conditional use, and variance permits.

Except as provided under SCC 30.44.020, a shoreline substantial development, conditional use or variance permit is required prior to development within the county's shoreline jurisdiction as follows:

(1) A shoreline substantial development permit is required for shoreline development in conjunction with allowed uses and modifications pursuant to the SMP unless exempt pursuant to SCC 30.44.120;

(2) A development or use that is listed as a conditional use or is an unlisted use in the SMP pursuant to SCC 30.67.430(1), unless otherwise prohibited pursuant to SCC 30.67.420, must obtain a shoreline conditional use permit even though the development or use may not require a substantial development permit; and

(3) A shoreline variance permit is required when requesting relief from specific bulk, dimensional or performance standards in the SMP.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.120 Exemptions from shoreline substantial development permits.

(1) The following types of development must be consistent with the policies and provisions of the Shoreline Management Act and the SMP, but are not considered shoreline substantial developments for purposes of this chapter and are not required to obtain a shoreline substantial development permit:

(a) Any development of which the total cost or fair market value, whichever is higher, does not exceed the dollar threshold established or as hereafter adjusted by the state office of financial management pursuant to WAC 173-27-040(2)(a), provided such development does not materially interfere with the normal public use of the water or shorelines of the state;

(b) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(c) Construction of the normal protective bulkhead common to single family residences;

(d) Emergency temporary construction necessary to protect property from damage by the elements consistent with the provisions in SCC 30.44.280;

(e) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(f) Construction or modification of navigational aids, such as channel markers and anchor buoys;

(g) Construction on shorelands by an owner, lessee, or contract purchaser, of a single family residence for owner or owner's family use, which residence does not exceed a height of 35 feet above average grade level, and which meets all requirements of the state and local governments having jurisdiction thereof, other than requirements imposed pursuant to this title. Construction authorized under this exemption shall be located landward of the ordinary high water mark;

(h) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. For the purpose of this section, a "dock" is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies to docks for which the cost or fair market value, whichever is higher, does not exceed:

(i) $2,500 in salt waters; or

(ii) $10,000 in fresh waters, but if subsequent construction having a fair market value exceeding $2,500 occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;

(i) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater from the irrigation of lands;

(j) The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(k) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(l) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(i) the activity does not interfere with the normal public use of the surface waters;

(ii) the activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(iii) the activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(iv) a private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the county to ensure that the site is restored to preexisting conditions; and

(v) the activity is not subject to the permit requirements of RCW 90.58.550 for oil or natural gas exploration in marine waters;

(m) The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the state department of agriculture or the department or ecology jointly with other state or local agencies under chapter 43.21C RCW;

(n) A public or private project that is designed to improve fish or wildlife habitat or fish passage when the criteria in RCW 90.58.147 are met; and

(o) Watershed restoration projects as defined in RCW 89.08.460.

(2) Whenever a development falls within the exemptions enumerated in this section, and the development is subject to a U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899 or a section 404 permit under the Federal Water Pollution Control Act of 1972, Snohomish County shall prepare a letter addressed to the applicant and the regional office of the Department of Ecology, indicating the specific exemption provision that is being applied to the development and providing a summary of the county's analysis of the consistency of the development with the Shoreline Management Act and the SMP.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.125 Application of the permit system to shoreline substantial developments undertaken prior to the act.

(1) Shoreline substantial development, as determined by actual construction or development begun upon the shoreline, as opposed to preliminary engineering or planning, undertaken on shorelines of the state prior to the effective date of the Shoreline Management Act (SMA), and continuing thereafter, shall not require a permit, except under the following circumstances:

(a) Where the activity was unlawful prior to the effective date of the act;

(b) Where there has been an unreasonable period of dormancy in the project between its inception and the effective date of the act;

(c) Where the development is not completed within two years of the effective date of the act;

(d) Where shoreline substantial development occurred prior to the effective date of the act, and continued on to a different shoreline of the state after the effective date of the act; or

(e) Where shoreline substantial development occurred prior to the effective date of the act, and continued into other phases that were not part of the plan being followed at the time construction commenced.

(2) The effective date of the SMA is the most recent of the following dates applicable to the shoreline jurisdiction where the substantial development is occurring:

(a) June 1, 1971;

(b) When a change in the area subject to the jurisdiction of the SMA occurs as a result of a determination of jurisdiction by the state Department of Ecology based on the provisions of RCW 90.58.030 (2)(d) or (e), the effective date of the act shall be the date the state Department of Ecology provides written notice of the change to the county; or

(c) When a change in the area subject to the jurisdiction of the SMA occurs as a result of an updated shoreline master program that supersedes the jurisdiction lists in chapter 173-18, 173-20 and 173-22 WAC, the effective date of the SMA shall be the date the state Department of Ecology approves the updated master program.

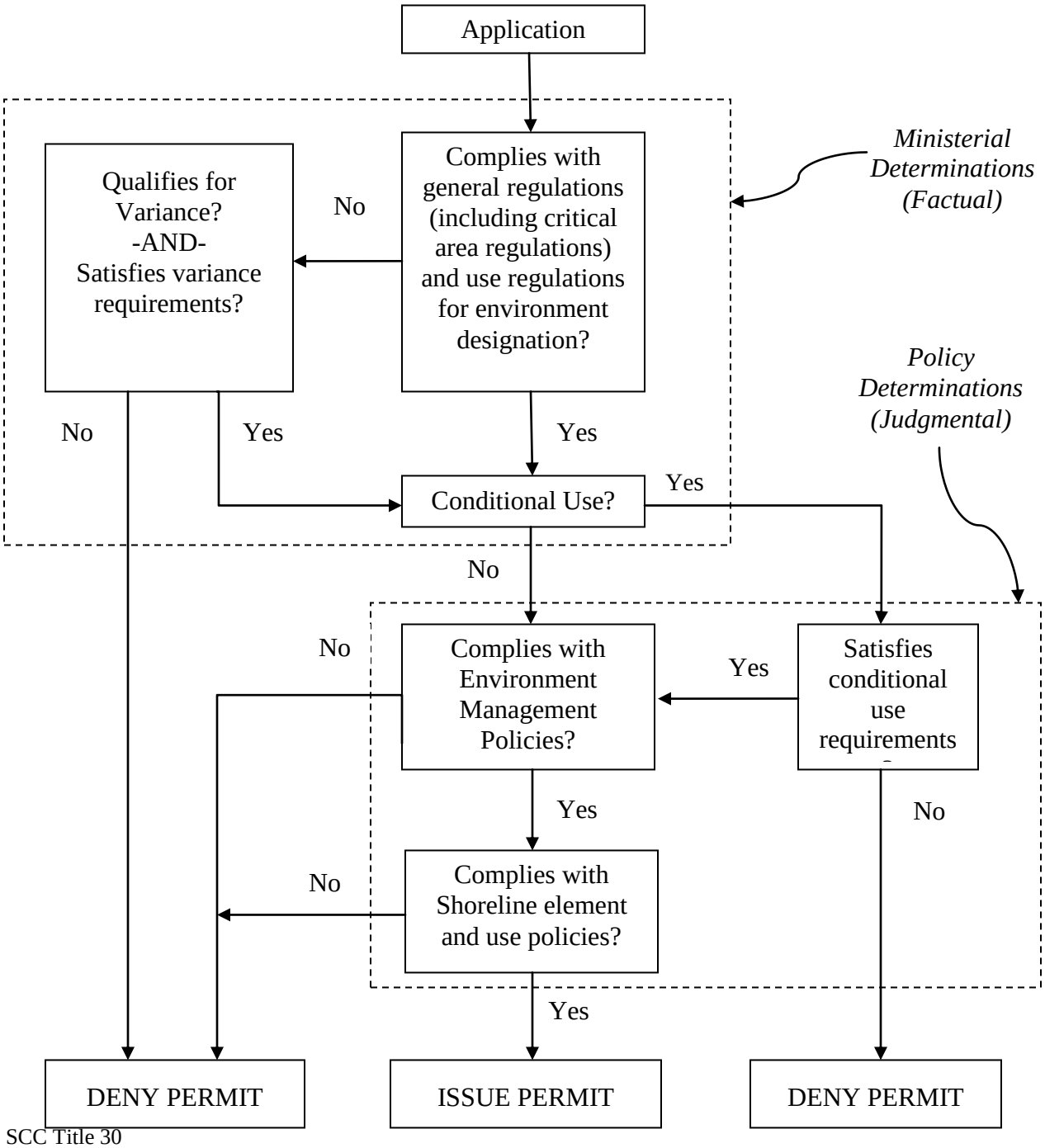
(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.130 Review criteria for all shoreline development permits.

(1)(a) No authorization to use or develop shorelines of the state shall be granted by the county unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act, the SMP and other applicable statutes, plans, regulations and policies. The county shall review all shoreline permit applications for compliance with the SMP in accordance with the decision flow chart shown in figure 30.44.130(1)(b).

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

Figure 30.44.130(1)(b)
Decision Flow Chart for Shoreline Permit Review



(2) All proposed uses and development shall be consistent with the policies, procedures and provisions of the Shoreline Management Act and the SMP, even when no permit is required.

(3) Decisions on shoreline substantial development, shoreline conditional use, and shoreline variance permits shall comply with the following provisions and procedures as applicable:

(a) The county's decision shall be based on information from the complete application, written comments from interested persons and observations from a site inspection. The county's decision shall contain findings based upon the record and conclusions which support the decision. Such findings and conclusions shall demonstrate how the decision is consistent with the SMP.

(b) In approving a shoreline substantial development, shoreline conditional use, or shoreline variance permit, the county may impose any conditions necessary to carry out the intent of and assure compliance with the SMP and the Shoreline Management Act. Such conditions shall be part of the permit, and shall be binding upon the applicant and the applicant's successors or assigns. The permit and conditions shall be appealable under SCC 30.44.250, and enforceable under chapter 30.85 SCC.

(4) Development undertaken pursuant to the issuance of a permit shall be limited to that specifically delineated on the official site plan submitted by the applicant and approved by the department. The development shall comply with any and all conditions imposed upon such permit at its issuance, including any impact mitigation measures identified in documents submitted in support of the application.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.140 Additional review criteria for shoreline conditional use permits.

(1) Uses or modifications requiring a conditional use permit pursuant to SCC 30.44.110 may be allowed only when the applicant can demonstrate all of the following:

(a) That the proposed use will be consistent with the policies of RCW 90.58.020 and the SMP;

(b) That the proposed use will not interfere with the normal public use of public shorelines;

(c) That the proposed use and development of the site and design of the project will be compatible with other permitted and planned uses within the area;

(d) That the shoreline development proposal will not result in significant adverse impacts on the shoreline environment and that the cumulative impact of additional requests for like actions in the area will remain consistent with the policies of the Shoreline Management Act and the SMP; and

(e) That the proposed use will not cause a substantial detrimental effect on the public interest.

(2) Conditions may be attached to a shoreline conditional use permit to prevent loss of ecological functions, to ensure consistency with the Shoreline Management Act and the SMP, and to address cumulative impacts of the use or modification to the extent reasonably related to the proposed development and limited to the development's proportionate share of such cumulative impacts.

(3) A shoreline conditional use permit shall not become final until approved by the state Department of Ecology pursuant to SCC 30.44.240.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.150 Additional review criteria for a shoreline variance permit.

The purpose of a shoreline variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the SMP where there are extraordinary circumstances relating to the physical character or configuration of property such that strict implementation of the SMP would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

(1) Shoreline variance permits should be granted in circumstances where denial of the variance permit would result in a thwarting of the policy enumerated in RCW 90.58.020.

(2) Shoreline variance permits for development or allowed uses pursuant to SCC 30.67.430 located landward of the ordinary high water mark and landward of a wetland may be authorized provided the applicant can demonstrate all of the following:

(a) That extraordinary circumstances exist on the project site;

(b) That the strict application of the bulk, dimensional or performance standards set forth in the SMP creates a hardship by precluding, or significantly interfering with, reasonable use of the property;

(c) That the hardship described in SCC 30.44.150(2)(b) is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the SMP, and not, for example, from deed restrictions or the applicant's own actions;

(d) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Snohomish County comprehensive plan and SMP and will not cause adverse impacts to the shoreline environment;

(e) That the variance will not constitute a grant of special privilege not enjoyed by other properties in the area;

(f) That the variance requested is the minimum necessary to afford relief; and

(g) That the public interest will suffer no substantial detrimental effect.

(3) A shoreline variance permit for development or uses located waterward of the ordinary high water mark or within a wetland, may be authorized provided the applicant can demonstrate all of the following:

(a) That the proposal is consistent with the criteria established under SCC 30.44.150(2)(a) through (g); and

(b) That the public rights of navigation and use of the shorelines will not be adversely affected.

(4) In granting a shoreline variance permit, consideration shall be given to the cumulative impact of additional requests for like actions in the area. The cumulative impacts of similar variance requests in the area shall be consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

(5) Variances from the use and modification regulations in SCC 30.67.420, 30.67.430 and 30.67.440 are prohibited.

(6) A shoreline variance permit shall not become final until approved by the state Department of Ecology pursuant to SCC 30.44.240.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.160 Non-conforming shoreline uses or structures.

Non-conforming shoreline uses or structures are regulated pursuant to SCC 30.67.450.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

PART 200 – PROCESS REQUIREMENTS

30.44.205 Submittal requirements for shoreline permits.

A complete application for a shoreline permit shall contain, at a minimum, the following information:

(1) The name, address, email and phone number of the property owner.

(2) The name, address, email and phone number of the applicant and the applicant's representative if other than the property owner.

(3) The location of the property including the property address and parcel identification number for all parcels included in the application. When address and parcel identification numbers have not been assigned, location may be identified by section, township, range to the nearest quarter, quarter section or by latitude and longitude to the nearest minute. All applications for projects located in open water areas away from land shall provide a longitude and latitude location.

(4) The name of the associated water body. This should be the water body from which shoreline jurisdiction over the project is derived.

(5) A description of the proposal including the proposed use or uses and the activities necessary to accomplish the project.

(6) A description of the property as it now exists including physical characteristics and any improvements and structures.

(7) A description of the vicinity of the proposed project including identification of adjacent uses, structures and improvements, the intensity of adjacent development and physical characteristics of adjacent properties.

(8) A site development plan consisting of photographs, text, maps and elevation drawings, drawn to an appropriate scale clearly depicting the following information:

(a) The boundary of the parcel(s) of land upon which the development is proposed.

(b) The ordinary high water mark of all water bodies located adjacent to or within the boundary of the project. This may be an approximate location provided, that for any development where a determination of consistency with the applicable regulations requires a precise location of the ordinary high water mark, the mark shall be located precisely and the biological and hydrological basis for the location as indicated on the plans shall be included in the development plan. Where the ordinary high water mark is neither adjacent to or within the boundary of the project, the plan shall indicate the distance and direction to the nearest ordinary high water mark of a shoreline.

(c) Existing and proposed land contours shall be shown at intervals sufficient to accurately determine the existing character of the property and the extent of proposed changes to the land as a result of the development. Areas within the boundary of the proposal that will not be altered by the development may be indicated as such and contours may be approximated for that area.

(d) A delineation of all wetlands that are located within the boundary of the proposal and all wetland areas that will be altered or used as a part of the development.

(e) A description of the character of vegetation found on the site.

(f) The dimensions and locations of all existing and proposed buildings, structures and improvements, including but not limited to: buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities.

(g) When applicable, a landscaping plan for the project.

(h) When applicable, plans for development of areas on or off the site as mitigation for impacts associated with the proposed project shall be included and contain information consistent with the requirements of this section.

(i) The quantity in cubic yards, source and composition of any fill material that will be placed on the site whether temporary or permanent.

(j) The quantity in cubic yards, composition and destination of any excavated or dredged material that will be removed from the site or transferred on the site.

(k) A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.

(l) Where applicable, the applicant shall provide a three-dimensional visual simulation, or other appropriate graphics, demonstrating the visual impact on the view of the county's shorelines or other scenic resources from existing residential uses and public areas.

(m) On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of structures and uses on adjacent properties.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.210 Procedures for shoreline permits.

(1) Shoreline substantial development, shoreline conditional use, and shoreline variance permits are subject to all provisions of chapter 30.70 SCC, except as specifically modified by this chapter. Except for the additional requirement for Department of Ecology review of shoreline conditional use and shoreline variance permits pursuant to SCC 30.44.240, all applications shall be processed either as a Type 1 or Type 2 decision in accordance with chapters 30.71 or 30.72 SCC depending on the applicable circumstances set forth in SCC 30.44.210(2). Appeals of all shoreline permits shall be processed in accordance with SCC 30.44.250.

(2) A shoreline permit application shall be processed as a Type 2 permit if:

(a) The department recommends that a shoreline permit be denied; or

(b) The director determines that a shoreline permit application should be processed as a Type 2 decision based on the following factors:

(i) The presence of significant economic, health, safety, environmental and land use issues; or

(ii) The proposal conflicts with the SMP;

(3) The department shall notify the applicant, in writing, of the requirement for an open record hearing as soon as possible following the receipt of a complete application for a shoreline substantial development, shoreline conditional use, or shoreline variance permit and no later than 30 days following the publication of the notice of application pursuant to SCC 30.70.050, unless a longer period is agreed to in writing by the applicant.

(4) When processed as a Type 2 decision, an open record public hearing will be conducted after the environmental review required pursuant to chapter 30.61 SCC has been conducted and the applicable fees according to chapter 30.86 SCC have been paid.

(5) The county's decision to approve or deny the shoreline permit shall be mailed within ten calendar days to the applicant and to all parties of record. In the case of shoreline conditional use and shoreline variance permits, the county's decision shall contain a qualifying statement that the county's decision is not final until the Department of Ecology’s approval and that review of the final decision will be in accordance with the appeal procedure in SCC 30.44.250.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.220 Time requirements for shoreline permits.

The following time requirements shall apply to all shoreline substantial development, shoreline conditional use, and shoreline variance permits:

(1) Each permit for a shoreline substantial development, conditional use or variance issued by the county shall contain a provision that construction shall not begin and is not authorized until 21 days from the date of receipt as defined in SCC 30.44.230(2), or until all review proceedings initiated within 21 days from the date of receipt have been terminated; except as provided in RCW 90.58.140(5)(a) and (b) or SCC 30.44.280.

(2) The effective date of an approved shoreline substantial development permit shall be the date of receipt as provided in SCC 30.44.230(2)(a). The effective date of an approved shoreline conditional use or variance permit shall be the date of receipt as provided in SCC 30.44.230(2)(b).

(3) Construction activities shall be commenced or, where no construction activities are involved, the use or activity shall be commenced within two years of the effective date of a substantial development permit. Substantial progress towards construction shall include, but not be limited to the letting of bids, making of contracts, purchase of materials involved in development, but shall not include development or initiation of uses which are inconsistent with the policies and regulations of the Shoreline Management Act and the SMP. The department may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record on the substantial development permit and to the state Department of Ecology.

(4) Authorization to conduct development activities shall terminate five years after the effective date of a substantial development permit. The county may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and to the state Department of Ecology.

(5) Determination of the time periods described in 30.44.220(3) and (4) shall not include the time during which construction or the use or activity was not actually pursued due to the pendency of administrative appeals or legal actions or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

(6) Shoreline permits for mitigation banks and in-lieu fee programs addressing shoreline ecological functions shall expire five years after the effective date of an approved permit pursuant to SCC 30.44.220(2). The county may authorize extensions upon a finding of good cause, based on requirements and circumstances of the project proposed and consistent with the policy and provisions of the SMP and chapter 173-27 WAC, if a request for extension has been filed before the expiration date and provided that the Memorandum of Agreement, Mitigation Bank Instrument or other documentation authorizing the mitigation bank or in-lieu fee program remains valid. Notice of the proposed extension shall be given to all parties signatory to the authorizing documents, the state Department of Ecology and to all parties of record. Extensions may be granted as needed to fulfill the project phases outlined in the authorizing documentation provided that each granted extension is valid for a period not to exceed five years. In reviewing requests for extensions, if environmental conditions or life, health and safety issues arise that were not adequately addressed by the currently valid shoreline permit, shoreline permit conditions may be added or revised. If additions or revisions are necessary, a fee will be assessed as provided in SCC 30.86.310. Extensions of shoreline conditional use permits or shoreline variances must be approved by the state Department of Ecology.

(7) Nothing in chapter 30.44 SCC shall preclude the county from issuing permits with a fixed termination date of less than five years.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.225 Special procedures for limited utility extensions and bulkheads.

(1) An application for a substantial development permit for a limited utility extension, or the construction of a bulkhead, or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of this chapter, except that the following time periods and procedures apply:

(a) The public comment period shall be 21 days. The notice of the application shall state the manner in which the public may obtain a copy of the county's decision on the application no later than two days following its issuance; and

(b) The county shall issue its decision to grant or deny the permit within 21 days of the last day of the comment period specified in SCC 30.44.225(1)(a).

(2) For purposes of this section, a limited utility extension means the extension of a utility service that:

(a) Is categorically exempt under chapter 43.21C RCW for one or more of the following: natural gas, electricity, telephone, water, or sewer;

(b) Will serve an existing use in compliance with this chapter; and

(c) Will not extend more than 2,500 linear feet within the shorelines of the state.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.226 Special procedures for watershed restoration projects.

The county will review proposed watershed restoration projects, as defined in RCW 89.08.460, for consistency with the Shoreline Management Program (SMP) and the restoration element and issue its decision with any conditions within forty-five days of receiving a complete application form from the applicant. No fee will be charged to review proposed watershed restoration projects for compliance with the SMP.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.230 Filing with the state Department of Ecology.

(1) Any final decision by the county on an application for a shoreline permit or a shoreline permit revision shall be filed with the state Department of Ecology within ten calendar days of the county's final decision, as defined pursuant to WAC 173-27-130(1). Documents to be submitted to the regional office of the state Department of Ecology shall include:

(a) A copy of the complete application;

(b) Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable master program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s);

(c) The final decision of the local government;

(d) The permit data sheet; and

(e) Where applicable, documents required by chapter 30.61 SCC and chapter 43.21C RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under chapter 43.21C RCW.

(2) For the purposes of this chapter, "date of receipt" refers to:

(a) The date on which the applicant receives written notice from the state Department of Ecology acknowledging receipt of the county's final decision to approve or deny a shoreline substantial development permit; or

(b) The date on which the county or the applicant receives the written decision of the state Department of Ecology on a variance or conditional use permit to the county and to the applicant.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.240 Shoreline conditional use and variance permits – review required by state.

(1) All approvals of shoreline conditional use and variance permits require review from the state Department of Ecology pursuant to WAC 173-27-200. The permit approval shall be submitted to the state Department of Ecology pursuant to SCC 30.44.230(1).

(2) Within 30 days of the date of submittal to the state Department of Ecology by the county, the state Department of Ecology will transmit to the county and the applicant its final decision approving, approving with conditions, or denying the shoreline conditional use or variance permit.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.250 Appeals.

Any person aggrieved by the granting, denying or rescinding of a shoreline permit may seek review from the state shorelines hearings board by filing a petition for review within 21 days of the date of receipt as defined in SCC 30.44.230(2).

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.260 Reapplication.

After the final action regarding the denial of a shoreline permit, an application for a permit involving substantially the same development on the property shall not be accepted by the county for six months from the date of the denial.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.270 Revisions to shoreline permits.

(1) A permit revision is required whenever an applicant proposes substantive changes to the design, terms or conditions of a project from those that were approved in the shoreline permit. Changes are considered substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the SMP or the policies and provisions of chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision. When an applicant seeks to revise a permit, the applicant must submit to the department detailed plans and text describing the proposed changes.

(2) If the department determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the SMP and chapter 90.58 RCW, a revision may be approved. "Within the scope and intent of the original permit" as used in this section means all of the following:

(a) No additional over-water construction is involved except that pier, dock, or float construction may be increased by 500 square feet or ten percent from the provisions of the original permit, whichever is less;

(b) Lot coverage and height may be increased a maximum of ten percent from the provisions of the original permit;

(c) The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the SMP except as authorized under a variance granted as the original permit or part thereof;

(d) Additional or revised landscaping is consistent with any of the conditions of the original permit and with the SMP;

(e) The use authorized in the original permit is not changed; and

(f) No adverse environmental impact will be caused by the project revision.

(3) Revisions to permits may be authorized after the original permit authorization has expired under SCC 30.44.220. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under chapter 90.58 RCW, the SMP and this section. If the proposed change constitutes substantial development, then a new permit is required. Provided, this subsection shall not be used to extend the time requirements of the original permit or to authorize substantial development beyond the time limits of the original permit.

(4) If the sum of the proposed revision and any previously approved revisions violate the provisions in SCC 30.44.270(3), the department shall require that the applicant apply for a new permit.

(5) The revision approval, including the revised site plans and text consistent with the provisions of SCC 30.44.205 as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the state Department of Ecology. In addition, the county shall notify parties of record of the action.

(6) If the revision to the original permit involves a conditional use or variance, the department shall submit the revision to the state Department of Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of WAC 173-27-100(6). The state Department of Ecology shall render and transmit to the county and the applicant its final decision within 15 days of the date of its receipt of the submittal from the county. The department shall notify parties of record of the state Department of Ecology's final decision.

(7) The revised permit is effective immediately upon final decision by the county or, when appropriate under SCC 30.44.270(6), upon final action by the state Department of Ecology.

(8) Appeals shall be to the state shorelines hearings board in accordance with RCW 90.58.180 and shall be filed within 21 days from the date of receipt of the county's action by the state Department of Ecology or, when appropriate under SCC 30.44.270(6) of this section, the date the state Department of Ecology's final decision is transmitted to the county and to the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of SCC 30.44.270(2). Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeal deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.280 Emergency activities.

The department may approve construction of temporary structures, uses or modifications in an emergency as defined in SCC 30.91E.100 without first requiring any required shoreline permits, as established in this section.

(1) Request for emergency construction shall be made in writing to the department. Emergency approvals shall be granted in writing by the department only when action must be taken immediately, or within a time too short to allow for processing of a permit. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and the requirements of the SMP. Upon abatement of the emergency situation, any new use, modification or structure shall be removed or applications for any required project permits necessary to satisfy compliance with this chapter shall be submitted to the department within 120 days of the start of the action taken. For actions not requiring permits, compliance with this chapter shall occur within a reasonable time period not to exceed twelve months.

(2) A declaration of emergency for shoreline stabilization measures shall only be used to protect existing development or farmland, as defined in SCC 30.91F.140, or to prevent impairment of channel function, and only when one of the following exists:

(a) Imminent danger exists as a result of high water, and damage is expected due to flooding conditions for which appropriate flood warnings have been issued;

(b) Damage is occurring as a result of floodwaters at or exceeding flood stage as defined by the appropriate authority; or

(c) Property has been damaged and rendered unstable by previous flooding and is in such condition that future flooding will cause additional damage if protective measures are not taken; provided the county engineer has issued written approval of the emergency protective measures sought, such approval being based upon the following findings:

(i) Any protective measures do not exceed $5,000 in value as measured by the total cost or fair market value of the improvements, whichever is greater;

(ii) Insufficient time exists to obtain a shoreline permit prior to the likelihood of future flooding and/or seasonal deadlines for construction in streamway channels; and

(iii) The person seeking to undertake emergency protective measures has applied to the county engineer for approval of such emergency protective measures within 120 days of the occurrence of damage by previous flooding.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.290 Fees.

Except as provided in SCC 30.44.226, filing fees required for permits obtained pursuant to this chapter shall be paid to the department at the time an application is submitted. Applicable fees are set forth in SCC 30.86.310.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.44.295 Rescission of shoreline permits.

Whenever any development occurs in violation of a permit issued pursuant to this chapter, the county may, concurrent with or as an alternative to any other remedy provided by this title or other law or ordinance, initiate permit rescission proceedings by scheduling a public hearing before the hearing examiner and serving the applicant with written notice thereof. Notice shall be provided in accordance with SCC 30.70.045 and 30.70.050 and contain a general description of the alleged noncompliance and date, time and place of public hearing. It shall be served on the applicant by registered mail at least 15 calendar days prior to such hearing. The permit rescission request shall be processed as a Type 2 decision in accordance with the procedures established in chapter 30.72 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

Chapter 30.50
GENERAL PROVISIONS: CONSTRUCTION CODES

30.50.010 Purpose and applicability.

The provisions in this chapter set the general structure for administration and decision making under the construction codes adopted by the county and other specific codes for site preparation, fire protection, building maintenance, and installation or placement of mobile homes and commercial coaches.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.50.020 Building Official – appointment, designation, duties, and powers.

(1) The building official shall be appointed by the director pursuant to chapter 2.01 SCC.

(2) The building official is the person designated by the director and charged with application, enforcement and interpretation of the construction codes as set forth in subtitle 30.5 SCC, except that the fire marshal is charged with the application, enforcement and interpretation of the fire code, related standards for water mains and fire hydrants and automatic sprinkler system standards in chapters 30.53A and 30.52G SCC. The building official may also adopt policies and procedures in order to clarify the application of the building code. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of the construction codes. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in the construction codes.

(3) The building official shall enforce the provisions of the construction codes and may coordinate with the code enforcement staff to pursue enforcement actions pursuant to chapter 30.85 SCC and the construction codes.

(4) In accordance with adopted policies and procedures and with the concurrence of the director, the building official or designee shall have the authority to assign a deputy building official, technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.50.040 Appeal procedure.

Orders, decisions or determinations made by the building official or fire marshal relative to the application and interpretation of the construction codes shall be final. Any appeal shall be a judicial appeal filed in superior court pursuant to the Land Use Petition Act (chapter 36.70C RCW).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.50.070 Enforcement.

Enforcement of the construction codes in subtitle 30.5 SCC shall be pursuant to the provisions of chapter 30.85 SCC or related construction code provisions.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.50.080 Resource lands.

The provisions of subtitle 30.5 SCC, are subject to the requirements of the resource lands chapters 30.32A, 30.32B, and 30.32C SCC. In the event of a conflict between the provisions of any construction code and the provisions of the resource lands chapters, the resource lands chapters shall control.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.51A
DEVELOPMENT IN SEISMIC HAZARD AREAS

30.51A.010 Purpose

The purpose of this section is to protect the public health, safety and welfare by preventing the placement of certain buildings and structures located within seismic hazard areas over known active faults, and to protect certain essential facilities from seismic events.

(Added Ord. 06-075, Oct. 4, 2006, Eff date Oct. 15, 2006)

30.51A.020 Applicability.

(1) This chapter shall apply to all development applications and actions requiring project permits for any building or structure, excluding single-family and duplex dwellings and their accessory structures, located within a seismic hazard area and assigned to occupancy category I, II, III or IV, and buildings or structures assigned to seismic design categories D, E or F. The occupancy category and seismic design category for a building or structure is determined in accordance with section 1613 of the International Building Code (IBC) and the American Society of Civil Engineers 7 (ASCE 7-05) standards.

(2) Seismic design categories are used to determine permissible structural systems, limitations on height and irregularity, those components of the structure that must be designed for seismic resistance, and the types of lateral force analysis that must be performed pursuant to section 1613 of the IBC relating to earthquake loads or chapter 11 of ASCE 7-05.

(Added Ord. 06-075, Oct. 4, 2006, Eff date Oct. 15, 2006; Amended Ord. 07-089, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.51A.030 Fault setback requirements.

A building or structure assigned to seismic design category D, E or F as defined in Section 1613 of the IBC or ASCE 7-05 shall not be sited over an identified active fault.

(1) Where a development application or action requiring a project permit for any building or structure is located within a seismic hazard area, the applicant shall provide a geotechnical report consistent with the requirements of section 1803 of the IBC and SCC 30.62B.140. In addition to any other requirements, the geotechnical report shall include adequate horizontal control necessary to identify the closest edge of an identified active fault trace.

(2) Buildings and structures subject to this chapter shall be required to set back fifty (50) feet from the closest edge of an identified active fault as defined in SCC 30.91A.075.

(3) The building official may modify the fault setback requirements of this chapter only when done in accordance with Section 104.10 of the IBC.

(Added Ord. 06-075, Oct. 4, 2006, Eff date Oct. 15, 2006; Amended Ord. 07-089, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-022, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.51A.040 Additional information or tests authorized.

The building official may require an applicant to perform additional studies, tests, or site investigation to determine or confirm the specific location of an active fault trace and allow for optimal understanding of on-site and nearby seismic hazards, where needed to implement the requirements of SCC 30.51A.030 or section 11.8.3 of ASCE 7-05.

(Added Ord. 06-075, Oct. 4, 2006, Eff date Oct. 15, 2006; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-022, Aug. 3, 2011, Eff date Aug. 18, 2011)

Chapter 30.52A
BUILDING CODE

PART 000 GENERAL

30.52A.010 International Building Code (IBC) 2009 edition – adopted.

The 2009 edition of the International Building Code (IBC) published by the International Code Council, as amended by the Washington State Building Code Council and included in chapter 19.27 RCW, is adopted except chapter 1 and section 903 and as otherwise expressly amended by this chapter, and is incorporated and made a part of this chapter by reference.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.020 Appendices C and E (IBC 101.2.1).

Appendices C and E to the 2009 edition of the IBC is adopted and incorporated and made a part of this chapter by reference.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; amended by Ord. 08-140, Feb. 18, 2009, Eff date Mar 9, 2009; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.030 Title (IBC 101.1).

These regulations shall be known as the Building Code of Snohomish County and shall be cited as such and will be referred to as the "building code."

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.040 Scope (IBC 101.2).

The provisions of the building code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. Detached one-

and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the residential code.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.050 Intent (IBC 101.3).

The purpose of the building code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.060 Referenced codes (IBC 101.4).

The codes listed in this section below and referenced within any of the codes adopted and amended in subtitle 30.5 SCC shall be considered part of the requirements of the building code to the prescribed extent of each such reference.

(1) Electrical.

The provisions of the International Code Council Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto as adopted and administered by the state of Washington Department of Labor and Industries.

(2) Gas (IBC 101.4.1).

International Fuel Gas Code shall mean the “fuel gas code” as adopted and amended in chapter 30.52G SCC. The provisions of the fuel gas code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in the building code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories. The National Fuel Gas Code shall mean the “national fuel gas code” as adopted and amended in chapter 30.52H SCC. The Liquefied Petroleum Gas Code shall mean the “liquefied petroleum gas code” as adopted and amended in chapter 30.52B SCC.

(3) Mechanical (IBC 101.4.2).

The International Mechanical Code shall mean the “mechanical code” as adopted and amended in chapter 30.52B SCC. The provisions of the mechanical code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

(4) Plumbing (IBC 101.4.3).

Uniform Plumbing Code shall mean the “plumbing code” as adopted and amended in chapter 30.52E SCC. The provisions of the plumbing code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

(5) Fire Prevention (IBC 101.4.5).

The provisions of the International Fire Code shall be known as the "fire code" as adopted and amended in chapter 30.53A SCC. The fire code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation. References to National Fire Protection Associate (NFPA) 13 and 72 shall reference the 2010 editions.

(6) Energy (IBC 101.4.6).

The provisions of the Washington State Energy Conservation Code shall be known as the "energy code" as adopted and amended in chapter 30.52D SCC. The energy code shall apply to all matters governing the design and construction of buildings for energy efficiency.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

PARTS 100 - 200 ADMINISTRATION

30.52A.100 General applicability (IBC 102.1).

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of the building code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.102 Other laws (IBC 102.2).

The provisions of the building code shall not be deemed to nullify any provisions of local, state or federal law.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.106 Referenced codes and standards (IBC 102.4).

The codes and standards referenced in the building code shall be considered part of the requirements of the building code to the prescribed extent of each such reference. Where differences occur between provisions of the building code and referenced codes and standards, the provisions of the building code shall apply.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.110 Existing structures (IBC 102.6).

The legal occupancy of any structure existing on the date of adoption of the building code shall be permitted to continue without change, except as is specifically covered in the building code or the fire code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.120 Applications and permits (IBC 104.2).

The building official or his designee shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of the building code.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.122 Notices and orders (IBC 104.3).

The building official may issue citations, notices of violation or orders prescribed in this chapter and chapter 30.85 SCC to ensure compliance with the building code. The building official may coordinate with the code enforcement staff to process such notices and orders.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.52A.124 Inspections (IBC 104.4).

The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage additional expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.126 Identification (IBC 104.5).

The building official shall carry proper identification when inspecting structures or premises in the performance of duties under the building code.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.128 Right of entry (IBC 104.6).

Where it is necessary to make an inspection to enforce the provisions of the building code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of the building code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by the building code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.130 Department records (IBC 104.7).

The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.132 Liability (IBC 104.8).

The liability of employees and officials while performing their official duties under the building code is governed by SCC 2.90.085.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.134 Approved materials and equipment (IBC 104.9).

Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.136 Used materials and equipment (IBC 104.9.1).

The use of used materials which meet the requirements of the building code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.138 Modifications (IBC 104.10).

Wherever there are practical difficulties involved in carrying out the provisions of the building code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of the building code impractical and the modification is in compliance with the intent and purpose of the building code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.140 Alternative materials, design and methods of construction and equipment (IBC 104.11).

The provisions of the building code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the building code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of the building code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the building code in quality, strength, effectiveness, fire resistance, durability and safety.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.142 Research reports (IBC 104.11.1).

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in the building code, shall consist of valid research reports from sources approved by the building official.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.144 Tests (IBC 104.11.2).

Whenever there is insufficient evidence of compliance with the provisions of the building code, or evidence that a material or method does not conform to the requirements of the building code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in the building code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.146 Permits required (IBC 105.1).

(1) Except as specified in SCC 30.52A.148, no building or structure regulated by the building code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official.

(2) A building permit shall be required for all factory-built structures that are placed, maintained, enlarged, altered, repaired, improved, converted, or demolished on any lot or parcel of land; except no building permit shall be required where a mobile home permit has been properly issued pursuant to chapter 30.54A SCC.

(3) A commercial coach shall bear a seal of approval from the Washington State Department of Labor and Industries for its intended use as defined by occupancy classification Groups A, B, E, F, H, I, M, R, S, or U unless otherwise approved by the building official. Commercial coach foundations, porches, stairs, and ramps shall be permitted in accordance with the provisions of the building code.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.148 Work exempt from permit (IBC 105.2).

Exemptions from permit requirements of the building code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the building code or any other laws or ordinances of this jurisdiction. Permit exemptions shall not apply to flood hazard and critical areas. Permits shall not be required for the following:

(1) Building:

(a) One-story detached accessory structures accessory to residential buildings under the provisions of the IRC not used for human habitation, used as tool and storage sheds, playhouses, agricultural structures, and similar uses, provided the floor area does not exceed 200 square feet (18.6 m2) and the accessory structure is located in accordance with title 30 SCC.

(b) Retail stands including, but not limited to espresso stands, concession stands or retail stands that do not exceed 200 square feet (18.6 m2).

(c) Fences not over 6 feet (1,829 mm) high. This calculation shall not include wire strands on top of six foot fences when permitted under this title.

(d) Oil derricks.

(e) Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IlI A liquids.

(f) Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.

(g) Sidewalks and driveways associated with residential buildings constructed under the provisions of the building code.

(h) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

(i) Temporary motion picture, television and theater stage sets and scenery.

(j) Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.

(k) Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

(l) Swings and other playground equipment accessory to detached one- and two-family dwellings.

(m) Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.

(n) Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1,753 mm) in height.

(o) Job shacks that are placed at the job site during construction, for which a permit has been issued or applied, may be allowed on a temporary basis and shall be removed upon final approval of construction. A job shack is a portable structure for which the primary purpose is to house equipment and supplies, and which may serve as a temporary office during construction for the purposes of the construction activity.

(p) Membrane structures as follows:

(i) Membrane structures as are defined in IBC chapter 31 which do not exceed 200 square feet, or which do not exceed 400 square feet when two or more sides are open. Such structures shall not be located in a critical area and shall not be approved as a habitable space.

(ii) Such structures as are defined in WAC 51-50-007 which are used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. Such structures shall not be located in a critical area and shall not be approved for other non-agricultural uses including, but not limited to, office space, mercantile, manufacturing, or habitable space.

(iii) Such structures as are defined as agricultural buildings in the IBC which have the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material. The combined aggregate total area of these structures shall not exceed 1,000 square feet on a minimum five-acre lot, 2,000 square feet on a minimum 10-acre lot, 3,000 square feet on a minimum 15-acre lot, 4,000 square feet on a

minimum 20-acre lot, or 5,000 square feet on a lot of 25 acres or larger. Such structures shall not be located in a critical area and shall not be approved for other non-agricultural uses including, but not limited to, office space, mercantile, manufacturing, or habitable space.

(2) Gas:

(a) Portable heating appliance.

(b) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

(3) Mechanical:

(a) Portable heating appliance.

(b) Portable ventilation equipment.

(c) Portable cooling unit.

(d) Steam, hot or chilled water piping within any heating or cooling equipment regulated by the building code.

(e) Replacement of any part that does not alter its approval or make it unsafe.

(f) Portable evaporative cooler.

(g) Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

(4) Plumbing:

(a) The stopping of leaks in drains, water, soil, waste or vent pipe, except that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered new work and a permit shall be obtained and inspection made as provided in the building code.

(b) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 12, 2012)

30.52A.150 Emergency repairs (IBC 105.2.1).

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.152 Repairs (IBC 105.2.2).

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal

or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.154 Public service agencies (IBC 105.2.3).

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.156 Application for permit, permit processing and notice (IBC 105.3).

(1) To obtain a permit, the applicant shall first file an application in writing

on a form furnished by the department for that purpose. Building permit applications shall comply with the submittal requirements provided by the department pursuant to SCC 30.70.030. The following items shall be required as a part of the written submittal requirements, but are not inclusive of all information that may be necessary:

(a) A description of the work to be covered by the permit for which application is made and identification of the use and occupancy for which the proposed work is intended;

(b) The property tax parcel number or legal description of the property and the street address (if available);

(c) A description of the land area on which the proposed work is to be done so the inspector can locate the proposed building or work;

(d) The property owner's name, address, and telephone number;

(e) Where required by RCW 19.27.097, the prime contractor's business name, address, telephone number, and current state contractor registration number (including such verification as may be necessary to comply with RCW 19.27.095);

(f) Evidence of an adequate potable water supply for the intended use of the building (for buildings necessitating potable water - RCW 19.27.097);

(g) Evidence of road access in accordance with applicable provisions of the SCC;

(h) Any traffic information if required by chapter 30.66B SCC;

(i) Any environmental information if required by chapter 30.61 SCC or, if necessary, after site review;

(j) Construction documents and other information as required in SCC 30.52A.170;

(k) The valuation of the proposed work;

(l) The signature of the applicant or the applicant's authorized agent; and

(m) Other data and information as required by the building official.

(2) New commercial construction, commercial additions, and multifamily construction applications requiring environmental review pursuant to chapter 30.61 SCC shall be subject to the provisions of chapters 30.70 and 30.71 SCC.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.158 Action on application (IBC 105.3.1).

(1) The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of applicable laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of the building code and all other applicable laws and ordinances, the building official shall issue a permit as soon as practicable.

(2) Where a building permit application has been made for construction, other than for maintenance, repairs, and minor alterations, on a parcel of land not served by a public sanitary sewer system, a building permit shall not be issued without prior approval from the Snohomish Health District of an approved means of waste disposal.

(3) In order to determine that the plans, specifications, and other data filed for review conform to the requirements of this and other applicable laws and ordinances, the building official may require an inspection and evaluation of the site of any proposed construction.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.160 Time limitation of application (IBC 105.3.2).

(1) An application for a permit for any proposed work shall be deemed to have been abandoned 18 months after the date of filing, except that the building official is authorized to grant one extension of time for an additional period not to exceed 18 months. The extension shall be requested in writing and justifiable cause demonstrated.

(2) The fee for the permit application extension includes a percentage of the original permit fee equal to the percentage of work to be completed plus a $400 administration fee.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 10-014, April 7, 2010, Eff date April 29, 2010 and April 29, 2011; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.162 Validity of permit (IBC 105.4).

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the building code or of any other applicable law or ordinance. Permits presuming to give authority to violate or cancel the provisions of the building code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The

building official is also authorized to prevent occupancy or use of a structure where in violation of the building code or of any other ordinances of this jurisdiction.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.164 Expiration (IBC 105.5).

(1) Every permit issued shall become invalid 18 months after its issuance. The building official is authorized to grant, in writing, one extension of time, for a period of not more than 18 months. The extension shall be requested in writing and justifiable cause demonstrated.

(2) The fee for the permit extension includes a percentage of the original permit fee equal to the percentage of work to be completed. No permit may be extended later than 30 days after the date of expiration of the original permit. Prior to extension of a permit, an on-site inspection of the work authorized by the original permit may be required in order to determine compliance with this chapter and any other applicable law or regulation.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 10-014, April 7, 2010, Eff date April 29, 2010 and April 29, 2011; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.166 Suspension or revocation (IBC 105.6).

The building official may suspend or revoke a permit issued under the building code pursuant to SCC 30.71.027 or SCC 30.85.300 or 30.85.310.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.52A.167 Placement of permit (IBC 105.7).

The building permit or copy of the permit shall be kept on the site of the work until the completion of the project.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.168 Floor and roof design loads - General (IBC 106.1).

Live loads posted. Where live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf, such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

(Added by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.169 Issuance of certificate of occupancy (IBC 106.2).

A certificate of occupancy required by SCC 30.52A.248 shall not be issued until the floor load signs, required by SCC 30.52A.168 have been installed.

(Added by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.170 – Restrictions on loading (IBC 106.3).

It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by the building code.

(Added by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.171 Submittal documents (IBC 107.1).

Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by title 30 SCC. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with the building code.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.172 Information on construction documents shall be in accordance with sections 107.2.1 through 107.2.5 (IBC 107.2.1).

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the building code and relevant laws, ordinances, rules and regulations, as determined by the building official.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.174 Fire protection system shop drawings (IBC 107.2.2).

Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with the building code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in chapter 9 of the IBC.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.176 Means of egress (IBC 107.2.3).

The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of the building code. In occupancies other than Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.178 Exterior wall envelope (IBC 107.2.4).

(1) Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with the building code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

(2) The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.180 Site plan (IBC 107.2.5).

The construction documents submitted with the permit application shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the permit application is for alteration or repair or when otherwise warranted.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.181 Design flood elevations (IBC 107.2.5.1).

Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1.

(Added by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.182 Examination of documents (IBC 107.3).

The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of the building code and other pertinent laws or ordinances.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.184 Approval of construction documents (IBC 107.3.1).

When the building official issues a permit, the construction documents shall be approved, in writing or by stamps, as "Approved Subject to Field Inspections." One set of construction documents shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.188 Phased approval (IBC 107.3.3).

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with applicable requirements of the building code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.190 Design professional in responsible charge – general (IBC 107.3.4.1).

(1) When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

(2)The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.192 Deferred submittals (IBC 107.3.4.2).

(1) For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

(2) Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

(3) Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating

that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.194 Amended construction documents (IBC 107.4).

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.196 Retention of construction documents (IBC 107.5).

One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.198 Temporary structures and uses – general (IBC 108.1).

The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007 Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011;)

30.52A.200 Conformance (IBC 108.2).

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of the building code as necessary to ensure public health, safety and general welfare.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.202 Termination of approval (IBC 108.4).

The building official may terminate a permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.204 Fees and payment of fees (IBC 109.1).

(1) A permit shall not be valid until the fees prescribed by chapter 30.86 SCC have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(2) Any outstanding fees or portions thereof shall be added to the required fee(s) of any future plan review or permit prior to application acceptance or permit issuance. No fee shall relieve the applicant from a duty to obtain permits for moving buildings upon roads and/or highways from the appropriate authorities. The permit fee for construction of a new foundation, enlargement, or remodeling of the move-in building shall be in addition to the pre-move fee. The fee for a factory built structure as approved by the Washington State Department of Labor and Industries as a modular structure is specified in chapter 30.86 SCC.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.206 Schedule of permit fees (IBC 109.2).

On buildings, structures, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established in chapter 30.86 SCC.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007 Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011;)

30.52A.208 Building permit valuations (IBC 109.3).

The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.210 Work commencing before permit issuance (IBC 109.4).

Any person who commences any work regulated under subtitle 30.5 SCC before obtaining the necessary permits shall be subject to an investigation penalty established in SCC 30.86.400(9) that shall be in addition to the required permit fees.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.212 Related fees (IBC 109.5).

The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.214 Refunds (IBC 109.6).

The director is authorized to establish a refund policy.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.216 Inspections – general (IBC 110.1).

Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the building code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of the building code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007 Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011;)

30.52A.218 Preliminary inspection (IBC 110.2).

Before issuing a permit, the building official may examine or cause to be examined buildings, structures and sites for which an application has been filed.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007 Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011;)

30.52A.220 Required inspections (IBC 110.3).

The building official, upon notification, shall make the inspections set forth in SCC 30.52A.222 through 30.52A.240.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.222 Footing and foundation inspection (IBC 110.3.1).

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with American Society for Testing and Materials Standards C 94, the concrete need not be on the job.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.224 Concrete slab and under-floor inspection (IBC 110.3.2).

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007 Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011;)

30.52A.226 Lowest floor elevation (IBC 110.3.3).

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in section 1612.5 of the IBC shall be submitted to the building official.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.228 Frame inspection (IBC 110.3.4).

Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.230 Lath and gypsum board inspection (IBC 110.3.5).

Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.
Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly is not required to be inspected.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.232 Fire- and smoke-resistant penetrations (IBC 110.3.6).

Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.234 Energy efficiency inspections (IBC 110.3.7).

Inspections shall be made subject to the energy code as adopted and amended in chapter 30.52D SCC and the Mechanical Code as adopted and amended.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.236 Other inspections (IBC 110.3.8).

In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the building code and other laws that are enforced by the department.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.238 Special inspections (IBC 110.3.9).

Special inspections are governed by Section 1704 of the IBC.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.240 Final inspection (IBC 110.3.10).

The final inspection shall be made after all work required by the building permit is completed.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52A.242 Inspection agencies (IBC 110.4).

The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the building official’s requirements as to qualifications and reliability necessary to meet the building code.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.244 Inspection requests (IBC 110.5).

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by the building code.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.246 Approval required (IBC 110.6).

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent how that portion of the construction fails to comply with the building code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.248 Certificate of occupancy (IBC 111.1).

No building, structure or portion of a building or structure in Group A, B, E, F, H, I, M, R-1, R-2, R-3, R-4 or S shall be used or occupied, and no change in the existing occupancy classification of a building, structure or portion of a building or structure shall be made until the building official has issued a certificate of occupancy for such uses, or change of uses as each occurs, or at least annually. A final certificate of occupancy shall not be issued until all requirements imposed as a condition of building permit issuance, subdivision or short subdivision approval and all requirements of county code have been met. The fire marshal shall inspect such occupancy uses as necessary, but at least annually. Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section 105.2 of the IBC.

2. Inspections of R-3 occupancies are not required annually.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.250 Certificate issued (IBC 111.2).

After the building official inspects the building or structure and finds no violations of the provisions of the building code or other laws that are enforced by the department, the building official shall issue a certificate of occupancy that contains the following:

(1) The building permit number.

(2) The address of the structure.

(3) The name and address of the owner.

(4) A description of that portion of the structure for which the certificate is issued.

(5) A statement that the described portion of the structure has been inspected for compliance with the requirements of the building code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

(6) The name of the building official.

(7) The edition of the building code under which the permit was issued.

(8) The use and occupancy, in accordance with the provisions of chapter 3 of the IBC.

(9) The type of construction as defined in chapter 6 of the IBC.

(10) The design occupant load.

(11) If an automatic sprinkler system is provided, whether the sprinkler system is required.

(12) Any special stipulations and conditions of the building permit.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.252 Temporary occupancy (IBC 111.3).

The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid. A final inspection is to be made after finish grading and the building is completed and ready for occupancy. No final inspection approval for residential building permits shall be given until all requirements imposed as a condition of building permit issuance, subdivision or short subdivision approval, as well as applicable laws and regulations, have been met.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.254 Revocation (IBC 111.4).

The building official may suspend or revoke a certificate of occupancy issued under the building code pursuant to SCC 30.71.027 or SCC 30.85.300 or 30.85.310.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.256 Service utilities and connection of service utilities (IBC 112.1).

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the building code for which a permit is required, until released by the building official.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.258 Temporary connection (IBC 112.2).

The building official may authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.260 Authority to disconnect service utilities (IBC 112.3).

The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the building code and the codes and standards referenced in SCC 30.52A.106 and SCC 30.52F.114 in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.262 Unlawful acts/violations (IBC 114.1).

Pursuant to SCC 30.85.020, it shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by the building code, or cause same to be done, in conflict with or in violation of any of the provisions of the building code. Enforcement of such violations shall be processed under the provisions of this chapter and chapter 30.85 SCC; provided further that the building official or his designee is authorized to enforce the provisions of the building code.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.264 Notice of violation (IBC 114.2).

The building official may serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of the building code, or in violation of a permit or certificate issued under the provisions of the building code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. The building official may coordinate with code enforcement staff to issue such notices and conduct procedures to correct the violation in compliance with chapter 30.85 SCC.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.268 Prosecution of violation (IBC 114.3).

Prosecution of a violation shall be in accordance with provisions of chapter 30.85 SCC. The building official may refer such violations, as necesary, to the prosecuting attorney to institute the appropriate legal proceeding or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of the building code or of the order or direction made pursuant thereto.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.270 Violation penalties (IBC 114.4).

Any person who violates a provision of the building code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of the building code, shall be subject to penalties as prescribed by law and chapter 30.85 SCC.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.272 Stop work order authority (IBC 115.1).

Whenever the building official finds any work regulated by the building code being performed in a manner either contrary to the provisions of the building code or in a manner that is dangerous or unsafe, the building official is authorized to issue a stop work order.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.274 Issuance (IBC 115.2).

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.276 Unlawful continuance (IBC 115.3).

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in SCC 30.85.090 and 30.85.130.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.278 Conditions for unsafe structures and equipment (IBC 116.1).

Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.280 Record (IBC 116.2).

The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.282 Notice (IBC 116.3).

If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. The written notice may be in the form of an emergency order in accordance with SCC 30.85.240 or a notice of violation in accordance with SCC 30.85.150. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.284 Method of service (IBC 116.4).

Any notice issued pursuant to this chapter shall be deemed properly served if the notice procedures in SCC 30.85.250 are met.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.286 Restoration (IBC 116.5).

The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of SCC 30.52A.152 and chapter 34 of the IBC.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

PART 300 ADDITIONS AND AMENDMENTS TO THE IBC

30.52A.300 Additional requirements for moved structures – added (IBC 3410.1).

(1) Every application for a permit for moving a building or structure shall contain the following additional information:

(a) Identification of the building(s) or structure(s) to be moved and the existing location of the building(s) or structure(s); and

(b) The legal description, street address, assessor's tax account number and the description of the new location to which the building will be moved.

(2) Prior to any building or structure being brought into or being moved within unincorporated Snohomish County such building or structure shall first be inspected at its original site in order to verify that the building or structure complies with, or can be modified so as to comply with the provisions of subtitle 30.5 SCC.

(3) Any approval granted for moving a building into or within unincorporated Snohomish County must be conditioned upon its placement upon a permanent foundation within 90 days from the date it is moved into or within unincorporated Snohomish County.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.302 Amendment to section 706.1 of the IBC (IBC 706.1).

Section 706.1 of the IBC is amended to read:

Each portion of a building separated by one or more fire walls that comply with the provisions of section 706 of the IBC shall not be considered a separate building. The extent and location of such fire walls shall not provide a complete separation. Where a fire wall also separates occupancies that are required to be separated by a fire barrier wall, the most restrictive requirements of each separation shall apply.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.303 Automatic sprinkler systms (IBC 903).

Automatic sprinkler systems shall be required pursuant to chapter 30.52G SCC.

(Added by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.304 Amendment to section 3412.2 of the IBC (IBC 3412.2).

Section 3412.2 of the IBC is amended to read:

Structures existing prior to January 1, 1962, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of sections 3403 through 3409 of the IBC. The provisions in sections 3412.2.1 through 3412.2.5 of the IBC shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52A.306 Amendment to section 1612.3 of the IBC (IBC 1612.3).

Section 1612.3 of the IBC is amended to read:

To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data in chapter 30.65 SCC. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for Snohomish County," dated September 16, 2005, as amended or revised with the accompanying Flood Insurance Rate Map and Flood Boundary and Floodway Map and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be a part of this section.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007)

Chapter 30.52B
MECHANICAL CODE

30.52B.010 International Mechanical Code (IMC) 2009 edition - adopted.

The 2009 edition of the International Mechanical Code (IMC), published by the International Code Council, and amended by the Washington State Building Code Council and included in chapter 19.27 RCW, and as otherwise expressly amended by this chapter is adopted and is incorporated and made a part of this chapter by reference. This adoption includes adoption of the 2009 edition of the International Fuel Gas Code, the 2009 edition of the National Fire Protection Association (NFPA) 54 (National Fuel Gas Code) and the 2008 edition of the NFPA 58 (Liquefied Petroleum Gas Code), all as amended by the Washington State Building Code Council and Snohomish County, which are incorporated and made a part of this chapter by reference.

Where a conflict exists between the administrative provisions of the International Fuel Gas Code and the mechanical code, the provisions of the mechanical code shall apply.

(Added Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended byOrd. 11-022, Aug. 3, 2011, Eff date Aug. 18, 2011)

PART 100 - RESERVED

PART 200 - AMENDMENTS TO THE INTERNATIONAL MECHANICAL CODE

30.52B.200 Title –amended (IMC 101.1).

Section 101.1 of the IMC is amended to read:

These regulations shall be known as the Mechanical Code of Snohomish County and shall be referred to as the "mechanical code."

(Added Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52B.202 Department of Mechanical Inspection–amended (IMC 103 and 103.1).

Sections 103 and 103.1 of the IMC are amended to read:

103 Building official.

103.1 General. The building code official is the person designated by the director and charged with application, enforcement and interpretation of the construction codes as set forth in subtitle 30.5 SCC, except that the fire marshal is charged with the application and interpretation of the fire code, chapter 30.53A SCC, and related standards for water mains and fire hydrants.

(Added Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52B.204 Appointment – amended (IMC 103.2).

Section 103.2 of the IMC is amended to read:

The building official shall be appointed by the director pursuant to chapter 2.01 SCC.

(Added Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52B.206 Expiration – amended (IMC 106.4.3).

Section 106.4.3 of the IMC is amended to read:

An application for a permit for any proposed work shall be deemed to have been abandoned 18 months after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not to exceed 18 months. The extension shall be requested in writing and justifiable cause demonstrated. No work governed by the provisions of the mechanical code shall be recommenced on any building or structure for which the permit had expired and was not renewed within the time limitation as prescribed by the mechanical code; or for work for which a renewed permit has expired except by obtaining a new permit from the building official subject to the procedures and provisions of the mechanical code and the county for such permit issuance.

(Added Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52B.208 Extensions – amended (IMC 106.4.4).

Section 106.4.4 of the IMC is amended to read:

Extension. Every permit issued shall become invalid 18 months after its issuance. The building official is authorized to grant, in writing, one extension of time, for a period of not more than 18 months. The extension shall be requested in writing and justifiable cause demonstrated.

(Added Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 10-014, April 7, 2010, Eff date April 29, 2010 and April 29, 2011)

30.52B.210 Fee Schedule and fee refunds – amended (IMC 106.5.2 and 106.5.3).

Sections 106.5.2 and 106.5.3 of the IMC are deleted in their entirety and are replaced with the following language:

106.5.2 Fee Schedule and Fee refunds. The fees for mechanical work are provided in chapter 30.86 SCC. Mechanical fees are provided in SCC 30.86.410. The director is authorized to establish a refund policy.

(Added Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52B.212 Violation penalties – amended (IMC 108.4).

Section 108.4 of the IMC is deleted in its entirety and is replaced with the following language:

Any person violating any provision of this chapter shall be subject to enforcement action pursuant to chapter 30.85 SCC.

(Added Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52B.214 Stop work orders – amended (IMC 108.5)

Section 108.5 of the IMC is deleted in its entirety and is replaced with the following language:

Stop work orders. Upon notice from the building code official that mechanical work is being done contrary to the provisions of the mechanical code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine pursuant to SCC 30.85.090 and 30.85.130.

(Added Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.52B.216 Means of Appeal – amended (IMC 109).

Section 109 is deleted in its entirety and is replaced with the following language:

Orders, decisions or determinations made by the building official relative to the application and interpretation of the construction codes shall be final pursuant to SCC 30.50.040. Any appeal shall be a judicial appeal filed in superior court pursuant to the Land Use Petition Act (chapter 36.70C RCW).

(Added Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007)

Chapter 30.52C
VENTILATION AND INDOOR AIR QUALITY CODE

30.52C.010 Washington State Ventilation and indoor Air Quality Code 2006 edition adopted.

The 2006 edition of the Washington State Ventilation and Indoor Air Quality Code, chapter 51-13 WAC, is incorporated and made a part of this chapter by reference and is adopted as the Ventilation and Indoor Air Quality Code of Snohomish County.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52C.020 Violations and penalties.

Any person violating any provision of this chapter shall be subject to enforcement action pursuant to chapter 30.85 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.52D
ENERGY CODE

30.52D.010 Washington State Energy Code 2009 edition - adopted.

The 2009 edition of the Washington State Energy Code, chapter 51-11 WAC, is incorporated and made a part of this chapter by reference and is adopted as the Energy Code of Snohomish County.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-022, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52D.020 Violations and penalties.

Any person violating any provision of this chapter shall be subject to enforcement action pursuant to chapter 30.85 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.52E
PLUMBING CODE

PART 000 GENERAL

30.52E.010 Uniform Plumbing Code (UPC) 2009 edition - adopted.

The 2009 edition of the Uniform Plumbing Code (UPC) published by the International Association of Plumbing and Mechanical Officials, as amended by the Washington State Building Code Council and included in chapter 19.27 RCW, except as expressly amended by the county, is incorporated herein and made a part of this chapter by reference and is adopted as the Plumbing Code of Snohomish County.

(Added by Ord. 07-086, Sept. 5, 2009, Eff date Sept. 21, 2007; Amended by Ord. 11-022, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52E.020 Appendices – adopted.

Appendices A, B and I of the 2009 edition of the UPC are adopted and are incorporated and made a part of this chapter by reference.

(Added by Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-022, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52E.030 Title.

These provisions shall be known as the Plumbing Code of Snohomish County and shall be cited as such and will be referred to as ”the plumbing code.”

(Added by Ord. 07-086, Sept. 5, 2007, Ef date Sept. 21, 2007)

PART 100 ADMINISTRATION

30.52E.100 Appeals.

Orders, decisions or determinations made by the building official relative to the application and interpretation of the plumbing code shall be final pursuant to SCC 30.50.040. Any appeal shall be a judicial appeal filed in superior court pursuant to the Land Use Petition Act (chapter 36.70C RCW).

(Added by Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007)

PART 200 AMENDMENTS TO THE UNIFORM PLUMBING CODE

30.52E.202 Permit exemptions – amended (UPC 103.1.2).

Section 103.1.2 of the UPC is deleted in its entirety and replaced with the following language:

(1) A permit will not be required for the following:

(a) The stopping of leaks in drains or soil, waste or vent pipes. If any concealed trap, drainpipe or soil, waste or vent pipe is defective and it is necessary to remove and replace the same with new material, the removal and replacement is new work and a permit and inspection are required as provided in this chapter; and

(b) The clearing of stoppages or repairing of leaks in pipes, valves or fixtures, or the removal and reinstallation of fixtures and appliances, provided that the fixtures and appliances are not relocated or the fuel or energy source is not altered, or both.

(2) Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in violation of the provisions of this chapter or any other applicable law or regulation.
(Added by Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52E.203 Certification (UPC 103.1.3).

State rules and regulations concerning certification shall apply.

(Added by Ord. 11-022, Aug. 3, 2011, Eff date Aug 18, 2011)

30.52E.204 Permit fees – amended (UPC 103.4.1).

Section 103.4.1 of the UPC is deleted in its entirety and replaced with the following language:

The fees for plumbing work permits are provided in SCC 30.86.420.

(Added by Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52E.206 Plan review fees – amended (UPC 103.4.2).

The last paragraph of section 103.4.2 of the UPC is deleted in its entirety and replaced with the following language:

When plans are incomplete or changed so as to require additional review, the fees prescribed in SCC 30.86.400(6) shall apply.

(Added by Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52E.208 Permit expiration– amended (UPC 103.3.4).

Section 103.3.4 of the UPC is deleted in its entirety and replaced with the following language:

An application for a permit for any proposed work shall be deemed to have been abandoned 18 months after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of time for an additional period not to exceed 18 months. The extension shall be requested in writing and justifiable cause demonstrated.

No work governed by the provisions of the plumbing code shall commence on any building or structure for which the permit had expired, and was not renewed within the time limitation as prescribed by code, or for work for which a renewed permit has expired, except by obtaining a new permit from the building official.

(Added by Ord. 07-086, Sept. 5, 2007, Eff date Sept. 21, 2007)

Chapter 30.52F
RESIDENTIAL CODE

PART 100 GENERAL

30.52F.010 International Residential Code (IRC) 2009 edition - adopted.

The 2009 edition of the International Residential Code (IRC), herein referred to as the “residential code,” published by the International Code Council, as amended by the Washington State Building Code Council and included in chapter 19.27 RCW, and as otherwise expressly amended by this chapter, is adopted and is incorporated and made a part of this chapter by reference.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52F.020 Appendices G and R- adopted.

Appendix G, swimming pools, Spas and Hot Tubs and Appendix R, Dwelling unit fire sprinkler system installation to the 2009 edition of the IRC are adopted and are incorporated and made a part of this chapter by reference.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52F.030 Title (IRC 101.1).

These provisions shall be known as the Residential Code for One- and Two-family Dwellings of Snohomish County and shall be cited as such and will be referred to as the "residential code."

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.040 Scope (IRC 101.2).

The provisions of the residential code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above-grade plane in height with a separate means of egress and their accessory structures. Exception: Live/work units complying with the requirements of Section 419 of the International Building Code shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the International Building Code when constructed under the International Residential Code for one- and two-family dwellings shall conform to Section 903.3.1.3 of the International Building Code.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52F.050 Intent (IRC 101.3).

The purpose of the residential code is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed

to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52F.100 General administration.

The administrative provisions of the building code, as adopted and amended in chapter 30.52A SCC, and the administrative provisions in chapter 30.50 SCC shall control in all matters not addressed by the administrative provisions of the residential code.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

PARTS 100 - 200 ADMINISTRATION

30.52F.108 General applicability (IRC 102.1).

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of the residential code specify different materials, methods of construction of other requirements, the most restrictive shall govern.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52F.110 Other laws (IRC 102.2).

The provisions of the residential code shall not be deemed to nullify any provisions of local, state or federal law.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.114 Referenced codes and standards (IRC 102.4).

The codes and standards referenced in the residential code shall be considered part of the requirements of the residential code to the prescribed extent of each such reference. Where differences occur between provisions of the residential code and referenced codes and standards, the provisions of the residential code shall apply. Exception: Where enforcement of a residential code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.120 Existing structures (IRC 102.7).

The legal occupancy of any structure existing on the date of adoption of the residential code shall be permitted to continue without change, except as is specifically covered in the residential code or the fire code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.122 Additions, alterations or repairs (IRC 102.7.1).

Additions, alterations or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with all of the requirements of the residential code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building. Exceptions: Additions or alterations to existing buildings which do not require the construction of foundations, crawlspaces, slabs or basements shall not be required to meet the requirements for radon protection in Section R327.1 and Appendix F.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52F.123 Moved buildings (IRC 102.7.2).

Buildings or structures moved into or within a jurisdiction shall comply with the provisions of the residential code, the International Building Code, the International Mechanical Code, the International Fire Code, the Uniform Plumbing Code and Standards and the Washington State Energy Code for new buildings or structures. Exceptions: The original occupancy classification is not changed and the original building is not substantially remodeled or rehabilitated.

For the purpose of this section a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.

(Added Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011

30.52F.132 Applications and permits (IRC 104.2).

The building official shall receive applications, review construction documents and issue permits for the erection and alteration of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of the residential code.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.134 Citations, notices and orders (IRC104.3).

The building official may issue citations, notices of violation or orders pursuant to chapter 30.85 SCC to ensure compliance with the residential code. The building official may coordinate with the code enforcement staff to process such notices and orders.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.52F.136 Inspections (IRC 104.4).

The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage additional expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the director.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.138 Identification (IRC 104.5).

The building official shall carry proper identification when inspecting structures or premises in the performance of duties under the residential code.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.140 Right of entry (IRC 104.6.

Where it is necessary to make an inspection to enforce the provisions of the residential code or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of the residential code which makes the structure or premises unsafe, dangerous or hazardous, the building official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by the residential code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.142 Department records (IRC 104.7).

The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.144 Liability (IRC 104.8).

The liability of employees and officials while performing their official duties under the residential code is governed by SCC 2.90.085.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.146 Approved materials and equipment (IRC 104.9).

Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.148 Used materials and equipment (IRC 104.9.1).

Used materials, equipment and devices shall not be reused unless approved by the building official.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.150 Modifications (IRC 104.10).

Wherever there are practical difficulties involved in carrying out the provisions of the residential code, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that special individual reason makes the strict letter of the residential code impractical and the modification is in compliance with the intent and purpose of the residential code and that such modification does not lessen health, life and fire safety requirements or structural features. The details of action granting modifications shall be recorded and entered in the files of the department.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.152 Areas prone to flooding (IRC 104.10.1).

The building official shall not grant modifications to any provision related to areas prone to flooding as established by Table R30.2(1) of the IRC without the granting of a variance.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.154 Alternative materials, design and methods of construction and equipment (IRC 104.11).

The provisions of the residential code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by the residential code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of the residential code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the residential code. Compliance with the specific performance-based provisions of the construction codes in lieu of specific requirements of the residential code shall also be permitted as an alternate.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.156 Tests (IRC 104.11.1).

Whenever there is insufficient evidence of compliance with the provisions of the residential code, or evidence that a material or method does not conform to the requirements of the residential code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in the residential code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.158 Permits required (IRC 105.1).

Except as specified in SCC 30.52F.160, no building or structure regulated by the residential code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52F.160 Work exempt from permit (IRC 105.2).

Permits shall not be required under the residential code for the exemptions listed in this section. Exemption from permit requirements of the residential code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the residential code or any other laws or ordinances of this jurisdiction. Permit exemptions shall not apply to flood hazard and critical areas.

(1) Building:

(a) One-story detached accessory structures not used for human habitation and used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.6m2) for structures located in the Urban Growth

Area (UGA) and 400 square feet (37.2 m2) for structures located outside of a UGA.

(b) Fences not over 6 feet (1,829 mm) high.

(c) Retaining walls that are not over 4 feet (1,219 mm) in height measured from the

bottom of the footing to the top of the wall, unless supporting a surcharge.

(d) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

(e) Sidewalks and driveways associated with residential buildings constructed under

the provisions of the residential code.

(f) Decks, associated platforms and steps necessary to residential buildings constructed under the provisions of the residential code which are not more than 30 inches (762 mm) above adjacent grade at any point, not over any basement or story below, and are not part of an accessible route of travel.

(g) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

(h) Prefabricated swimming pools that are less than 24 inches (610 mm) deep.

(i) Swings and other playground equipment.

(j) Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.

(k) Ten squares or less of roofing material.

(2) Gas:

(a) Portable heating, cooking or clothes drying appliances.

(b) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

(c) Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

(3) Mechanical:

(a) Portable heating appliances.

(b) Portable ventilation appliances.

(c) Portable cooling units.

(d) Steam, hot or chilled water piping within any heating or cooling equipment regulated by the residential code.

(e) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

(f) Portable evaporative coolers.

(g) Self-contained refrigeration systems containing 10 pounds (454 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.

(h) Portable-fuel-cell appliances that are not connected to a fixed piping piping system

and are not interconnected to a power grid.

(4) The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the residential code. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52F.162 Emergency repairs (IRC 105.2.1).

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.164 Repairs (IRC 105.2.2).

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.166 Public service agencies (IRC 105.2.3).

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.168 Application for permit (IRC 105.3).

To obtain a permit, the applicant shall first file an application in writing on a form furnished by the department for that purpose. Building permit applications shall comply with the submittal requirements as provided by the department pursuant to SCC 30.70.030. Such application shall:

(1) Identify and describe the work to be covered by the permit.

(2) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

(3) Indicate the use and occupancy for which the proposed work is intended.

(4) Be accompanied by construction documents and other information as required in SCC 30.52F.188.

(5) State the valuation of the proposed work.

(6) Be signed by the applicant or the applicant's authorized agent.

(7) Give such other data and information as required by the building official.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.170 Action on application (IRC 105.3.1).

(1) The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of the residential code and laws and ordinances, the building official shall issue a permit as soon as practicable.

(2) Where a building permit application has been made for construction, other than for maintenance, repairs, and minor alterations, on a parcel of land not served by a public sanitary sewer system, a building permit shall not be issued without prior approval from the Snohomish Health District of an approved means of waste disposal.

(3) In order to determine that the plans, specifications and other data filed for review conform to the requirements of the residential code and other applicable laws and ordinances, the building official may require the site of any proposed construction be inspected and an evaluation performed.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.172 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas (IRC 105.3.1.1).

For applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures located in an area prone to flooding as established by IRC Table R301.2(1), the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its pre-damage condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the finding shall be provided to the building official for a determination of substantial improvement or substantial damage. Applications determined by the building official to constitute substantial improvement or substantial damage shall require all existing portions of the entire building or structure to meet the requirements of section R322 of the IRC.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52F.174 Time limitation of application (IRC 105.3.2).

(1) An application for a permit for any proposed work shall be deemed to have been abandoned 18 months after the date of filing, except that the building official is authorized to grant one extension of time for an additional period not to exceed 18 months. The extension shall be requested in writing and justifiable cause demonstrated.

(2) The fee for the permit application extension includes a percentage of the original permit fee equal to the percentage of work to be completed plus a $400 administration fee.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 10-014, April 7, 2010, Eff date April 29, 2010 and April 29, 2011; Amended by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52F.176 Validity of permit (IRC 105.4).

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the residential code or of any other applicable law or ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the residential code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure in violation of the residential code or of any other ordinances of this jurisdiction.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.178 Expiration (IRC 105.5).

(1) Every permit issued shall become invalid 18 months after its issuance. The building official is authorized to grant, in writing, one extension of time, for a period of not more than 18 months. The extension shall be requested in writing and justifiable cause demonstrated.

(2) The fee for the permit extension includes a percentage of the original permit fee equal to the percentage of work to be completed. No permit may be extended later than 30 days after the date of expiration

of the original permit. Prior to extension of a permit, an on-site inspection of the work authorized by the original permit may be required in order to determine compliance with this chapter and any other applicable law or regulation.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 10-014, April 7, 2010, Eff date April 29, 2010 and April 29, 2011; Amended by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52F.180 Suspension or revocation (IRC 105.6).

The building official may suspend or revoke a permit issued under the residential code pursuant to SCC 30.71.027 or SCC 30.85.300 ord 30.85.310.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.52F.182 Placement of permit (IRC 105.7).

The building permit or copy of the permit shall be kept on the site of the work until the completion of the project.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.184 Responsibility (IRC 105.8).

It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which the residential code is applicable, to comply with the residential code.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.185 Preliminary inspection (IRC 105.9).

Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.
(Added by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52F.186 Construction documents (IRC 106.1).

Submittal documents consisting of construction documents and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by title 30 SCC. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with the residential code.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52F.188 Information on construction documents (IRC 106.1.1).

Construction documents shall be drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the residential code and relevant laws, ordinances, rules and regulations, as determined by the building official. Where required by the building official, all braced wall lines, shall be identified on the construction documents and all pertinent information including, but not limited to, bracing methods, location and length of braced wall panels, foundation requirements of braced wall panels at top and bottom shall be provided.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52F.200 Manufacturer's installation instructions (IRC 106.1.2).

Manufacturer's installation instructions, as required by the residential code, shall be available on the job site at the time of inspection.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.202 Information for construction in flood hazard areas (IRC 106.1.3).

For more specific regulations regarding construction in special flood hazard areas and flood hazard permit requirements, see chapters 30.43 and 30.65 SCC. For buildings and structures located in whole or in part in flood hazard areas as established by IRC Table R301.2(1), construction documents shall include:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate;

(2) The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;

(3) The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone); and

(4) If design flood elevations are not included on the most recently adopted Flood Insurance Rate Map published by the Federal Emergency Management Agency, the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.204 Site plan or plot plan(IRC 106.2).

The construction documents submitted with the application for permit shall be accompanied by a site plan showing the size and location of new construction and existing structures on the site and distances from lot lines. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for a permit is for alteration or repair or when otherwise warranted.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52F.206 Examination of documents (IRC 106.3).

The building official shall examine or cause to be examined construction

documents for construction code compliance.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.208 Approval of construction documents (IRC 106.3.1).

When the building official issues a permit, the construction documents shall be approved, in writing or by a stamp which states "REVIEWED FOR COMPLIANCE PER SCC 30.52F.208." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or his or her authorized representative.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52F.210 Abandonment of permit (IRC 106.3.2).

An issued permit shall be deemed abandoned if construction allowed under the permit is not pursued in good faith within 180 days after the permit has been issued.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.212 Phased approval (IRC 106.3.3).

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with applicable requirements of the residential code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.214 Amended construction documents (IRC 106.4).

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.216 Retention of construction documents (IRC 106.5).

One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.218 Temporary structures and uses – general (IRC 107.1).

The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.220 Conformance (IRC 107.2).

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, light, ventilation and sanitary requirements of the residential code as necessary to ensure the public health, safety and general welfare.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.222 Temporary power (IRC 107.3).

The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the International Code Council Electrical Code.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.224 Termination of approval (IRC 107.4).

The building official is authorized to terminate a permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.226 Payment of fees (IRC 108.1).

A permit shall not be valid until the fees prescribed by law have been paid. An amendment to a permit shall not be released until the additional fee, if any, has been paid.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.228 Schedule of permit fees (IRC 108.2).

On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with chapter 30.86 SCC.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.230 Building permit valuations (IRC 108.3).

Building permit valuation shall include total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.232 Related fees (IRC 108.4).

The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.234 Refunds (IRC 108.5).

The director is authorized to establish a refund policy.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.235 Work commencing before permit issuance (IRC 108.6).

Any person who commences work regulated under subtitle 30.5 SCC before obtaining the necessary permits shall be subject to an investigation penalty established in SCC 30.86.400(9) that shall be in addition to the required permit fees.

(Added by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52F.236 Types of inspections (IRC 109.1).

For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent how that portion of construction as completed fails to comply with the residential code.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.238 Foundation inspection (IRC 109.1.1).

Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.240 Plumbing, mechanical, gas and electrical systems inspection (IRC 109.1.2).

Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection. Back-filling of ground-source heat pump loop systems tested in accordance with section M2105.1 of the IRC prior to inspection shall be permitted.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.242 Floodplain inspections (IRC 109.1.3).

For construction in areas prone to flooding as established by IRC Table R301.2(1), upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of a completed FEMA elevation certificate form 81-31, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in section R324 of the IRC.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.244 Frame and masonry inspection (IRC 109.1.4).

Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, fire stopping, drafts topping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.246 Other inspections (IRC 109.1.5).

In addition to the called inspections above, the building official may make or require any other inspections to ascertain compliance with the residential code and other laws enforced by the building official.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.248 Fire-resistance-rated construction inspection (IRC 109.1.5.1).

Where fire-resistance-rated construction is required between dwelling units or due to a building's or structure's location on property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.250 Final inspection (IRC 109.1.6).

Final inspection shall be made after the permitted work is complete and prior to occupancy.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.260 Inspection agencies (IRC 109.2).

The building official may accept reports of approved inspection agencies, provided such agencies satisfy the building official's requirements as to qualifications and reliability necessary to meet the IRC.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.262 Inspection requests (IRC 109.3).

It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by the residential code to provide access to and means for inspection of such work.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.264 Approval required (IRC 109.4).

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder how that portion of the construction fails to comply with the residential code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.266 Certificates of use and occupancy (IRC 110.1).

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy for the building or structure.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the residential code or other applicable laws or ordinances. Certificates presuming to give authority to violate or cancel the provisions of the residential code or other applicable ordinances shall not be valid.

Exceptions:

(1) Certificates of occupancy are not required for work exempt from permits under SCC 30.52F.160.

(2) Certificates of occupancy are not required for accessory buildings or structures unless they are used for commercial purposes.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.268 Change in use (IRC 110.2).

Changes in the character or use of an existing structure shall not be made except as specified in sections 3406 and 3407 of the International Building Code.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.270 Certificate issued (IRC 110.3).

After the building official inspects the building or structure and finds no violations of the provisions of the residential code or other laws that are enforced by the department, the building official shall issue a certificate of occupancy for the building or structure which shall contain the following:

(1) The building permit number.

(2) The address of the structure.

(3) The name and address of the owner.

(4) A description of that portion of the structure for which the certificate is issued.

(5) A statement that the described portion of the structure has been inspected for compliance with the requirements of the residential code.

(6) The name of the building official.

(7) The edition of the residential code under which the permit was issued.

(8) Whether an automatic sprinkler system is provided and whether the sprinkler system is required.

(9) Any special stipulations and conditions of the building permit.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.272 Temporary occupancy (IRC 110.4).

The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.274 Suspension or revocation (IRC 110.5).

The building official may suspend or revoke a certificate of occupancy issued under the residential code pursuant to SCC 30.71.027 or SCC 30.85.300 or 30.85.310.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.52F.276 Connection of service utilities (IRC 111.1).

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the residential code for which a permit is required, until approved by the building official.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.278 Temporary connection (IRC 111.2).

The building official may authorize and approve the temporary connection of the building or system to the utility, source of energy, fuel or power.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.280 Authority to disconnect service utilities (IRC 111.3).

The building official may authorize disconnection of utility service to the building, structure or system regulated by the residential code and the referenced codes and standards set forth in SCC 30.52F.114 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by SCC 30.52F.276 and 30.52F.278. The building official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.290 Unlawful acts (IRC 113.1).

Pursuant to SCC 30.85.020, it shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by the residential code, or cause same to be done, in conflict with or in violation of any of the provisions of the residential code. Enforcement of such violations shall be processed under the provisions of this chapter and chapter 30.85 SCC; provided further that the building official or his designee is authorized to enforce the provisions of the residential code.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.292 Notice of violation (IRC 113.2).

The building official is authorized to serve a notice of violation or order on the person

responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of the residential code, or in violation of a detail statement or a plan approved or in violation of a permit or certificate issued under the provisions of the residential code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. The building official may coordinate with code enforcement staff to issue such notices in compliance with chapter 30.85 SCC.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52F.294 Prosecution of violation (IRC 113.3).

Prosecution of a violation shall be subject to the provisions in chapter 30.85 SCC. The building offiical may refer such violations, as necessary, to the prosecuting attorney to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of the residential code or of the order or direction made pursuant thereto.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.52F.296 Violations and penalties (IRC 113.4).

Any person who violates a provision of the residential code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of the residential code, shall be subject to penalties prescribed by chapter 30.85 SCC.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.52F.298 Stop work order (IRC 114.1 and 114.2).

Upon notice from the building official that work on any building or structure is being performed contrary to the provisions of the residential code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume. Violations of a stop work order shall be subject to citation and monetary penalty under provisions of SCC 30.85.090 and SCC 30.85.130.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.52F.299 Unlawful continuance (IRC 114.2).

Any person who continues any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by chapter 30.85 SCC.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

PART 300 AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE

30.52F.300 Table R 301.2(1) – amended.

IRC Table R 301.2(1) is amended to read:

TABLE R301.2(1)
Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design		Seismic Design Category[f]	Subject to Damage From			Winter Design Temp[e]	Ice Barrier Under-layment Required[h]	Flood Hazards[g]	Air Freezing Index[i]	Mean Annual Temp[j]
	Speed[d] (MPH)	Topographic Effects		Weathering[a]	Frost line depth[b]	Termite[c]					
25	85	NO	D/D2	Moderate	18 inches	Mod-erate	26	NO	12/23/71 9/16/05	175	50.5[o]

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of the residential code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R.301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure F403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 1/2-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.

f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study, and (c) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the county, as may be amended.

h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES". Otherwise, the jurisdiction shall fill in this part of the table with "NO".

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3.(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index – USA Method (Base 32 ^{o} Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32? Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-031, Aug. 3, 2011, Eff date Aug. 18, 2011)

Chapter 30.52G
AUTOMATIC SPRINKLER SYSTEMS

30.52G.010 Automatic sprinkler provisions - adopted.

The automatic sprinkler provisions of Section 903 of the 2009 edition of the International Building Code (IBC) and Section 903 of the 2009 edition of the International Fire Code (IFC), as adopted and amended by the Washington State Building Code Council and included in chapter 19.27 RCW, are adopted to the extent that they are included in and amended by this chapter.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.020 Automatic sprinkler provisions – general (IFC and IBC 903.1).

Automatic sprinkler systems shall comply with this chapter.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.030 Alternative protection (IFC and IBC 903.1.1).

Alternative automatic fire-extinguishing systems complying with section 904 of the IFC shall be permitted in place of automatic sprinkler protection where recognized by the applicable standard and approved by the fire marshal.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.040 Where required (IFC and IBC 903.2).

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this chapter. For the purposes of this chapter, fire walls shall not define separate buildings.

Exception:

Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 of the IFC and are separated from the remainder of the building by not less than 1-hour fire barriers constructed in accordance with Section 707 of the IBC or not less than 2-hour horizontal assemblies constructed in accordance with Section 712 of the IBC, or both.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.050 Existing commercial buildings.

Automatic sprinkler systems as defined in the IBC or IFC shall be provided throughout any existing commercial building renovated, added to, or altered whose combined fire areas exceed 10,000 square feet.

30.52G.060 Group A (IFC and IBC 903.2.1).

An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group A occupancies as provided in SCC 30.52G.060 through SCC 30.52G.110. For Group A-1, A-2, A-3 and A-4 occupancies, the automatic sprinkler system shall be provided throughout the floor area where the Group A-1, A-2, A-3 or A-4 occupancy is located, and in all floors between the Group A occupancy to, and including the level of exit discharge serving the Group A occupancy. For Group A-5 occupancies, the automatic sprinkler system shall be provided in the spaces indicated in SCC 30.52G.110.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.070 Group A-1 (IFC and IBC 903.2.1.1).

An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

(1) The fire area exceeds 10,000 square feet (929 m2).

(2) The fire area has an occupant load of 300 or more.

(3) The fire area is located on a floor other than the level of exit discharge.

(4) The fire area contains a multitheater complex.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.080 Group A-2 (IFC and IBC 903.2.1.2).

An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

(1) The fire area exceeds 5,000 square feet (465 m2).

(2) The fire area has an occupant load of 100 or more.

(3) The fire area is located on a floor other than the level of exit discharge.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.090 Group A-3 (IFC and IBC 903.2.1.3).

An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

(1) The fire area exceeds 10,000 square feet (929 m2).

(2) The fire area has an occupant load of 300 or more.

(3) The fire area is located on a floor other than the level of exit discharge.

Exception:

Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.100 Group A-4 (IFC and IBC 903.2.1.4).

An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

(1) The fire area exceeds 10,000 square feet (929m2).

(2) The fire area has an occupant load of 300 or more.

(3) The fire area is located on a floor other than the level of exit discharge.

Exception:

Areas used exclusively as participant sports areas where the main floor area is located at the same level as the level of exit discharge of the main entrance and exit.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.110 Group A-5 (IFC and IBC 903.2.1.5).

An automatic sprinkler system shall be provided for Group A-5 occupancies in the following areas: concession stands, retail areas, press boxes and other accessory use areas in excess of 1,000 square feet (93 m2).

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.120 Nightclub (IFC and IBC 903.2.1.6).

An automatic sprinkler system shall be provided throughout an occupancy with a nightclub. All nightclubs as defined in RCW 19.27.510 shall be provided with automatic sprinklers not later than December 1, 2009. The fire marshal, for the application of this provision, may establish an occupant load based on the observed use of the occupancy in accordance with Table 1004.1.2 of the IFC.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.125 Group B ambulatory health care facilities(IFC and IBC 903.2.2).

An automatic sprinkler system shall be installed throughout all fire areas containing a Group B ambulatory health care facility occupancy when either of the following conditions exist at any time:

1. Four or more care recipients are incapable of self-preservation.
2. One or more care recipients who are incapable of self-preservation are located at other than the level of exit discharge serving such an occupancy.

(Added by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.130 Group E (IFC and IBC 903.2.3).

An automatic sprinkler system shall be provided for Group E occupancies.

Exception:

(1) Portable school classrooms, provided aggregate area of any cluster or portion of a cluster or portable classrooms does not exceed 5,000 square feet (465 m2); and clusters of portable classrooms shall be separated as required in the IBC.

(2) Group E Occupancies with an occupant load of 50 or less, calculated in accordance with Table 1004.1.1.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.140 Group F-1 (IFC and IBC 903.2.4).

An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

(1) Where a Group F-1 fire area exceeds 10,000 square feet (929 m2).

(2) Where a Group F-1 fire area is located more than three stories above grade plane.

(3) Where the combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 20,000 square feet (1,858 m2).

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.150 Woodworking operations (IFC and IBC 903.2.4.1).

An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet (232 m2) in areas which generate finely divided combustible waste or use finely divided combustible materials.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.160 Group H (IFC and IBC 903.2.5).

Automatic sprinkler systems shall be provided in high-hazard occupancies as required in SCC 30.52G.170 through 30.52G.190.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.170 General Group H (IFC and IBC 903.2.5.1).

An automatic sprinkler system shall be installed in all Group H occupancies.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.180 Group H-5 occupancies (IFC and IBC 903.2.5.2).

An automatic sprinkler system shall be installed in all Group H-5 occupancies. The design of the sprinkler system shall not be less than that required by the building code for the occupancy hazard classifications in accordance with Table 30.52G.180. Where the design area of the sprinkler system consists of a corridor protected by one row of sprinklers, the maximum number of sprinklers required to be calculated is 13.

TABLE 30.52G.180

Location	Occupancy Hazard Classification
Fabrication areas	Ordinary Hazard Group 2
Service corridors	Ordinary Hazard Group 2
Storage rooms without dispensing	Ordinary Hazard Group 2
Storage rooms with dispensing	Extra Hazard Group 2
Corridors	Ordinary Hazard Group 2

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.190 Group H- pyroxylin plastics (IFC and IBC 903.2.5.3).

An automatic sprinkler system shall be provided in all Group H occupancy buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds (45 kg).

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.200 Group I (IFC and IBC 903.2.6).

An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.

Exception:

An automatic sprinkler system installed in accordance with SCC 30.52G.440 or SCC 30.52G.450 shall be allowed in Group I-1 facilities.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.210 Groups B and M (IFC and IBC 903.2.7).

An automatic sprinkler system shall be provided throughout buildings containing a Group B or M occupancy where one of the following conditions exists:

(1) Where a Group B or M fire area exceeds 10,000 square feet (929 m2).

(2) Where a Group B or M fire area is located more than three stories above grade plane.

(3) Where the combined area of all Group B or M fire areas on all floors, including any mezzanines, exceeds 20,000 square feet (1,858 m2).

(4) Where a Group M occupancy is used for the display and sale of upholstered furniture or mattresses exceeds 5000 square feet (464 m2).

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007) ; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011

30.52G.220 High-piled storage (IFC and IBC 903.2.7.1).

An automatic sprinkler system shall be provided in accordance with the IFC in all buildings of Group M where storage of merchandise is in high-piled or rack storage arrays.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.230 Group R (IFC and IBC 903.2.8).

An automatic sprinkler system installed in accordance with SCC 30.52G.410 shall be provided throughout all buildings with a Group R fire area.

Exception: Group R-1 if all of the following conditions are met:

(1) The Group R fire area is no more than 500 square feet and is used for recreational use only;

(2) The Group R fire area is only one story;

(3) The Group R fire area does not include a basement;

(4) The Group R fire area is no closer than 30 feet from another structure;

(5) Cooking is not allowed within the Group R fire area;

(6) The Group R fire area has an occupant load of no more than 8; and

(7) A hand held (portable) fire extinguisher is in every Group R fire area.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.239 All Group S occupancies.

An automatic sprinkler system shall be installed throughout all Group S occupancies that have 10,000 square feet (929 m2) or more of floor area.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.240 Group S-1 (IFC and IBC 903.2.9).

An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

(1) Group S-1 fire area exceeds 10,000 square feet (929 m2);

(2) A Group S-1 fire area is located more than three stories above grade plane;

(3) The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 20,000 square feet (1,858 m2); or

(4) A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m^2).

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.250 Repair garages (IFC and IBC 903.2.9.1).

An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406 of the IBC, including:

(1) Buildings two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 10,000 square feet (929 m2).

(2) Buildings with no more than one story above grade plane, with a fire area containing a repair garage exceeding 12,000 square feet (1115 m2).

(3) Buildings with a repair garage servicing vehicles parked in the basement.

(4) A Group S-1 fire area used for the repair of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m^2).

(5) S-1 repair garages where the use of open flame or welding is conducted with a floor area in excess of 3,000 square feet or more.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.260 Group S-1 bulk storage of tires (IFC and IBC 903.2.9.2).

Group S-1 buildings and structures where the area for the storage of tires exceeds 20,000 cubic feet (566 m3) shall be equipped throughout with an automatic sprinkler system in accordance with SCC 30.52G.430.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.270 Group S-2 (IFC and IBC 903.2.10).

An automatic sprinkler system shall be provided throughout Group S-2 buildings classified as enclosed parking garages in accordance with section 406.4 of the IBC as follows:

1. Where the fire area of the enclosed parking garage exceeds 10,000 square feet (1115 m^2); or
2. Where the enclosed parking garage is located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.280 Commercial parking garages (IFC and IBC 903.2.10.1).

An automatic sprinkler system shall be provided throughout buildings used for storage of commercial trucks or buses where the fire area exceeds 5,000 square feet (464 m^2).

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.290 Windowless stories in all occupancies (IFC and IBC 903.2.11).

An automatic sprinkler system shall be installed in the locations set forth in SCC 30.52G.300 through 30.52G.330.

Exception: Group R-3 and Group U.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.300 Stories and basements without openings (IFC and IBC 903.2.11.1).

An automatic sprinkler system shall be installed throughout every story or basement of all buildings where both the floor area exceeds 1,500 square feet (139.4 m2) and where there is not provided at least one of the following types of exterior wall openings:

(1) Openings below grade that lead directly to ground level by an exterior stairway complying with section 1009 of the IFC or an outside ramp complying with section 1010 of the IFC. Openings shall be located in each 50 linear feet (15,240 mm), or fraction thereof, of exterior wall in the story on at least one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 fee (15,240 mm).

(2) Openings entirely above the adjoining ground level totaling at least 20 square feet (1.86 m2) in each 50 linear feet (15,240 mm), or fraction thereof, of exterior wall in the story on at least one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15,240 mm).

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.310 Opening dimensions and access (IFC and IBC 903.2.11.1.1).

Exterior wall openings shall have a minimum dimension of not less than 30 inches (762 mm). Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that fire fighting or rescue cannot be accomplished from the exterior.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.320 Openings on one side only (IFC and IBC 903.2.11.1.2).

Where exterior wall openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22,860 mm) from such openings, the story shall be equipped throughout with an approved automatic sprinkler system, or openings as specified above shall be provided on at least two sides of the story.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.330 Basements (IFC and IBC 903.2.11.1.3).

Where any portion of a basement is located more than 75 feet (22,860 mm) from an opening described in SCC 30.52G.300, the basement shall be equipped throughout with an approved automatic sprinkler system.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.340 Rubbish and linen chutes (IFC and IBC 903.2.11.2).

An automatic sprinkler system shall be installed at the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Chute sprinklers shall be accessible for servicing.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.350 Buildings 55 feet or more in height (IFC and IBC 903.2.11.3).

An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is located 55 feet (16,764 mm) or more above the lowest level of fire department vehicle access.

Exceptions:

(1) Airport control towers;

(2) Open parking structures; and

(3) Occupancies in Group F-2.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.360 During construction (IFC and IBC 903.2.12).

Automatic sprinkler systems required during construction, alteration and demolition operations shall be provided in accordance with the fire code.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.380 Ducts conveying hazardous exhausts (IFC and IBC 903.2.14.4).

Where required by the International Mechanical Code, automatic sprinklers shall be provided in ducts conveying hazardous exhaust, or flammable or combustible materials.

Exception:

Ducts in which the largest cross-sectional diameter of the duct is less than 10 inches (254 mm).

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.390 Commercial cooking operations (IFC and IBC 903.2.11.5).

An automatic sprinkler system shall be installed in commercial kitchen exhaust hoods and duct systems where an automatic sprinkler system is used to comply with section 904 of the IFC.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.400 Other required suppression systems (IFC and IBC 903.2.11.6).

In addition to the requirements of SCC 30.52G.040, the provisions indicated in Table 30.52G.400A also require the installation of a suppression system for certain buildings and areas.

TABLE 30.52G.400A
ADDITIONAL REQUIRED SUPPRESSION SYSTEMS

IBC SECTION	SUBJECT
402.9	Covered malls
403.2, 403.3	High-rise buildings
404.3	Atriums
405.3	Underground structures
407.5	Group 1-2
410.6	Stages
411.4	Special amusement buildings
412.4.6	Aircraft hangars
415.6.2.4	Group H-2
416.4	Flammable finishes
417.4	Drying rooms
507	Unlimited area buildings
508.2	Incidental use areas
1028.6.2.3	Smoke-protected assembly seating
IFC	Sprinkler system requirements as set forth in Table 903.2.11.6 IFC

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.410 Installation requirements and standards (IFC and IBC 903.3).

Automatic sprinkler systems shall be designed and installed in accordance with SCC 30.52G.420 through 30.52G.570.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.430 NFPA 13 sprinkler systems (IFC and IBC 903.3.1.1).

Where the provisions of the construction codes require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section or section 903.3.1.1 of the IFC or IBC, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in SCC 30.52G.440.

Exception:

Automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system, in accordance with section 907.2 of the IFC that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

(1) Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.

(2) Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the fire marshal.

(3) Generator and transformer rooms separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.

(4) In rooms or areas that are of noncombustible construction with wholly noncombustible contents.

(5) Fire service access elevator machine rooms and machinery spaces.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.440 NFPA 13R sprinkler systems (IFC and IBC 903.3.1.2 and 903.3.1.2.1).

(1) Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R.

(2) Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction, provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch (25 mm) to 6 inches (152 mm) below the structural members and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.450 NFPA 13D sprinkler systems (IFC and IBC 903.3.1.3).

Where allowed, automatic sprinkler systems in one- and two-family dwellings and townhouses shall be installed throughout in accordance with NFPA 13D or Appendix R of the IRC.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.460 Quick-response and residential sprinklers (IFC and IBC 903.3.2).

Where automatic sprinkler systems are required by this code, quick-response or residential automatic sprinklers shall be installed in the following areas in accordance with SCC 30.52G.430 and their listings:

(1) Throughout all spaces within a smoke compartment containing patient sleeping units in Group I-2 in accordance with the IBC.

(2) Dwelling units and sleeping units in Group R and I-1 occupancies.

(3) Light-hazard occupancies as defined in NFPA 13.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.470 Obstructed locations (IFC and IBC 903.3.3).

Automatic sprinklers shall be installed with due regard to obstructions that will delay activation or obstruct the water distribution pattern. Automatic sprinklers shall be installed in or under covered kiosks, displays, booths, concession stands, or equipment that exceeds 4 feet (1,219 mm) in width. Not less than a 3-foot (914 mm) clearance shall be maintained between automatic sprinklers and the top of piles of combustible fibers.

Exception:

Kitchen equipment under exhaust hoods protected with a fire-extinguishing system in accordance with section 904 of the IFC.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.480 Actuation (IFC and IBC 903.3.4).

Automatic sprinkler systems shall be automatically actuated unless specifically provided for in the fire code.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.490 Water supplies (IFC and IBC 903.3.5 – 903.3.5.2).

(1) Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in SCC 30.52G.410. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the plumbing code.

(2) Where the domestic service provides the water supply for the automatic sprinkler

system, the supply shall be in accordance with this section.

(3) Limited area sprinkler systems serving fewer than 20 sprinklers on any single

connection are permitted to be connected to the domestic service where a wet automatic standpipe is not available. Limited area sprinkler systems connected to domestic water supplies shall comply with each of the following requirements:

(a) Valves shall not be installed between the domestic water riser control valve and the sprinklers.

Exception:

An approved indicating control valve supervised in the open position in accordance with SCC 30.52G.520.

(b) The domestic service shall be capable of supplying the simultaneous domestic demand and the sprinkler demand required to be hydraulically calculated by NFPA 13, NFPA 13R or NFPA 13D.

(4) A single combination water supply shall be allowed provided that the domestic demand is added to the sprinkler demand as required by NFPA 13R.

(5) A secondary on-site water supply equal to the hydraulically calculated sprinkler demand, including the hose stream requirement, shall be provided for high-rise buildings in Seismic Design Category C, D, E or F as determined by the IBC. The secondary water supply shall have a duration of not less than 30 minutes as determined by the occupancy hazard classification in accordance with NFPA 13.

Exception: Existing buildings.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.500 Hose threads (IFC and IBC 903.3.6).

Fire hose threads and fittings used in connection with automatic sprinkler systems shall be as prescribed by the fire marshal.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.510 Fire department connections (IFC and IBC 903.3.7).

The location of the fire department connections shall be approved by the fire marshal.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.520 Sprinkler system supervision and alarms (IFC and IBC 903.4).

All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit.

Exceptions:

(1) Automatic sprinkler systems protecting one- and two-family dwellings;

(2) Limited area systems serving fewer than 20 sprinklers;

(3) Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the automatic sprinkler

systems and a separate shutoff valve for the automatic sprinkler system is not provided;

(4) Jockey pump control valves that are sealed or locked in the open position;

(5) Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position;

(6) Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position; and

(7) Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed or locked in the open position.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.530 Monitoring (IFC and IBC 903.4.1).

Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved supervising station or, remote supervising station or proprietary supervising station as defined in NFPA 72 or, when approved by the fire marshal, shall sound an audible signal at a constantly attended location.

Exceptions:

(1) Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored; and

(2) Backflow prevention device test valves located in limited area sprinkler system supply piping shall be locked in the open position. In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.540 Alarms (IFC and IBC 903.4.2).

Approved audible and visible alarm notification appliances shall be connected to every automatic sprinkler system in accordance with section 907 of the IFC and throughout areas designated by the fire marshal. Sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.560 Floor control valves (IFC and IBC 903.4.3).

Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in high-rise buildings.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.570 Testing and maintenance (IFC and IBC 903.5).

Sprinkler systems shall be tested and maintained in accordance with section 901 of the IFC.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.52G.575 Existing buildings (IFC and IBC 903.6).

The provisions of this section are intended to provide a reasonable degree of safety in existing structures not complying with the minimum requirements of the International Building Code by requiring installation of an automatic fire-extinguishing system.

(Added by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.580 Proxylin plastics (IFC and IBC 903.6.1).

All structures occupied for the manufacture or storage of articles of cellulose nitrate (proxylin) plastic shall be equipped with an approved automatic fire-extinguishing system where required in Chapter 46 of the IFC.

(Added Amended Ord. 07-088, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.52G.585 Group I-2 (IFC and IBC 903.6.2).

An automatic sprinkler system shall be provided throughout Group I-2 fire areas where required in Chapter 46 of the IFC.

(Added by Ord. 11-025, Aug. 3, 2011, Eff date Aug. 18, 2011)

Chapter 30.53A
FIRE CODE

PART 000 GENERAL

30.53A.010 International Fire Code (IFC) 2009 edition - adopted.

The 2009 edition of the International Fire Code (IFC), herein referenced to as the “fire code,” published by the International Code Council, as amended by the Washington State Building Code Council in chapter 19.27 RCW is adopted except chapter 1 and section 903 of the IFC and as otherwise expressly amended by this chapter, and is incorporated and made a part of this chapter by reference.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug 18, 2011)

PARTS 100-400 ADMINISTRATION

30.53A.100 Title (IFC 101.1).

These regulations shall be known as the Fire Code of Snohomish County, and will be referred to as "the fire code."

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.102 Scope (IFC 101.2).

The fire code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding:

(1) The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices.

(2) Conditions hazardous to life, property or public welfare in the occupancy of structures or premises.

(3) Fire hazards in the structure or on the premises from occupancy or operation.

(4) Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.

(5) Conditions affecting ghe safety of fire fighters and emergency responders during emergency opertations.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug 18, 2011)

30.53A.104 Appendices (IFC 101.2.1).

Appendices B, C and J of the IFC are adopted and incorporated and made a part of this chapter by reference.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug 18, 2011)

30.53A.106 Intent (IFC 101.3).

The purpose of the fire code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.112 Applicability of construction and design provisions (IFC 102.1).

The construction and design provisions of the fire code shall apply to:

(1) Structures, facilities and conditions arising after the adoption of the fire code.

(2) Existing structures, facilities and conditions not legally in existence at the time of adoption of the fire code.

(3) Existing structures, facilities and conditions when required in Chapter 46 of the IFC.

(4) Existing structures, facilities and conditions which, in the opinion of the fire marshal, constitute a distinct hazard to life or property.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug 18, 2011)

30.53A.114 Administrative, operational and maintenance provisions (IFC 102.2).

The administrative, operational and maintenance provisions of the fire code shall apply to:

(1) Conditions and operations arising after the adoption of the fire code.

(2) Existing conditions and operations.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.116 Change of use or occupancy (IFC 102.3).

No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of the fire code and the building code. Subject to the approval of the fire marshal, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of the fire code and the building code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.118 Application of building code (IFC 102.4).

The design and construction of new structures shall comply with the building code, and any alterations, additions, changes in use or changes in structures required by the fire code, which are within the scope of the building code, shall be made in accordance with the building code.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.119 Application of residential code (IFC 102.5).

Where structures are designed and constructed in accordance with the International Residential Code, the provisions of the fire code shall apply as follows:

(1) Construction and design provisions: Provisions of the fire code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of the IFC shall also apply.

(2) Administrative, operational and maintenance provisions: All such provisions of fire code shall apply.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.120 Historic buildings (IFC 102.6).

The provisions of the fire code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or Snohomish County as historic buildings when such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings and structures shall be provided in accordance with an approved fire protection plan.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug 18, 2011)

30.53A.122 Referenced codes and standards (IFC 102.7).

The codes and standards referenced in the fire code shall be those that are listed in chapter 47 of the IFC, except that the National Fire Protection Association (NFPA) 13 and 72 shall be the 2010 editions. Such codes and standards shall be considered part of the requirements of the fire code to the prescribed extent of each such reference as determined by the fire marshal. Where differences occur between the provisions of the fire code and the referenced standards, the provisions of the fire code shall apply.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug 18, 2011)

30.53A.124 Subjects not regulated by the fire code (IFC 102.8).

Where no applicable standards or requirements are set forth in the fire code, or are contained within other laws, codes, regulations, ordinances or bylaws adopted by Snohomish County, compliance with applicable standards of the National Fire Protection Association (NFPA) or other nationally recognized fire safety standards, as approved, shall be deemed as prima facie evidence of compliance with the intent of the fire code. Nothing

herein shall derogate from the authority of the fire marshal to determine compliance with codes or standards for those activities or installations within the fire marshal's jurisdiction or responsibility.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug 18, 2011)

30.53A.125 Matters not provided for (IFC 102.9).

Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by the fire code shall be determined by the fire marshal.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug 18, 2011)

30.53A.126 Conflicting provisions (IFC 102.10).

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall apply.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug 18, 2011)

30.53A.127 Other laws (IFC 102.11).

The provisions of the fire code shall not be deemed to nullify and provisions of local, state or federal law.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.128 Application of references (IFC 102.12).

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of the fire code.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.130 Office of the fire marshal – general (IFC 103.1).

The Office of the Fire Marshal is established within the department. The function of the office shall be the implementation, administration and enforcement of the provisions of the fire code as follows:

(1) The Office of the Fire Marshal is established in the department under the director's direction. The fire marshal shall be expressly employed for that position. As used in the IFC, the term "fire code official" means the Snohomish County Fire Marshal. The duties and responsibilities of the fire marshal shall not be a secondary duty assignment nor shall the fire marshal assume duties except those normally accepted as pertaining to fire prevention, investigation, and suppression.

(2) The fire commissioners and fire chiefs of the various fire districts in Snohomish County shall advise the director in the selection of a fire marshal and in the selection of inspectors in order that properly qualified persons may be selected.

(3) The fire marshal shall have no control, expressed or implied, over the operation, functioning, expenditures, tactics, personnel, equipment or any other function of a fire department or fire district, except in performance of duties connected with fire code enforcement, or unless specifically requested by the proper district authority.

(4) The fire marshal shall assist and cooperate with such officers and agencies as: state fire marshal, private insurance companies, authorized police, state and federal agencies. The fire marshal is authorized to visit, or otherwise contact such agencies as: Association of Washington Cities, National Fire Protection Association, Washington Surveying and Rating Bureau, and other like associations and organizations representing fire interests.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.132 Appointment (IFC 103.2).

The fire marshal shall be appointed by the director, pursuant to chapter 2.01 SCC.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.134 Personnel and police (IFC 103.2.1).

(1) The Snohomish County Fire Marshal and members of the Office of the Fire Marshal designated by the fire marshal shall have the powers of a limited authority Washington peace officer as defined in chapter 10.93 RCW.

(2) The Snohomish County Sheriff may be petitioned to commission the Snohomish County Fire Marshal and members of the office of the fire marshal recommended by the fire marshal as specially commissioned Washington peace officers, as defined in chapter 10.93 RCW, upon satisfaction of the training and other requirements prescribed or approved by the Washington Criminal Justice Training Commission, for purposes of administering and enforcing the uniform fire code and this chapter.

(3) The Snohomish County Sheriff may assign such available deputy sheriffs as he or she deems necessary to assist the fire marshal in administering and enforcing the fire code.

30.53A.136 Deputies (IFC 103.3).

In accordance with Snohomish County procedures and with the concurrence of the director, the fire marshal shall have the authority to appoint a deputy fire marshal, other related technical officers, inspectors and other employees.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.138 Liability and legal defense (IFC 103.4 and 103.4.1).

The liability of employees and officials while performing their official duties under the fire code is governed by SCC 2.90.085.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.142 Authority and responsibilities – general (IFC 104.1).

The fire marshal is hereby authorized to enforce the provisions of the fire code and shall have the authority to render interpretations of the fire code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of the fire code and shall not have the effect of waiving requirements specifically provided for in the fire code.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.144 Applications and permits (IFC 104.2).

(1) The fire marshal is authorized to receive applications, review construction documents and issue permits for construction regulated by the fire code, issue permits for operations regulated by the fire code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of the fire code.

(2) Whenever the director determines, upon recommendation of the fire marshal, that a condition exists in violation of this chapter, or any code or standard required to be adhered to by this chapter, the director is authorized to enforce the provisions of this chapter, or codes or standards, pertaining to such condition existing in violation thereof, pursuant to chapters 30.53A and 30.85 SCC.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.146 Investigations (IFC 104.2.1).

The office of the fire marshal is authorized to investigate the cause, origin, and circumstances of any fire occurring in the jurisdiction involving loss of life or injury to person or destruction or damage to property and, if it appears that such fire is of suspicious origin, is authorized to take immediate charge of all physical evidence relating to the cause of the fire and is authorized to pursue the investigation to its conclusion.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.148 Right of entry (IFC 104.3).

Pursuant to SCC 30.85.070, whenever it is necessary to make an inspection to enforce the provisions of the fire code, or whenever the fire marshal has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of the fire code which make the building or premises unsafe, dangerous or hazardous, the fire marshal shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the fire marshal by the fire code. If such building or premises is occupied, the fire marshal shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the fire marshal shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the fire marshal has recourse to every remedy provided by law to secure entry.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.53A.150 Warrant (IFC 104.3.1).

When the fire marshal has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the fire marshal for the purpose of inspection and examination pursuant to the fire code.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.152 Identification (IFC 104.4).

The fire marshal shall carry proper identification when inspecting structures or premises in the performance of duties under the fire code.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.154 Notice and orders (IFC 104.5).

The fire marshal may issue warning notices, citations, and notice of violations. The fire marshal may coordinate with PDS code enforcement staff to issue such notices required to affect compliance with the fire code in accordance with SCC 30.53A.388 and 30.53A.390.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.53A.156 Official records (IFC 104.6).

The fire marshal shall keep official records as required by SCC 30.53A.158 through 30.53A.164. Such official records shall be retained for not less than five years or for as long as the structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.158 Approvals (IFC 104.6.1).

A record of approvals shall be maintained by the fire marshal and shall be available for public inspection during business hours in accordance with applicable laws.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.160 Inspections (IFC 104.6.2).

The fire marshal shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.162 Fire records (IFC 104.6.3).

The fire marshal shall keep a record of fires occurring within the county's jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the fire marshal.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.164 Administrative decisions (IFC 104.6.4).

Application for modification, alternative methods or materials and the final decision of the fire marshal shall be in writing and shall be officially recorded in the permanent records of the fire marshal.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.166 Approved materials and equipment (IFC 104.7).

All materials, equipment and devices approved by the fire marshal shall be constructed and installed in accordance with such approval.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.168 Material and equipment reuse (IFC 104.7.1).

Materials, equipment and devices shall not be reused or reinstalled unless such elements have been reconditioned, tested, and placed in good and proper working condition and approved.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.170 Technical assistance (IFC 104.7.2).

To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the fire marshal, the fire marshal is authorized to require the owner or agent to provide, without charge to Snohomish County, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, and laboratory or fire safety specialty organization acceptable to the fire marshal and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The fire marshal is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.172 Modifications (IFC 104.8)

Whenever there are practical difficulties involved in carrying out the provisions of the

fire code, the fire marshal shall have the authority to grant modifications for individual cases, provided the fire marshal shall first find that special individual reason makes the strict letter of the fire code impractical and the modification is in compliance with the intent and purpose of the fire code and that such modification does not

lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the fire marshal.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.173 Alternative materials and methods (IFC 104.9).

The provisions of the fire code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by the fire code, provided that any such alternative has been approved. The fire marshal is authorized to approve an alternative material or method of construction where the fire marshal finds that the proposed design is satisfactory and complies with the intent of the provisions of the fire code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the fire code in quality, strength, effectiveness, fire resistance, durability and safety.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug 18, 2011)

30.53A.174 Research Reports (IFC 104.9.1).

Supporting data, when necessary to assist in the approval of materials or assemblies not specifically provided for in the fire code, shall consist of valid research reports from approved sources.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.175 Tests (IFC 104.9.2).

Whenever there is insufficient evidence of compliance with the provisions of the fire code, or evidence that a material or method does not conform to the requirements of the fire code, or in order to substantiate claims for alternative materials or methods, the fire marshal shall have the authority to require tests as evidence of compliance to be made at no expense to the county. Test methods shall be as specified in the fire code or by other recognized and accepted test methods, the fire marshal shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the fire marshal for the period required for the retention of public records.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.176 Fire investigations (IFC 104.10).

The fire marshal, the fire department or other responsible authority shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition in their jurisdiction. The fire marshal may investigate in unincorporated Snohomish County or in other jurisdictions as authorized in interlocal agreements. Information that could be related to trade secrets or processes shall not be made part of the public record except as directed by a court of law.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.178 Assistance from other agencies (IFC 104.10.1).

Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires or the enforcement of the fire code as requested by the fire marshal.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.180 Authority at fires and other emergencies (IFC 104.11).

The fire chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the fire chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing which could impede or interfere with the operations of the fire department and, in the judgment of the fire chief, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.182 Barricades (IFC 104.11.1).

The fire chief or officer of the fire department in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.184 Obstructing operations (IFC 104.11.2).

No person shall obstruct the operations of a fire department in connection with extinguishment, control or investigation of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.186 Systems and devices (IFC 104.11.3).

No person shall render a system or device inoperative during an emergency unless by direction of the fire chief or fire department official in charge of the incident.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.188 Permits – general (IFC 105.1).

Permits shall be in accordance with SCC 30.53A.190 through 30.53A.358.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.190 Permits and fees required (IFC 105.1.1).

(1) Permits required by the fire code may be obtained from the fire marshal. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire marshal.

(2) When a plan or other data is required to be submitted by this chapter or chapter 30.52A SCC for fire extinguishing systems, alarm systems, ventilation systems, underground tanks, and liquefied petroleum tanks, a plan review fee and a permit fee shall be paid prior to permit issuance. The fees shall be in accordance with the schedule of fees in chapter 30.86 SCC.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.192 Types of permits (IFC 105.1.2).

There shall be four types of permits:

(1) Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required for either:

(a) A prescribed period.

(b) Until renewed or revoked.

(2) Construction permit. A construction permit allows the applicant to install or modify

systems and equipment for which a permit is required by SCC 30.53A.332 through 30.53A.358.

(3) Fireworks permit. Fireworks permits shall be required and appealed as provided for in SCC 30.53A.702.

(4) Special event permits. Special event permits shall be required pursuant to SCC 30.53A.800.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.194 Permits for the same location (IFC 105.1.3).

When more than one permit is required for the same location, the fire marshal is authorized to consolidate such permits into a single permit provided that each activity requiring a permit is listed in the permit.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.196 Application (IFC 105.2).

Application for a permit required by the fire code shall be made to the fire marshal in such form and detail as prescribed by the fire marshal. Applications for permits shall be accompanied by such plans as prescribed by the fire marshal.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.198 Refusal to issue permit (IFC 105.2.1).

If the application for a permit describes a use that does not conform to the requirements of the fire code and other applicable laws and ordinances, the fire marshal shall not issue a permit, but shall return the application to the applicant with the refusal to issue such permit. Such refusal shall, when requested by the applicant, be in writing and shall contain the reasons for refusal.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.200 Inspection authorized (IFC 105.2.2).

Before a new operational permit is approved, the fire marshal is authorized to inspect the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used to determine compliance with the fire code or any operational constraints required.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.202 Time limitation of application (IFC 105.2.3).

An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that the fire marshal is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.204 Action on application (IFC 105.2.4).

The fire marshal shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of applicable laws, the fire marshal shall reject such application in writing, stating the reasons therefore. If the fire

marshal is satisfied that the proposed work or operation conforms to the requirements of the fire code and laws and ordinances applicable thereto, the fire marshal shall issue a permit therefore as soon as practicable.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.206 Conditions of a permit (IFC 105.3).

A permit shall constitute permission to maintain, store or handle materials; or to conduct processes which produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities; or to install or modify any fire protection system or equipment or any other construction, equipment installation or modification in accordance with the provisions of the fire code where a permit is required by SCC 30.53A.236 or 30.53A.332. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of the fire code or other applicable regulations or laws.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.208 Expiration (IFC 105.3.1).

An operational permit shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit. Construction permits shall be obtained as required by chapter 30.53A SCC. Before work under an expired or revoked permit recommences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.210 Extensions (IFC 105.3.2).

A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The fire marshal is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 180 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.212 Occupancy prohibited before approval (IFC 105.3.3).

A building or structure shall not be occupied prior to the fire marshal issuing a permit and conducting associated inspections indicating that applicable provisions of the fire code have been met.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.214 Conditional permits/temporary certificate of occupancy (IFC 105.3.4).

Where permits are required and upon the request of a permit applicant, the fire marshal is authorized to issue a conditional permit or temporary certificate of occupancy to occupy the premises or portion thereof before the entire work or operations on the premises is completed, provided that such portion or portions will be occupied safely prior to full completion or installation of equipment and operations without endangering life or public

welfare. The fire marshal shall notify the permit applicant in writing of any limitations or restrictions necessary to keep the permit area safe. The holder of a conditional permit shall proceed only to the point for which approval has been given, at the permit holder's own risk and without assurance that approval for the occupancy or the utilization of the entire premises, equipment or operations will be granted.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.216 Posting the permit (IFC 105.3.5).

Permits issued pursuant to the fire code shall be kept on the premises designated at all times and shall be readily available for inspection by the fire marshal.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.218 Compliance with code (IFC 105.3.6).

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the fire code or of any other SCC provision. Permits presuming to give authority to violate or cancel any SCC provision shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the fire marshal from requiring the correction of errors in the construction documents and other data. Any addition to or alteration of approved construction documents shall be approved in advance by the fire marshal, as evidenced by the issuance of a new or amended permit.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.220 Information on the permit (IFC 105.3.7).

The fire marshal shall issue all permits required by the fire code on an approved form furnished for that purpose. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the fire marshal. Issued permits shall bear the signature of the fire marshal or his designee.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.221 Validity of permit (IFC 105.3.8).

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the fire code or of any other ordinances of the county. Permits presuming to give authority to violate or cancel the provisions of the fire code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents, operational documents and other data shall not prevent the fire marshal from requiring correction of errors in the documents or other data.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.222 Construction document submittals (IFC 105.4.1).

Construction documents and supporting data shall be submitted in two or more sets with each application for a permit and in such form and detail as required by the fire marshal. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the

project is to be constructed. Exception: The fire marshal is authorized to waive the submission of construction documents and supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of the construction documents is not necessary to obtain compliance with the fire code.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.223 Examination of Documents (IFC 105.4.1).

The fire marshal shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the work indicated and described is in accordance with the requirements of the fire code.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.224 Information on construction documents (IFC 105.4.2).

Construction documents shall be drawn to scale upon suitable material. Electronic media documents are allowed to be submitted when approved by the fire marshal. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of the fire code and relevant laws, ordinances, rules and regulations.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.225 Fire protection system shop drawings (IFC 105.4.2).

Shop drawings for the fire protection system(s) shall be submitted to indicate compliance with the fire code and the construction documents and shall be approved prior to the start of installation. Shop drawings shall contain all the information required by the referenced installation standards in Chapter 9 of the IFC.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.226 Applicant responsibility (IFC 105.4.3).

It shall be the responsibility of the applicant to ensure that the construction documents include all of the fire protection requirements and the shop drawings are complete and in compliance with the applicable codes and standards.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.228 Approved documents (IFC 105.4.4).

Construction documents approved by the fire marshal are approved with the intent that such construction documents comply in all respects with the fire code. Review and approval by the fire marshal shall not relieve the applicant of the responsibility of compliance with the fire code.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.229 Phased approval (IFC 105.4.4.1).

The fire marshal is authorized to issue a permit for the construction of part of a structure, system or operation before construction documents for the whole structure, system or operation have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of the fire code. The holder of such permit for parts of a structure, system or operation shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure, system or operation will be granted.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.230 Corrected documents (IFC 105.4.5).

Where field conditions necessitate any substantial change from the approved construction documents, the fire marshal shall have the authority to require the corrected construction documents to be submitted for approval.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.232 Retention of construction documents (IFC 105.4.6).

One set of construction documents shall be retained by the fire marshal for a period of not less than 180 days from the date of completion of the permitted work, or as required by state law or local laws. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the authorized work is in progress.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.234 Revocation (IFC 105.5).

The fire marshal is authorized to revoke a permit issued under the provisions of the fire code and pursuant to SCC 30.71.027 or SCC 30.85.310 when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or construction documents on which the permit or approval was based including, but not limited to, any of the following:

(1) The permit is used for a location or establishment other than that for which it was issued.

(2) The permit is used for a condition or activity other than that listed in the permit.

(3) Conditions and limitations set forth in the permit have been violated.

(4) There have been false statements or misrepresentations of material fact in the permit application or required plans used as a basis for issuing or conditioning the permit.

(5) The permit is used by a different person or firm than the name for which it was issued.

(6) The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of the fire code within the time provide.

(7) The permit was issued in error or in violation of an ordinance, regulation or the fire code.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.53A.236 Required operational permits (IFC 105.6).

The fire marshal is authorized to issue operational permits for the operations set forth in SCC 30.53A.238 through 30.53A.330.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.238 Aerosol products (IFC 105.6.1).

An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.240 Amusement buildings (IFC 105.6.2).

An operational permit is required to operate a special amusement building.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.242 Aviation facilities (IFC 105.6.3).

An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional operational permits required by other sections of the fire code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.244 Carnivals and fairs (IFC 105.6.4).

An operational permit is required to conduct a carnival or fair.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.246 Cellulose nitrate film (IFC 105.6.5).

An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.248 Combustible dust-producing operations (IFC 105.6.6).

An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in chapter 2 of the IFC.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.250 Combustible fibers (IFC 105.6.7).

An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m3).

Exception: A permit is not required for agricultural storage.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.252 Compressed gases (IFC 105.6.8).

An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 30.53A.252.

Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.

TABLE 30.53A.252
PERMIT AMOUNTS FOR COMPRESSED GASES TYPE OF GAS TABLE

TYPE of GAS	AMOUNT
	(cubic feet at NTP)
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any Amount
Inert and simple asphyxiant	6,000
Oxidizing	504
Pyrophoric	Any Amount
Toxic	Anv Amount

For SI: I cubic foot = 0.02832 m^3.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.256 Covered mall buildings (IFC 105.6.9).

An operational permit is required for:

(1) The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.

(2) The display of liquid- or gas-fired equipment in the mall.

(3) The use of open-flame or flame-producing equipment in the mall.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.258 Cryogenic fluids (IFC 105.6.10).

An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 30.53A.258.

Exception:

Permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.

TABLE 30.53A.258
PERMIT AMOUNTS FOR CRYOGENIC FLUIDS

TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)
Flammable	More than 1	60
Inert	60	500
Oxidizing (includes oxygen)	10	50
Physical or health hazard not indicated above	Any Amount	Any Amount

For SI: 1 gallon = 3.785 L.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.260 Cutting and welding (IFC 105.6.11).

An operational permit is required to conduct cutting or welding operations.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.262 Dry cleaning plants (IFC 105.6.12).

An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.264 Exhibits and trade shows (IFC 105.6.13).

An operational permit is required to operate exhibits and trade shows.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.266 Explosives (IFC 105.6.14).

An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of chapter 33 of the IFC.

Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with section 3306 of the IFC.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.268 Fire hydrants and valves (IFC 105.6.15)

An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.

Exception: A permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.270 Flammable and combustible liquids (IFC 105.6.16).

An operational permit is required:

(1) To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Washington State Department of Transportation nor does it apply to piping systems.

(2) To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:

(a) The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire marshal, would cause an unsafe condition.

(b) The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

(3) To store, handle or use Class II or Class IlI A liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

(4) To store, handle of use Class IIB liquids in tanks or portable tanks for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning equipment. Exception: Fuel oil and used motor oil for space heating or water heating.

(5) To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.

(6) To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and

combustible liquids are produced, processed, transported, stored, dispensed or used.

(7) To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.

(8) To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.

(9) To manufacture, process, blend or refine flammable or combustible liquids.

(10) To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.

(11) To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.272 Floor finishing (IFC 105.6.17).

An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m2) using Class I or Class II liquids.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.274 Fruit and crop ripening (IFC 105.6.18).

An operational permit is required to operate a fruit-or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.276 Fumigation and thermal insecticidal fogging (IFC 105.6.19).

An operational permit is required to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.278 Hazardous materials (IFC 105.6.20).

An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 30.53A.278:

TABLE 30.53A.278
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See section 105.6.16 IFC
Corrosive materials	
Gases	See section 105.6.8 IFC
Liquids	55 gallons
Solids	1,000 pounds
Explosive materials	See section 105.6.14 IFC
Flammable materials	
Gases	See section 105.6.8 IFC
Liquids	See section 105.6.16 IFC
Solids	100 pounds
Highly toxic materials	
Gases	See section 105.6.8 IFC
Liquids	Any Amount
Solids	Any Amount
Oxidizing materials	
Gases	See section 105.6.8 IFC
Liquids	
Class 4	Any Amount
Class 3	I gallon[a]
Class 2	10 gallons
Class I	55 gallons
Solids	
Class 4	Any Amount
Class 3	10 pounds[b]
Class 2	100 pounds
Class I	500 pounds
Organic peroxides	
Liquids	
Class I	Any Amount
Class II	Any Amount
Class III	I gallon
Class IV	2 gallons
Class V	No Permit Required
Solids	
Class I	Any Amount
Class II	Any Amount
Class III	10 pounds
Class IV	20 pounds
Class V	No Permit Required
Pyrophoric materials	
Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount
Toxic materials	
Gases	See section 105.6.8 IFC
Liquids	10 gallons
Solids	100 pounds

Unstable (reactive) materials	
Liquids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	5 gallons
Class I	10 gallons
Solids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	50 pounds
Class I	100 pounds
Water-reactive materials	
Liquids	
Class 3	Any Amount
Class 2	5 gallons
Class I	55 gallons
Solids	
Class 3	Any Amount
Class 2	50 pounds
Class I	500 pounds

For SI: I gallon = 3.785 L. I pound = 0.454 kg.

(a) 20 gallons when IFC Table 2703.1.1(1) Note k applies and with hazard identification signs in accordance with section 2703.5 IFC for quantities of 20 gallons or less.

(b) 200 pounds when IFC Table 2703.1.1(1) Note k applies and with hazard identification signs in accordance with section 2703.5 of the IFC for quantities of 200 pounds or less.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.280 Hazardous production materials facilities (IFC 105.6.21).

An operational permit is required to store, handle or use hazardous production materials.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.282 High-piled storage (IFC 105.6.22).

An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m2).

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.284 Hot work operations (IFC 105.6.23).

(1) An operational permit is required for hot work including, but not limited to:

(a) Public exhibitions and demonstrations where hot work is conducted.

(b) Use of portable hot work equipment inside a structure. Exception: Work that is conducted under a construction permit.

(c) Fixed-site hot work equipment such as welding booths.

(d) Hot work conducted within a wildfire risk area.

(e) Application of roof coverings with the use of an open-flame device.

(2) When approved, the fire marshal may issue a permit to carry out a hot work program. This permit allows the applicant's approved personnel to regulate the facility's hot work operations. The approved personnel shall only include the applicant's employees or hot work operations under the applicant's supervision. Approved personnel shall be trained in the fire safety aspects denoted in this chapter and they shall be responsible for compliance with the requirements found in chapter 26 of the IFC.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.286 Industrial ovens (IFC 105.6.24).

An operational permit is required for operation of industrial ovens regulated by chapter 21 of the IFC.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.288 Lumber yards and woodworking plants (IFC 105.6.25).

An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft3) (236 m3).

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.290 Liquid- or gas-fueled vehicles or equipment in assembly buildings (IFC 105.6.26).

An operational permit is required to display, operate or demonstrate liquid-or gas-fueled vehicles or equipment in assembly buildings.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.292 Liquid petroleum- gas (IFC 105-6-27).

An operational permit is required for:

(1) Storage and use of LP-gas except a permit is not required for individual containers with a 500-gallon (1,893 L) water capacity or less serving occupancies in Group R-3.

(2) Operation of cargo tankers that transport LP-gas.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.294 Magnesium (IFC 105.6.28).

An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.296 Miscellaneous combustible storage (IFC 105.6.29).

An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m3) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.298 Open burning (105.6.29).

An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Open fires are prohibited at county landfill sites.

Exception: Recreational fires.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.300 Open flames and torches (IFC 105.6.31).

An operational permit is required to remove paint with a torch or to use a torch or open-flame device in a wildfire risk area.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.302 Open flames and candles (IFC 105.6.32).

An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.304 Organic coatings (IFC 105.6.33).

An operational permit is required for any organic-coating manufacturing operation producing more than I gallon (4 L) of an organic coating in one day.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.306 Places of assembly (IFC 105.6.34).

An operational permit is required to operate a place of assembly.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.308 Private fire hydrants (IFC 105.6.35).

An operational permit is required for the removal from service, use or operation of private fire hydrants.

Exception: A permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.310 Pyrotechnic special effects material (IFC 105.6.36).

An operational permit is required for use and handling of pyrotechnic special effects material.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.312 Pyroxylin plastics (IFC 105.6.37).

An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.314 Refrigeration equipment (105.6.38).

An operational permit is required to operate a mechanical refrigeration unit or system regulated by chapter 6 of the IFC.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.316 Repair garages and motor fuel-dispensing facilities (IFC 105.6.39).

An operational permit is required for operation of repair garages and automotive, marine and fleet motor fuel-dispensing facilities.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.318 Rooftop heliports. (IFC 105.6.40) (IFC 105.6.40).

An operational permit is required for the operation of a rooftop heliport.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.320 Spraying or dipping (IFC 105.6.41).

An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by chapter 15 of the IFC.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.322 Storage of scrap tires and tire byproducts (IFC 105.6.42).

An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceed 2,500 cubic feet (71 m3) of total volume of scrap tires and for indoor storage of tires and tire byproducts.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.324 Temporary membrane structures, tents and canopies (IFC 105.6.43).

An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of 400 square feet (37 m2).

Exceptions:

(1) Tents used exclusively for recreational camping purposes.

(2) Tents open on all sides which comply with all of the following:

(a) Individual tents having a maximum size of 700 square feet (65 m2).

(b) The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3,658 mm) shall not exceed 700 square feet (65 m2) total.

(c) A minimum clearance of 12 feet (3,658 mm) to structures and other tents shall be provided.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.326 Tire-rebuilding plants (IFC 105.6.44).

An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.328 Waste handling (IFC 105.6.45).

An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.330 Wood products (IFC 105.6.46).

An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m3).

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.332 Required construction permits (IFC 105.7).

The fire marshal is authorized to issue construction permits for work as set forth in SCC 30.53A.334 through 30.53A.358.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.334 Automatic fire-extinguishing systems (IFC 105.7.1).

A construction permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with the fire code is not considered a modification and does not require a permit.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.336 Battery systems (IFC 105.7.2).

A permit is required to install stationary storage battery systems having a liquid capacity of more than 50 gallons (189 L).

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.338 Compressed gases (IFC 105.7.3).

When the compressed gases in use or storage exceed the amounts listed in Table 30.53A.252, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.

Exceptions:

(1) Routine maintenance.

(2) For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.339 Cryogenic fluids (IFC 105.7.4).

A construction permit is required for installation of or an alteration to outdoor stationary cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 30.53A.252. Maintenance performed in accordance with the fire code is not considered a modification and does not require a construction permit.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.340 Fire alarm and detection systems and related equipment (IFC 105.7.5).

A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with the fire code is not considered a modification and does not require a permit.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.342 Fire pumps and related equipment (IFC 105.7.6).

A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. Maintenance performed in accordance with the fire code is not considered a modification and does not require a permit.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.344 Flammable and combustible liquids (IFC 105.7.7).

A construction permit is required:

(1) To install, repair or modify a pipeline for the transportation of flammable or combustible liquids.

(2) To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

(3) To install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.346 Hazardous materials (IFC 105.7.8).

A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by chapter 27 of the IFC when the hazardous materials in use or storage exceed the amounts listed in Table 30.53A.278.

Exceptions:

(1) Routine maintenance.

(2) Emergency repair work for which an application for permit is made within two working days of commencement of work.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.348 Industrial ovens (IFC 105.7.9).

A construction permit is required for installation of industrial ovens covered by chapter 21 of the IFC.

Exceptions:

(1) Routine maintenance.

(2) For repair work for which an application for permit is made within two working days of commencement of work.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.350 Liquid petroleum gas systems (IFC 105.7.10).

A construction permit is required for installation of or modification to a liquid petroleum gas system.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.352 Private fire hydrants (IFC 105.7.11).

A construction permit is required for the installation or modification of private fire hydrants.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.354 Spraying or dipping (IFC 105.7.12).

A construction permit is required to install or modify a spray room, dip tank or booth.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.356 Standpipe systems (IFC 105.7.13).

A construction permit is required for the installation, modification, or removal from service of a standpipe system. Maintenance performed in accordance with the fire code is not considered a modification and does not require a permit.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.358 Temporary membrane structures, tents and canopies (IFC 105.7.14).

A construction permit is required to erect an air-supported temporary membrane structure or a tent having an area in excess of 400 square feet (37 m2).

Exceptions:

(1) Tents used exclusively for recreational camping purposes.

(2) Funeral tents and curtains or extensions attached thereto, when used for funeral services.

(3) Tents and awnings open on all sides which comply with all of the

following:

(a) Individual tents shall have a maximum size of 700 square feet (65 m2).

(b) The aggregate area of multiple tents placed side by side without a fire

break clearance of not less than 12 feet (3,658 mm) shall not exceed 700 square feet (65m2) total.

(c) A minimum clearance of 12 feet (3,658 mm) to structures and other tents

shall be maintained.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.360 Inspection authority (IFC 106.1).

The fire marshal is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with SCC 30.53A.146 and 30.53A.148 for the purpose of enforcing the fire code.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.361 Inspections (IFC 106.2).

(1) The fire marshal is authorized to conduct inspections on buildings and premises, including such other hazards or appliances designated by the fire marshal for

the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the fire code and of any other law or standard affecting fire safety as deemed necessary to determine the extent of compliance with the provisions of the fire code.

(2) The fire marshal is authorized to approve inspection reports by approved agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such approved agency or by the responsible individual.

(3) The fire marshal is authorized to engage additional expert opinion as deemed necessary by the director to report upon unusual, detailed or complex technical issues.

(4) There shall be a fire inspection annually or as often as deemed necessary by the fire marshal for the purpose of renewing certificates of occupancy for all buildings or structures in groups A, B, E (with more than 6

persons), F, H, I, M, R-1, R-2, R-4, S, and U, occupancies. An inspection fee shall be charged in accordance with SCC 30.86.430 for each inspection required.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; amended by Ord. 08-140, Feb. 18, 2009, Eff date Mar 9, 2009)

30.53A.362 Inspection requests (IFC 106.2.1).

It shall be the duty of the holder of the permit or their duly authorized agent to notify the fire marshal when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by the fire code.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.363 Approval required (IFC 106.2.2).

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the fire marshal. The fire marshal, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with the fire code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the fire marshal.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.364 Concealed work (IFC 106.3).

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the fire marshal shall have the authority to require that such work be exposed for inspection. Neither the fire marshal nor the county shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.366 Approvals (IFC 106.4).

Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of the SCC. Inspections presuming to give authority to violate or cancel provisions of the fire code or the SCC shall not be valid.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.368 Maintenance of safeguards (IFC 107.1).

Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of the fire code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with the fire code and applicable referenced standards.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.370 Testing and operation (IFC 107.2).

Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in the fire code.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.372 Test and inspection records (IFC 107.2.1).

Required test and inspection records shall be available to the fire marshal at all times or such records as the fire marshal designates shall be filed with the fire marshal.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.374 Re-inspection and testing (IFC 107.2.2).

Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with the fire code. The work or installation shall then be resubmitted to the fire marshal for inspection and testing.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.376 Supervision (IFC 107.3).

Maintenance and testing of any device, equipment, system, condition, arrangement, level of protection or other feature shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with the fire code.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.378 Rendering equipment inoperable (IFC 107.4).

Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.380 Owner/occupant responsibilities (IFC 107.5).

Correction and abatement of violations of the fire code related to maintenance shall be the responsibility of the property owner. If an occupant creates, or allows to be created, hazardous conditions in violation of the fire code, the property owner, operator, or other person responsible for the condition or violation shall be held responsible for the abatement of such hazardous conditions.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.382 Overcrowding (IFC 107.6).

Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire marshal, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.388 Unlawful acts and violations (IFC 109.1).

It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by the fire code, or cause same to be done, in conflict with or in violation of any of the provisions of the fire code. Any person violating any provision of this chapter shall be subject to enforcement action pursuant to the fire code and chapter 30.85 SCC.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.390 Warning notice and enforcement (IFC 109.2).

When the fire marshal finds a building, premises, vehicle, storage facility or outdoor area that is in violation of the fire code, the fire marshal is authorized to issue a warning notice or to initiate enforcement action in accordance with the procedures of chapter 30.85 SCC.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.53A.392 Service (IFC 109.2.1).

Warning notices and enforcement actions shall be served in accordance with the requirements in SCC 30.85.080 and 30.85.250.

(Added by Ord. 08-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.53A.394 Compliance with notice of violation(IFC 109.2.2)

A warning notice and notice of violation issued or served as provided by the fire code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.53A.396 Prosecution of violations (IFC 109.2.3).

Prosecution of a violation shall be subject to the provisions in chapter 30.85 SCC. The fire marshal may refer such violations, as necessary, to the prosecuting attorney to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful

occupancy of the structure in violation of the provisions of the fire code or of the order pursuant to this chapter and chapter 30.85 SCC.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.53A.398 Unauthorized tampering (IFC 109.2.4).

Signs, tags or seals posted or affixed by the fire marshal shall not be mutilated, destroyed or tampered with or removed without authorization from the fire marshal.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.400 Violation penalties (IFC 109.3).

Persons who violate a provision of the fire code or fail to comply with any of the requirements thereof or who erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire marshal, or of a permit or certificate used under provisions of the fire code, shall be subject to penalties as prescribed by law and chapter 30.85 SCC.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.402 Abatement of violation (IFC 109.3.1).

The fire marshal is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises. The abatement procedures in SCC 30.85.320 shall apply.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.404 Unsafe buildings – general (IFC 110.1).

If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and imminent threat to human life, safety or health, the fire marshal shall coordinate with the code enforcement staff to issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building official for any repairs, alterations, remodeling, removing or demolition required.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.406 Unsafe buildings - unsafe conditions (IFC 110.1.1).

Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by section 311 of the IFC shall be deemed unsafe.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.408 Unsafe buildings - structural hazards (IFC 110.1.2).

When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by the fire code, the fire marshal shall immediately notify the building code official in accordance with SCC 30.53A.404.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.410 Unsafe buildings - evacuation (IFC 110.2).

The fire marshal or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the fire marshal or the fire department official in charge of the incident.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.412 Unsafe buildings - summary abatement (IFC 110.3).

Where conditions exist that are deemed hazardous to life and property, the fire marshal or fire department official in charge of the incident is authorized to summarily abate such hazardous conditions that are in violation of this chapter.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.414 Unsafe buildings - abatement (IFC 110.4).

The owner, operator, or occupant of a building or premises deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.416 Stop work order (IFC 111.1).

Whenever the fire marshal finds any work regulated by the fire code being performed in a manner contrary to the provisions of the fire code or in a dangerous or unsafe manner, the fire marshal is authorized to issue a stop work order.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.418 Issuance of stop work order (IFC 111.2).

Stop work orders shall be issued pursuant to SCC 30.85.230.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.53A.420 – Emergency order (IFC 111.3).

The fire marshal is authorized to issue an emergency order pursuant to SCC 30.85.240.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.53A.422 Failure to comply with stop work or emergency order (IFC 111.4).

Any person who shall continue any work after having been served with a stop work order or emergency order except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to additional enforcement action prescribed in SCC 30.85.090 and SCC 30.85.130.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.53A.430 Authority to disconnect service utilities (IFC 112.1).

The fire marshal shall have the authority to authorize disconnection of utility service to the building, structure, or system in order to safely execute emergency operations or to eliminate an immediate hazard. The fire marshal shall notify the service utility and, whenever possible, the owner and occupant of the building, structure or service system of decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.440 Fees (IFC 113.1).

A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.442 Schedule of permit fees (IFC 113.2).

A fee for each permit shall be paid as required, in accordance with the schedule established by the county.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.444 Work commencing before permit issuance (IFC 113.3).

Any person who commences any work, activity or operation regulated by the fire code before obtaining the necessary permits shall be subject to an additional fee established by the applicable governing authority, which shall be in addition to the required permit fees.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.446 Related fees (IFC 113.4).

The payment of the fee for the construction, alteration, removal or demolition of the work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant of holder of the permit from the payment of other fees that are prescribed by law.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.448 Refunds (IFC 113.5).

The applicable governing authority is authorized to establish a refund policy.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

PARTS 500 - 600 Additions and amendments to the IFC

30.53A.500 Section 202 Definitions – amended.

Section 202 of the IFC is amended to add or amend the following definitions:

(1) A definition of "CHIEF" is added as to read:

"CHIEF" means the Snohomish County Fire Marshal or fire code official.

(2) The definition of "CHIEF OF POLICE or POLICE DEPARTMENT" is added to read:

"CHIEF OF POLICE or POLICE DEPARTMENT" means the Snohomish County Sheriff or Snohomish County Sheriff's Office.

(3) A definition of "COMMERCIAL OCCUPANCY" is added to read:

"COMMERCIAL OCCUPANCY" means groups A, B, E, F, H, I, M, R-1, R-2, R-4, S, and U (if a certificate of occupancy is issued by the building official) occupancies as defined in section 202 of the IFC.

(4) A definition of "FIRE DEPARTMENT DISTRICT" is added to read:

"FIRE DEPARTMENT DISTRICT" means the fire district responsible for fire protection in the area.

(5) A definition of "FIRE DEPARTMENT CONNECTION" is added to read:

"FIRE DEPARTMENT CONNECTION (FDC)" means that interface on a standpipe or sprinkler system where a fire hose hooks up to the sprinkler system or standpipe.

(6) A definition of "FIRE FLOW" is added to read:

"FIRE FLOW" means the rate of water delivery needed for the sole purpose of fighting fires. The fire flow volume shall be in addition to the requirements of the water system for domestic demand, and a 20 psi residual pressure should be maintained throughout the system under combined maximum demand flow conditions.

(7) A definition of "FIRE HYDRANT" is added to read:

"FIRE HYDRANT" means a mechanical device which is self draining, frost free, and is constructed to provide the required fire flow for the area serviced.

(8) A definition of "PRIVATE FIRE HYDRANT" is added to read:

"PRIVATE FIRE HYDRANT" means a fire hydrant which is situated and maintained so as to provide water for fire fighting purposes with restrictions as to its use or accessibility by the public.

(9) A definition of "PUBLIC HYDRANT" is added to read:

"PUBLIC HYDRANT" means a fire hydrant which is dedicated or otherwise permanently appropriated to the public for public use.

(10) A definition of "PUBLIC WATER SYSTEM" is added to read:

"PUBLIC WATER SYSTEM" means any system or water supply intended to be used for human consumption or other domestic uses, including, but not limited to sources, treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, or is made available to the public for human consumption or domestic use, excluding water systems serving a single family residence, water systems existing prior to September 21, 1977, which are owner operated and serve less than ten single family residences, and water systems serving no more than one industrial plant.

(11) A definition of "WATER PURVEYOR" is added to read:

"WATER PURVEYOR" means a federal, state, or county agency, or city, town, municipal, corporation, firm, company, association, corporation, partnership, district, institution, person or persons, owning or operating a public or private water system.

(12) A definition of "WATER MAIN" is added to read:

"WATER MAIN" means the piping used or which may be used to deliver domestic or industrial water and/or fire flows intended for fire protection in amounts prescribed in this chapter, and excludes storage facilities, hydrants, and service connections.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.502 Open burning definitions – added.

Section 302 of the IFC is amended to add the following definitions:

"OPEN BURNING" means the burning of natural vegetation in an outdoor location and categorized as residential for the purposes of permit issuance.

"OPEN BURNING - RESIDENTIAL" means the outdoor burning of leaves, clippings, prunings and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.504 Open burning – amended (IFC 307.1.1).

Section 307.1.1 of the IFC is amended to read:

(1) Open fires are prohibited at all county operated landfill sites, and all county personnel are directed to take necessary steps to prevent and extinguish such fires.

(2) Where open burning permits have been issued by the fire marshal, open burning shall be suspended when a burn ban by the Puget Sound Clean Air Agency (PSCAA) is issued and shall not be resumed until the burn ban is lifted.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.506 Group A occupancies – amended (IFC 308.3.7).

A new exception is added to section 308.3.7 of the IFC to read:

(4) Where approved by the fire marshal when minimum IFC performance standards are met.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.510 Definitions – amended (IFC 502).

Section 502 of the IFC is amended as follows:

(1) A definition of "FIRE LANE" is added to read:

"FIRE LANE (FIRE APPARATUS ACCESS ROAD)" means any road or driving surface whether public or private that is maintained in accordance with locally adopted street, road and access standards.

(2) The definition of "FIRE DEPARTMENT" is deleted, and the following definition is

added:

"FIRE DEPARTMENT" means the office of the county fire marshal.

(3) A definition of "TURNAROUND" is added to read:

"TURNAROUND" shall mean a cul-de-sac having a driving surface with a minimum 40-foot outside radii.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.512 Fire apparatus access roads – replaced (IFC 503).

Section 503 of the IFC is deleted in its entirety and replaced as follows:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with sections 503.1.1 through 503.1.3.

503.1.1 Buildings and facilities. Fire apparatus access roads shall be provided in accordance with sections 501 and 503 of the IFC for every facility, building or portion of a building hereafter constructed or moved into or within the county when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus access as measured by an approved route around the exterior of the building or facility. See also section 504 of the IFC for personnel access to buildings. When access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades or other similar conditions, the fire marshal is authorized to require alternative fire protection.

Exceptions:

1. When buildings are completely protected with an approved automatic fire sprinkler system installed in accordance with chapter 30.52G SCC, the fire apparatus access road requirements may be modified by the fire marshal.

2. When there are no more than two dwelling units, or Group U Occupancies, the requirements of sections 503.1.1 and 503.2 of the IFC may be modified by the fire marshal.

503.1.2 Additional access. More than one fire apparatus road shall be provided when it is determined by the fire marshal that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. For high-piled combustible storage, section 2306.6 of the IFC applies. For required access during construction, alteration or demolition of a building, section 1410.1 of the IFC applies.

503.1.3 High piled storage. Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of chapter 23 of the IFC.

503.2 Specifications. Fire apparatus roads shall be installed and arranged in accordance with sections 503.2.1 through 503.2.8, as modified by this chapter.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of 13 feet and 6 inches (4115 mm).

503.2.2 Authority. Vertical clearances of 13 feet and 6 inches in height or widths of 20’ shall be increased when, in the opinion of the fire marshal, vertical clearances or widths are not adequate to provide fire apparatus access.

503.2.3 Surface. All fire apparatus access roadways shall be constructed of either gravel, asphalt or some other all-weather surface capable of supporting vehicles consistent with Engineering Design and Development Standards (EDDS).

503.2.4 Turning Radius. Turns, bends, or sweeps in fire apparatus access roadways shall be designed at not less than twenty-foot inside-turning radii nor less than forty-foot outside-turning radius.

503.2.5 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with a turnaround unless a modification is granted by the fire marshal. Dead-end fire apparatus access roads that exceed 1,200 feet in length shall be provided with intermediate turnarounds to provide adequate fire apparatus turn-around or the fire marshal is authorized to require additional fire protection.

503.2.6 Bridges. When a bridge is required to be used as part of a fire apparatus access road, it shall be constructed and maintained in accordance with the department of public works engineering design and development standards adopted by the county. The bridge shall be designed to carry an AASHTO (American Association of State Highway and Traffic Officials) HS 25-44 live load or greater that is sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the fire marshal.

503.2.7 Grade. The gradient for a fire apparatus access road shall not exceed 15 percent. Cul-de-sac bulb grades shall not exceed six percent.

503.3. Marking. Where required by the fire marshal, approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE shall be provided for fire apparatus roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean or legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles.

503.5 Required gates or barricade. The fire marshal is authorized to require the installation and maintenance of gates or other approved barricades across fire apparatus access roads, trails or other accessways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

503.5.1 Entrances secured by gates or barriers. Entrances to roads, trails or other access way which have been closed with gates and barriers in accordance with section 503.5 of the IFC shall not be obstructed by parked vehicle.

503.6 Gates accessing residential developments. Gates installed in a residential community shall be equipped with a strobe activation device unless the local fire district does not have the capability to activate such device and another device is approved by the local fire district. Minimum gate width opening shall be 20 feet. The gate is required to open automatically with the approach of emergency vehicles. In the event of a loss of power, the gate shall open automatically and remain in the open position until power is restored. The gate shall remain in the open position until such time that the power is restored.

Exemption: 2 or fewer dwelling units as approved by the local fire district.

503.7 Split entries to plats, short plats and single-family detached units (SFDU). Split entries into plats, short plats and SFDUs shall be allowed where each aisle (lane) is at least 14 feet in width.

503.8 Cul-de-sac Planters. Planters may be installed in cul-de-sacs when the outside radius of the cul-de-sac is a minimum of 50 feet and the inside radius is a minimum of 25 feet.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 2, 2011, Eff date Aug. 18, 2011)

30.53A.513 Address identification – replaced.

Section 505.1 of the IFC is deleted in its entirety and replaced as follows:

(1) New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. Address numbers shall meet the following requirements:

(a) Contrast with their background;

(b) Arabic numerals or alphabetical letters;

(c) Sized pursuant to Table 30.53A.513(1), except the minimum size for commercial occupancies is six inches; and

(d) Minimum stroke width of 0.5 inch (12.7 mm).

(2) Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

Table 30.53A.513(1) Address Numbering Size Table

Distance From Road (in feet)	Minimum Size (in inches)
0-50	4
51-100	6
101-150	8
151-200	10
201-300	12
301 and up	18

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.53A.514 Fire protection water supply – replaced.

Section 507.1 of the IFC is deleted in its entirety and replaced as follows:

(1) The minimum water supply requirements contained in this section shall apply to land use and construction permit actions subject to this title, or to any other existing or future code provision in which compliance with the fire code is specifically required. Water mains and fire hydrants shall meet the required minimum standards for water mains and fire hydrants. These requirements shall apply to land use and construction permit actions subject to this title, or to any other existing or future code provision in which compliance with the fire code is specifically required.

(2) In administering these requirements, the fire marshal or the fire marshal's designee shall have the authority to impose conditions on permits issued under this title where necessary to mitigate fire hazards.

(3) A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. Required water supply for fire protection shall include:

(a) An approved water supply capable of supplying the required water flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdictions

(b) All land upon which buildings or portions of buildings are or may be constructed, erected, enlarged, altered, repaired, moved into the jurisdiction, or improved, shall be served by a water supply designed to meet the required fire flow for fire protection as set out in appendix B of the IFC, except that fire flow requirements for rural areas outside of an Urban Growth Area shall be reduced by 25 percent. Fire flow requirements for structures with a supervised fire alarm system connected to an Underwriters Laboratory, Inc. approved fire alarm center may be reduced by an additional 25 percent.

(c) Prior to final approval of any subdivision or short subdivision, written verification by the water purveyor of actual fire flow, calculated in accordance with appendix B of the IFC, shall be provided to the fire marshal for review and approval.

Exemptions: Except as provided in IFC section 508.1, the following permits and approvals are exempt from the water supply and fire hydrant requirements of this chapter:

(1) Subdivisions and short subdivisions in which all lots have a lot area of 43,560 square feet (one acre) or more in size;

(2) Building permits for structures classified by the building code as Group U occupancies (agricultural buildings, private garages; carports and sheds) that are restricted to private residential use only, provided that riding arenas or other agricultural type structures used or accessed by the public shall not be exempt;

(3) A building permit for a single family detached dwelling, duplex, or mobile

home to be placed on a lot with a lot area of 43,560 square feet (one acre) or more in size; and

(4) Mobile home permits for mobile homes in established mobile home parks.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.515 Type of water supply – deleted (IFC 507.2).

Section 508.2 of the IFC is deleted in its entirety.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.516 Fire hydrant spacing – added (IFC C105 of Appendix C).

A new paragraph is added to C105 of Appendix C of the IFC to read as follows:

(1) Fire hydrant locations shall be determined by the fire marshal, in coordination with the water purveyor, and pursuant to the requirements of Appendix C of the IFC subject to the following exceptions:

(a) Fire hydrants serving single family dwellings or duplexes shall have a maximum lateral spacing of 600 feet with no lot or parcel in excess of 300 feet from a fire hydrant; and

(b) Where the buildings are protected by an approved automatic sprinkler system, the spacing requirements may be modified, if in the opinion of the fire marshal or his designee, the level of fire protection is not reduced.

(2) For dead-end streets or roads the fire marshal may make adjustments to the lateral spacing requirements to facilitate locating the hydrant at or near the street intersection and hydrants shall be located at, or near street intersections whenever possible.

(3) All hydrants shall be accessible to the fire department by roadways or accesses meeting the requirements of section 503 of the IFC.

(4) When hydrants cannot be installed in conformance with the spacing requirements of this chapter, the fire marshal shall confer with the water purveyor and provide for alternate locations as allowed by the fire code.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.518 Hydrant systems – where required – amended (IFC 507.5.1).

Section 507.5.1 of the IFC is amended to read:

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 150 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided, where required by the fire marshal.

Exceptions:

(1) For Group R-3 and Group U occupancies, the distance requirements shall be 300 feet.

(2) For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with chapter 30.52G SCC, the distance requirement shall be 300 feet.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007) ; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011

30.53A.520 Inspection, testing and maintenance requirements – replaced. (IFC 507.5.2)

Section 507.5.2 of the IFC is deleted in its entirety and replaced as follows:

Fire hydrant systems shall be subject to periodic tests as required by the fire marshal. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards. The standards contained in this section apply to all new hydrant installations and to replacement of existing hydrants on public water systems that are required by the IFC to provide fire flow.

(1) The installation of all fire hydrants shall be in accordance with sound engineering practices and supplied by mains as prescribed by this chapter. Hydrants shall be installed, tested and charged prior to the start of construction, unless otherwise approved by the fire marshal.

(2) Approval of fire hydrant types must be obtained prior to installation from the water purveyor, or the fire marshal in the absence of a water purveyor.

(3) All elements of fire hydrant installation including water mains, pipes, valves, and related components shall conform to the fire code, National Fire Protection Association (NFPA) Standard 24 2007 edition, and American Water Works Association (AWWA) Standard C502-94.

(4) Standard hydrants shall have not less than five-inch main valve openings (MVO) with two two-and-one-half inch National Hose (N.H.) outlet ports and one four-and-one-half inch N.H. outlet port. When two port hydrants are replaced, they shall be replaced with three port hydrants.

(5) "Storz" type steamer port fittings shall be provided on new hydrants when required by the local fire district.

(6) Hydrants shall stand plumb and be set to the finished grade. The bottom of the lowest outlet of the hydrant shall be no less than 18 inches above the grade. There shall be a 36-inch radius of clear area about the hydrant for the operation of a hydrant wrench on the outlets and the control valve. The pumper port shall face the street, or where the street cannot be clearly identified, the port shall face the most likely route of approach of the fire truck while pumping, as determined by the fire marshal. The hydrant shall be installed within 15 feet of the street or access roadway.

(7) Hydrants shall be a minimum of 50 feet from a commercial structure to be served and no further than 100 feet from a fire department connection (FDC) if present.

(8) The hydrant lateral shall be designed to deliver the required fire flow.

(9) Hydrants shall not be obstructed by structures, fences, the parking of vehicles, or vegetation. Hydrant visibility shall not be impaired within a distance of 75 feet in any direction of vehicular approach to the hydrant.

(10) Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall be in accordance with approved standards. Fire hydrant systems shall be subject to such periodic tests as required by the fire marshal.

(11) When any portion of the facility or building protected is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the fire marshal.

(12) The fire district may, in accordance with an agreement with the water purveyor, test hydrants for flow capability.

(13) For all new hydrant installations, either public or private, the developer shall color code the tops of the hydrant(s) to designate the level of service being provided by that hydrant. Color coding for existing and new hydrants shall be in accordance with SCC Table 30.53A.520(13).

Table 30.53A.520(13)
HYDRANT COLOR CODES

Color Code for Hydrant	Level of Service
Light Blue	1,500 GPM or greater
Green	1,000 to 1,499 GPM
Orange	500 to 999 GPM
Red	Less than 500 GPM
Black	For drafting use only (hard suction/steamer port)
White	Cross on top of hydrant for filling tankers only

(14) For all new hydrant installations, either public or private, the developer shall install blue street reflectors to indicate hydrant locations. Installation of blue street reflectors shall be completed prior to final approval of any development or new construction.

(15) Maintenance of public hydrants shall be the responsibility of the recognized water purveyor. Private fire service hydrants and mains shall be protected and maintained by the owners in accordance with NFPA Pamphlet #24.

(16) The water purveyor shall submit documentation to the fire marshal indicating which entity is responsible for proper installation, operation and maintenance of fire protection facilities associated with public water systems. The statement shall also indicate which fire district or utility is responsible for repair and maintenance of fire hydrants in unincorporated Snohomish County.

(17) Vehicles shall not be parked within 15 feet of a fire hydrant, or fire department connection, or a fire protection system control valve.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.522 Water main specifications - added (IFC 507.5.3).

A new paragraph is added to section 507.5.3 IFC to read as follows:

The following requirements shall apply to all water main construction:

(1) Diameter. New or replaced water mains providing fire flow shall be a minimum of 6 inches in diameter and be designed to deliver fire flow required by the fire code. All dead end water mains in excess of 50 feet which provide fire flow shall be a minimum 8 inches in diameter.

(2) Future replacement. When existing water mains are replaced, replacement mains shall be sized to meet minimum fire flow requirements.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.524 Definitions - amended (IFC 602).

A new definition is added to section 602 of the IFC to read as follows:

"POWER TAP" means a device listed by an approved testing laboratory for indoor use consisting of an attachment plug on one end of a flexible cord and two or more receptacles on the opposite end, and has overcurrent protection.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.526 - Restricted occupancies - amended (IFC 806.1.1).

Natural cut trees shall be prohibited in the following occupancies:

(1) Group I; and

(2) R-2 occupancies providing licensed care to clients in one of categories listed in IBC section 310.1 licensed by Washington state.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.528 -General requirements for decorative materials - amended (IFC 807.1).

The first paragraph of section 807.1 of the IFC is amended to read:

In occupancies of Groups A, B, E, I and R-1 and dormitories in Group R-2, curtains, draperies, hangings and other decorative materials suspended from walls or ceilings shall meet flame propagation performance criteria of NFPA 701 in accordance with section 806.2 of the IFC or be non-combustible.

Exceptions:

1.Curtains, draperies, hangings and other decorative materials suspended from walls of sleeping units and dwelling units in dormitories in Group R-2 protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1 and such materials are limited to not more than 50 percent of the aggregate area of walls.

2. Decorative materials, including, but not limited to, photographs and paintings in dormitories in Group R-2 where such materials are of limited quantities such that a hazard of fire development of spread is not present.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Eff date Aug. 18, 2011)

30.53A.530 Fire watch - amended (IFC 1404.5).

Section 1404.5 of the IFC is amended to read:

When required by the fire marshal for building construction or demolition that is hazardous in nature, qualified personnel shall be provided to serve as an on-site fire watch. Fire watch personnel shall be provided with at least one approved means for notification of the fire department and their sole duty shall be to perform constant patrols and watch for the occurrence of fire.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.532 General safety precautions - amended (IFC 2703.9).

Section 2703.9 of the IFC is amended to read:

General safety precautions. General precautions for the safe storage, handling or care of hazardous materials shall be in accordance with sections 2703.9.1 through 2703.9.10 of the IFC.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.534 Safety cans (IFC 2703.9.10).

Safety Cans. Safety cans shall be listed in accordance with UL 30 when used to increase the maximum allowable quantities per control area of flammable or combustible liquids in accordance with Table 2703.1.1(1). Safety cans listed in accordance with UL 1313 are allowed for flammable and combustible liquids when not used to increase the maximum allowable quantities per control area and for other hazardous material liquids in accordance with the listing.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.536 Permit required - deleted (IFC 3301.2).

Section 3301.2 of the IFC is deleted in its entirety.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

PART 700 Fireworks Administration

30.53A.700 Fireworks - administration and enforcement.

(1) The provisions of part 700 provide for the administration and enforcement of a fireworks permit system in accordance with chapter 70.77 RCW, and for rules and regulations promulgated thereunder in the interest of the public health, safety, and welfare. If necessary, the fire marshal shall promulgate rules related to the fireworks regulations pursuant to chapter 30.82 SCC.

(2) These requirements shall be administered and enforced by the Office of the Snohomish County Fire Marshal which shall adopt reasonable rules and regulations for doing such. The fire marshal may coordinate with the code enforcement staff of the department to process code enforcement cases.

(3) The definitions of terms contained in RCW 70.77.120 through RCW 70.77.241 are applicable to those terms used in chapter 30.53A SCC part 700.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.702 Permit required.

(1) No person, without an appropriate permit issued under the requirements of part 700 of this chapter, may:

(a) Manufacture, import, possess, or sell any fireworks at wholesale or retail for any use;

(b) Make a public display of fireworks;

(c) Transport fireworks, except as a public carrier delivering to a permittee; or

(d) Discharge special fireworks at any place, except that, no permit is required for the possession or use of common fireworks lawfully purchased at retail.

(2) Any person denied issuance of a fireworks permit may appeal the decision in accordance with the appeal provisions of chapter 30.71 SCC.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.704 Fireworks permit - application.

(1) Application for a fireworks permit shall be made to the fire marshal on forms provided by the fire marshal. All fireworks display applications shall be made at least 10 days prior to the date of display. All common retail sales permit applications shall be made by May 31st of each year. No application may be acted upon until complete nor shall the same be considered complete unless accompanied by copies of all permits, insurance policies or bonds required by chapter 70.77 RCW, and permit fees prescribed by SCC 30.86.430.

(2) The application must be signed by the applicant whenever the applicant is a person defined by RCW 70.77.190, except that an individual, an authorized principal or lawful officer shall sign the application and provide a principal's or an agent's name and street address upon whom lawful process of service may be made.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.706 Fireworks permit - grant or deny.

The fire marshal shall investigate all matters which may aid in determining whether to grant or deny any fireworks permit, except that a fireworks storage permit shall not be granted until prior written approval of the local fire district official has been obtained for any proposed storage area and/or facility.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.710 Retailers of fireworks - sales locations.

Retail fireworks shall only be sold within the following structures:

(1) Roadside stands and tents;

(2) Buildings used for no purpose other than the retail sale of fireworks; or

(3) Buildings that have been approved by the fire marshal when the fireworks are displayed such that members of the general public cannot handle them.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.712 Retailers of fireworks.

It is a violation of this chapter for a person to perform any of the following activities

under an issued retail sale permit:

(1) Sell common fireworks within this county except as provided in SCC 30.53A.710;

(2) Employ any person under 16 years of age for the purpose of selling or handling common fireworks;

(3) Sell or transfer any common fireworks to a consumer or user other than at a fixed place of business for which a permit has been obtained; or

(4) Engage in any other fireworks activity covered under this chapter without obtaining a proper permit.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.714 Retailer of fireworks - signage, closure, and extinguishers.

(1) Approved "No Smoking Within 25 Feet" signs shall be posted at conspicuous locations designated by the local inspection authority. Each sign shall have the words "No Smoking" in red letters at least two inches in height on a white background. Metal signs may be used in locations exposed to the weather, but all signs shall be maintained in a legible condition.

(2) Each retail fireworks location shall have at least two water-type extinguishers of at least two and one half gallon capacity or alternate equipment deemed equivalent by the office of the fire marshal.

(3) During the hours that a fireworks stand or location is not open for business, it shall be closed and locked unless all fireworks have been removed.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.716 Unsold retail stocks of fireworks.

It is a violation of this chapter for any person to sell stocks of fireworks remaining unsold after the lawful period of sale as provided in the permit. Unsold retail stocks of fireworks remaining after the authorized sales period from 12:00 noon on June 28 to 12:00 noon on July 5 each calendar year shall be returned on or before July 31 of that same calendar year to an approved storage facility of a licensed fireworks wholesaler, or to a magazine or storage place approved by the fire marshal.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.718 Public display - general.

It is a violation of this chapter for any person to:

(1) Conduct a public display of fireworks that is of a character and so located, discharged or fired that it is hazardous or dangerous to persons or property;

(2) Conduct a public display of fireworks without a licensed pyrotechnic operator supervising the handling of the special fireworks;

(3) Employ a person under 21 years of age to handle or assist in any manner in the detonation of any special fireworks; or

(4) Engage in any other fireworks activity covered under this chapter without obtaining the proper permit.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.720 Public display - disposal of unfired fireworks.

Any fireworks that remain unfired after a public display is concluded shall be immediately disposed of by a safe method that is appropriate for the each type of remaining fireworks.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.53A.722 Common fireworks - retail sale or discharge.

Except as otherwise provided by law, no common fireworks shall be sold at retail except from 12:00 noon on June 28 to 12:00 noon on July 5th each year. No common fireworks shall be discharged except from 9:00 a.m. to 11:59 p.m. on the 4th day of July of each year. No common fireworks may be sold at retail or discharged between the hours of 11:00 p.m. and 9:00 a.m. except as allowed otherwise in this section.

(Added Ord. 07-087, Sept. 5, 2007, Eff date Sept. 21, 2007)

PART 800 Special Event Permits

30.53A.800 Permit required.

(1) Any person desiring to conduct or sponsor a special event or erect temporary tents or structures for a special event on public or private property, shall first obtain a special event permit, except a permit shall not be required for any special event with 49 or less participants or where no temporary tents or structures shall be erected.

(2) Any and all other state, federal, and/or local permits required to operate the special event must be obtained prior to operation. If any portion of the special event will take place within a county right-of-way, a right-of-way use permit may be required from the department of public works.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.53A.810 Permit – application.

An application for a special event shall be made at least 30 business days prior to the event; provided, that applications submitted less than 30 business days prior to the event may be accepted if the department finds that there is adequate time to properly process the request.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.820 Permit – inspection and routing.

(1) Inspections, insurance and routing for special event permits shall be pursuant to Table 30.53A.820 SCC. Political and religious public events as defined under state law do not require routing and insurance.

Table 30.53A.820
Inspection, Insurance and Routing

Special Event Type	Number of Participants	Inspection required	Routing Required	Insurance Required
Private	50 or more	Yes	No	No
Public	50-99	Yes	No	No
Public	100 or more	Yes	Yes	Yes

(2) Applications for special events that require routing pursuant to Table 30.53A.820 SCC shall be sent to the following departments for review:

(a) Department of Public Works;
(b) Risk Management (if insurance is required);
(c) Sheriff;
(d) Snohomish County Health District; and
(e) Snohomish County Parks and Recreation (when the event is held property owned by the county).

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.825 Permit – indemnity and insurance.

(1) The applicant shall agree that if the permit is granted, the following indemnity agreement applies to a public special event:

> The applicant shall agree that if the permit is granted, the following indemnity agreement applies to the event. The applicant shall assume the risk of all damage, loss, cost and expense and agrees to defend, hold harmless and indemnify the county and its elected and appointed officials, officers and employees from and against any and all liability which may accrue to or be sustained by Snohomish County except for the sole negligence and willful misconduct of Snohomish County and its employees.

(2) When required by Table 30.53A.820 SCC, a certificate of comprehensive general liability insurance shall be filed with the county licensing authority prior to the issuance of the permit which names Snohomish County, its officers and employees, as an additional insured party with respect to activities in connection with this permit for no less than $1,000,000 per occurrence. The county risk manager or designee shall approve the certificate and may impose other insurance requirements, as deemed necessary by the county risk manager.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.830 Permit - decision.

(1) The fire marshal shall approve the special event permit once the application has been reviewed by the appropriate departments, and the applicant has agreed in writing to comply with the terms and conditions of the permit including the indemnity agreement in SCC 30.53A.825(1):

(2) The fire marshal shall approve, conditionally approve, or deny an application based on the recommendations of the departments or agencies listed in SCC 30.53A.820(2).

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.835 Permit - expiration.

The permit shall be valid for the duration of the event and expires at the conclusion of the event.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.53A.840 Permit - fees.

A permit fee shall be filed with the application pursuant to SCC 30.86.430.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

Chapter 30.53B
UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

30.53B.010 The Uniform Code for the Abatement of Dangerous Buildings, 1997 edition adopted.

The Uniform Code for the Abatement of Dangerous Buildings, 1997 edition, published by the International Conference of Building Officials, except as expressly amended by the county, is incorporated and made a part of this chapter by reference, and is adopted as the Uniform Code for the Abatement of Dangerous Buildings of Snohomish County, with the exception of the following chapters which are neither adopted nor incorporated into this chapter: Chapter 5; Chapter 6; Chapter 7; Chapter 8; and Chapter 9. One copy shall be placed on file with the Snohomish County Auditor and one copy shall be placed on file with the Sno-Isle Regional Library System.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.53B.020 Section 203 paragraph added - violations and penalties.

A new paragraph is added to section 203 as follows:

Any person violating any of the provisions of this code shall be subject to enforcement action pursuant to chapter 30.85 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.53B.030 Subsections 401.2 - 401.5 and 402 deleted and new subsection 401.2 added - notice and order.

Subsections 401.2, 401.3, 401.4, 401.5 and 402 are deleted in their entirety and a new subsection 401.2 is added to read:

Notice and order procedures as provided in chapter 30.85 SCC shall apply.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.53B.040 Section 403 amended - repair, vacation, and demolition.

The first paragraph of section 403 is amended to read as follows:

The following standards shall be followed by the Building Official in ordering the repair, vacation or demolition of any dangerous building or structure:

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.53B.050 Subsection 404.1 amended - posting.

The first paragraph of subsection 404.1 is amended to read as follows:

Every notice to vacate shall be posted at or upon each exit of the building and shall be in substantially the following form:

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.53B.060 Subsection 404.2 amended - compliance.

Subsection 404.2 is amended to read as follows:

Whenever such notice is posted, the Building Official shall include a notification reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy has been issued pursuant to the provisions of SCC 30.52A.130.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.53C
UNIFORM HOUSING CODE

30.53C.010 Uniform Housing Code adopted.

The Uniform Housing Code, 1997 edition, published by the International Conference of Building Officials, except as expressly amended by the county, is incorporated and made a part of this chapter by reference and is adopted as the Uniform Housing Code of Snohomish County. One copy shall be placed on file with the Snohomish County Auditor and one copy shall be placed on file with the Sno-Isle Regional Library System.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.53C.020 Words and phrases changed.

Whenever the following words appear in the Uniform Housing Code, they are changed and shall mean as follows:

(1) "Apartment" whenever used in the chapter shall include condominium apartment.
(2) "Chief of the fire department" means the fire marshal of Snohomish County.
(3) "Health officer" means the director of the Snohomish Health District.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.53C.030 Section 103, third paragraph, amended.

The third paragraph, section 103, is amended to read:

Every condominium or building converted into a condominium, rooming house, and lodging house shall comply with the requirements of this code for dwellings.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.53C.035 Section 203, new sentence added.

A new sentence is added to section 203 to read as follows:

The board of appeals shall operate under the provisions of chapter 30.50 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.53C.040 Section 204 amended - violations and penalties.

The last sentence of section 204 is amended to read:

Any person violating any provisions of this chapter shall be subject to enforcement action pursuant to chapter 30.85 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.54A
MOBILE HOME AND COMMERCIAL COACH PERMITS

30.54A.010 Code adopted.

Only those portions of chapter 296-150 WAC that pertain to the installation and set-up of mobile homes and commercial coaches are incorporated and made a part of this chapter by reference. For mobile home parks see chapter 30.42E SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.54A.020 Mobile home permit.

It shall hereafter be unlawful for any person to move, or locate or thereafter maintain, occupy or inhabit a mobile home on any lot, tract, parcel, or space in a mobile home park (as defined in chapter 30.91M SCC) in the county unless first a mobile home permit has been issued therefore, approval granted thereunder, final inspection and occupancy approval given, and the mobile home bears such insignia of approval as is required by federal, Washington state or Snohomish County law. The mobile home permit application shall conform to the submittal requirements established by the department pursuant to SCC 30.70.030.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.54A.030 Administration.

The building official is hereby empowered to issue all permits authorized hereunder. Application for a permit shall be made to the department. A permit shall be issued for the placement of the mobile home on a specific site when:

(1) the fee has been paid pursuant to SCC 30.86.440; and

(2) the mobile home will comply with pertinent laws and ordinances relating to sewage disposal and to land use zoning. The building official shall have such duties of inspection and approval as are appropriate to accomplish the purpose of this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.54A.040 Flood hazard zone.

An application for a permit to locate a mobile home within a flood hazard zone shall be processed in accordance with the provisions of chapter 30.43C SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.54A.050 Inspection approval.

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

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

(b) That it is located in an area zoned therefore and is so positioned upon the site as to meet applicable yard

or building setback requirements for the zone in which located;

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

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

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

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

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

(a) During construction of a building for which a valid building permit has been issued and maintained;

(b) As a temporary office caretaker quarters at a construction site; or

(c) In compliance with express permission of a variance, conditional use permit, or other zoning control; then the occupancy period permitted upon temporary approval may be increased to the time requested by the applicant but not more than either:

(i) one year; or

(ii) that period permitted by applicable variance, conditional use permit or other zoning control; provided that if the permit holder at the time of application submitted a performance in the amount of $500.00, with the condition that the applicant shall promptly remove the mobile home at the expiration of the time period or upon the earlier lapse of the qualifying permit. The performance security shall be administered in accordance with chapter 30.84 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.54A.060 Violations and penalties.

Any person violating any provision of this chapter shall be subject to enforcement action pursuant to chapter 30.85 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.61
ENVIRONMENTAL REVIEW (SEPA)

30.61.005 Legislative objectives.

(1) In order to carry out the objectives set out in chapter 43.21C RCW, the county shall use all practicable means consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(a) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(b) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(c) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(d) Preserve important historic, cultural, and natural aspects of our national heritage;

(e) Maintain wherever possible, an environment which supports diversity and variety of individual choice;

(f) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(g) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(2) The county recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.010 Purpose and applicability.

The purpose of this chapter is to establish the process for environmental review pursuant to chapter 43.21C RCW, the State Environmental Policy Act (SEPA). The requirements of this chapter are applicable to all actions as defined by the SEPA rules (chapter 197-11 of the Washington Administrative Code (WAC)) of the county and its departments, officers, boards, commissions, and councils.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.020 SEPA rules - adoption by reference.

This section adopts, by reference, the SEPA rules as set forth in chapter 197-11 WAC as now existing or hereafter amended and as supplemented by this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.030 Use of exemptions.

(1) Each department that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, the procedural requirements of this chapter shall not apply. The county shall not require completion of an environmental checklist for an exempt action.

(2) In determining whether or not a proposal is exempt, the department shall make certain the proposal is

properly defined (WAC 197-11-060) and shall identify the governmental licenses required. If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

(3) If a proposal includes both exempt and nonexempt actions, the county may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:

(a) The county shall not give authorization for:

(i) any nonexempt action;

(ii) any action that would have an adverse environmental impact; or

(iii) any action that would limit the choice of reasonable alternatives;

(b) A department may withhold approval of an exempt action linked to a nonexempt action that would lead to modification of the physical environment, when such modification would have no purpose if nonexempt action(s) were not approved; and

(c) A department may withhold approval of exempt actions linked to a nonexempt action that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.035 Exemption thresholds for minor new construction.

(1) In accordance with WAC 197-11-800(1)(c), the exempt levels for minor new construction are as follows:

(a) The construction or location of any residential structures of 20 dwelling units or less;

(b) The construction of agricultural structures referenced in WAC 197-11-800(1)(b)(ii) covering 30,000 square feet or less;

(c) The construction of an office, school, commercial, recreational, service, or storage buildings in WAC 197-11-800(1)(b)(iii) of 12,000 square feet or less and associated parking facilities designed for 40 or fewer automobiles, if the project site is:

(i) zoned for commercial use;

(ii) designated for commercial use by the comprehensive plan; and

(iii) served by public water and sanitary sewer;

(d) The construction of a parking lot designed for 40 or fewer parking spaces; and

(e) Any landfill or excavation of 500 cubic yards or less throughout the total lifetime of the fill or excavation.

(2) The exempt levels established in SCC 30.61.035(1) are based upon local conditions.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 03-034, May 7, 2003, Eff date May 19, 2003)

30.61.040 Lead agency.

(1) Lead agency responsibilities. The lead agency shall be the only agency responsible for complying with the threshold determination procedures, the supervision or actual preparation and circulation of draft and final environmental impact statements (EISs), and the conduct of any public hearings required by the SEPA rules.

(2) Lead agency determination.

(a) Any department receiving or initiating a nonexempt proposal, shall determine the lead agency for that proposal pursuant to the criteria set forth under WAC 197-11-050 and WAC 197-11-922 through WAC 197-11-940, unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency. To make the lead agency (and lead department) determination, such acting department must determine to the best of its ability the other agencies (and departments) with jurisdiction over the proposal. This can be done by requesting information from a private

applicant and through consultation with the department.

(i) if the acting department determines that the county is the lead agency, it shall additionally determine the lead department for the proposal in accordance with SCC 30.61.045. If the lead department is not the acting department, the acting department shall transmit to the lead department the application it received together with the completed environmental checklist and its lead agency and lead department determination and explanation therefore. If not disputed pursuant to SCC 30.61.045(2), the lead department shall immediately mail a copy of the lead agency determination and explanation thereof to all other agencies with jurisdiction. The lead department shall then proceed to the threshold determination procedures in WAC 197-11-300 through WAC 197-11-390. If another agency with jurisdiction objects to the lead agency determination, and the dispute cannot be resolved by agreement, such agency may within 15 days of receipt of the determination, petition the department of ecology for a lead agency determination pursuant to WAC 197-11-946.

(ii) if the acting department determines that another agency is the lead agency, it shall mail to the lead agency a copy of the application it received, together with the completed environmental checklist and its determination of lead agency and explanations therefore. If the agency receiving this determination does not agree that it is the lead agency, and the dispute cannot be resolved by agreement, the department of ecology shall be petitioned for a lead agency determination pursuant to WAC 197-11-946.

(b) Upon receipt by the county of a lead agency determination for a proposal from another agency, the determination shall immediately be transmitted to the lead department for such proposal if the county was determined to be the lead agency or to departments with jurisdiction over the proposal if another agency was determined to be the lead agency. In the event that such determination is inconsistent with the criteria of WAC 197-11-922 through 197-11-940, the county or lead department may object thereto. Any such objection must be made and resolved within 15 days of receipt of the determination, or the county must petition the department of ecology for a lead agency determination pursuant to WAC 197-11-946 within the 15-day time period. Any such petition shall be initiated by the county executive.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.045 Lead department.

(1) Lead department responsibilities. The lead department shall be responsible for undertaking lead agency duties where the county is the lead agency.

(2) Procedure. The lead department shall be determined for projects for which the county is the lead agency in accordance with the criteria of this chapter. Interdepartmental disputes over the application of such criteria, which cannot be settled by agreement, shall be determined by the county executive. In addition, the county executive upon request therefore may waive the criteria and designate a special lead department for a proposal where strict application of such criteria would result in interdepartmental budgetary or manpower inequities.

(3) Governmental proposals - project. The lead department for all proposals for governmental action of a project nature shall be the department which would have primary administrative responsibility for such action.

(4) Governmental proposals - non-project. The lead department for all proposals for governmental action of a non-project nature shall be the department initiating the proposal.

(5) Private projects.

(a) For proposed private projects over which only one department has jurisdiction, the lead department shall be the department with jurisdiction.

(b) For private projects which require licenses from more than one department, the lead department shall be one of the departments with jurisdiction, based upon the following order of priority:

(i) the department;

(ii) department of public works;

(iii) auditor;

(iv) county council; and

(v) other departments.

(c) The "responsible official" for purposes of receiving a notice of intent to commence a judicial appeal is the clerk of the county council.

(6) Agreements as to lead department status. Nothing herein shall prohibit a department from assuming the role of lead department as a result of an agreement among all departments with jurisdiction.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.055 Designation of responsible officials and consultation.

(1) The responsible official shall be designated as follows:

(a) For those proposals for which the county is the lead agency, the responsible official shall be the director of the lead department as determined in SCC 30.61.045.

(b) For all proposals for which the county is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any EIS, and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that are adopted by reference in this title.

(2) The department shall be responsible for the preparation of written comments for the county in response to a consultation request prior to a threshold determination, participation in scoping, or reviewing a draft EIS. All consultation requests shall be forwarded to the department who shall distribute them to appropriate departments with expertise or jurisdiction for their timely preparation of written responses.

(3) Departments when responding to consultation requests from a lead agency through the department pursuant to SCC 30.61.055(1)(b), or from a lead department where the county is the lead agency, shall provide to the director or lead department in writing such responsive data, comments, information, test results, and other material which it possesses relevant to its area of jurisdiction or expertise.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.057 Completeness determination.

(1) The following information is necessary for a complete application and the completion of adequate environmental review, and shall be submitted by the applicant at the time of permit application submittal:

(a) A signed and completed environmental checklist, including written responses to all questions; and

(b) Supporting documentation, including any additional information necessary to comprehensively disclose and evaluate whether the proposal is likely to have significant adverse environmental impacts.

(2) The information required in subsection (1)(a) of this section shall also be included as part of the information necessary for a complete application pursuant to SCC 30.70.040.

(3) A SEPA completeness determination shall be consolidated with the completeness determination for the underlying project permit application and shall be subject to the provisions of SCC 30.70.040.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.060 Time limits.

The following time limits (expressed in calendar days) shall apply to the SEPA process for all project permit applications.

(1) Categorical exemptions. A determination that a project is categorically exempt shall be made within 28 days of the date of application submittal.

(2) Threshold determinations.

(a) Threshold determinations made for proposed actions subject to the time periods established for project

permit review in SCC 30.70.110, shall be made as early as possible in the permit review process as is necessary to meet permit review time limitations specified in SCC 30.70.110, and for Type 2 project permit applications, on or before day 49 of the 120-day permit review period. If a proposal is substantially revised and/or altered so as to require the county to conduct a complete re-evaluation of proposal impacts in conjunction with a substantial project redesign, the revised proposal shall be processed as a new application for the purposes of meeting the review time period requirements of this chapter and SCC 30.70.040.

(b) No threshold determination for a Type 1 or Type 2 project permit application, shall be issued until the expiration of the public comment period established for the notice of application pursuant to SCC 30.70.060 except for a determination of significance.

(3) EIS preparation. The time period necessary for EIS preparation will vary on a case-by-case basis and is dependent upon the nature of the proposed action, and the number and complexity of the environmental elements to be included in the document. The time period for preparing an EIS shall be consistent with the time period specified by the department pursuant to SCC 30.70.110, or consistent with time periods mutually agreed to by the lead department and project applicant.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.065 Additional timing considerations.

(1) A DNS or final EIS for a proposal shall accompany the report of the applicable department pursuant to SCC 30.72.040 and 30.73.040.

(2) If the county's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the county conduct environmental review prior to submission of the detailed plans and specifications. The lead department may conduct the environmental review if the proposal's impacts upon the environment can be reliably identified without the submittal of detailed plans.

(3) For nonexempt proposals where the county is the lead agency and also the project proponent, the review required under this chapter may be conducted prior to submitting a project permit application.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.070 Expiration of all applications subject to SEPA.

(1) If the responsible official determines that the information initially supplied is not reasonably sufficient to evaluate the environmental impacts of the proposal and make a threshold determination, further information may be required of the applicant in conformance with WAC 197-11-100 and WAC 197-11-335. The requirement of SCC 30.70.140 shall also apply.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.100 Environmental checklist.

(1) A completed environmental checklist, in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted; except that a checklist is not needed if the county and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The county shall use the environmental checklist to determine the lead agency and, if the county is the lead agency, for determining the responsible official and for making the threshold determination.

(2) For private proposals, the county will require the applicant to complete the environmental checklist, providing assistance as necessary. For county proposals, the department initiating the proposal shall complete

the environmental checklist for that proposal.

(3) The county may complete all or part of the environmental checklist for a private project if either of the following occurs:

(a) The county has technical information on a question that is unavailable to the private applicant; or

(b) The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.110 Public notice.

(1) The county shall give public notice of the issuance of a DNS, a determination of significance (DS), a draft EIS, and a draft supplemental EIS for site specific project actions by posting, publishing, and mailing as provided in SCC 30.70.045, except that when the optional DNS process of WAC 197-11-355 is used, notice shall be given by mailing a copy of the DNS to the department of ecology, agencies with jurisdiction, persons who commented, and any person who requests a copy. Notice of environmental documents for nonproject actions, including but not limited to, comprehensive plan adoption and amendments, and development regulation adoptions and amendments shall be given by publication pursuant to SCC 30.70.045(2).

(2) Whenever a DS is issued under WAC 197-11-360(3), the scoping procedures for the proposal shall be included as required in WAC 197-11-408.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 03-068, July 9, 2003, Eff date July 28, 2003)

30.61.112 Environmental review of building or land disturbing activity permit subsequent to environmental review of land use proposal.

Environmental review of a land use proposal should include all environmental impacts of the proposal known at the time of review, including environmental impacts for subsequent permits required for the same proposal. The applicable department must adopt the environmental documents used in the environmental review for the land use proposal for environmental review of subsequent permits required for the same proposal unchanged unless:

(1) Another agency with jurisdiction is dissatisfied with the environmental documents, in which case it must assume lead agency status;

(2) There are substantial changes to the proposal such that the proposal is likely to have significant adverse environmental impacts that were not previously considered; or

(3) There is new information indicating the proposal's probable significant adverse environmental impacts that was not previously considered in the environmental review for the land use proposal.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.61.115 Early notice of whether a determination of significance is likely.

(1) An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:

(a) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

(b) Precede the county's actual threshold determination for the proposal.

(2) The responsible official shall respond to the request for early notice within 60 days of receipt of a

complete application. The response shall:

(a) State whether the county currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that are leading the county to consider a DS; and

(b) State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

(3) The county may assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.120 Mitigated determination of nonsignificance (MDNS).

(1) As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

(2) When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the county shall base its threshold determination on the changed or clarified proposal and shall make the determination within the time periods established for making a threshold determination in SCC 30.61.060.

(a) If the county indicated specific mitigation measures which would remove all probable significant adverse environmental impacts in its response to the request for early notice pursuant to SCC 30.61.115, and the applicant changed or clarified the proposal to include those specific mitigation measures, the county shall issue and circulate an MDNS under WAC 197-11-350(2).

(b) If the county indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the county shall make the threshold determination, issuing a DNS or DS as appropriate.

(c) The applicant's proposed mitigation measures (clarifications, changes, or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.

(d) Mitigation measures which justify issuance of an MDNS may be incorporated in the DNS by reference to agency staff reports, studies, or other documents.

(3) An MDNS issued under WAC 197-11-350(2) requires a 14-day comment period and public notice.

(4) Mitigation measures incorporated in the MDNS shall be conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit.

(5) A decision maker or a reviewing body on an appeal shall not be bound by the designation of mitigation measures contained in an MDNS and may change the mitigation measures or impose additional conditions of approval as authorized by law. If at any time the proposed mitigation measures are withdrawn or substantially changed, the responsible official shall make a new threshold determination and, if necessary may withdraw the MDNS and issue a DS.

(6) The county's written response under SCC 30.61.115 shall not be construed as a DS. In addition, preliminary discussion of clarifications or changes to a proposal shall not bind the county to issue an MDNS.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.122 State Environmental Policy Act (SEPA) requirements relating to stormwater management.

SEPA review shall include consideration of the specific probable adverse environmental impacts of a development activity with regard to on-site and off-site changes to stormwater volume, release rate, erosion, sedimentation, stream channel stability and water quality. When the director determines that the requirements of chapters 30.43C, 30.43D, 30.44, 30.62, 30.62A, 30.62B, 30.62C, 30.63A, 30.63B, 30.63C, 30.64, 30.65 and

30.67 SCC ensure that the development activity will not result in any probable significant adverse environmental impacts, compliance with those requirements shall constitute adequate analysis and mitigation of the specific significant probable adverse environmental impacts of the development activity with regard to on-site and off-site changes to stormwater volume, release rate, erosion, sedimentation, stream channel stability and water quality, as provided by RCW 43.21C.240.
(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended byAmended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.61.130 EIS preparation.

(1) The content of a draft or final EIS prepared pursuant to this chapter is determined by and the responsibility of the responsible official. EISs are to be prepared in a responsible manner and with appropriate methodologies; they are to be objective and unbiased; they are to be done in a timely and economical manner; and they must avoid a conflict of interest or the appearance of a conflict of interest.

(2) A draft or final EIS for a county proposal will be prepared by the county or an approved consultant, as determined by and under the supervision of the responsible official. A draft or final EIS for a private project will be prepared by an approved consultant, as determined by and under the supervision of the responsible official.

(3) The preparation of a draft or final EIS for a private project is subject to the following:

(a) Upon issuance of a determination of significance, the responsible official shall notify the applicant of the county's procedure for EIS preparation;

(b) The applicant shall present its proposed consultant (or consultant team) for EIS preparation, selected from the county roster of approved consultants, to the responsible official. The responsible official shall approve or reject the proposed consultant. Any selected consultant may not have acted as an advocate for the applicant in seeking to demonstrate to the responsible official that the project does not require an EIS;

(c) The applicant, in consultation with the county, shall prepare a contract with the consultant or consulting team for consultant services. The scope of work for the contract shall be subject to county review, comment and approval; provided however, that any contract prepared pursuant to this chapter shall require the consultant to produce a document which allows the average reader to understand the significant and material information concerning the proposed action, impacts and alternatives, and that maintains a neutral and objective position in relation to the proposal. Such contract shall also specify that consultants who participate in preparing a county-directed EIS are considered an agent for the county in achieving an adequate document; that when adequacy of an EIS is challenged the consultant shall continue in its capacity as an agent for the county; and the consultant shall not act as an advocate for the project in any circumstances, including all SEPA appeals;

(d) The responsible official shall oversee and direct the consultant's preparation of a draft or final EIS, including but not limited to: advice regarding areas of research and the organization of the draft and final EIS, and requirements regarding appropriate scientific methodology;

(e) The responsible official shall permit the applicant to participate in the preparation of a draft or final EIS, including but not limited to providing relevant project information and data for any area covered by the draft or final EIS. Preliminary drafts of the EIS or sections of the EIS prepared by consultants shall be submitted directly to the responsible official for review. A concurrent submittal may be made to the applicant. Consultant communication with the applicant outside the presence of county staff is limited to factual matters. No discussion of preliminary environmental analysis or conclusions is allowed without written authorization by the responsible official. If the applicant fails or refuses to provide adequate information or data required for preparation of the document, including adequate response to comments on a draft EIS, the responsible official may refuse to further process or consider the application until such information or data is provided, or until the application has expired pursuant to the county code provisions for the underlying project permit application, whichever is first; and

(f) The applicant shall bear and secure all consultant and county costs incurred in the preparation of a draft

or final EIS, including associated studies as determined by the responsible official. The applicant shall pay all costs prior to issuance of a final EIS. The applicant's obligation to pay for costs shall not be affected by the expiration of the application or if the application is not otherwise approved.

(4) The director is authorized to develop administrative guidelines and procedures to interpret and implement this section, including but not limited to, a form consultation contract, a system for collection of money from the applicant and distribution to the consultant for services rendered, requirements for requests for qualifications to establish a consultant roster, timelines for completion of a draft or final EIS, and an outline for EIS format and requirements for EIS content.

(5) This section shall not apply to projects for which a determination of significance has been issued and a consultant has been selected before July 16, 2000.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.140 EIS public hearing.

(1) Whenever a public hearing on the environmental impact of a proposed project action is required pursuant to WAC 197-11-535(2), and the county is the lead agency for the proposal, the hearing examiner shall preside at the hearing, and representatives from departments with jurisdiction shall attend.

(2) When a public hearing or meeting is conducted by the county for the proposed non-project action, the hearing or meeting may be used to satisfy the requirements of WAC 197-11-535(2).

(3) Notice of a public hearing conducted pursuant to this section shall be given at least 14 days prior to the hearing as follows:

(a) For project actions, in the manner specified in SCC 30.70.050; and

(b) For non-project actions, in the official county newspaper.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.150 No action for seven days after publication.

The county shall not act on a proposal for which an EIS has been required prior to seven days following the issuance of the final EIS.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.200 Authority to condition.

(1) The county may attach conditions to a permit or approval for a proposal. The conditions shall be related to specific adverse environmental impacts clearly identified in an environmental document on the proposal and shall be stated in writing by the decision maker. The decision maker shall cite the county SEPA policy that is the basis of any condition under this chapter. A written document shall state the mitigation measures, if any, that will be implemented as a part of the decision, including any monitoring of environmental impacts. The document may be the permit or approval itself, or may be combined with other agency documents, or may reference relevant portions of environmental documents.

(2) The mitigation measures included in the conditions shall be reasonable and capable of being accomplished.

(3) Responsibility for implementing mitigation measures may be imposed upon an applicant only to the extent attributable to the identified adverse impacts of the proposal. Voluntary additional mitigation may occur.

(4) The county, before requiring mitigation measures, shall consider whether local, state, or federal requirements and enforcement would mitigate an identified significant impact.

(5) The conditions shall be based on one or more policies in SCC 30.61.230 and cited in the permit or

approval, or other decision document.

(6) If, during project review, the county determines under RCW 43.21C.240 that the requirements for environmental analysis, protection, and mitigation measures in the county's development regulations, comprehensive plan, or in other applicable local, state, or federal laws or rules, provide adequate analysis of and mitigation for the specific adverse environmental impacts of the project action, the county shall not impose additional mitigation under this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.210 Authority to deny.

The county may deny a permit or approval for a proposal on the basis of SEPA if the following are met:

(1) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this chapter;

(2) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

(3) The denial is based on one or more policies identified in SCC 30.61.230, and identified in writing in the decision document.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.220 Denial without EIS.

When denial of a non-county proposal can be based on grounds which are ascertainable without preparation of an environmental impact statement, the responsible official may deny the application and/or recommend denial thereof by other departments or agencies with jurisdiction without preparing an EIS in order to avoid incurring needless county and applicant expense, subject to the following:

(1) The proposal is one for which a DS has been issued or for which early notice of the likelihood of a DS has been given;

(2) Any such denial or recommendation of denial shall be supported by express written findings and conclusions of substantial conflict with adopted plans, ordinances, regulations or laws; and

(3) When considering a recommendation of denial made pursuant to this section, the decision-making body may take one of the following actions:

(a) Deny the application; or

(b) Find that there is reasonable doubt that the recommended grounds for denial are sufficient and remand the application to the responsible official for compliance with the procedural requirements of this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.230 SEPA policies.

The county designates and adopts by reference the following SEPA policies as currently adopted or hereafter amended as the basis for the county's exercise of authority pursuant to this chapter:

(1) The comprehensive plan;

(2) Shoreline management program;

(3) Unified development code, Title 30 SCC;

(4) Noise ordinance (chapter 10.01 SCC);

(5) SR-527 Traffic Impact Mitigation Policy; and

(6) The formally designated SEPA policies of other affected agencies or jurisdictions when there is an agreement with the affected agency or jurisdiction which specifically addresses impact identification,

documentation, and mitigation and which references the environmental policies formally designated by the agency or jurisdiction for the exercise of SEPA authority.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010; Amended byAmended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.61.300 SEPA appeals - general.

(1) An aggrieved party of record may file an appeal of a DNS, MDNS, DS, or the adequacy of a final EIS as set forth in this section and SCC 30.71.050.

(2) An appeal made pursuant to this section is processed as an appeal of a Type 1 decision in accordance with chapter 30.71 SCC, except as otherwise provided in this section.

(3) An appeal of a DNS, MDNS, or EIS adequacy associated with an underlying Type 1 decision shall be combined with appeal of the underlying Type 1 decision and considered together at a combined appeal hearing, except as provided in SCC 30.61.300(10).

(4) An appeal of a DNS, MDNS, or EIS adequacy associated with an underlying Type 2 application shall be considered at an appeal hearing that is combined with the open record hearing for the Type 2 application, except as provided in SCC 30.61.300(10).

(5) An appeal of a DNS, MDNS, or EIS adequacy associated with a commercial building or land disturbing activity permit not related to single family residential development shall be processed as an appeal of a Type 1 decision.

(6) An appeal of a DS associated with a project permit application shall be adjudicated prior to a decision on the project permit, and for a Type 2 application, prior to convening an open record hearing for the Type 2 application.

(7) There is no administrative appeal of a DNS, MDNS, DS, or EIS adequacy associated with a Type 3 or other legislative decision.

(8) Administrative appeals shall be limited to one review of a threshold determination and to one review of the adequacy of a final EIS. An appeal shall not be allowed following remand from an appeal under this chapter, except that an appeal challenging the adequacy of a final EIS shall be allowed if the adequacy of a final EIS was not the subject of the prior appeal.

(9) Appeals of intermediate steps under this chapter, including but not limited to, lead agency determination, scoping, and draft EIS adequacy shall not be allowed.

(10) Appeal of a DNS, MDNS, or EIS adequacy related to a Type 1 or Type 2 shoreline substantial development, shoreline variance and shoreline conditional use permit shall be submitted to the state shorelines hearings board together with appeal of the underlying permit.

(11) An appeal of the conditioning or denial of a proposal pursuant to RCW 43.21C.060 shall not be made to the county council as a separate appeal under this chapter but may be considered as part of an underlying permit appeal filed pursuant to SCC 30.72.070.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 03-068, July 9, 2003, Eff Date July 28, 2003; Amended by Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.61.305 Appeal of threshold determination-filing of affidavit or declaration.

(1) In addition to the requirements of chapter 30.71 SCC, any person filing an appeal of a threshold determination made pursuant to this chapter shall file with the hearing examiner, within seven days of filing the appeal, a sworn affidavit or declaration demonstrating facts and evidence, that, if proven, would demonstrate that the issuance of the threshold determination was clearly erroneous.

(2) The examiner shall summarily dismiss an appeal of a threshold determination pursuant to SCC

30.71.060 if the an appellant fails to file an affidavit or declaration pursuant to SCC 30.61.305(1), or if the examiner determines that the affidavit or declaration fails to demonstrate facts and evidence that, if proven, would demonstrate that the issuance of the threshold determination was clearly erroneous.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.307 Mandatory settlement conference.

The hearing examiner shall schedule a settlement conference including the applicable director, the appellant, and the applicant (if not the appellant) within seven days of receipt of an appeal.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.310 Standard of review and hearing procedure for SEPA appeals.

(1) An appeal of a DNS or an MDNS is reviewed under the clearly erroneous standard. Under the clearly erroneous standard, the hearing examiner may only overturn the decision of the responsible official if, after reviewing the entire record, the examiner is left with the definite and firm conviction that a mistake has been made.

(2) An appeal of an EIS adequacy determination is reviewed under the rule of reason standard. Under the rule of reason standard, the hearing examiner may only find the EIS inadequate if it fails to provide a reasonably thorough discussion of the significant aspects of the probable environmental consequences of the proposed action.

(3) In any appeal, the environmental determination made by the responsible official shall be entitled to substantial weight. The appellant shall have the burden of proof.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.61.330 Judicial review.

(1) No person may seek judicial review of environmental determinations made pursuant to this chapter unless the person has first appealed the environmental determinations using the procedures set forth in the preceding sections of this chapter, where applicable.

(2) Proceedings for judicial review shall be governed by RCW 43.21C.075(4), (5), (6), (7), (8), and (9) and 43.21C.080. Judicial review under this section shall without exception be of the county's final decision on the underlying application or proposal, together with its accompanying environmental determinations as required by RCW 43.21C.075(6)(c).

(3) The official notice required pursuant to the requirements of RCW 43.21C.075(5)(a), shall state the date and place for commencing an appeal.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.62
CRITICAL AREA REGULATIONS

Code reviser notes:

Section 4 of Ordinance No. 94-108 provides as follows: The department shall investigate the feasibility of developing programs pertaining to:
(1) Transfer of development rights, lot size averaging and other options for ensuring density and development potential;
(2) An open space program incorporating a habitat corridor network;
(3) Wetland mitigation banking;
(4) Fish habitat protection program adopted by council Motion 93-400;
(5) Management plans for lakes and ponds addressing fish and wildlife habitat and water quality issues;
(6) The future use of county watershed management plans approved pursuant to the GMA. Watershed management plans should be integrated into this chapter and should provide a means of supplementing or replacing certain provisions of this chapter with basin specific watershed management plan provisions;
(7) Exemptions for unintentionally created wetlands;
(8) Analysis of functional values at individual wetland level and at broader watershed level;
(9) Public education pertaining to the requirements and use of this chapter; and
(10) The county shall prepare an annual report on the impacts of chapter 30.62 SCC within two years of the adoption of Ordinance No. 94-108. The report will include, at least, average permitting time, costs of permits to the applicant, and the amount of land area set aside as critical areas, including buffers under chapter 30.62 SCC.

30.62.005 Incorporation by reference.

The county's regulations pertaining to aquifer recharge areas and frequently flooded areas, as defined in chapter 36.70A RCW, are contained in chapters 30.64 and 30.65 SCC, which are incorporated herein by this reference.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.010 Purpose and applicability.

(1) The purpose of this chapter is to designate critical areas by definition and regulate development activities in critical areas to safeguard the public health, safety, and welfare.

(2) Applicability. This chapter has been for the most part superseded by Chapters 30.62A and 30.62B SCC. However, due to the enactment of SSB 5248 (Chapter 353, Laws of 2007), this chapter, which was the law applicable to certain agricultural activities on May 1, 2007, must remain in place for those activities until July 1, 2010 unless otherwise repealed. Accordingly, this chapter applies only to the following:

(a) agricultural activities as defined in SCC 30.62.015(1); and

(b) that requires a permit, approval or authorization from the county or is proposed by a public agency;

(3) The objectives of this chapter are as follows:

(a) To protect unique, fragile, and important elements of the natural environment;

(b) To implement the Growth Management Act by designating, and adopting regulations for critical areas;

(c) To inform county residents of the hazards from, and importance of critical areas;

(d) To increase predictability regarding what can be developed on sites that contain, or are near critical areas;

(e) To reduce public costs resulting from inappropriate development activities on, or near critical areas;

(f) To protect the public from natural hazards;

(g) To minimize the need for emergency rescue services;

(h) To balance the private rights of individual property owners with the need to protect the public health, safety, and welfare and preserve environmentally sensitive areas;

(i) To prevent, or reduce the likelihood of damage to property and injury to persons resulting from development activities on or near critical areas;

(j) To assist property owners in developing their property in a manner which is consistent with

its natural constraints; and

(k) To provide clear procedures for review of applications and to provide the criteria for compliance with both the State Environmental Policy Act (SEPA), chapter 43.21C RCW, and chapter 30.61 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62.015 Definitions.

The definitions in this section apply to chapter 30.62 SCC only. Where conflicting definitions exist in chapter 30.91 SCC, the definitions in this section shall govern.

(1) "Agricultural activities" means agricultural uses and practices currently existing or legally allowed on rural land or agricultural land designated under RCW 36.70A.170 including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, when the replacement facility is no closer to a critical area than the original facility; and maintaining agricultural lands under production or cultivation.[Chapter 353, Section 2, Laws of 2007.]

(2) "Best management practices" means management measures that are reasonable and available that mitigate adverse impacts to surface and groundwater, and to the functions and values of critical areas. See also chapter 30.62 SCC.

(3) "Bog/fen system" means a wetland which accumulates organic soil, has little or no inflow and is characterized by acidophilic (acid loving/producing) vegetation such as sphagnum moss, Labrador tea and bog laurel.

(4) "Buffer" means an area adjacent to a critical area consisting of naturally occurring or re-established vegetation and having a width adequate to protect the critical area.

(5) "Critical area" means the following areas:

(a) Wetlands;

(b) fish and wildlife habitat conservation areas; and

(c) geologically hazardous areas.

(6) "Critical area study" means an investigation, report, map, study and/or evaluation which may be required to demonstrate that a proposed development activity is in compliance with this chapter. As applicable, a critical area study may be a habitat management plan or a geotechnical report.

(7) "Critical species" means all species listed by the state or federal government as endangered or threatened.

(8) "Easement" is a right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes. Where appropriate to the context, "easement" may also refer to the land covered by the grant. This may include access, pedestrian paths, bicycle paths, utility easements, drainage,

(9) "Erosion hazard areas" means those areas with naturally occurring slopes, containing soils which are at high risk from water erosion according to the mapped description units of the United States Department of Agriculture Soil Conservation Service Soil Classification System.

(10) "Estuarine wetland" means wetlands where salt tolerant plant species are dominant and the hydrology is influenced by tidal action. The wetlands are usually partially enclosed by land with open, or partially obstructed access to open saline water. In areas where freshwater wetlands grade into estuarine areas,

the boundary of the latter extends to an area where the salinity is less than 0.5 ppt (parts per thousand) during the period of average annual low flow.

(11) "Fish and wildlife habitat conservation areas" means:

(a) Streams and wetlands regulated under SCC 30.62.300 through SCC 30.62.360;

(b) Areas with which critical species listed as endangered or threatened under federal law have a primary association; and

(c) Saltwater-related habitat including kelp and eelgrass beds, shellfish areas, and herring and smelt spawning areas.

(12) "Functions and values" means those functions and values of a critical area or buffer which are highly beneficial to the maintenance of the aquatic system and surrounding environment. As used in this chapter, "functions and values" for wetlands, streams and buffers are limited to the following elements:

(a) Streams. Fish and wildlife habitat, water quality maintenance, water supply and water conveyance.

(b) Wetlands. Fish and wildlife habitat, water quality maintenance, pollution assimilation, shore stabilization, sediment retention, runoff and floodwater storage and conveyance, runoff control, stream baseflow maintenance, and groundwater discharge/recharge

(c) Buffers. Fish and wildlife habitat, runoff absorption, pollution assimilation, streambank stabilization, sediment entrapment, water quality maintenance, noise and visual screening, upland flood protection, recreation, and provision of nutrients and woody debris for streams.

(13) "Habitat enhancement" means improvement or restoration of habitat areas by adding, replacing or restoring important habitat components, or by removing detrimental elements.

(14) "Hydrologically connected" means those wetlands which have surface water connection to another wetland, stream, river, or lake.

(15) "Lake" means a naturally existing or artificially created body of standing water that:

(a) is present on a year-round basis;

(b) occurs in a depression of land or expanded part of a stream, including reservoirs;

(c) is greater than 6.6 feet (2 meters) in depth at the deepest point; and

(d) has less than 30% coverage by trees, shrubs, or persistent emergent vegetation.

A lake is bounded by the ordinary high water mark, or, where a stream enters the lake, the extension of the elevation of the lake's ordinary high water mark within the stream. For purposes of this title, "lake" does not include storm water retention or detention ponds, ornamental ponds, artificially created private fishing or recreational ponds less than 30,000 square feet in size, or farm ponds.

(16) "Landslide hazard areas" means areas potentially subject to mass earth movement based on a combination of geologic, topographic, and hydrologic factors, with a vertical height of 10 feet or more. These include the following:

(a) Areas of historic landslides as evidenced by landslide deposits, avalanche tracks, and areas susceptible to basal undercutting by streams, rivers or waves;

(b) Areas with slopes steeper than 15 percent which intersect geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock, and which contain springs or ground water seeps;

(c) Areas located in a canyon or an active alluvial fan, susceptible to inundation by debris flows or catastrophic flooding.

(17) "Mature forested wetland" means wetlands which are dominated by woody vegetation (such as alder, cedar, hemlock, cottonwood, and some willow species, etc.) that is over 20 feet tall, and at least 50 years old for deciduous trees and 80 years old for evergreens. (See also "wetland class.")

(18) "Native growth protection area (NGPA)" means an area which is to be left permanently undisturbed in a substantially natural state and in which no clearing, grading, filling, building construction or placement, or road construction of any kind is allowed except the following:

(a) Crossings for underground utility lines and drainage discharge swales which utilize the

shortest alignment possible and for which no alignment that would avoid such a crossing is feasible;

(b) Removal of hazardous trees by the property owner;

(c) Fences, only if the critical area and its buffer are not detrimentally affected; and

(d) Other uses and development activity as allowed by chapter 30.62 SCC; and

(e) In rural cluster subdivisions approved pursuant to chapter 30.41C SCC, buffer plantings as required by SCC 30.41C and passive recreational uses limited to nonmotorized trails, exercise pathways, and wildlife viewing areas.

(19) "Ordinary high-water mark" on all lakes, streams and tidal waters is the mark that will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, with respect to vegetation. The following criteria clarify this mark on tidal waters, lakes, and streams:

(a) Tidal waters.

(i) in high energy environments where the action of waves or currents is sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the line of vegetation. Where there is no vegetative cover for less than one hundred feet parallel to the shoreline, the ordinary high water mark is the average tidal elevation of the adjacent lines of vegetation. Where the ordinary high water mark cannot be found, it is the elevation of mean higher high tide.

(ii) in low energy environments where the action of waves and currents is not sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the landward limit of salt tolerant vegetation. "Salt tolerant vegetation" means vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand (ppt);

(b) Lakes. Where the ordinary high water mark cannot be found, it shall be the line of mean high water;

(c) Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs

(20) "Ordinary residential improvements" means those structures and facilities which are commonly found with, and are incidental to the development and use of a single-family residence and are located landward of the ordinary high water mark including, but not limited to, garages, decks, driveways and serving utility systems.

(21) "Primary association" means use of a habitat area by a critical species for rearing young, roosting, feeding, or foraging on a regular basis during the appropriate season.

(22) "Riparian wetlands" means those wetlands that are fully or partially contained within 100 feet of Type 1, 2 or 3 streams, within 25 feet of Type 4 streams, or within 10 feet of Type 5 streams according to the stream classification system in SCC 30.62. 300.

(23) "Seismic hazard areas" means areas that have been determined by the building official to have known or inferred faults, ground rupture potential, liquefaction potential, or seismically induced slope instability, where such information is provided to Snohomish County through any of the following means: geotechnical studies and reports prepared by licensed professionals pursuant to chapter 19.27 RCW or SCC 30.62.240; geotechnical studies and reports prepared by federal, state or local agencies; and geotechnical studies, reports or environmental impact statements prepared through the requirements of the State Environmental Policy Act (SEPA) chapter 43.21C RCW.

(24) "Site" means that portion of the subject property within 200 feet of the development activity provided, however, that for subdivisions, short subdivisions, planned residential developments, and projects with binding site plans, the "site" shall include the entire subject property.

(25) "Site review" means county inspection of a site where development activity has been proposed, including, but not limited to, examination and comparison of site conditions and erosion control with proposed

plans and applicable county codes, standards and administrative policies and procedures. A site review may include a critical area site plan review pursuant to chapter 30.62 SCC.

(26) "Stream" means those areas where naturally occurring surface waters flow sufficiently to produce a defined channel or bed which demonstrates clear evidence of the passage of water including, but not limited to, bedrock channels, gravel beds, sand and silt beds and defined-channel swales. The channel or bed need not contain water during the entire year. This definition does not include water courses which were created entirely by artificial means, such as irrigation ditches, canals, roadside ditches or storm or surface water run-off features, unless the artificially created water course contains salmonids or conveys a stream that was naturally occurring prior to the construction of the artificially created water course.

(27) "Subject property" means the entire lot or parcel, or contiguous combination thereof, on which a development activity is proposed.

(28) "Utility corridor" means areas identified for utility facility development, public right-of-way and other dedicated utility right-of-way.

(29) "Wetland class" means any of the wetland class designations described in Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al. 1979). Cowardin's deep water and wetland classes include: rock bottom, unconsolidated bottom, aquatic bed, reef, rocky shore, unconsolidated shore, emergent wetland, scrub-shrub wetland, forested wetland, stream-bed and moss-lichen wetland.

(30) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to swamps, marshes, bogs, and similar areas, as well as artificial wetlands intentionally created from non-wetland areas to mitigate for conversion of wetlands, as permitted by the county. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to irrigation and drainage ditches, grasslined or biofiltering swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscaping amenities.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009)

30.62.020 Compliance with other laws.

Nothing in this chapter shall be construed to excuse compliance with any federal, state, or local statute, ordinance or regulation applicable to the subject property or to the development activity, including any rules promulgated under the authority of this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.030 Relationship to chapter 30.61 SCC.

(1) Critical area protective measures required by this chapter shall also constitute adequate mitigation of adverse or significant adverse environmental impacts on critical areas for purposes of chapter 30.61 SCC.

(2) For purposes of environmental review pursuant to the SEPA, chapter 43.21C RCW, and chapter 30.61 SCC, this chapter shall not apply to development permit applications submitted to the department prior to the effective date of this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.040 Designation of critical areas.

The county has designated critical areas by defining their characteristics. There are no maps designating critical areas, except as otherwise indicated in this chapter. The applicant shall determine and the county shall verify,

on a case by case basis, in accordance with the definitions in chapter 30.91 SCC, whether a critical area exists and is regulated under this chapter on or in close enough proximity to the subject property that a habitat management plan, setback, or buffer would be required under this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.050 Pre-application conference encouraged.

When an applicant knows or suspects that critical areas are located on or near the subject property, the applicant is encouraged to contact the department prior to finalizing development plans and applying for development permits. To the extent of available resources and information, the department shall assist the applicant in determining how this chapter may affect development activities on the subject property. This preliminary review is advisory only and is not binding on the applicant or the county.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.055 Additional submittal requirements.

(1) For any development activity which is subject to this chapter, the applicant shall submit the following in addition to the information required pursuant to SCC 30.70.030, provided that these additional submittal requirements shall not apply for the construction of any single family residence or duplex and ordinary residential improvements for which the proposed area of site disturbance is 100 feet or more from any critical area, and those activities allowed pursuant to SCC 30.62.360:

(a) The following site information drawn to a standard engineering scale and shown on the site development plan for the underlying permit application:

(i) the boundary lines;

(ii) the topography at contour interval of five feet unless the underlying permit requires a lesser interval;

(iii) the location and size of all existing and proposed structures;

(iv) the location and extent of all proposed development activity;

(v) the location and description of all critical areas located on the site and on adjacent properties within 100 feet of site boundaries; and

(vi) the location of all proposed buffers and setbacks;

(b) A critical area study if the proposed development does not comply with SCC 30.62.200(1), 30.62.210(1), 30.62.210(2); , 30.62.220, 30.62.230, or 30.62.310 as applicable, or when required by SCC 30.62.110. The content of critical area studies shall be as required in SCC 30.62.110, 30.62.240 or 30.62.340, as applicable; and

(c) Any additional information known to the applicant pertaining to the critical area(s) on the subject property and adjacent properties.

(2) The county may assist applicants in identifying fish and wildlife habitat conservation areas and the presence of critical species on the subject property.

(3) The county may assist applicants for single family dwelling permits in providing information required in SCC 30.62.055(1).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.060 Time period for review.

The county shall determine whether a development application complies with this chapter during the county's review under SEPA, chapter 43.21C RCW and chapter 30.61 SCC. The county shall complete review under this chapter prior to issuance of a threshold determination under chapter 30.61 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.070 Performance security.

Prior to issuance of any permit or approval which authorizes site disturbance to which this chapter applies, the director shall require performance security in accordance with SCC 30.84.140.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.62.075 Permanent protection for critical areas and buffers.

(1) For development activities consistent with previously approved site plans:

(a) Where critical areas have been identified and where specific and adequate permanent protection has been provided, no additional restrictions or protection will be required. Adequate permanent protection shall include, but not necessarily be limited to, measures for permanent preservation of the critical areas, buffers, and setbacks.

(b) Where critical areas or portions of critical areas have not been accurately designated and/or mapped, and where adequate permanent protection has been provided for the accurately designated and/or mapped critical areas, the existing permanent protection measures shall also apply to the newly designated critical areas.

(c) Where critical areas have been accurately designated and/or mapped, and adequate permanent protection has not been provided, all provisions of this chapter shall apply.

(2) Critical areas and their required buffers for which permanent protection is required pursuant to SCC 30.62.200(3), 30.62.210(3) and 30.62.320 shall be designated native growth protection areas (NGPAs).

(3) Except as provided for in SCC 30.62.075(4) and (5), for development activities where land division is proposed or required, NGPAs shall be located in:

(a) Separate tracts owned in common by:

(i) all owners of the lots or parcels within a planned residential development subdivision, short subdivision, or other land division; or

(ii) another appropriate entity approved by the county; or

(b) A form of easement approved by the county.

(4) In subdivisions or short subdivisions where all lots are five acres or larger in size, NGPAs need not be contained in separate tracts.

(5) When an NGPA is entirely contained within a single proposed lot of 100,000 square feet or larger in size and where the NGPA comprises less than 20 percent of that lot, the NGPA need not be contained in a separate tract.

(6) For all development activities, except for the construction of any single family residence or duplex and ordinary residential improvements for which the proposed area of site disturbance is 100 feet or greater from any critical area and those activities allowed pursuant to SCC 30.62.360, NGPAs shall be delineated on binding site development plans which shall be recorded with the county auditor.

(7) Prior to any development activity on the site, except for the construction of any single family residence or duplex and ordinary residential improvements for which the proposed area of site disturbance is 100 feet or greater from any critical areas and those activities allowed pursuant to SCC 30.62.360, the applicant shall mark with temporary markers in the field the boundary of all NGPAs required by this chapter, or the limits of the proposed site disturbance outside of the NGPAs, using methods and materials acceptable to the county.

(8) For development activities other than single family residential development on existing legal lots and those activities allowed pursuant to SCC 30.62.360, NGPA boundaries shall be permanently marked on the site prior to final inspection by the county using methods and materials acceptable to the county.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.080 Open space taxation.

Chapter 4.28 SCC provides a mechanism for property owners to obtain tax relief for portions of their property that are left in open space. Certain critical areas and buffers may qualify for the open space general tax classification and the owners of these affected properties may be granted tax relief under that chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.100 Protection for fish and wildlife habitat conservation areas.

(1) All stream, wetland, and riparian habitat is protected pursuant to SCC 30.62.300 through SCC 30.62.375 of this chapter. In addition, when these habitat areas contain critical species listed as endangered or threatened by the state or federal governments, they shall also be protected pursuant to SCC 30.62.110.
(2) All fish and wildlife habitat conservation areas not otherwise protected pursuant to SCC 30.62.100(1) shall be protected pursuant to the requirements of SCC 30.62.110.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.110 Habitat management plan.

(1) A habitat management plan is required when the priority habitats and species maps or natural heritage program maps maintained by the department, or other information, indicates the presence of the following on the site:
(a) Areas with which critical species listed as endangered or threatened under state or federal law have a primary association; or
(b) Saltwater-related habitat meeting the definition of an estuarine wetland.
(2) All habitat management plans shall be prepared in consultation with the State Department of Fish and Wildlife.
(3) The county will gather the required information in this section for applicants seeking to develop a single family home.
(4) Habitat Management Plan Content Requirements. Based on the characteristics of the site and information submitted by the applicant, the director may require that all or a portion of the following be included in a habitat management plan:
(a) A map drawn to scale or survey showing the following information:
(i) all lakes, ponds, streams, wetlands, and tidal waters on, or adjacent to the subject property, including the name (if named), and ordinary high water mark of each, and the stream type or wetland category consistent with SCC 30.62.300(1) and (2);
(ii) the location and description of the fish and wildlife habitat conservation area on the subject property, as well as any potential fish and wildlife habitat conservation area within 200 feet of the subject property as shown on maps maintained by the department; and
(iii) the location of any observed evidence of use by a critical species;
(b) An analysis of how the proposed development activities will affect the fish and wildlife habitat conservation area and any critical species;
(c) Provisions to reduce or eliminate the impact of the proposed development activities on any fish and wildlife habitat conservation area and critical species; and
(d) The habitat management plan should also address the following issues:
(i) prohibition or limitation of development activities within the fish and wildlife habitat conservation area;
(ii) establishment of a buffer around the fish and wildlife habitat conservation area;
(iii) retention of certain vegetation or areas of vegetation critically important to the critical species;

(iv) limitation of access to the fish and wildlife habitat conservation area and buffer;
(v) seasonal restrictions on construction activities on the subject property;
(vi) clustering of development on the subject property; and
(vii) the preservation or creation of a habitat area for the critical species.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.200 Erosion hazard areas.

(1) Development activity proposed in erosion hazard areas as defined in chapter 30.91 SCC shall be protected by use of best management practices found in the Snohomish County Drainage Manual adopted pursuant to chapter 30.63A SCC.
(2) The director may approve erosion control measures which differ from those required by SCC 30.62.200(1) if the applicant submits a geotechnical report which technically demonstrates and visually illustrates that the alternative measures provide protection which is greater than or equal to that provided by the measures required in SCC 30.62.200(1).
(3) All portions of erosion hazard areas on the site which are undisturbed by development activities shall be designated as native growth protection areas in accordance with SCC 30.62.320.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Emergency Ord. 04-024, March 10, 2004, Eff date March 10, 2004)

30.62.210 Landslide hazard areas.

(1) Development activities on landslide hazard areas shall be protected by use of generally accepted proper engineering and construction practices. Unless waived by the director, or the presentation of documentation by the director to support further geotechnical engineering analysis, a geotechnical report, or structural engineering, shall be required to determine proper protective measures.
(2) Structures on, or adjacent to, landslide hazard areas shall be protected by use of generally accepted proper engineering and construction practices, and shall meet the following requirements:
(a) Ascending slopes (see Figure 30.62.210(2)(a)).
(i) for slopes 33 percent to 100 percent, the setback from the toe of the slope shall be the height of the slope divided by 2.
(ii) for slopes greater than 100 percent, the setback from the toe of the slope shall be the height of the slope divided by 2. The toe of the slope shall be assumed to be at the intersection of a horizontal plane drawn at the bottom of the foundation and a plane drawn tangent to the slope at an angle of 45 (100 percent) to the horizontal.
(b) Descending slopes (see Figure 30.62.210(2)(b)).
(i) for slopes 33 percent to 100 percent, the setback from the top of the slope shall be the height of the slope divided by 3.
(ii) for slopes greater than 100 percent, the required setback from the top of the slope shall be the height of the slope divided by 3. The setback shall be measured from an imaginary plane 45 degrees (100 percent) to the horizontal projected upward from the toe of the slope.
(c) The director may approve setbacks which differ from those required by SCC 30.62.210(2) if the applicant submits a geotechnical report which technically demonstrates and visually illustrates that the alternative setbacks provide protection which is greater than or equal to that provided by the setbacks required in SCC 30.62.210(2).
(3) All portions of landslide hazard areas on the site which are undisturbed by development activities shall be designated as native growth protection areas in accordance with SCC 30.62.075.

LANDSLIDE HAZARD AREA - SETBACK REQUIREMENTS

Figure 30.62.210(2)

Figure 30.62.210(2)(a) Building adjacent ascending slope greater than one to one

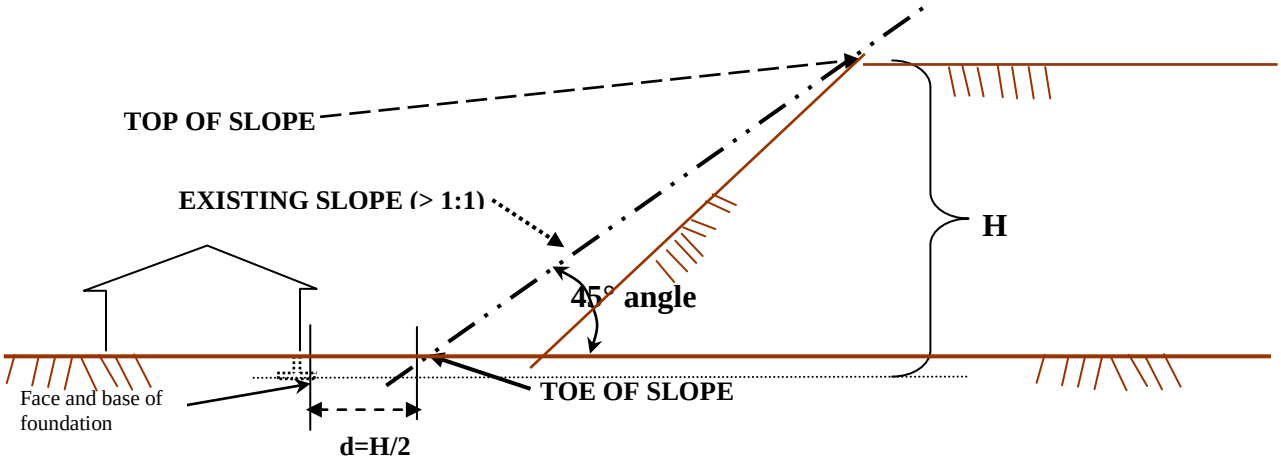
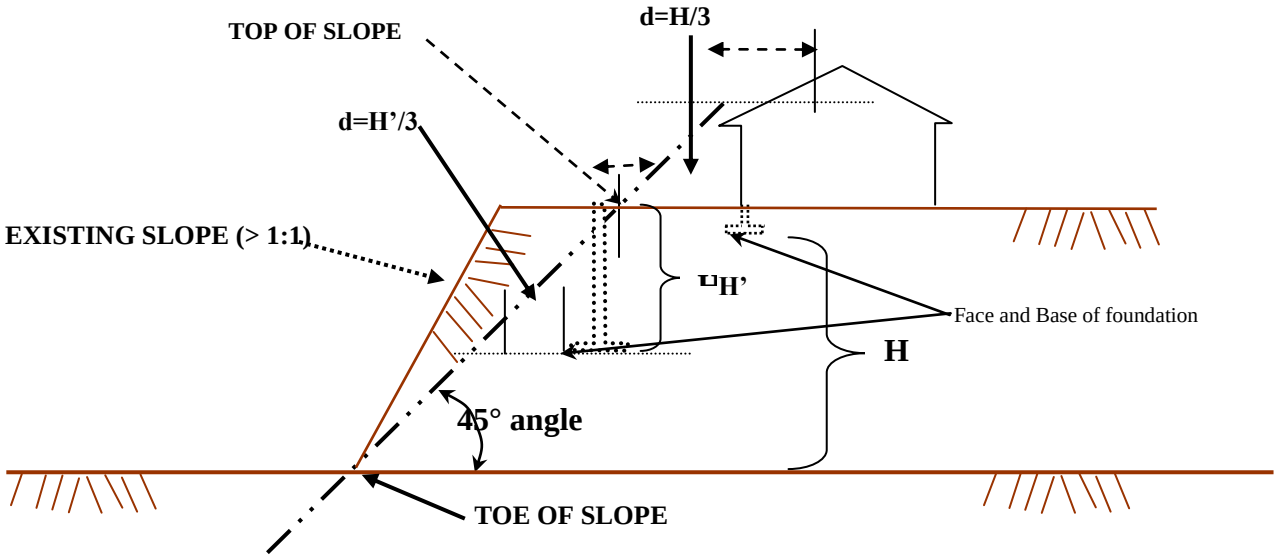


Figure 30.62.210(2)(b) Building adjacent descending slope greater than one to one



d = distance between the point where a horizontal line intercepts the slope and the point where the face of the footing meets the bearing plane. **d** need not exceed 15' from the toe of an ascending slope < 45° or 40 ' from a descending slope< 45° [45° = 1:1 slope].

H = Vertical elevation between a line running horizontally from toe or top of first significant and regular slope, and a line drawn horizontal to the foundation, measured from the face of the footing at the bearing plane.

See also: 2009 International Building Code Sections 1808, 1808.7.1 and 1808.7.2

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.62.230 Mine hazard areas.

Development activities proposed adjacent to mine hazard areas shall be subject to the requirements in SCC 30.62.200 and 30.62.210.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.240 Geotechnical report content requirements.

Geotechnical reports shall be prepared by a geotechnical engineer or geologist, as appropriate. Geotechnical reports shall be stamped and signed by an engineer. Based on the site characteristics and the information submitted by the applicant, the director may require all or a portion of the following to be included in a geotechnical report for the subject property:

(1) A site development plan drawn to scale which shows the boundary lines and dimensions of the subject property, the location, size, and type of any existing or proposed structures, impervious surfaces, wells, drainfields, drainfield reserve areas, roads, easements, and utilities on site;

(2) The location of springs, seeps, or other surface expressions of ground water, and the location of surface water or evidence of seasonal surface water runoff or ground water;

(3) A discussion of the geological and engineering properties of the soils, sediments, and/or rocks on the subject property and adjacent properties and their effect on the stability of the slope;

(4) The extent and type of vegetative cover prior to development activity or site disturbance;

(5) The proposed method of drainage and locations of all existing and proposed surface and subsurface drainage facilities and patterns, and the locations and methods for erosion control;

(6) A description of the soils in accordance with the Unified Soil Classification System;

(7) An identification of all existing fill areas;

(8) Information demonstrating compliance with all applicable codes and ordinances for the underlying permit;

(9) A vegetation management and restoration plan or other means for maintaining long-term stability of slopes; and

(10) Evidence showing faults, significant geologic contacts, landslides, or downslope soil movement on the subject property and adjacent properties.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.250 Volcanic hazard areas.

Maps showing volcanic hazard areas produced by the United States Geological Survey will be available for viewing in the department upon request.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.300 Classification of streams and wetlands.

(1) Stream Classifications. Streams are classified based on the water typing criteria in former WAC 222-16-030 as adopted by the state in June 1993 and set forth in Table 30.62.300(1) below.

Table 30.62.300(1)
WATER TYPING CRITERIA

Water type	1	2	3	4	5
Channel Width	N/A	20' or greater between ordinary high water marks (OHWM)	• Anadromous fish: 5 ft. or wider between OHWM. • Resident game fish: 10 ft. or wider between OHWM	2 ft. wider between OHWM	Less than 2 ft. between OHWM.
Gradient	N/A	Less than 4% (less than 5% for off-channel drainage's)	• Anadromous fish: Less than 12%. Not upstream of a falls greater than 10 ft. high. • Resident game fish: Less than 12%	N/A	N/A
Flow	N/A	N/A	• Anadromous fish: N/A. • Resident game fish: greater than 0.3 CFS at summer low flow	N/A	N/A
Impoundment	N/A	Water surface area of 1 acre or greater at seasonal low flow	• Anadromous fish: surface area less than 1 acre at seasonal low flow. • Resident game fish: surface area less than 0.5 acre at seasonal low flow	N/A	N/A
Fisheries	N/A	Used by substantial numbers of Anadromous or resident game fish for spawning, rearing or migration	Used by significant numbers of Anadromous or resident game fish for spawning, rearing or migration	Not used by significant numbers of fish	Not used by significant numbers of fish

(Continued on next page)

Water type	1	2	3	4	5
Diversion	N/A	Domestic use for 100 or more residences or campsites, accommodation facility for 10 or more persons - includes upstream reach of 1500 ft. or until the drainage area is < or = to 50%, whichever is less.	Domestic use for 10 or more residences of campsites, accommodation facility for 10 or more persons - includes upstream reach of 1,500 ft. or until the drainage area is less than 50%, whichever is less	N/A	N/A
Other	All water within OHWM inventoried as "Shorelines of the State" excluding related wetlands.	Streams flowing through campgrounds available to the public having 30 campsites or more.	Contributes > 20% of the flow to a Type 1 or 2 Water. Anadromous fish impoundment's have outlet to stream with Anadromous fish	All natural waters not classified as Type 1, 2 or 3, and for the purpose of protecting downstream waters	All natural waters not classified as Type 1, 2, 3 or 4, or seepage areas, ponds, and drainageways having short runoff periods.

(2) Wetlands Categories. All determinations of wetlands ratings will be based on the entire extent of the wetlands, unrelated to property lines or ownership patterns. Wetlands are classified based on the following systems:

(a) Category 1 wetlands are wetlands which satisfy one or more of the following criteria:

(i) are equal to or greater than 10 acres in size, hydrologically connected and contain three or more wetland classes each covering 10 percent or more of the wetland, one of which is open water;

(ii) have been documented by the State Department of Fish and Wildlife priority habitat species program as regionally significant waterfowl or shorebird concentration areas;

(iii) are bog/fen systems one acre or larger;

(iv) are mature forested wetlands equal to or greater than 10 acres in size; or

(v) are estuarine wetlands.

(b) Category 2 wetlands are wetlands which satisfy one or more of the following criteria:

(i) are equal to or greater than five acres in size and contain three or more wetland classes; or

(ii) are mature forested wetlands less than 10 acres in size;

(iii) are bog/fen systems less than one acre.

(c) Category 3 wetlands are wetlands which satisfy none of the criteria for Categories 1, 2, or 4 wetlands.

(d) Category 4 wetlands are non-riparian wetlands less than one acre, with one wetland class, and >90 percent aerial coverage of any combination of species from the list in SCC Table 30.62.300(2) below:

Table 30.62.300(2)
CATEGORY 4 WETLANDS: INVASIVE/EXOTIC PLANT SPECIES

Scientific name	Common name	Scientific name	Common name
Agropyron repens	Quackgrass	Lotus corniculatus	Birdsfoot trefoil
Alopecurus pratensis, A. aequalis	Meadow foxtail	Lythrum salicaria	Purple loosestrife
Arctium minus	Burdock	Matricaria matricarioides	Pineapple weed
Bromos tectorum, B. rigidus, B.		Medicago sativa	Alfalfa
Brizaeformis, B. secalinus, B.		Melilotus alba, M. officinalis	Sweet clover
japonicus, B. mollis,		Phalaris arundinacea	Reed Canary Grass
B. commutatus, B. inermis,		Phleum pratense	Timothy
B. erectus	Bromes	Phragnites communis	Reed
Cenchrus longispinus	Sandbur	Poa compressa, P. palustris,	
Centaurea solstitialis, C. repens,		P. pratensis	Bluegrass
C. cyanus, C. maculosa, C. diffusa	Knapweeds	Polygonum aviculare, P.	
Cirsium vulgare, C. arvense	Thistles	convolvulus, P. cuspidatum,	
Cynosurus cristatus, C. echinatus	Dogtail	P. lapathifolium, P. persicaria	Knotweeds
Cytisus scoparius	Scotch broom	Ranunculus repens	Buttercup
Dactylis glomerata	Orchardgrass	Rubus discolor, R. laciniatus,	
Dipsacus sylvestris	Teasel	R. vestitus, R. macrophyllus	Non-native blackberry
Digitaria sanguinalis	Crab Grass	Salsola kali	Russian Thistle
Echinochloa crusgalli	Barnyard grass	Setaria viridis	Green Bristlegrass
Elaeagnus augustifolia	Russian Olive	Sisymbrium altissimum, S. loeselii,	Tumblemustards
Euphorbia peplus, E. esula	Spurge	S. officinale	
Festuca arundinacea, F. pratensis	Fescue	Tanacetum vulgare	Tansy
Holcus lanatus, H. mollis	Velvet grass	Trifolium dubium, T. pratense,	
Hordeum jubatum	Foxtail barley	T. repens, T. arvense,	
Hypericum perforatum	St. John's wort	T. subterraneum, T. hybridum	Clovers
Juncus effusus	Soft Rush	Cultivated species:	Wheat, corn, barley, rye, etc.
Lolium perenne, L. multiflorum,			
L. temulentum	Ryegrass		

(Added Amended Ord. 02-062, December 9, 2002, Eff date February 1, 2003)

30.62.310 Standard buffer width requirements.

(1) The buffers for streams and wetlands regulated under this chapter shall be distinguished between urban and rural characteristics. For purposes of this chapter, urban streams and wetlands are those portions of streams and wetlands, which are contained within an urban growth boundary as designated by the county. Rural streams and wetlands are those portions of streams and wetlands, which lie outside an urban growth boundary as designated by the county. This distinction is based on differences in wildlife habitat value and the need to maintain housing density opportunities within urban areas.

(2) When stream and wetland buffers are required, their width shall be as stated in this section except as provided in SCC 30.62.350(1)(c), SCC 30.62.370, or SCC 30.62.400.

Table 30.62.310(1)

STANDARD BUFFER WI DTH REQUIREMENTS

Rural Area Buffers				Urban Area Buffers			
Stream		Wetland		Stream		Wetland	
Type	Required Width[1]	Category	Required Width[1]	Type	Required Width[1]	Category	Required Width[1]
1	100 feet	1	100 feet	1	100 feet	1	75 feet
2	100 feet	2	75 feet	2	100 feet	2	50 feet
3	100 feet	3	50 feet	3	100/50[3]	3	25 feet
4	50 feet	4	25 feet[2]	4	25 feet	4	25 feet[4]
5	25 feet			5	10 feet		

1. For streams and wetlands, the buffer shall be measured horizontally in a landward direction from the ordinary high water mark or wetland edge, respectively. Where lands adjacent to a stream display a continuous slope of 33 percent or greater, the buffer shall include such sloping areas. Where the horizontal distance of the sloping area is greater than the required standard buffer, the buffer shall be extended to a point 25 feet beyond the top of the bank of the sloping area.
2. 25 feet of undisturbed native vegetation, or any lesser width or vegetation type which will provide the same level of protection to the functional values of the wetland and the buffer.
3. For a Type 3 stream, 100 feet with anadromous fish; 50 feet without anadromous fish.
4. For a Category 4 wetlands, 25 feet of undisturbed native vegetation, or any lesser width or vegetation type which will provide the same level of protection to the functional values of the wetland and the buffer.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.320 Permanent protection for streams, wetlands and buffers.

All streams and wetlands regulated under this chapter and their required buffers shall be permanently protected by designating them as native growth protection areas (NGPAs) in accordance with SCC 30.62.075. Existing legally established structures, and non-native or ornamental landscaping, including but not necessarily limited to, gardens, yards, pastures, and orchards, are not required to be designated as NGPAs.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.330 Single family residence on existing lots.

The applicant may develop a single family residence and ordinary residential improvements in a wetland, wetland buffer, or stream buffer on an existing lot if all the following requirements are met:

(1) There is no alternate location for the single family residence and ordinary residential improvements on the subject property outside the wetland, wetland buffer, or stream buffer;

(2) All new structures on the subject property are constructed in areas that will minimize disruption to the critical area and buffer;

(3) All areas of wetland, wetland buffer, or stream buffer disrupted during development are restored to the maximum extent possible;

(4) The construction and use of the single family residence and ordinary residential improvements are consistent with all other applicable law, including, but not limited to, subtitle 30.2 SCC; and

(5) All development activities on the subject property are consistent with a site development plan approved by the director, which may include requirements to reduce the impact on the critical area and buffer from the construction and use of the single family residence and ordinary residential improvements.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.340 Critical area study content requirements: streams and wetlands.

A critical area study is required for any development activity allowed under SCC 30.62.350, 30.62.370 or 30.62.400. The county will gather the required information in this section for applicants seeking to develop a single-family home. Depending upon the characteristics of the site and the information submitted by the applicant, the director may require any or all of the following as part of the critical area study:

(1) A map drawn to scale or survey showing the following information:

(a) The edge of the wetland based on the Corps of Engineers Wetlands Delineation Manual (January, 1987, Technical Report Y-87-1, Department of the Army) unless the applicant requests that the edge be based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (January, 1989). The county will provide information to the public concerning the costs and benefits associated with use of each manual to allow applicants to make an informed decision regarding which manual they would prefer to use. Once the wetland delineation has been completed, the applicant may not request use of the alternative manual without resubmitting their development application;

(b) The wetlands characteristics and plant communities based on the U.S. Fish and Wildlife Service Classification of Wetlands and Deep Water Habitats in the U.S.;

(c) Stream corridors, name (if named), and stream type based on the State Department of Natural Resources' Official Water Type Maps; and

(d) Observed or reported wildlife that make use of the area including, but not limited to, nesting, breeding and feeding areas;

(2) A description of the streams and wetlands within 100 feet of the subject property, including buffers, drainage systems entering and leaving the site, a list of observed and documented plant and wildlife species, a description of the relative abundance of documented plant and wildlife species, and a description of the method used for flagging the wetlands edge, stream corridor, and buffers;

(3) A description and illustration of proposed development activities allowed under SCC 30.62.350, 30.62.370 and 30.62.400 within streams, wetlands, or buffers.

(4) A description of any previous disturbances to the streams, wetlands, or buffers;

(5) A summary of the methodology used to conduct the study;

(6) A proposed classification of the streams and wetlands based on SCC 30.62.300 and an explanation or rationale for the proposed rating;

(7) A mitigation plan which meets the requirements of SCC 30.62.345;

(8) A stream relocation plan which meets the requirements of SCC 30.62.350(a)(vii) if applicable;

(9) A discussion of existing functional values of the stream(s), wetland(s) and buffers; and

(10) A discussion of the changes to stream, wetland and buffer functional values resulting from the proposed development activity.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.345 Mitigation plan requirements.

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

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

are temporarily affected by construction or any other temporary phase of a project;

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

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

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

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

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

(2) The mitigation plan shall:

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

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

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

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

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

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

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

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Emergency Ord. 04-024, March 10, 2004, Eff date March 10, 2004; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.62.350 Allowed development activities in streams, wetlands, and buffers.

(1) The following development activities may occur in streams, wetlands, and buffers regulated under this chapter, but will require a critical area study which meets the requirements of SCC 30.62.340 and a mitigation plan which meets the requirements of SCC 30.62.345, and the review criteria of SCC 30.62.365. A department pre-approved critical area study performed within five years of a development activity application shall be considered in compliance with this section if after site review it is determined that the existing conditions are not significantly different from those existing at the time of the original study.

(a) Allowed development activities in streams regulated under this chapter are:

(i) utility lines, hydroelectric power generating facilities and all other public and private utility facilities other than those allowed pursuant to SCC 30.62.360;

(ii) public and private roadway crossings, other than those allowed pursuant to SCC 30.62.360;

(iii) bridge construction and culvert installations;

(iv) bank protection and flood protection, including flow control structures for regional retention/detention systems;

(v) in-stream fish and/or wildlife habitat enhancement;

(vi) activities and mitigation authorized by this chapter including wetland mitigation banks, stream restoration, enhancement, and relocation which increases functional value; and

(vii) stream relocation when a plan is submitted as part of the critical area study which demonstrates that the following criteria are met:

(A) the relocation will improve water quality, fish or wildlife habitat, wetland recharge (if hydrologically connected to a wetland);

(B) the plan must contain and show the following information: a topographic survey showing existing and proposed topography and location of the new stream channel; provisions for filling and revegetating the prior channel, if appropriate;

(C) relocation will maintain or improve hydrologic function;

(D) natural materials and vegetation normally associated with the stream will be utilized;

(E) spawning, rearing, and nesting areas will be created, if applicable;

(F) fish populations will be reestablished, if applicable; and

(G) water flow characteristics compatible with fish habitat areas will be restored; and

(viii) development activities allowed by the county Shoreline Management Master Program in areas subject to the Shoreline Management Act, chapter 90.58 RCW.

(b) Allowed development activities in wetlands regulated under this chapter are:

(i) utility lines and utility facilities, other than those allowed pursuant to SCC 30.62.360;

(ii) public and private roadways, including bridge construction and culvert installation, other than those allowed pursuant to SCC 30.62.360;

(iii) wildlife management or viewing structures;

(iv) outdoor scientific or interpretive facilities;

(v) other activities and mitigation authorized by this chapter;

(vi) enhancement projects where no loss of functional values results;

(vii) the filling of up to one acre of non-riparian Category 3 or Category 4 wetlands;

(viii) development activities allowed by the County Shoreline Management Master Program in areas subject to the Shoreline Management Act, chapter 90.58 RCW;

(ix) single family residence and ordinary residential improvements on an existing legal lot as allowed in SCC 30.62.330;

(x) storm water detention/retention facilities.

(c) Allowed alteration to buffers:

(i) averaging buffer widths. The width of a buffer may be averaged, thereby reducing the width of a portion of the buffer and increasing the width of another portion, if all of the following requirements are met:

(A) averaging will not impair or reduce the habitat, water quality purification and enhancement, storm water detention, ground water recharge, shoreline protection and erosion protection, and other functions of the stream, wetland, and buffer;

(B) the total area of the buffer on the subject property is not less than the buffer which would be required if averaging was not allowed; and

(C) all parts of the width of the buffer are at least 50 percent of the required width or 25 feet, whichever is greater.

(ii) buffer width reduction. Buffer widths may be reduced if the buffer is enhanced in accordance with the following requirements:

(A) buffers, or buffers required after buffer averaging will have a minimal functional value due to existing physical characteristics;

(B) the applicant demonstrates that proposed buffer enhancement, together with proposed buffer width reduction, will result in an increase in the functional value of the buffer when compared with the

functional value of the standard buffer;

(C) the applicant includes a comparative analysis of buffer values prior to and after enhancement, and demonstrates compliance with this section, as part of the critical area study required by SCC 30.62.340;

(D) the buffer width is not reduced below 50 percent of the standard buffer width, or 25 feet whichever is greater, and the total buffer area after reduction is not less than 75 percent of the total buffer area before reduction; and

(E) the functional values of the stream or wetland protected by the buffer are not decreased.

(d) Allowed development activities in buffers created under this chapter:

(i) pedestrian walkways or trails when constructed with natural permeable materials and designed as part of an overall site development plan;

(ii) wildlife management and viewing structures;

(iii) fishing access areas, where vehicular parking is provided outside the buffer and foot trails are constructed with natural permeable materials;

(iv) outdoor interpretive and scientific study facilities;

(v) utility lines and utility facilities installation, other than those allowed pursuant to SCC 30.62.360, where no reasonably feasible location is available outside the buffer area;

(vi) public and private roadways, other than those allowed pursuant to SCC 30.62.360 only if no other reasonably feasible access alternative exists;

(vii) development activities allowed by the county Shoreline Management Master Program in areas subject to the Shoreline Management Act, Chapter 90.58 RCW;

(viii) single family residence and ordinary residential improvements on an existing legal lot in accordance with the requirements of SCC 30.62.330; and

(ix) golf courses, where at least 60 percent of the area of the required buffer is left undisturbed, and at least 75 percent of the wetland or stream perimeter remains bounded by a minimum 25-foot wide undisturbed buffer. A chemical application and water quality management plan must be submitted to the department for approval together with a mitigation plan, as required by this chapter, which demonstrates that no buffer functional values have been decreased;

(x) stormwater retention/detention facilities, ditches, and biofilter swells.

(2) The following development activities may occur in streams, wetlands, and buffers regulated under this chapter, but will require a critical area study which meets the requirements of SCC 30.62.340 and mitigation which meets the requirements of SCC 30.62.345. A department pre-approved critical area study performed within five years of a development activity application shall be considered in compliance with this section if after site review it is determined that the existing conditions are not significantly different from those existing at the time of the original study..

(a) The expansion of either single family structures or ordinary residential improvements existing on the effective date of this chapter if the expansion will cover less than 50 percent of the ground area coverage of the existing structure and will be set back from the critical area a distance which is greater than or equal to the setback of the original structure.

(b) Remodeling, reconstruction, or replacement of structures existing on the effective date of this chapter if the new construction or construction-related activity does not encroach further into a critical area or its setback or buffer than did the structure being remodeled, reconstructed, or replaced. Remodeling, reconstruction, and/or replacement shall be subject to all other requirements of the Snohomish County Code.

(c) Any replacement, operation, repair, or maintenance of a public or private road, other than those allowed pursuant to SCC 30.62.360.

(3) Emergency activities necessary to prevent an immediate threat to public health, safety, or property, or to prevent an imminent threat of serious environmental degradation, are allowed without prior approval in critical areas and buffers regulated under this chapter; provided however, that the development activities must be the minimum necessary to alleviate the emergency, and that within a reasonable period of time compliance with the provisions of this chapter must be provided.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Emergency Ord. 04-024, March 10, 2004, Eff date March 10, 2004)

30.62.360 Activities allowed in streams, wetlands, and buffers pursuant to best management practices.

The following activities may occur in streams, wetlands and buffers regulated under this chapter provided that such activities are conducted pursuant to best management practices:

(1) Normal, routine, and emergency maintenance and repair of existing roads and utility corridors, utility facilities, equipment, and appurtenances;

(2) Replacement, modification, extension, installation, or construction by a utility purveyor in an improved public road right-of-way;

(3) Replacement or modification of existing facilities by a utility purveyor in an improved utility corridor;

(4) Replacement, modification, extension, installation, or construction by a utility purveyor of individual utility service lines connecting to a utility distribution system;

(5) Replacement, modification, minor installation, or construction in an improved right-of-way by the county or by the holder of a current right-of-way use permit; and

(6) All development activities in non-riparian Category 2 and 3 wetlands smaller than 5,000 square feet, and non-riparian Category 4 wetlands smaller than 10,000 square feet.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.365 Review criteria for development activities impacting critical areas and buffers.

(1) The county shall evaluate each proposed development activity in a stream, wetland, or buffer regulated under this chapter in accordance with the following hierarchy of goals: avoid impacts, minimize impacts, repair or restore impacts, reduce impacts over time or mitigate impacts through replacement, restoration, or enhancement of function.

(2) To utilize the provisions set forth in SCC 30.62.350, 30.62.370, 30.62.375, or 30.62.400, applicants must submit a critical area study unless a study is not required under other provisions of this chapter. The county will review the critical area study and proposed development activity mitigation plan in accordance with the following criteria:

(a) The mitigated development activity will not:

(i) adversely affect water quality;

(ii) destroy, damage, or disrupt a fish and wildlife habitat conservation area;

(iii) adversely affect drainage or storm water detention capabilities; or

(iv) lead to unstable earth conditions or erosion;

(b) The impacts are the minimum necessary to accommodate the development activity and are fully mitigated in accordance with SCC 30.62.345;

(c) Any disruption to a critical area will occur in the least sensitive area; and

(d) Critical areas or buffers temporarily disrupted during construction and not subject to permanent development activity as authorized under SCC 30.62.350 will be restored.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.370 Innovative development design.

In conjunction with an application for a development permit, an applicant may request approval of an innovative design which addresses wetland and stream protection and preservation in a creative manner that deviates from the standards set forth in SCC 30.62.310, 30.62.345, and 30.62.350.

(1) General. An applicant who requests that a development permit application be considered under the performance and design criteria of this section shall submit the following information:

(a) A critical areas study prepared and submitted in accordance with the requirements of SCC 30.62.340; and

(b) A conceptual site development plan drawn to scale which technically and visually illustrates the development potential achievable for the project site, and demonstrates that the innovative design proposal will achieve a net improvement in the functions and values of the streams and wetlands and their buffers over that existing on the subject property and that which is achievable using the provisions of SCC 30.62.310, 30.62.320, 30.62.345, and 30.62.350.

(2) Criteria for Approval. An innovative development design approval pursuant to this section shall be granted in conjunction with the decision on the underlying permit(s), if the following criteria are met:

(a) The innovative design will result in a net improvement of the functions and values of the stream or wetlands and their buffers;

(b) The innovative design is consistent with the purpose and objectives of this chapter; and

(c) The innovative design will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zone in which the subject property is located.

(3) A decision to grant or deny an innovative design may be appealed as a Type 1 decision.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Emergency Ord. 04-024, March 10, 2004, Eff date March 10, 2004)

30.62.375 Wetland mitigation banking.

(1) The director may approve the use of a wetland mitigation bank to provide mitigation required by this chapter in accordance with the criteria set forth in SCC 30.62.375(2). Notwithstanding any other provision of this chapter, the director may also approve the establishment of a wetland mitigation bank prior to an application for approval of a development activity which will use the wetland mitigation bank. The director's approval may allow for deviations from the requirements of SCC 30.62.310, 30.62.345, 30.62.350 and 30.62.365.

(2) Criteria for approval of use of wetland mitigation banks:

(a) The following must have been approved by the county and the federal, state, and local agencies with jurisdiction:

(i) a memorandum of agreement (MOA) defining guidelines for establishing a wetland mitigation banking program, and

(ii) an implementation manual establishing a wetland mitigation bank at a specific site;

(b) The MOA and/or implementation manual shall include, but not necessarily be limited to, provisions for the following:

(i) the categories of development activities that may use the mitigation bank;

(ii) specific criteria and standards for use of the mitigation bank;

(iii) methods for tracking credits;

(iv) an interagency oversight committee composed of representatives from each of the agencies with jurisdiction for the purpose of regulatory review and approval of banking activities;

(v) permanent management and maintenance to assure the long-term viability of the bank site;

(vi) professional construction oversight to assure successful construction of the wetland bank site;

(vii) quantitative and qualitative performance standards;

(viii) systematic compliance and performance monitoring to determine the degree to which the site meets performance standards;

(ix) a schedule and timeline for compliance and performance monitoring;

(x) contingency plans;

(xi) methods to be used to determine the functions and values of replacement wetlands;

(xii) provisions for assuring the funding of long-term maintenance of the bank and performance of mitigation and monitoring requirements;

(xiii) a description of wetland mitigation ratios to be used and justification for these ratios based upon best available science. Wetland mitigation ratios will be based upon consideration of factors including but not limited to, the likelihood of success of the mitigation, the types and quality of wetlands involved, research results, and monitoring results; and

(xiv) the mitigation plan requirements contained in SCC 30.62.345(2).

(c) The use of the wetland mitigation bank will result in a net improvement of the overall wetland functions and values in the watershed in which the impacts of the development activity utilizing the wetland mitigation bank will occur. For the purposes of this section, "watershed" means an area identified as a state of Washington water resource inventory area (WRIA) under WAC 173-500-040.

(d) The MOA and/or implementation manual should ensure that when evaluating alternative mitigation sites for development activities the following locations will be considered in order of preference:

(i) on the site of the impact area;

(ii) upstream of the impact area in the sub-drainage basin;

(iii) in the sub-drainage basin of the impact area;

(iv) upstream of the impact area in the WRIA; and

(v) in the WRIA watershed of the impact area.

(e) The creation and operation of the wetland mitigation bank and development activity which utilizes the wetland bank shall not create unmitigated long-term or permanent adverse impacts to the critical functions and values of the critical areas in the sub-drainage basin in which the impacts will occur. Critical functions and values are those listed at SCC 30.91F.530 that are important to the long-term ecological viability of the critical areas in the sub-drainage basin.

(3) The director shall make MOA's and mitigation banking implementation manuals available for public review and comment prior to approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.62.400 Reasonable use allowance.

(1) General. If the application of SCC 30.62.100 or 30.62.110, pertaining to fish and wildlife habitat conservation areas or SCC 30.62.300 - 30.62.370, pertaining to streams/wetlands will prevent the applicant from making any economically viable use of the subject property, the applicant may apply for a reasonable use allowance on a form provided by the department. The application must accompany a development permit application through the county review and decision process.

(2) Criteria for Granting. The director shall grant a reasonable use allowance only when the following criteria are met:

(a) The applicant demonstrates that the application of this chapter will deny all economically viable use of the subject property otherwise allowed by applicable law;

(b) The development activities involve the least intrusion into and disruption of the critical area necessary to allow an economically viable use of the subject property;

(c) The development activities will not cause or result in damage to properties other than the subject property and will not endanger the public health, safety, or welfare;

(d) The applicant's inability to make economically viable use of the subject property has not resulted from any of the following:

(i) prior subdivision, short subdivision, or segregation of the subject property, or changes to the boundaries of the subject property through a boundary line adjustment or otherwise;

(ii) prior actions taken in violation of this chapter or any local, state, or federal law or regulation; and

(iii) natural constraints of the subject property that would otherwise preclude the proposed development activities.

(3) The county may assist applicants in providing the information required in SCC 30.62.400(2).

(4) Appeals. The applicant may appeal a decision of the director on a reasonable use allowance application as a Type 1 decision..

(5) The development activities authorized by a reasonable use allowance shall not constitute a significant adverse environmental impact under chapter 30.61 SCC to the critical area(s) for which the allowance is granted.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.62A
WETLANDS AND FISH & WILDLIFE HABITAT CONSERVATION AREAS

PART 000 – GENERAL

30.62A.010 Purpose and applicability.

(1) The purpose of this chapter is to provide critical area regulations pursuant to the Growth Management Act [chapter 36.70A RCW] for the designation and protection of:

(a) Wetlands, and

(b) Fish and wildlife habitat conservation areas including:

(i) streams;

(ii) lakes;

(iii) marine waters; and

(iv) primary association areas for critical species

(2) This chapter applies to:

(a) Development activities, actions requiring project permits, and clearing, except for the following:

(i) Non-ground disturbing interior or exterior building improvements;

(ii) Routine landscape maintenance of established, ornamental landscaping;

(iii) Exterior structure maintenance, including, but not limited to, painting and roofing;

(iv) Removal of noxious weeds conducted in accordance with chapter 16-750 WAC;

(v) Maintenance or replacement that does not expand the affected area of the following existing facilities:

(A) septic tanks and drainfields;

(B) wells;

(C) individual utility service connections; and

(D) individual cemetery plots in established and approved cemeteries;

(vi) Data collection and research by non-mechanical means if performed in accordance with state-approved sampling protocols or Endangered Species Act (ESA) Section 10(a)(1)(a), Section 7 consultation (16 USC § 1536);

(vii) Non-mechanical survey and monument placement; and

(viii) Quasi-judicial rezones not accompanied by another permit or approval.

(b) Agricultural activities, which are subject only to Part 600 of this chapter; except that certain agricultural activities as defined in SCC 30.62.015(1) occurring on rural and agricultural resource lands are exempt from this chapter and are subject only to chapter 30.62 SCC.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct 1, 2007)

30.62A.015 Intent

It is the intent of this chapter to provide the protection required by chapter 36.70A RCW for wetlands and for fish & wildlife habitat conservation areas while simultaneously protecting property rights. The county council nevertheless recognizes that implementation of some provisions of this chapter 30.62A SCC will inevitably entail some restriction of property rights. It is the intent of the county council that this chapter be always construed and interpreted so that property rights be restricted no further than strictly necessary for the critical area protection required under chapter 36.70A RCW.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.020 Relationship to Snohomish County Shoreline Management Program.

Protection of wetlands and fish and wildlife habitat conservation areas located within shorelines of the state, as defined in chapter 90.58 RCW, shall be accomplished through compliance with the provisions of this chapter. Nothing in this section shall be construed to be inconsistent with RCW 36.70A.480.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.030 Relationship to chapter 30.61 SCC – environmental impacts.

Critical area protective measures required by this chapter shall also constitute adequate mitigation of adverse or significant adverse environmental impacts on wetlands, fish and wildlife habitat conservation areas and their buffers pursuant to chapter 30.61 SCC, to the extent permitted by RCW 43.21C.240.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.040 Rulemaking authority.

The director shall have the authority to adopt administrative rules to implement the provisions of this chapter. Rulemaking authority shall include, but is not limited to, the adoption of best management practices for the regulation of wetlands, fish and wildlife habitat conservation areas and buffers.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 100 – PROCESS REQUIREMENTS

30.62A.110 Permit pre-applications.

Project proponents may request a pre-application meeting pursuant to SCC 30.70.020 to obtain a preliminary analysis of how the requirements of this chapter apply to the proposed project.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.120 Critical area services provided by the department.

The department may provide the following services to applicants for single family residential (SFR) dwellings, duplexes, and accessory structures, and commercial structures of 8,000 square feet or less upon submittal of the application and the payment of fees as required by chapter 30.86 SCC:

(1) Identification of fish and wildlife habitat conservation areas;
(2) Development of habitat management plans; and
(3) Delineation and categorization of streams and wetlands.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.130 Submittal requirements.

(1) For any development activity or action requiring a project permit, the applicant shall submit a site development plan drawn to a standard engineering scale which includes:

(a) Boundary lines and dimensions of the subject property;
(b) Boundary lines and dimensions of the site;

(c) The topography at contour intervals of five feet unless the underlying project permit requires a lesser interval;

(d) Location, size, and type of any existing structures and other existing developed areas;

(e) Location, size and type of all development activity and clearing on the site;

(f) Location and description of all wetlands, fish and wildlife habitat conservation areas and buffers, located on the site within 300 feet of the site boundaries;

(g) Location of all other critical areas regulated pursuant to chapters 30.62B, 30.62C and 30.65 SCC on or within 200 feet of the site; and

(h) Location of structure setbacks as required in SCC 30.62B.340(2) and chapter 30.23 SCC.

(2) In addition to a site development plan the following additional information will be required where applicable:

(a) Classification of all streams, wetlands or lakes pursuant to SCC 30.62A.230 (Table 1). Classification is not required if the project permit applicant applies the maximum protection for the specific critical area as specified at SCC 30.62A.320 (Table 2);

(b) Provisions for permanent protection as specified at SCC 30.62A.160;

(c) Provisions for temporary marking on the site of all critical area protection areas, or the limits of the proposed site disturbance outside of the critical area protection areas; and

(d) A critical area study as required by SCC 30.62A.140.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.140 Critical area study content requirements.

For any development activity or action requiring a project permit occurring in wetlands, fish and wildlife habitat conservation areas, or within a buffer unless otherwise provided in Part 300, the director may require, where applicable, a survey or map drawn to scale and a report describing the following information:

(1) A wetland delineation map and report, including field worksheets in accordance with the manual adopted by the Department of Ecology pursuant to RCW 36.70A.175. (See Wetlands Identification and Delineation Manual , Department of Ecology Publication #96-94, March 1997, or latest edition). This requirement may be waived if a wetland delineation has been performed within the previous five years that was approved by the department, and the department determines after site review that the wetland boundary is the same as the approved delineation;

(2) Wetland categorization, including worksheets, documenting the proposed wetland categories, based on the Wetland Rating System for Western Washington, (Hruby, T., August 2004, or latest edition, Department of Ecology Publication #04-06-025);

(3) Wetland classes present as defined in the United States Fish and Wildlife Service's Classification of Wetlands and Deep Water Habitats in the U.S. (Cowardin et al., 1979);

(4) Stream location, stream name (if named), and stream type pursuant to the typing system contained in SCC 30.62A.230 (Table 1);

(5) Lake location, lake name (if named), and lake type pursuant to the typing system contained in SCC 30.62A.230 (Table 1);

(6) The ordinary high-water mark of any stream, lake or marine water;

(7) A description and illustration of proposed activities within any critical area or buffers;

(8) An assessment of the existing functions and values of the critical area(s) or buffers that will be affected by the proposed activity and the methods used to assess those functions and values;

(9) An assessment of how the activity meets the protection standards established in SCC 30.62A.310 and SCC 30.62A.450. For applications under SCC 30.62A.350, an assessment of how the proposal protects the functions and values specified in SCC 30.62A.220, and how the proposal provides protection equivalent to the

standards established in SCC 30.62A.310 and SCC 30.62A.450. Proposals offering better protection would also be acceptable;

(10) A mitigation plan for activities occurring in a critical area or buffer according to the requirements in SCC 30.62A.150;

(11) A habitat management plan in accordance with SCC 30.62A.460 for any activity occurring within the primary association area of a critical species;

(12) When shoreline or bank stabilization measures and/or flood protection measures are proposed, a geotechnical report investigating alternative structural and non-structural methods pursuant to SCC 30.62B.140; and

(13) Any other information necessary to determine compliance with this chapter.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.150 Mitigation plan requirements.

Unless otherwise provided by this chapter, project permit applicants must provide a mitigation plan to address impacts to affected wetland, fish and wildlife habitat conservation area, or buffer functions and values as identified in the critical area study required pursuant to SCC 30.62A.140, provided that mitigation for the primary association area of critical species shall also comply with the requirements of Part 400.

(1) All mitigation plans shall:

(a) Include a baseline study that describes and evaluates the existing functions and values, the functions and values that will be impacted, and the functions and values after mitigation;

(b) Specify how functions and values lost as a result of the activity will be replaced;

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

(d) Include provisions for monitoring and maintenance of the mitigation area on a long-term basis to determine whether the plan was successful. The length of time for monitoring and maintenance should be sufficient to determine if mitigation performance standards have been achieved;

(e) Include provisions for performance and maintenance security pursuant to chapter 30.84 SCC to ensure that work is completed in accordance with approved plans; and

(f) Include provisions on a form approved by the department for right of entry to the county for the purpose of inspection for the length of the monitoring and maintenance period.

(2) For development activities that require approval by the hearing examiner or those that receive phased administrative, conditional or preliminary approvals, the director may allow mitigation plans to be submitted in two phases: a conceptual phase and a detailed plan phase.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.160 Permanent identification, protection and recording.

The following measures for permanent identification and protection of wetlands, fish and wildlife habitat conservation areas and buffers are required for any development activity or action requiring a project permit, except those occurring in public and private road or utility easements and rights-of-way, or those conducted for the primary purpose of habitat enhancement.

(1) Critical area site plan.

(a) All wetlands, fish and wildlife habitat conservation areas and, buffers shall be designated on a critical area site plan as critical area protection areas.

(b) The critical area site plan shall be drawn to a standard engineering scale and include at minimum:

(i) the boundaries of the site;

(ii) a legal description of the subject property;

(iii) accurate locations/boundaries of the critical area protection area(s), identified by critical area type;

(iv) provisions allowing habitat enhancement in wetland(s), fish and wildlife habitat conservation area(s) and buffers; and

(v) provisions for the permanent protection of the critical area(s) functions and values including, at minimum, the following:

(A) restrictions on the construction of new structures;

(B) restrictions on the removal of existing native vegetation; and

(C) restrictions on other development activities that would adversely affect the functions and values of the wetland(s), fish and wildlife habitat conservation area(s), or buffers.

(2) Recording. Critical area site plans shall be recorded with the county auditor. Documentation of recording shall be provided to the department prior to permit issuance.

(3) Separate tracts and easements. Wetlands, fish and wildlife habitat conservation areas, and buffers shall be located in separate tracts owned in common by all owners of the lots or parcels within any land division or land use permit or decision regulated pursuant to chapters 30.41A, 30.41B, 30.41C and 30.41D SCC. Provided that in urban growth areas, wetlands, fish and wildlife habitat conservation areas and buffers may be contained in an easement on individual lots or parcels in a form approved by the department.

(4) Previously approved critical area site plans. For any development activity, action requiring a project permit or clearing occurring consistent with a previously approved critical area site plan shall be governed according to the terms and conditions of the approved site plan, provided that all wetlands, fish and wildlife habitat conservation areas and buffers have been identified and specific permanent protection has been provided.

(5) Permanent marking. Critical area protection area boundaries shall be permanently marked on the site prior to final inspection by the county using methods and materials acceptable to the county, provided that this requirement does not apply to single family residential development occurring on existing lots.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 200 – DESIGNATION, FUNCTIONS AND VALUES, AND CLASSIFICATION

30.62A.210 Designation of wetlands and fish and wildlife habitat conservation areas.

The county has designated wetlands and fish and wildlife habitat conservation areas pursuant to RCW 36.70A.170 by defining them and providing criteria for their identification and establishing the functions and values to be protected. Project proponents are responsible for determining whether a wetland or fish and wildlife habitat conservation area exists and is regulated pursuant to this chapter. The department will verify on a case-by-case basis the presence of wetlands and fish and wildlife habitat conservation areas identified by project proponents. Specific criteria for the designation of wetlands and fish and wildlife habitat conservation areas are contained in this chapter and chapter 30.91 SCC. While the county maintains some maps of wetlands and fish and wildlife habitat conservation areas, they are for informational purposes only and may not accurately represent all such areas.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.220 Functions and values of wetlands, fish and wildlife habitat conservation areas and buffers.

The functions and values listed in this section are included primarily based on their ecological relationship and value to the critical areas subject to this chapter, and include, but are not necessarily limited to, the following elements:

(1) Streams. Fish and wildlife habitat; transport of water, sediment and organic material; floodwater storage and attenuation;

(2) Wetlands. Fish and wildlife habitat, pollution assimilation, sediment retention, shoreline stabilization, floodwater storage, attenuation and conveyance, wave energy attenuation, stream base-flow maintenance, and groundwater discharge/recharge;

(3) Lakes. Fish and wildlife habitat, sediment retention, pollution assimilation, and floodwater attenuation, storage and conveyance;

(4) Marine waters. Fish and wildlife habitat; wind, wave and current attenuation; sediment supply; longshore transport of sediment; and pollution assimilation;

(5) Primary association areas of critical species. Fish and wildlife habitat; and

(6) Buffers. Habitat for water associated and riparian associated wildlife, wildlife movement corridors, noise and visual screening, large woody debris and other natural organic matter recruitment, floodwater attenuation and storage, temperature maintenance, pollution assimilation, streambank stabilization and supply of sediments and nutrients.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.230 Classification of streams, lakes, wetlands and marine waters.

(1) Classification of streams, lakes and marine waters shall be established in accordance with the water typing rules contained in WAC 222-16-030, summarized in Table 1. In the event of a conflict between WAC 222-16-030 and the contents of Table 1, the provisions in WAC 222-16-030 will govern.

(2) Classification and scoring of wetlands shall occur pursuant to the rating system and criteria contained in the Wetland Rating System for Western Washington, (Washington State Department of Ecology Publication #04-06-025) summarized in Table 1. In the event of a conflict between the DOE publication and the contents of Table 1, the provisions in the DOE publication will govern.

Table 1 - Classification of streams, lakes and wetlands

Classification	Classification Criteria Summary
	Streams and Lakes
Type S	Segments of natural waters within their bankfull width, as inventoried as "shorelines of the state" under chapter 90.58 RCW and the rules promulgated pursuant to chapter 90.58 RCW.
Type F	Segments of natural waters other than Type S waters, which are within the bankfull widths of defined channels or within lakes having a surface area of 0.5 acres or greater at seasonal low water and which in any case contain fish habitat or are described by one of the following four categories: (a) Are diverted for domestic use by more than 10 residential or camping units or by a public accommodation facility licensed to serve more than 10 persons, where such diversion is determined by the Washington State Department of Natural Resources to be a valid appropriation of water and the only practical water source for such users. Such waters shall be considered to be Type F water upstream from the point of such diversion for 1,500 feet or until the drainage area is reduced by 50 percent, whichever is less; (b) Are diverted for use by federal, state, tribal or private fish hatcheries. Such waters shall be considered Type F water upstream from the point of diversion for 1,500 feet, including tributaries if highly significant for protection of downstream water quality; (c) Waters which are within federal, state, local or private campgrounds with more than 10 camping units: Provided that the water shall not be considered to enter a campground until it reaches the boundary of the park lands available

	for public use and comes within 100 feet of a camping unit, trail or other park improvement; (d) Riverine ponds, wall-based channels, and other channel features that are used by fish for off-channel habitat.
Type Np	Segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are waters that do not go dry any time of the year of normal rainfall. However, for the purpose of water typing, Type Np waters include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow. Np waters begin downstream of the point along the channel where the contributing basin area is at least 52 acres in size.
Type Ns	Segments of natural waters within the bankfull width of the defined channels that are not Type S, F, or Np waters. These are seasonal, nonfish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np water. Ns waters must be physically connected by an above-ground channel system to Type S, F, or Np waters.
Wetlands	
Category I	Washington Natural Heritage Program/DNR high quality wetlands
	Bogs
	Estuarine (greater than or equal to one acre) & Coastal Lagoons
	High Level Habitat Function (habitat function score is 29-36)
	Moderate Level Habitat Function (habitat function score is 20-28)
	Total score 70 or above but not meeting above criteria
Category II	Estuarine (less than one acre)
	High level of function for habitat (habitat function score is 29-36)
	Moderate level of function for habitat (habitat function score is 20-28)
	High level of function for water quality improvement and low for habitat (water quality function score is 24 – 32 and habitat function score is less than 20)
	Total score 51-69 but not meeting above criteria
Category III	Moderate Level Habitat Function (habitat function score is 20-28)
	Total score of 30-50 but not meeting above criteria
Category IV	Total score for all functions less than 30 points

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 300 – STANDARDS AND REQUIREMENTS

30.62A.310 General standards and requirements.

(1) This Part establishes specific standards and requirements for protection of wetlands and fish and wildlife habitat conservation areas, and under what circumstances mitigation may be used to address the impacts of development.

(2) Any development activity, action requiring a project permit or clearing occurring within wetlands, fish and wildlife habitat conservation areas, and buffers is prohibited unless conducted in compliance with this chapter.

(3) Except as otherwise provided in Part 500, all development activities, actions requiring a project permit or clearing shall be designed and conducted to achieve no net loss of critical area functions and values and comply with the following general standards and requirements:

(a) The project proponent shall make all reasonable efforts to avoid and minimize impacts to wetlands, fish and wildlife habitat conservation areas, and buffers in the following sequential order of preference:

(i) avoiding impacts altogether by not taking a certain action or parts of an action; or;

(ii) when avoidance is not possible, minimizing impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts; and mitigating for the affected functions and values of the critical area;

(b) When mitigation is required it shall be conducted in accordance with the following requirements:

(i) mitigation location. Unless otherwise provided in this chapter, mitigation for impacts to the functions and values of wetlands, fish and wildlife habitat conservation areas and buffers shall be in-kind and on-site. Off-site mitigation may be approved only in those situations where appropriate and adequate on-site mitigation can not replace the function(s) of the wetlands, fish and wildlife habitat conservation area(s) or buffers at an equivalent level to the off-site location. Off-site mitigation must occur in the same sub-drainage basin for streams, lakes and wetlands, or drift cell for marine waters;

(ii) mitigation timing. Mitigation shall be completed prior to granting of final building occupancy, or the completion or final approval of any development activity or action requiring a project permit for which mitigation measures have been required, except as set forth in chapter 30.84 SCC; and

(iii) function replacement. Unless otherwise provided in this chapter, functions and values shall be replaced at a one to one ratio;

(c) A project proponent may demonstrate compliance with SCC 30.62A.310(3) by:

(i) adhering to the standards and requirements in SCC 30.62A.320(1), .330(1), .340(1) and (2) and .450 of this chapter as applicable; or by

(ii) adhering to the performance standards in SCC 30.62A.320(2) and (3), .330(2), .340(3) and (4), or .350 and mitigating for impacted functions and values as follows:

(A) any development activity, action requiring a project permit or clearing allowed pursuant to SCC 30.62A.320(2), .330(2), .340(3) or .350 shall also comply with general mitigation requirements in SCC 30.62A.310(3). Activities not listed or deviations from the standards contained in Part 300 may only be conducted pursuant to SCC 30.62A.350 or Part 500; and

(B) any development activity or action requiring a project permit listed in SCC 30.62A.320(2), .330(2), .340(3) or .350 shall also comply with the critical area study requirements of SCC 30.62A.140, and the mitigation plan requirements of SCC 30.62A.150; and

(d) Permanent identification and protection of wetlands, fish and wildlife habitat conservation areas, and their buffers shall be provided as required by SCC 30.62A.160.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.320 Standards and requirements for buffers

Buffers shall be required adjacent to streams, lakes, wetlands and marine waters to protect the functions and values of these aquatic critical areas.

(1) Buffer standards and requirements – no mitigation required. All development activities, actions requiring project permits and clearing that comply with the buffer requirements of SCC 30.62A.320(1)(a) through (g) satisfy the avoidance criteria of SCC 30.62A.310(3) and are not required to provide mitigation.

(a) Buffer widths shall be as set forth in Table 2a or 2b below.

Table 2a – Stream, Lake and Marine Buffer Width Standards (Feet)		
***Stream*s and *Lake*s**		
Type S		150
Type F with anadromous or resident salmonids		150
Type F without anadromous or resident salmonids		100
Type Np		50
Type Ns		50
Marine Waters		
Type 1	All marine waters	150

Table 2b: Wetland Buffer Width Standards (feet)						
Wetlands						
Wetland Category	Description	Buffer Width Requirements (feet)				
		Standard Buffer Width	High Intensity Land Use [1] [30.62A.340(4)(b)]			Low Intensity Land Use [2]
			Buffer w/out mitigation measure 1 or 2	Buffer w/ mitigation measure 1 (*may use measure 1 OR 2)	Buffer w/ mitigation measures 1 AND 2	
Wetlands containing salmonids (minimum)		150				
Category I	Washington Natural Heritage Program/DNR high quality wetlands	190	250	220*	190	125
	Bogs	190	250	220*	190	125
	Estuarine (at least 1 acre) & Coastal Lagoons	150	200	175*	150	100
	High Level Habitat Function (habitat function score is 29-36)	225	300	262*	225	150
	Moderate Level Habitat Function (habitat function score is 20-28)	110	150	130*	110	75
	Total score 70 or above but not meeting above criteria	75	100	75		50
Category II	Estuarine (less than 1 acre)	110	150	130*	110	75
	High level of function for habitat (habitat function score is 29-36)	225	300	262*	225	150
	Moderate level of function for habitat (habitat function score is 20-28)	110	150	130*	110	75
	High level of function for water quality improvement and low for habitat (water quality function score is 24 – 32 and habitat function score is less than 20)	75	100	75		50
	Total score 51-69 but not meeting above criteria	75	100	75		50
Category III	Moderate Level Habitat Function (habitat function score is 20-28)	110	150	110		75
	Total score of 30-50 but not meeting above criteria	60	80	60		40
Category IV	Total score for all functions less than 30 points	40	50	40		25

[1] High intensity land uses include:

- commercial or industrial uses
- nonresidential use in zones where the primary intent is residential use as per SCC 30.21.025
- Residential use (4 or more units/acre)
- High-intensity recreation (golf courses, ball fields, ORV parks, etc.)

[2] Low intensity land uses include:

- Forestry (cutting of trees only)
- Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)
- Unpaved trails
- Utility corridor without a maintenance road and little or no vegetation management.

(b) Buffer widths shall be measured as follows:

(i) the buffer for streams, lakes and marine waters shall be measured from the ordinary high–water mark extending horizontally in a landward direction and for wetlands, the buffer shall be measured from the edge of the wetland extending horizontally in a landward direction; and

(ii) provided however, where the landward edge of the standard buffer shown in Table 2a or 2b extends on to a slope of 33 percent or greater, the buffer shall extend to a point 25 feet beyond the top of the slope.

(c) Within buffers, the following restrictions on impervious surfaces apply:

(i) no new effective impervious surfaces are allowed within the buffer of streams, wetlands, lakes or marine waters; and

(ii) total effective impervious surfaces shall be limited to 10 percent within 300 feet of:

(A) any streams or lakes containing salmonids;

(B) wetlands containing salmonids; or

(C) marine waters containing salmonids.

(d) All development activities, actions requiring project permits or clearing shall be designed to avoid the loss of or damage to trees in buffers due to blow down or other causes.

(e) The following measures for reducing buffer width and area may be used without a critical area study or mitigation plan:

(i) separate tract reductions. Up to a 15 percent reduction of the standard buffer is allowed when the buffer and associated aquatic critical area are located in a separate tract as specified in SCC 30.62A.160(3);

(ii) fencing reductions. Up to a 15 percent reduction of the standard buffer is allowed when a fence is installed along the perimeter of the buffer. The fence shall be designed and constructed as set forth below:

(A) the fence shall be designed and constructed to be a permanent structure;

(B) the fence shall be designed and constructed to clearly demarcate the buffer from the developed portion of the site and to limit access of landscaping equipment, vehicles, or other human disturbances; and

(C) the fence shall allow for the passage of wildlife, with a minimum gap of one and one half feet at the bottom of the fence, and a maximum height of three and one half feet at the top; and

(iii) for permanent fencing combined with separate tracts, the maximum reduction shall be limited to 25 percent.

(f) The following buffer reduction methods are only allowed in conjunction with a critical area study, pursuant to SCC 30.62A.140, demonstrating that the methods will provide protection equivalent to the standard requirements contained in Table 2. Proposals offering better protection would also be acceptable:

(i) the width of a buffer may be averaged, by reducing the width of a portion of the buffer and increasing the width of another portion of the same buffer, if all of the following requirements are met:

(A) averaging will not diminish the functions and values of the wetland(s), fish and wildlife habitat conservation area(s) or buffer(s);

(B) the total area of the buffer on the subject property may not be less than the area that would have been required if averaging had not occurred;

(C) the total area of buffer averaging shall be placed between the developed area and the wetland, lake, stream or marine water;

(D) no part of the width of the buffer may be less than 50 percent of the standard required width or 25 feet, whichever is greater;

(E) averaging of a buffer shall not be allowed where the reduction extends into associated sloping areas of 33 percent or greater; and

(F) buffers on isolated - wetlands or lakes located in close proximity to other aquatic critical areas shall be connected by corridors of native vegetation where possible using the buffer averaging provisions of this section and the following criteria:

(1) the width of the corridor connection between the aquatic critical areas shall be no less than the combined average of the standard buffers for each of the critical areas, provided that if there is not sufficient buffer area available when using averaging to establish a connection, a connection is not required;

(2) no more than 25 percent of the buffer of the individual critical areas shall be used to make a corridor connection;

(3) the corridor connection shall be established where feasible using the highest quality habitat existing between the critical areas;

(ii) enhancement reductions. Up to a 25 percent reduction of the standard buffer width and area is allowed provided the project proponent demonstrates the enhancement complies with all of the following criteria:

(A) a comparative analysis of buffer functions and values prior to and after enhancement, demonstrates that there is no net loss of buffer functions and values;

(B) a full enhancement reduction shall only be allowed where it can be demonstrated that the existing buffer functions and values are non-existent or significantly degraded. Buffers with partial function may receive a partial or prorated reduction; and

(C) the total buffer area after reduction is not less than 75 percent of the total buffer area before reduction;

(iii) reductions may be combined based on the following criteria:

(A) for enhancement combined with permanent fencing, the maximum reduction in width and area shall be limited to 30 percent; and

(B) for enhancement combined with separate tracts, the maximum reduction in both width and area shall be limited to 30 percent.

(g) When averaging is used in combination with any or all of the reduction methods contained in this section, the buffer shall not be reduced to less than half of the standard buffer widths contained in SCC 30.62A.320(1)(a), Table 2.

(2) Buffer standards and requirements – mitigation required. All actions, structures or facilities listed in this section are allowed only when they are determined to be unavoidable pursuant to SCC 30.62A.310(3) and are conducted according to the standards and requirements identified in this section. When a permit is required, an applicant must also provide a critical area study meeting the requirements of SCC 30.62A.140 and a mitigation plan meeting the requirements of SCC 30.62A.150.

(a) New utilities and transportation structures are allowed within buffers when:

(i) no other feasible alternative exists or the alternative would result in unreasonable or disproportionate costs; and

(ii) location, design and construction minimizes impacts to the buffers pursuant to SCC 30.62A.310.

(b) Stormwater detention/retention facilities are allowed pursuant to the requirements of SCC 30.63A.570.

(c) Access through buffers is allowed provided it is designed and constructed to be the minimum necessary to accommodate the use or activity.

(d) Construction of pedestrian walkways or trails in buffers is allowed when constructed with natural permeable materials and does not exceed 6 feet in width.

(e) Trimming of vegetation for purposes of providing a view corridor in a buffer is allowed provided that:

(i) trimming shall not include felling, topping, or removal of trees and be limited to hand pruning of branches and vegetation;

(ii) trimming and limbing of vegetation for the creation and maintenance of view corridors shall occur in accordance with the pruning standards of the International Society of Arboriculture (See articles published by the International Society of Arboriculture, Consumer Information Program, updated July, 2005);

(iii) trimming shall be limited to view corridors of 30 feet wide or 50 percent of the lot width, whichever is less;

(iv) no more than 30 percent of the live crown shall be removed; and

(v) the activity will not increase the risk of landslide or erosion.

(f) New shoreline and bank stabilization measures or flood protection are allowed pursuant to SCC 30.62A.330(2).

(g) Reconstruction or replacement of buildings may be allowed provided the new building does not encroach further into a critical area or its buffer than did the original building being reconstructed or replaced.

(3) Buffer standards and requirements – mitigation ratios. To mitigate impacts to functions and values of buffers, the ratios in Table 3 shall be required unless using the provisions of innovative development in SCC 30.62A.350. The ratios are based upon the existing type of vegetative cover and are expressed in terms of the number of acres needed to recover the lost functions and values of one acre of buffer area. For impacts to buffers that permanently remove existing vegetation, functions and values shall be assumed to be replaced by creating or enhancing new buffers at the following ratios:

Table 3 –Buffer Mitigation Ratios

Existing Riparian habitat vegetation type	Creation	Enhancement[1]
Mature forest	6:1	12:1
Non-mature forest	3:1	6:1
Shrub	2:1	4:1
Non-woody vegetation	1.5:1	3:1
No vegetated cover	1:1	2:1
[1] enhancement of the existing buffer is allowed in lieu of creation for up to one acre of buffer loss		

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.62A.330 Standards and requirements for activities conducted within streams, lakes and marine waters.

This section provides standards and requirements for activities conducted within streams, lakes and marine waters. Protection of streams, lakes and marine waters is inextricably linked to protection of the adjacent buffers. Standards and requirements for buffers adjacent to streams, lakes and marine waters are found in SCC 30.62A.320.

(1) Standards and requirements for streams, lakes and marine waters – no mitigation required. Any development activity, action requiring project permit or clearing that does not encroach into streams, lakes or marine waters and provides buffers consistent with the requirements of SCC 30.62A.320(1) satisfies the avoidance criteria of SCC 30.62A.310(3) and do not require mitigation.

(2) Standards and requirements for streams, lakes and marine waters – mitigation required. All actions, structures or facilities listed in this section are allowed only when they are determined to be unavoidable pursuant to SCC 30.62A.310(3), and are conducted according to the standards and requirements identified in this section. When a permit is required, an applicant must also provide a critical area study meeting the requirements of SCC 30.62A.140 and a mitigation plan meeting the requirements of SCC 30.62A.150.

(a) All development activities, actions requiring project permits and clearing shall meet the following requirements:

(i) the project shall be sited and designed to prevent the need for shoreline or bank stabilization and structural flood hazard protection measures for the life of the development;

(ii) the project shall be sited and designed to avoid the need for new or maintenance dredging; and

(iii) the project shall not obstruct the source and movement of sediment from bluffs along marine waters except as necessary pursuant to SCC 30.62A.330(2)(b).

(b) Shoreline and streambank stabilization and flood protection measures. Shoreline and streambank stabilization and flood protection measures are only allowed to protect an existing primary structure; new or existing utilities, roads and bridges; agricultural land; or as part of a project where the sole purpose is to protect or restore wetlands, fish and wildlife habitat conservation areas or buffers. Activities allowed under SCC 30.62A.330(2)(b) shall meet the following conditions:

(i) the applicant shall submit a geotechnical report as required pursuant to SCC 30.62B.140 which establishes that the stabilization or flood protection is necessary;

(ii) non-structural measures shall be used unless a geotechnical report indicates that the only alternative is use of structural stabilization measures;

(iii) the activity shall avoid interrupting hyporheic zone continuity; and

(iv) the activity should be designed and constructed based on the guidance contained in the Integrated Streambank Protection Guidelines (Washington State Department of Fish and Wildlife, April 2003) and the Alternative Bank Protection Methods for Puget Sound Shorelines (Washington State Department of Ecology, May 2000, Publication #00-06-012) as appropriate for the type of critical area impacted.

(c) Utility construction. For utilities permitted under Title 30 SCC and Title 13 SCC, the following additional requirements shall apply:

(i) new utility crossings shall be bored beneath types S and F streams, and channel migration zones where feasible;

(ii) underground utilities shall avoid interrupting hyporheic zone continuity;

(iii) utilities shall be contained within the developed footprint of existing roads or utility crossings, where feasible;

(iv) utilities placement shall not increase or decrease the natural rate of shore migration, channel migration or longshore sediment transport within a drift cell;

(v) utilities placement shall avoid interrupting downstream movement of wood and sediment; and

(vi) new overhead electrical facilities are allowed when no other feasible alternative exists or the alternative would result in unreasonable or disproportionate costs, and the location, design and construction minimizes impacts to streams, lakes and marine waters pursuant to SCC 30.62A.310.

(d) Road crossings are subject to the following requirements:

(i) road crossings on fish-bearing streams shall be designed according to the guidelines set forth in Fish Passage Design at Road Culverts (Washington Department of Fish and Wildlife, March 3, 1999); and

(ii) road crossings shall avoid interrupting natural rates of the downstream movement of woody debris and sediment.

(e) Stream conveyances. Where feasible, stream conveyances shall avoid interrupting natural rates of the downstream movement of woody debris and sediment.

(f) Docks, piers and floats are subject to the following requirements:

(i) use of toxic or treated materials that will come in contact with the water is prohibited;

(ii) construction timing shall avoid critical life cycle stages of fish and wildlife;

(iii) these structures shall avoid critical saltwater habitats; and

(iv) joint use of docks, piers and floats shall be required where feasible.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.340 Standards and requirements for activities conducted in wetlands.

Protection of wetlands is inextricably linked to protection of the adjacent buffer areas. Standards and requirements for the buffers adjacent to wetlands are found in SCC 30.62A.320. Additional standards and requirements for development activities, actions requiring project permits and clearing within wetlands are in this section.

(1) Standards for wetlands – prohibitions. The following actions are prohibited:

(a) Filling of estuarine wetlands, Natural Heritage wetlands, mature forested wetlands and Category I bogs;

(b) Point discharges of stormwater into Category I bogs; and

(c) Septic systems and effective impervious surfaces within 300 feet of Category I bogs.

(2) Standards for wetlands – no mitigation required. All development activities, actions requiring project permits and clearing that do not encroach into wetlands and provide buffers consistent with the requirements of SCC 30.62A.320(1)(a) through (f) and the prohibitions in SCC 30.62A.340(1) satisfy the avoidance criteria of SCC 30.62A.310(3) and do not require mitigation.

(3) Standards for wetlands – mitigation required. The actions, structures and facilities listed in this section are allowed only when they are determined to be unavoidable pursuant to SCC 30.62A.310, are consistent with the prohibitions in SCC 30.62A.340(1), and are conducted according to the standards and requirements identified in this section. When a permit is required, an applicant must also provide a critical area study meeting the requirements of SCC 30.62A.140 and a mitigation plan meeting the requirements of SCC 30.62A.150.

(a) Except for estuarine wetlands, Natural Heritage wetlands, mature forested wetlands and bogs, filling of up to one acre of wetland is allowed provided no other feasible alternative exists.

(b) New utilities and transportation structures are allowed within wetlands provided no other feasible alternative exists.

(c) Stormwater detention/retention facilities are prohibited in Category I bogs pursuant to SCC 30.62A.340(1)(b) but are otherwise allowed pursuant to the requirements of SCC 30.63A.570.

(4) Standards for wetlands – mitigation requirements.

(a) Mitigation ratios - To mitigate total loss of wetland functions, the ratios in Table 4 shall be required unless using the provisions for innovative development in SCC 30.62A.350. The ratios are expressed in terms of the units of area needed to replace the lost functions and values of the wetland.

Table 30.62.340 – Table 4
Wetlands Migrations Ratios

Category/Type of Wetland	Creation	Enhancement[1]
All Category IV	1.5:1	3:1
All Category III	2:1	4:1
Category II Estuarine	innovative development only	4:1
All other Category II	3:1	6:1
Category I based on score for functions	4:1	8:1
Category I Natural Heritage site	Innovative development only	Innovative development only
Category I Coastal Lagoon	Innovative development only	Innovative development only
Category I Bog	Not allowed	Innovative design only
Category I Estuarine	Innovative development only	Innovative development only

[1] Enhancement is allowed in lieu of creation for up to one acre of wetland fill

(b) To reduce wetland buffer widths from the width required for high intensity land uses, optional mitigation measures and process requirements may be applied to reduce wetland buffer widths as shown in SCC 30.62A.320(1)(a) Table 2b.

(i) Optional mitigation measures.

(A) Mitigation measure 1. All applicable mitigation measures from Table 5 may be used to mitigate impacts to wetlands from high intensity land uses. When fencing and/or separate tracts are used pursuant to this section additional buffer width reductions for fencing or separate tracts otherwise allowed in SCC 30.62A.320(1) shall not be applied;

Table 5 - Mitigation Measures for High Intensity Land Uses

Examples of disturbance	Activities and uses that cause disturbances	Examples of measures to minimize impacts
Lights	• Parking lots • Warehouses • Manufacturing • Residential	• Direct lights away from wetland
Noise	• Manufacturing • Residential	• Locate activity that generates noise away from the wetland
Toxic runoff*	• Parking lots • Roads • Manufacturing • Residential areas • Landscaping	• Route all new untreated runoff away from wetland while ensuring that wetland is not dewatered • Establish covenants governing use of pesticides within 150 feet of wetland • Apply integrated pest management
Stormwater runoff	• Parking lots • Roads • Manufacturing • Residential areas • Commercial • Landscaping	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters buffer
Change in water regime	• Impermeable surfaces • Lawns • Tilling	• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surface and new lawns
Pets and human disturbance	• Residential areas	• Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract
* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.		

(B) Mitigation measure 2. For Category I or II wetlands that score moderate or high for habitat (20 points or more for the habitat functions), a habitat corridor shall be preserved that meets the following criteria:

(I) Except as allowed in number (II) below, the habitat corridor shall connect the Category I or II wetland with a habitat score of 20 or more to any other wetland, fish and wildlife habitat conservation area or buffer which is:

(aa) on the same property or within the same development, including all phases proposed;

(bb) on adjacent properties and already protected as NGPAs or CAPAs or other permanently protected open space suitable for wildlife habitat use and which either extends to the property boundary or connected by easement; or

(cc) on county, state or federal land used for forestry, conservation or passive recreation parks.

(II) The habitat corridor may connect to a stormwater detention facility, either on-site or on an adjacent site, if it is designed to replicate a natural pond or wetland.

(III) The habitat corridor shall meet the following minimum physical characteristics:

(aa) The corridor shall consist of a relatively undisturbed, vegetated corridor.

(bb) The corridor shall maintain an average width equal to the difference between the high intensity buffer and the standard buffer for the relevant Category I or II wetland as shown in Table 6, except when the corridor is connecting two Category I or II wetlands each with a habitat score of 20 or more and the corridor maintains an average width of 100 feet, it will fulfill the connection requirement for both wetlands.

Table 6 - Average Width for Habitat Corridor (feet)

Wetland Category	Description	Standard Buffer Width	High Intensity Buffer Width	Average Habitat Corridor Width
Category I	Washington Natural Heritage Program/DNR high quality wetlands	190	250	60
	Bogs	190	250	60
	Estuarine (at least 1 acre) & Coastal Lagoons	150	200	50
	High Level Habitat Function (habitat function score is 29-36)	225	300	75
	Moderate Level Habitat Function (habitat function score is 20-28)	110	150	40
Category II	Estuarine (less than 1 acre)	110	150	40
	High Level Habitat Function (habitat function score is 29-36)	225	300	75
	Moderate Level Habitat Function (habitat function score is 20-28)	110	150	40

(cc) The corridor shall maintain a width at each connection not less than the required average width as described in (3)(bb) above.

(dd) The director may approve alternative configurations which meet the intent of no net loss of habitat functions and values pursuant to SCC 30.62A.350.

(IV) The following activities are allowed within the habitat corridor:

(aa) If the corridor maintains an average width of 100 feet or more, an unpaved trail – narrow single file walking path no bicycles or motorized vehicles allowed – may be allowed.

(bb) Vegetation management is allowed as follows:

(A) hazardous tree management – creation of snags and down logs is favored over tree removal whenever possible

(B) hand removal of invasive plant species

(C) removal of noxious weeds using BMPs

(D) when trails are allowed as per (4)(aa) above, minimal trail maintenance is also allowed

(E) restorative/enhancement plantings with native species to increase species diversity or replace plants lost to disease or damage; and

(F) planting with native species along outer edge of corridor to increase plant density and discourage disturbance or intrusion.

(ii) Process requirements in Part 100 shall be supplemented with the necessary information to document the mitigation locations and protection requirements, provide an assessment of functions and values and evaluation of the level of protection achieved by the mitigation measures and establish provisions for permanent protection.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.62A.350 Innovative development design.

(1) A project permit applicant may request approval of an innovative design, which addresses wetland, fish and wildlife habitat conservation area or buffer treatment in a manner that deviates from the standards contained in Part 300. The applicant shall demonstrate in a critical area study required pursuant to SCC 30.62A.140 how the innovative development design complies with the following requirements:

(a) The innovative design will achieve protection equivalent to the treatment of the functions and values of the critical area(s) which would be obtained by applying the standard prescriptive measures contained in this chapter. Proposals offering better protection would also be acceptable;

(b) Applicants for innovative designs are encouraged to consider measures prescribed in guidance documents, such as watershed conservation plans or other similar conservation plans, and low impact stormwater management strategies that address wetlands, fish and wildlife habitat conservation area or buffer protection consistent with this section;

(c) The innovative design will not be materially detrimental to the public health, safety or welfare or injurious to other properties or improvements located outside of the subject property; and

(d) Applicants for innovative designs are encouraged to consider the use of low impact development best management practices described in chapter 30.63C SCC.

(2) Applicants proposing development activities on properties designated as Urban Center Transit Pedestrian Village on the county's Future Land Use Map may utilize the innovative design provisions in this section to deviate from the requirements in Part 300. Such deviations may include, but are not limited to provisions related to avoidance of impacts, standard buffer widths, allowed uses in buffers and wetlands, mitigation ratios and use of off-site mitigation. The applicant shall demonstrate in a critical area study required pursuant to SCC 30.62A.140:

(a) Why the deviation is necessary to implement the policies in the county's comprehensive plan General Policy Plan under objective LU 3.B; and

(b) How the innovative development design achieves protection at least equivalent to the treatment of the functions and values of the critical area(s) which would be obtained by applying the standard prescriptive measures contained in Part 300.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Ord. 10-024, June 9, 2010, Eff date Sept. 30, 2010)

PART 400 - CRITICAL SPECIES

30.62A.410 Purpose.

This Part establishes standards and requirements for the protection of critical species, which includes:

(1) Species listed as threatened or endangered under RCW 77.12.020 and Title 16 United States Code;
(2) Species of local importance designated under SCC 30.62A.470; and
(3) The following species:
- (a) Larch mountain salamander;
- (b) Common loon;
- (c) Peregrine falcon;
- (d) Olympic mudminnow;
- (e) Pygmy whitefish; and
- (f) Gray whale.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.420 Applicability.

(1) The provisions of this Part shall apply as of the effective date of the listing to all development activities, actions requiring project permits and clearing occurring on a site containing a primary association area for a critical species. The provisions of this Part shall apply in addition to any other requirements of this chapter.

(2) Actions subject to this chapter not requiring a project permit should consult with state or federal resource agencies with technical expertise and/or regulatory authority over such critical species or necessary protection measures and comply with the administrative rules for the species adopted pursuant SCC 30.62A.430.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.430 Administrative rules authorized.

In order to protect critical species and their habitats, the department shall develop administrative rules under chapter 30.82 SCC within 120 days of the species listing that establish protection requirements specific to these species and their habitats.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.440 Administrative rules - minimum protection requirements.

In developing administrative rules under this section, the department shall consider establishing at least the following minimum protections:

(1) Establishment of the primary association area;
(2) Limitation on development activities within the primary association area;
(3) Limitation on access to the primary association area;
(4) Provisions for seasonal restrictions on construction activities where appropriate;

(5) Preservation of habitat for the critical species; and

(6) Permanent protection pursuant to SCC 30.62A.160.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.450 General standards and requirements.

Proponents for all development activities, actions requiring project permits or clearing shall make all reasonable efforts to avoid and minimize impacts to critical species pursuant to the requirements of this section, in the following sequential order of preference:

(1) Avoid impacts altogether by not taking a certain action or parts of an action; or

(2) When avoidance is not possible, minimize impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts; and

(3) Comply with rules adopted pursuant to SCC 30.62A.430 and a habitat management plan when required pursuant to SCC 30.62A.460.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.460 Habitat management plan contents.

For any development activity or action requiring a project permit occurring within the primary association area of a critical species, the director may require all or a portion of the following:

(1) A critical area study meeting the requirements of SCC 30.62A.140;

(2) A map drawn to scale or survey showing the location and description of the primary association area(s) of the critical species on the subject property;

(3) Evidence of use of the site by a critical species, including the location and nature of use;

(4) An assessment of how the proposed activities will affect the critical species and/or its habitat, and how the proposal will avoid, minimize or mitigate impacts to those critical species and their habitats pursuant to SCC 30.62A.450. The department shall waive this requirement when a proposed activity is consistent with the protection standards adopted in an administrative rule developed pursuant to SCC 30.62A.430; and

(5) In the absence of an adopted administrative rule governing a listed species, the applicant shall provide a habitat management plan consistent with the minimum requirements of SCC 30.62A.440. In addition, the habitat management plan shall contain an assessment of best available science applicable to the species, demonstrating how the proposal will provide sufficient protection of the critical species and its habitat. Applicants are encouraged to consult with the department, and federal and state agencies with technical expertise or regulatory jurisdiction.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.470 Species of local importance.

This section provides the process for the designation, nomination and protection of species of local importance. The designation, nomination and protection strategies shall be based on best available science.

(1) Designation criteria.

(a) Designation of species of local importance must be based on both the following circumstances:

(i) protection of the native species and its primary association area through existing policies, laws, regulations, or non-regulatory tools is not adequate to prevent degradation of the species in the county; and

(ii) the primary association area nominated to protect a particular species is high quality native habitat or has a high potential to be high quality habitat, or provides landscape connectivity which contributes to the designated species' preservation.

(b) In addition to the requirements in SCC 30.62A.470(1)(a), designation of species of local importance must also be based on one or more of the following circumstances:

(i) local populations of a native species are in danger of extirpation based on existing trends;

(ii) local populations of a native species are likely to become threatened or endangered under state or federal law;

(iii) local populations of a native species are vulnerable or declining;

(iv) the native species has recreational, commercial, or tribal significance; or

(v) long-term persistence of a native species is dependent on the protection, maintenance, and/or restoration of the nominated primary association area.

(2) Petition Contents. The petition to nominate a species of local importance shall contain all the following:

(a) A map showing the nominated primary association area location(s);

(b) An environmental checklist in conformance with SCC 30.61.100;

(c) A written statement that

(i) identifies which designation criteria form the basis of the nomination;

(ii) includes supporting evidence that designation criteria are met; and

(iii) indicates what specific habitat feature(s) or plant communities are to be protected (e.g., nest sites, breeding areas, and nurseries);

(d) Recommended management strategies for the species, supported by the best available science and which meet the minimum requirements of SCC 30.62A.440; and

(e) An economic analysis identifying the cost of implementing a mitigation or protection plan and the financial impact of the requested designation on affected properties or local governments.

(3) Approval Process.

(a) Timing. Nominations for species of local importance will be considered by the council no more than once per year. The department will accept proposals for amendments at any time; however, proposals received after July 31st of each year will be processed in the next annual review cycle.

(b) Process. The county may include a species of local importance for protection pursuant to this section through adoption of legislation by the council. The council considers whether to adopt a motion to list a species of local importance through the following process:

(i) any person may nominate species for designation by submitting a petition meeting the requirements of SCC 30.62A.470(2) and payment of fees as required by chapter 30.86 SCC;

(ii) the department shall complete a SEPA threshold determination and provide notice of the petition as required under SCC 30.70.045 for SEPA threshold determinations associated with a project permit;

(iii) the department shall review the submittal of the petitioner, and coordinate and assemble all available comments of the public, other county departments, and other agencies. Based on the available record, and any other information that may be available, the department shall provide a staff report and recommendation to the council concerning whether the petition meets the requirements for approval;

(iv) the department shall submit to the executive an executive/council approval form (ECAF) containing the staff recommendation, all relevant SEPA documents, and a proposed motion which provides for disposition of the petition; and

(v) upon delivery of an ECAF to the council by the executive, the proposed motion will be subject to the requirements of chapter 2.48 SCC.

(c) Cost of environmental studies. Any person submitting a petition to nominate a species of local importance shall pay the cost of environmental review and studies necessary under SEPA, as required under chapter 30.61 SCC. The person may, at his or her own expense and to the extent determined appropriate by the responsible official, provide additional studies or other information.

(4) Establishment of specific rules for protection. Within 120 days of an action by the council, the department shall develop an administrative rule pursuant to chapter 30.82 SCC addressing protection of the species of local importance in compliance with this section.

(5) The department may establish administrative procedures necessary to administer this section.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 500 - EXCEPTIONS

30.62A.510 Minor development activity exceptions.

(1) Certain minor development activities may occur in wetlands, fish and wildlife habitat conservation areas or buffers provided the project proponent complies with best management practices (BMPs) adopted through rulemaking pursuant to chapter 30.82 SCC and all known and available reasonable technology (AKART) appropriate for compliance with this chapter. Best management practices are physical, structural, or managerial practices which have gained general acceptance by professionals in the appropriate field to minimize and mitigate adverse impacts to the functions and values of critical areas.

(2) All minor development activities authorized in this section shall comply with administrative BMP rules upon adoption. Prior to adoption of such administrative rules, project proponents shall comply with all known and available BMPs as defined in SCC 30.62A.510(1). The director shall use his or her best efforts to adopt BMPs for the minor development activities listed in this section pursuant to the rulemaking provisions of chapter 30.82 SCC within 12 months of the effective date of this chapter.

(3) The following minor development activities may occur pursuant to this section:

(a) Normal maintenance and repair that does not expand the footprint of existing:

(i) improved public and private road rights-of-way,

(ii) utility corridors,

(iii) trails,

(iv) utility facilities,

(v) flood protection and bank stabilization structures,

(vi) stormwater facilities; and

(vii) structures;

(b) Minor replacement, modification, extension, installation, or construction by a utility purveyor in an improved public road right-of-way;

(c) Survey or monument placement;

(d) Minor replacement or modification of existing facilities by a utility purveyor in an improved utility corridor;

(e) Minor replacement or modification by a utility purveyor of individual utility service lines connecting to a utility distribution system;

(f) Minor replacement, modification, minor installation or construction in an improved road right-of-way by the county or by the holder of a current right-of-way use permit;

(g) All development activities in non-riparian Category II and III wetlands smaller than 5,000 square feet, and non-riparian Category IV wetlands smaller than 10,000 square feet, and their associated buffers;

(h) Removal of invasive weeds;

(i) Felling or topping of hazardous trees based on review by a qualified arborist;

(j) Minor replacement, modification or installation of drainage, water quality or habitat enhancement projects; and

(k) All other on-going lawfully established development activities not specifically addressed in this chapter.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.520 Single family residential development exceptions in buffers.

New single family residential development, expansions of existing single family residences and ordinary residential improvements on lots existing prior to October 1, 2007 are allowed in buffers only as follows:

(1) New single family residential structures and ordinary residential improvements shall not disturb more than 4,000 square feet of the buffer;

(2) To the extent feasible, total effective impervious areas shall be limited to 10 percent within 300 feet of all waters and bogs containing salmonids;

(3) Expansion of an existing single family residence or accessory structure may be allowed within a buffer provided the footprint of the expansion does not exceed fifty percent of the existing structure, and the expansion is set back from the critical area a distance which is greater than or equal to the setback of the original structure;

(4) Development in the buffer shall be the minimum necessary to accomplish the uses described in this section;

(5) For new single family development, there must be no alternate location for the development outside of the buffer;

(6) Development in the buffer shall be located to avoid impacts to critical species;

(7) The buffer shall in no case be reduced to less than one half of the standard buffer as provided at 30.62A.320(1)(a) SCC or 25 feet, whichever is greater;

(8) To the maximum extent feasible, the development shall be designed to avoid the removal of existing native vegetation with emphasis on preservation of conifers greater than or equal to 24 inches diameter at breast height (dbh), and hardwoods greater than or equal to 20 inches dbh;

(9) New sewage distribution lines may be allowed in areas of the buffer containing native vegetation provided that the lines are installed without the aid of mechanical equipment, and the removal of any vegetation within the buffer shall be the minimum necessary to install the lines;

(10) A permanent fence shall be installed along the edge of the reduced buffer;

(11) Mitigation for any encroachment into the buffer shall include, where beneficial, enhancement of existing buffers on the site based on the following criteria:

(a) The enhanced buffer should be located between the residential structures and improvements and the aquatic critical area; and

(b) The ratio of the area of buffer enhanced to the area of the buffer encroached upon should be 2 to1.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.530 Emergency activities.

Emergency activities necessary to prevent an immediate threat to public health, safety, welfare or property, or to prevent an imminent threat of serious environmental degradation, are allowed without prior approval in wetlands, fish and wildlife habitat conservation areas or buffers, based on the criteria set forth in this section:

(1) The activity must be the minimum necessary to alleviate the emergency;

(2) The project proponent shall notify the department prior to any action taken to remedy an emergency. If prior notification is not feasible, the project proponent shall notify the department within 48 hours of the action; and

(3) Applications for any required project permits necessary to satisfy compliance with this chapter are submitted to the department within 120 days of the start of the action taken. For actions not requiring permits, compliance with this chapter shall occur within a reasonable time period not to exceed twelve months.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.540 Reasonable use.

(1) A project permit applicant who is unable to comply with the specific standards of this chapter without forfeiting all economically viable use of the property may seek approval of a "reasonable use" allowance under this section. The application must be made on a form provided by the department and accompany a project permit application.

(2) To qualify as a reasonable use, the director shall find that the proposal meets the following criteria:

(a) Application of this chapter will deny all economically viable use of the subject property. In making this determination, the director shall also determine that:

(i) the subject property is an existing legal lot and the inability to derive reasonable use of the subject property is not the result of actions by the applicant in segregating, dividing or creating a condition on the site after April 1, 1995; and

(ii) the inability to derive all reasonable use of the subject property is not the result of prior actions taken in violation of this title or any other local, state or federal law or regulation; and

(b) The proposed development activity meets all other requirements of this title, does not otherwise constitute a nuisance or pose a threat to public health, safety, and welfare on or off the site.

(3) If the director determines that a project permit application meets the requirements of SCC 30.62A.540(2), the project permit application may be approved where the director finds:

(a) The applicant has complied with Part 100 of this chapter;

(b) After review of the project under this chapter, there is no other permitted use of the property with less impact on wetlands, fish and wildlife habitat conservation areas or buffers;

(c) The proposed alteration of a wetland, fish and wildlife habitat conservation area or buffer is the minimum necessary to allow for reasonable use of the property. Activities shall be located as far away as possible from wetlands, fish and wildlife habitat conservation areas and buffers and low impact development techniques shall be used to the maximum extent possible. In all cases, disturbance of a wetland, stream, marine water or lake may only occur if no reasonable use can be achieved by disturbance of a buffer associated with that feature;

(d) The proposed activity is located to minimize impacts to critical species;

(e) If a reasonable use of a parcel cannot exist without modification of the required front, side or rear setbacks or other bulk standards, the department may consider modifying those standards only to the extent necessary to provide for a reasonable use, while providing as much protection as is possible under the circumstances to critical areas, while maintaining the public health safety and welfare. This section shall not relieve an applicant from the obligation of complying with applicable variance procedures set forth in chapters 30.43B and 30.43E SCC or other applicable modification procedures adopted under this title; and

(f) To the greatest extent feasible, the project includes compensation and mitigation for unavoidable impacts to the functions and values of critical areas regulated under this chapter in accordance with the requirements of SCC 30.62A.150.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.550 Mitigation banking.

(1) The director may approve the establishment and use of a wetland, fish and wildlife habitat conservation area or buffer mitigation bank to provide mitigation required by this chapter. The director's approval may allow for deviations from the requirements of Parts 100 through 400 with respect to the treatment of wetlands, fish and wildlife habitat conservation areas or buffers.

(2) Criteria for approval of use of mitigation banks:

(a) The following must have been approved by the County and the federal, state and local agencies with jurisdiction:

(i) a memorandum of agreement (MOA) defining guidelines for establishing a wetland, fish and wildlife habitat conservation area or buffer mitigation banking program and an implementation manual establishing a mitigation bank at a specific site; and

(ii) the MOA and/or implementation manual shall include, but not necessarily be limited to, provisions for the following:

(A) the categories of development activities that may use the mitigation bank;

(B) specific criteria and standards for use of the mitigation bank;

(C) methods for tracking credits;

(D) an interagency oversight committee composed of representatives from each of the agencies with jurisdiction for the purpose of regulatory review and approval of banking activities;

(E) permanent management and maintenance to assure the long-term viability of the bank site;

(F) professional construction oversight to ensure successful construction of the mitigation bank site;

(G) quantitative and qualitative performance standards;

(H) systematic compliance and performance monitoring to determine the degree to which the site meets performance standards;

(I) a schedule and timeline for compliance and performance monitoring,

(J) contingency plans;

(K) methods to be used to determine the functions and values of replacement wetlands, fish and wildlife habitat conservation area or buffers;

(L) provisions for assuring the funding of long-term maintenance of the bank and performance of mitigation and monitoring requirements;

(M) a description of wetland, fish and wildlife habitat conservation area or buffer mitigation ratios to be used and justification for these ratios based upon best available science. Mitigation ratios will be based upon consideration of factors including but not limited to the likelihood of success of the mitigation, the types and quality of wetland, fish and wildlife habitat conservation areas or buffers involved, research results, and monitoring results;

(N) the mitigation plan requirements contained in SCC 30.62A.150. and

(O) provisions for mitigation sequencing that requires at minimum that all proposals using a mitigation bank shall have made reasonable efforts to avoid and minimize impacts to wetlands and fish and wildlife habitat conservation areas.

(b) The use of the mitigation bank will result in equivalent treatment of the functions and values of the wetland, fish and wildlife habitat conservation area or buffer to offset the impacts to critical areas functions and values on the project site such that the total net impact will be no net loss of critical area functions and values in the watershed in which the impacts will occur. Proposals offering a net gain of functions and

values would also be acceptable. For the purposes of this section, "watershed" means an area identified as a state of Washington water resource inventory area (WRIA) under WAC 173-500-040.

(c) The creation and operation of the mitigation bank and development activity which utilizes the wetland, fish and wildlife habitat conservation area or buffer bank, shall not create unmitigated long term or permanent adverse impacts to the critical functions and values of the wetlands, fish and wildlife habitat conservation areas or buffers in the sub-drainage basin in which the impacts will occur. Critical functions and values listed at SCC 30.62A.220 are those that are important to the long-term ecological viability of the wetlands, fish and wildlife habitat conservation areas or buffers in the sub-drainage basin.

(3) The director shall make MOAs and mitigation banking implementation manuals available for public review and comment prior to approval.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 600 - AGRICULTURAL ACTIVITIES

30.62A.605 Purpose.

In accordance with RCW 36.70A.020, the Growth Management Act (GMA) goals require the county to maintain and enhance natural resource-based industries, including commercial agriculture. This Part implements the necessary balance between goals 8 and 10 of the GMA relative to commercial agriculture and the protection of critical areas.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.610 Applicability.

This Part applies to agricultural activities as defined in SCC 30.91A.090, but not meeting the definition of agricultural activities in SCC 30.62.015(1), occurring on lands where agriculture is a legal use, where critical areas defined as wetlands or fish and wildlife habitat conservation areas, or their buffers are present on the site.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.620 General Agricultural Standards.

Except as provided in SCC 30.62A.630, normal agricultural activities as defined in SCC 30.32B.230 or SCC 30.91A.090 subject to this Part 600 are in compliance with this chapter when those activities are performed in accordance with (1), (2) or (3) below:

(1) The best management practices contained in the latest edition of the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG);

(2) Other recognized best management practices for such activity that protect the functions and values of critical areas, where the NRCS FOTG does not provide specific guidance or a best management practice; or

(3) A farm conservation plan that includes provisions addressing critical areas protection specific to the farm site approved by the NRCS or the Snohomish Conservation District (SCD) and signed by the landowner. Any confidential or proprietary information contained in a farm conservation plan may be redacted prior to public disclosure.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.630 Special Agricultural Conditions.

(1) Notwithstanding SCC 30.62A.620, agricultural activities as defined in SCC 30.32B.230 or SCC 30.91A.090 subject to this Part 600 that meet one or more of the following special conditions shall comply with SCC 30.62A.630(2):

(a) Agricultural activities that require a county permit or project approval except for a flood hazard permit required pursuant to chapter 30.43C SCC;

(b) In certain special flood hazard areas designated by the Federal Emergency Management Agency (FEMA) as specified in SCC 30.65.040, the construction of agricultural access or service roads greater than six inches average and twelve inches maximum height above grade;

(c) Agricultural activities that occur in a wetland, except where:

(i) The activity is exempt from wetland regulation under Section 404(f) of the federal Clean Water Act;

(ii) The activity is occurring in a non-riparian Category II or III wetland that is no greater than 5,000 square feet in size; or

(iii) The activity is occurring in a non-riparian Category IV wetland that is no greater than 10,000 square feet in size; and

(d) Agricultural activities that bring land into agricultural use by removal of native woody vegetation or alteration of surface or ground water flows, other than that which results from normal cultivation.

(2) The agricultural activities listed in SCC 30.62A.630(1) are in compliance with this chapter when those activities are performed as follows:

(a) The activity complies with Parts 000 through 500 of this chapter;

(b) The activity is done in compliance with a farm conservation plan, as described in SCC 30.62A.620(3); or

(c) The director issues a written decision finding that the landowner's compliance with other state or federal regulations or permits provides sufficient protection on the site to satisfy related critical areas requirements of this chapter.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 700 – MONITORING AND ADAPTIVE MANAGEMENT

30.62A.710 Monitoring and adaptive management program.

The Executive shall develop and implement a monitoring and adaptive management program to establish a baseline and provide performance measures to determine whether the County is achieving no net loss through its policies and programs affecting wetlands and fish and wildlife habitat conservation areas, in conformance with the Natural Environment Element of the General Policy Plan of the comprehensive plan. The program along with a budget shall be submitted for approval to the County Council within six months of the effective date of this ordinance.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.720 Monitoring and adaptive management program - contents.

(1) Monitored critical areas shall include wetlands and fish and wildlife habitat conservation areas.

(2) The purpose of the monitoring and adaptive management program is to

(a) Identify and collect meaningful data concerning the effectiveness of the county’s programs and policies concerning protection of wetlands and fish and wildlife habitat conservation areas; and

(b) Identify corrective actions in response to a clear indication that the county's programs are not sufficient to actually protect wetlands and fish and wildlife habitat conservation areas.

(3) The monitoring and adaptive management program shall be based on best available science, and shall incorporate the following:

(a) Benchmarks that describe the state of existing functions and values of the monitored critical areas and that are tied to the protective measures being assessed;

(b) Data collection methods that provides accurate measurements of the functions and values of the monitored critical areas and that are tied to the protective measures being assessed, including appropriate time periods for collection of data;

(c) Threshold levels for addressing management practices, regulations and other measures that are determined through data collection and monitoring to be negatively affecting functions and values of monitored critical areas. Thresholds are to be set in light of the benchmarks for existing conditions and in accordance with scientifically-based habitat minimums; and

(d) Strategies for adaptive management or addressing change to provide for expeditious action in reaction to reaching a threshold level. The monitoring and adaptive management program may provide for different strategies for action, depending on the critical area being monitored, the cause of the negative impacts to functions and values, and other variables.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62A.730 Monitoring and adaptive management program - reporting.

(1) Starting in December, 2008, and each year following, the executive shall report to the council on the monitoring and adaptive management program, using best available science, and provide data and conclusions regarding the effectiveness of the county in achieving no net loss of critical area functions and values. If net loss is detected, using scientifically valid techniques, the executive shall report and recommend strategies for adaptive management.

(2) At any point when the monitoring program identifies a significant decline in functions and values of a critical area or areas, the executive shall provide a report to the council as required in SCC 30.62A.730(1).

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

Chapter 30.62B
GEOLOGICALLY HAZARDOUS AREAS

PART 000 – GENERAL

30.62B.010 Purpose and applicability.

(1) The purpose of this chapter is to provide regulations for the protection of public safety, health and welfare pursuant to the Growth Management Act (Chapter 36.70A RCW), in geologically hazardous areas, including: erosion hazard, landslide hazard, seismic hazard, mine hazard, volcanic hazard, and tsunami hazard areas.

(2) This chapter applies to:

(a) Development activities, actions requiring project permits, and clearing except for the following:

(i) Non-ground disturbing interior or exterior building improvements;

(ii) Routine landscape maintenance of established, ornamental landscaping;

(iii) Exterior structure maintenance, including, but not limited to, painting and roofing;

(iv) Removal of noxious weeds conducted in accordance with chapter 16-750 WAC;

(v) Maintenance or replacement that does not expand the affected area of the following existing facilities:

(A) septic tanks and drainfields;

(B) wells;

(C) individual utility service connections; and

(D) individual cemetery plots in established and approved cemeteries;

(vi) Data collection and research by non-mechanical means if performed in accordance with state-approved sampling protocols or Endangered Species Act (ESA) Section 10(a)(1)(a), Section 7 consultation (16 USC § 1536);

(vii) Non-mechanical survey and monument placement;

(viii) Soils testing or topographic surveying of slopes for purposes of scientific investigation, site feasibility analysis, and data acquisition for geotechnical report preparation provided it can be accomplished without road construction; and

(ix) Quasi-judicial rezones not accompanied by another permit or approval.

(b) Agricultural activities, which are subject only to Part 500 of this chapter; except that certain agricultural activities as defined in SCC 30.62.015(1) occurring on rural and agricultural resource lands are exempt from this chapter and are subject only to chapter 30.62 SCC.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.015 Intent.

It is the intent of this chapter to provide the protection required by chapter 36.70A RCW for wetlands and for fish & wildlife habitat conservation areas while simultaneously protecting property rights. The county council nevertheless recognizes that implementation of some provisions of this chapter 30.62B SCC will inevitably entail some restriction of property rights. It is the intent of the county council that this chapter be always construed and interpreted so that property rights be restricted no further than strictly necessary for the critical area protection required under chapter 36.70A RCW.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.020 Relationship to Snohomish County Shoreline Management Program.

Regulation of geologically hazardous areas located within shorelines of the state, as defined in chapter 90.58 RCW, shall be accomplished through compliance with the provisions of this chapter. Nothing in this section shall be construed to be inconsistent with RCW 36.70A.480.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.030 Relationship to chapter 30.61 SCC – environmental impacts.

Critical area protective measures required by this chapter shall also constitute adequate mitigation of adverse or significant adverse environmental impacts on geologically hazardous areas pursuant to chapter 30.61 SCC, to the extent permitted by RCW 43.21C.240.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.040 Rulemaking authority.

The director shall have the authority to adopt administrative rules to implement the provisions of this chapter. Rulemaking authority shall include, but is not limited to, the adoption of best management practices for the regulation of geologically hazardous areas.

PART 100 – PROCESS REQUIREMENTS

30.62B.110 Permit pre-applications.

Project proponents may request a pre-application meeting pursuant to SCC 30.70.020 to obtain a preliminary analysis of how the requirements of this chapter apply to the proposed project.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.120 Critical area services provided by the department.

The department may provide the following service upon submittal of an application and the payment of fees as required by chapter 30.86 SCC: identification of erosion and landslide hazard areas for single-family residential (SFR) dwellings, duplexes, and accessory structures, and commercial structures of 8,000 square feet or less.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.130 Submittal requirements.

For any development activity or action requiring a project permit, the applicant shall submit a site development plan drawn to a standard engineering scale which includes:

(1) Boundary lines and dimensions of the subject property;
(2) Boundary lines and dimensions of the site;
(3) Topography at contour intervals of five feet unless the underlying project permit requires a lesser interval;
(4) Location, size, and type of any existing structures and other existing developed areas;
(5) Location, size and type of all proposed structures and development activity on the site;

(6) Location of all geologically hazardous areas on and within 200 feet of the site, to the extent possible;

(7) Location of all other critical areas regulated pursuant to chapters 30.62A, 30.62C and 30.65 SCC on and within 200 feet of the site; and

(8) Location of structure setbacks as required in SCC 30.62A.320(1)(d), SCC 30.62B.340(2) and chapter 30.23 SCC.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.140 Geotechnical report requirements.

(1) A geotechnical report will be required for any development activity or action requiring a project permit proposed within:

(a) An erosion hazard area;

(b) A landslide hazard area or its setback;

(c) Two hundred feet of a mine hazard area; or

(d) Two hundred feet of any faults.

(2) The geotechnical report shall be prepared, stamped, and signed by a licensed engineer or geologist and contain the following information relevant to the geologically hazardous area:

(a) The topography at contour intervals of five feet unless the underlying project permit requires a lesser interval;

(b) Significant geologic contacts, landslides, or downslope soil movement on and within 200 feet of the site;

(c) A channel migration zone study when required pursuant to SCC 30.62B.330(2);

(d) Impervious surfaces, wells, drain fields, drain field reserve areas, roads, easements, and utilities on site;

(e) The location or evidence of any springs, seeps, or other surface expressions of groundwater;

(f) The location or evidence of any surface waters;

(g) Identification of all existing fill areas;

(h) The location and extent of all proposed development activity;

(i) A discussion of the geological condition of the site including:

(i) a description of the soils in accordance with the Natural Resource Conservation Service indicating the potential for erosion;

(ii) engineering properties of the soils, sediments, and rocks on the subject property and adjacent properties and their effect on the stability of the slope;

(iii) a description of the slope in percent gradient; and

(iv) the location or evidence of seismic faults and soil conditions indicating the potential for liquefaction;

(j) The proposed method of drainage and locations of all existing and proposed surface and subsurface drainage facilities and patterns, and the locations and methods for erosion control;

(k) The extent and type of existing vegetative cover;

(l) A vegetation management and restoration plan prepared by persons experienced in vegetation management and restoration plans such as botanists, landscape architects and certified arborist, or other means for maintaining long-term stability of slopes;

(m) Analysis of erosion rates, slope recession rates and potential impacts to existing or proposed development from wave cutting, stream meandering, or other erosional forces to determine the recommended solution for bank or shoreline stabilization or flood protection in conformance with SCC 30.62B.320(2); and

(n) Any other information necessary to determine compliance with this chapter.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.150 Independent consultant review.

If the department lacks the necessary expertise, the department may require independent consultant review of the application by a qualified professional to assess compliance with this chapter. If independent consultant review is required, the applicant shall make a deposit with the department to cover the cost of the review pursuant to the requirements of chapter 30.86 SCC. Unexpended funds will be returned to the applicant following final decision on the application.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.160 Permanent identification, development restrictions, and recording.

The following measures for permanent identification, development restrictions and disclosure of geologically hazardous areas are required for any development activity or action requiring a project permit, except those occurring in public and private road or utility easements and rights-of-way, or those conducted for the primary purpose of habitat enhancement.

(1) Critical area site plan.

(a) All erosion, landslide, and mine hazard areas and seismic faults shall be designated on a critical area site plan.

(b) The critical area site plan shall be drawn to a standard engineering scale and include at minimum:

(i) the boundaries of the site;

(ii) a legal description of the subject property;

(iii) accurate locations of the geologically hazardous area(s), identified by hazard type; and

(iv) visual and written documentation of any permanent restrictions on development activities in the geologically hazardous area occurring as a result of compliance with this chapter, including, but not limited to: structural setbacks and vegetation retention requirements or other restrictions as may be required pursuant to this chapter.

(2) Recording. Critical area site plans or disclosure notices as required pursuant to SCC 30.62B.160(1) or (3) shall be recorded with the county auditor. Documentation of recording shall be provided to the department prior to permit issuance.

(3) Disclosure requirements for buildings in volcanic and tsunami hazard areas. A disclosure notice acknowledging that the development is occurring on or within 200 feet of a volcanic or tsunami hazard area. The notice shall include the following disclosure text, as appropriate:

(a) For volcanic hazard areas, "This property is on or within 200 feet of the Glacier Peak Volcanic Hazard Area, which is subject to periodic and potentially life-threatening destructive mud, water, and debris flows."; or

(b) For tsunami hazard areas, "This property is on or within 200 feet of a tsunami hazard area, which could be subject to potentially life-threatening destructive waves."

(4) Previously approved critical area site plans. For any development activity, action requiring a project permit or clearing occurring consistent with a previously approved critical area site plan shall be governed according to the terms and conditions of the approved site plan, provided that all erosion, landslide, mine and seismic hazard areas have been adequately identified and appropriate measures for the protection of public safety have been established.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.170 Security devices and insurance requirements.

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

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

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

PART 200 – DESIGNATION

30.62B.210 Designation of geologically hazardous areas.

The county has designated geologically hazardous areas pursuant to RCW 36.70A.170 by defining them and providing criteria for their identification. Project proponents are responsible for determining whether a geologically hazardous area exists and is regulated pursuant to this chapter. The department will verify on a case-by-case basis the presence of geologically hazardous areas identified by project proponents. Specific criteria for the designation of geologically hazardous areas are contained in this chapter and chapter 30.91 SCC. While the county maintains some maps of geologically hazardous areas, they are for informational purposes only and may not accurately represent all such areas.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 300 – STANDARDS AND REQUIREMENTS

30.62B.310 Purpose of Part 300.

Part 300 of this chapter establishes specific standards and requirements for the treatment of erosion, landslide, seismic, mine, volcanic and tsunami hazard areas.

30.62B.320 General standards and requirements for erosion and landslide hazard areas.

(1) Any development activity, action requiring a project permit or clearing occurring in an erosion or landslide hazard area:

(a) Shall be designed to:

(i) Comply with the requirements in an approved geotechnical report when required pursuant to SCC 30.62B.140;

(ii) Utilize best management practices (BMPs) adopted by the department pursuant to chapter 30.63A SCC and all known and available reasonable technology (AKART) appropriate for compliance with this chapter;

(iii) Prevent collection, concentration or discharge of stormwater or groundwater within an erosion or landslide hazard area, except as otherwise provided in this chapter;

(iv) Minimize impervious surfaces and retain vegetation to minimize risk of erosion or landslide hazards; and

(b) Shall not:

(i) result in increased risk of property damage, death or injury;

(ii) cause or increase erosion or landslide hazard risk;

(iii) increase surface water discharge, sedimentation, slope instability, erosion or landslide potential to adjacent or downstream and down-drift properties beyond pre-development conditions; or

(iv) adversely impact wetlands, fish and wildlife habitat conservation areas or their buffers.

(2) For shoreline and bank stabilization and flood protection measures proposed in erosion or landslide hazard areas, the project proponent shall make all reasonable efforts to avoid and minimize impacts to wetlands and fish and wildlife habitat conservation areas and their buffers pursuant to the requirements of chapter 30.62A SCC, in the following sequential order of preference:

(a) Utilize setbacks sufficient to ensure that shoreline stabilization or flood hazard reduction measures will not be necessary to protect development for its projected design life, or;

(b) When sufficient setbacks are not possible, utilize other non-structural measures unless the applicant demonstrates through a geotechnical report required pursuant to SCC 30.62B.120 that new or enlarged structural stabilization or flood protection is necessary to protect:

(i) existing primary structures, utilities, roads and bridges;

(ii) new utilities or public bridges and transportation structures allowed pursuant to 30.62B.330(3);

(iii) agricultural land; or

(iv) projects where the sole purpose is to protect or restore wetlands, fish and wildlife habitat conservation areas or their buffers.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.330 Erosion hazard areas - Channel migration zones.

(1) This section establishes specific standards and requirements for development activities, actions requiring a project permit or clearing in channel migration zones adjacent to the following rivers:

River Name	River Sections (mi)
North Fork Skykomish River	0.00 - 8.64
North Fork Stillaguamish River	0.00 - 35.18
Pilchuck Creek	0.00 - 6.96
Pilchuck River	0.00 - 36.17
Sauk River	All
Skykomish River	0.00- 29.15
Snohomish River & Sloughs	All
Snoqualmie River	0.00 - 5.41
South Fork Skykomish River	0.00 - 6.71
South Fork Stillaguamish River	0.00 - 43.07
Stillaguamish River & Sloughs	All
Sultan River	0.00 - 7.64
Wallace River	0.00 - 7.71

(2) The department may require a channel migration zone study when a development activity or action requiring a project permit is proposed to occur in areas where evidence indicates channel migration is likely, in accordance with the following requirements:

(a) The study shall be conducted in accordance with Section 2 of the Forest Practices Board Manual (Title 222 WAC), Standard Methods for Identifying Bankfull Channel Features and Channel Migration Zones, November, 2004, except that areas behind natural or manmade features which limit channel migration that allow fish passage shall not be included in the channel migration zone;

(b) The study shall be performed under the direction of a qualified professional with experience in fluvial geomorphology or river hydraulics;

(c) The study shall contain the following:

(i) a determination of the presence of channel migration, and if present, the delineation of the channel migration zone;

(ii) an analysis of the impacts of potential channel migration on the proposed development activity; and

(iii) an analysis of the impacts of the proposed development activity on the channel migration zone.

(3) Channel Migration Zone (CMZ) standards and requirements.

(a) All development activities, actions requiring a project permit and clearing are prohibited in the channel migration zone, except as provided below.

(i) removal of hazardous trees;

(ii) new utility facilities based on the following requirements;

(A) pipelines shall be bored 10 feet beneath the thalweg scour depth of the river within the CMZ;

(B) surface utilities such as power transmission lines shall be located away from the current channel if feasible; and if not feasible, foundations within the CMZ shall be designed as in-channel structures if determined by the department to be necessary;

(iii) new public bridges and transportation structures when no other feasible alternative exists or the alternative would result in unreasonable and disproportionate costs;

(iv) normal maintenance or repair of existing flood control and bank stabilization structures, buildings, roads, bridges and utilities; and

(v) shoreline and bank stabilization and flood protection measures pursuant to the general requirements contained SCC 30.62B.320(2).

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.340 Landslide hazard areas.

(1) Development activities, actions requiring project permits and clearing shall not be allowed in landslide hazard areas or their required setbacks unless there is no alternate location on the subject property.

(2) Structures shall be setback from landslide hazard areas unless the department approves a deviation as provided below.

(a) Setbacks shall be established as follows:

(i) the minimum top of slope setback shall be equal to the height of the slope divided by three, or 50 feet, whichever is greater;

(ii) the minimum toe of slope setback shall be 50 feet or the height divided by two whichever is greater; and

(iii) slope setbacks shall be no less than the minimum necessary to ensure that structural shoreline stabilization measures will not be necessary to protect the development.

(b) Deviations from setbacks may be allowed when the applicant demonstrates that the following conditions are met:

(i) there is no alternate location for the structure on the subject property; and

(ii) a geotechnical report demonstrates that:

(A) the alternative setbacks provide protection which is equal to that provided by the standard minimum setbacks; and

(B) the proposal meets the requirements of SCC 30.62B.320.

(3) In addition to the requirements in SCC 30.62B.320 the following standards and requirements apply to development activities, actions requiring project permits and clearing in landslide hazard areas:

(a) Vegetation shall not be removed from a landslide hazard area, except for hazardous trees based on review by a qualified arborist or as otherwise provided for in a vegetation management and restoration plan;

(b) The factor of safety for landslide occurrences shall not be decreased below the limits of 1.5 for static conditions or 1.1 for dynamic conditions. Analysis of dynamic conditions shall be based on horizontal acceleration as established by the current version of the International Building Code;

(c) Tiered piles or piers shall be used for structural foundations where possible to conform to existing topography;

(d) Retaining walls that allow for the maintenance of existing natural slope area shall be used wherever possible instead of graded artificial slopes;

(e) Provided there is no practical alternative, utility lines and pipes may be constructed in landslide hazard areas under the following conditions:

(i) the line or pipe shall be located above ground and properly anchored or designed so that it will continue to function in the event of an underlying slide; and

(ii) stormwater conveyance systems shall be designed with high-density polyethylene pipe with fuse-welded joints, or similar product that is technically equivalent; or

(iii) alternatively, utilities may be bored below landslide hazard areas provided they are located beneath the depth of potential slope failure.

(f) Point source discharge of stormwater may be allowed in landslide hazard areas under the following conditions:

(i) the stormwater is conveyed via continuous storm pipe downslope to a point where it does not increase risk to landslide hazard areas or other properties downstream from the discharge;

(ii) the stormwater is discharged at flow durations matching predeveloped conditions with adequate energy dissipation into existing channels; or

(iii) discharge upslope of the landslide hazard area may only occur if:

(A) it is dispersed onto a low-gradient undisturbed setback adequate to infiltrate all surface and stormwater runoff; and

(B) the discharge will not decrease the stability of the slope.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.350 Seismic hazard areas.

(1) Development activities or actions requiring a project permit occurring within 200 feet of a seismic hazard area may be allowed with an approved geotechnical report that confirms the site is suitable for the proposed development.

(2) Development activities or actions requiring a project permit occurring in a seismic hazard area shall meet applicable standards of the International Building Code and chapter 30.51A SCC.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.360 Mine hazard areas.

(1) Development activities or actions requiring a project permit occurring on or within 200 feet of a mine hazard area may be allowed with an approved geotechnical report that confirms the site is suitable for the proposed development or action.

(2) For any reclamation activity under the jurisdiction of the county pursuant to SCC 30.63B.360, the applicant must submit as-built drawings in a form specified by the director that reflect the final grades on-site, proper site stabilization and vegetative cover.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.370 Volcanic hazard areas.

Development activities or actions requiring a project permit occurring on or within 200 feet of a volcanic hazard area shall comply with the identification, disclosure, and recording requirements of SCC 30.62B.160.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.380 Tsunami hazard areas.

Development activities or actions requiring a project permit occurring on or within 200 feet of a tsunami hazard area shall comply with the identification, disclosure, and recording requirements of SCC 30.62B.160 as evidence becomes available. In Tsunami Hazard Areas, project proponents are encouraged to follow the recommendations from "Designing for Tsunamis: Seven Principles for Planning and Designing for Tsunami Hazards"

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 400 – EXCEPTIONS

30.62B.410 Minor development activity exceptions.

(1) Certain minor development activities may occur in geologic hazard areas or setbacks provided the project proponent complies with best management practices (BMPs) adopted through rulemaking pursuant to chapter 30.82 SCC and all known and available reasonable technology (AKART) appropriate for compliance with this chapter. Best management practices are physical, structural, or managerial practices which have gained general acceptance by professionals in the appropriate field to minimize and mitigate adverse impacts to the functions and values of critical areas.

(2) All minor development activities authorized in this section shall comply with administrative BMP rules upon adoption. Prior to adoption of such administrative rules, project proponents shall comply with all known and available BMPs as defined in SCC 30.62A.510(1). The director shall use his or her best efforts to adopt BMPs for the minor development activities listed in this section pursuant to the rulemaking provisions of chapter 30.82 SCC within 12 months of the effective date of this chapter.

(3) The following minor development activities may occur pursuant to this section:

(a) Normal maintenance and repair that does not expand the footprint of existing:

(i) improved public and private road rights-of-way,

(ii) utility corridors,

(iii) trails,

(iv) utility facilities,
(v) flood protection and bank stabilization structures,
(vi) stormwater facilities; and
(vii) structures;

(b) Minor replacement, modification, extension, installation, or construction by a utility purveyor in an improved public road right-of-way;

(c) Survey or monument placement;

(d) Minor replacement or modification of existing facilities by a utility purveyor in an improved utility corridor;

(e) Minor replacement or modification by a utility purveyor of individual utility service lines connecting to a utility distribution system;

(f) Minor replacement, modification, minor installation or construction in an improved road right-of-way by the county or by the holder of a current right-of-way use permit;

(g) Removal of invasive weeds;

(h) Felling or topping of hazardous trees based on review by a qualified arborist;

(i) Minor replacement, modification or installation of drainage, water quality or habitat enhancement projects; and

(j) All other on-going lawfully established development activities not specifically addressed in this chapter.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.420 Emergency activities.

Emergency activities necessary to prevent an immediate threat to public health, safety, welfare or property, or to prevent an imminent threat of serious environmental degradation, are allowed without prior approval in geologically hazardous areas, based on the criteria set forth in this section:

(1) The activity must be the minimum necessary to alleviate the emergency;

(2) The project proponent shall notify the department prior to any action taken to remedy an emergency. If prior notification is not feasible, the project proponent shall notify the department within 48 hours of the action; and

(3) Applications for any required project permits necessary to satisfy compliance with this chapter are submitted to the department within 120 days of the start of the action taken. For activities not requiring permits, compliance with this chapter shall occur within a reasonable time period not to exceed twelve months.

(Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 500 AGRICULTURAL ACTIVITIES

30.62B.505 Purpose.

In accordance with RCW 36.70A.020, the Growth Management Act (GMA) goals require the county to maintain and enhance natural resource-based industries, including commercial agriculture. This Part implements the necessary balance between goals 8 and 10 of the GMA relative to commercial agriculture and the protection of critical areas.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.510 Applicability.

This Part applies to agricultural activities as defined in SCC 30.91A.090, but not meeting the definition of agricultural activities in SCC 30.62.015(1), occurring on lands where agriculture is a legal use, where critical areas defined as erosion hazard areas are present on the site. Provided however, that proposals for building construction in channel migration zones must comply with the requirements in SCC 30.62B.330(3).

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.520 General Agricultural Standards.

Except as provided in SCC 30.62B.530, normal agricultural activities as defined in SCC 30.32B.230 or SCC 30.91A.090 subject to this Part 500 are in compliance with this chapter when those activities are performed in accordance with (1), (2) or (3) below:

(1) The best management practices contained in the latest edition of the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG);

(2) Other recognized best management practices for such activity that protect the functions and values of critical areas, where the NRCS FOTG does not provide specific guidance or a best management practice; or

(3) A farm conservation plan that includes provisions addressing critical areas protection specific to the farm site approved by the NRCS or the Snohomish Conservation District (SCD) and signed by the landowner. Any confidential or proprietary information contained in a farm conservation plan may be redacted prior to public disclosure.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62B.530 Special Agricultural Conditions.

(1) Notwithstanding SCC 30.62B.520, agricultural activities as defined in SCC 30.32B.230 or SCC 30.91A.090 subject to this Part 500 that meet one or more of the following special conditions shall comply with SCC 30.62B.530(2):

(a) Agricultural activities that require a county permit or project approval except for a flood hazard permit required pursuant to chapter 30.43C SCC;

(b) In certain special flood hazard areas designated by the Federal Emergency Management Agency (FEMA) as specified in SCC 30.65.040, the construction of agricultural access or service roads greater than six inches average and twelve inches maximum height above grade;

(c) Agricultural activities that occur in a wetland, except where:

(i) The activity is exempt from wetland regulation under Section 404(f) of the federal Clean Water Act;

(ii) The activity is occurring in a non-riparian Category II or III wetland that is no greater than 5,000 square feet in size; or

(iii) The activity is occurring in a non-riparian Category IV wetland that is no greater than 10,000 square feet in size; and

(d) Agricultural activities that bring land into agricultural use by removal of native woody vegetation or alteration of surface or ground water flows, other than that which results from normal cultivation.

(2) The agricultural activities listed in SCC 30.62B.530(1) are in compliance with this chapter when those activities are performed as follows:

(a) The activity complies with Parts 000 through 400 of this chapter;

(b) The activity is done in compliance with a farm conservation plan, as described in SCC 30.62B.520(3); or

(c) The director issues a written decision finding that the landowner's compliance with other state or federal regulations or permits provides sufficient protection on the site to satisfy related critical areas requirements of this chapter.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

Chapter 30.62C
CRITICAL AQUIFER RECHARGE AREAS

PART 000 - GENERAL

30.62C.010 Purpose and applicability.

(1) The purpose of this chapter is to designate and protect critical aquifer recharge areas pursuant to the Growth Management Act (chapter 36.70A RCW) in order to safeguard the public health, safety, and welfare and to protect groundwater resources. Critical aquifer recharge areas include: sole source aquifers, Group A wellhead protection areas and areas sensitive to groundwater contamination.

(2) This chapter applies to:

(a) development activities and actions requiring projects permits;

(b) agricultural activities as defined in SCC 30.91A.090 where critical aquifer recharge areas are present on the site; except that certain agricultural activities as defined in SCC 30.64.010 occurring on rural and agricultural resource lands are exempt from this chapter and are subject only to chapter 30.64 SCC; and

(c) other activities or uses that have the potential to harm water quality or quantity within critical aquifers recharge areas.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62C.015 Intent.

It is the intent of this chapter to provide the protection required by chapter 36.70A RCW for wetlands and for fish & wildlife habitat conservation areas while simultaneously protecting property rights. The county council nevertheless recognizes that implementation of some provisions of this chapter 30.62C SCC will inevitably entail some restriction of property rights. It is the intent of the county council that this chapter be always construed and interpreted so that property rights be restricted no further than strictly necessary for the critical area protection required under chapter 36.70A RCW.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62C.020 Relationship to Snohomish County Shoreline Master Program.

Protection of critical aquifer recharge areas located within shorelines of the state, as defined in chapter 90.58 RCW, shall be accomplished through compliance with the provisions of this chapter. Nothing in this section shall be construed to be inconsistent with RCW 36.70A.480.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62C.030 Relationship to 30.61 SCC - environmental impacts.

Critical aquifer recharge area protective measures required by this chapter shall also constitute adequate mitigation of adverse or significant adverse environmental impacts pursuant to chapter 30.61 SCC, to the extent permitted by RCW 43.21C.240.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62C.040 Rulemaking authority.

The director shall have the authority to adopt administrative rules to implement the provisions of this chapter. Rulemaking authority shall include, but is not limited to, the adoption of best management practices for the protection of critical aquifer recharge areas.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 100 – PROCESS REQUIREMENTS

30.62C.110 Permit pre-applications.

Project proponents may request a pre-application meeting pursuant to SCC 30.70.020 to obtain a preliminary analysis of how the requirements of this chapter apply to the proposed project.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62C.120 Critical area services provided by the department.

The department may provide the following services to applicants upon submittal of the application and the payment of fees as required by chapter 30.86 SCC:

(1) Review geotechnical, geologic, hydraulic, or groundwater reports; and

(2) Designate critical aquifer recharge areas on site for single family residential (SFR) dwellings, duplexes, and accessory structures, and commercial structures of 8,000 square feet or less.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62C.130 Submittal requirements.

(1) When a project permit is required for any development activity or action subject to this chapter, the applicant shall submit a site development plan drawn to a standard engineering scale which includes:

(a) Boundary lines and dimensions of the subject property;

(b) Boundary lines and dimensions of the site;

(c) Topography at contour intervals of five feet unless the underlying project permit requires a lesser interval;

(d) Location, size, and type of any existing structures and other existing developed areas;

(e) Location, size and type of all proposed structures and development activity on the site;

(f) Location, size and type of all critical aquifer recharge areas on the subject property;

(g) Location of all other critical areas regulated pursuant to chapters 30.62A, 30.62B and 30.65 SCC on and within 200 feet of the site; and

(h) Location of structure setbacks as required in SCC 30.62A.320(1)(d), SCC 30.62B.340(2) and chapter 30.23 SCC; and

(2) A hydrogeologic report as required pursuant to SCC 30.62C.140.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62C.140 Hydrogeologic report.

(1) A hydrogeologic report is required for any activity or use requiring a project permit regulated in Part 300, and proposed within a sole source aquifer, Group A wellhead protection area or critical aquifer recharge area with high or moderate groundwater sensitivity.

(2) The hydrogeologic report shall be prepared by a qualified professional who is a geologist, hydrogeologist, engineering geologist, or engineer, who is licensed by the State of Washington and who has experience preparing hydrogeologic assessments.

(3) The hydrogeologic report shall contain the following information relevant to the critical aquifer recharge area:

(a) The surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, and the permeability of the unsaturated zone;

(b) Groundwater depth, flow direction, and gradient based on available information;

(c) Currently available data on wells and springs within one fourth mile of the site;

(d) Currently available information on the location of surface waters within one fourth mile of the site;

(e) Historic water quality data for the area to be affected by the proposed activity or use compiled for at least the previous five-year period;

(f) Discussion of the effects of the proposed project on the groundwater quality and quantity, including:

(i) predictive evaluation of groundwater withdrawal effects on nearby wells and surface water features; and

(ii) Predictive evaluation of contaminant transport based on potential releases to groundwater;

(g) Best management practices relevant to the proposed activity or use;

(h) Provisions to monitor the groundwater quality and quantity;

(i) A spill plan that identifies equipment and structures that could fail, resulting in an impact to the critical aquifer recharge area. Spill plans shall include provisions for regular inspection, repair, and replacement of structures and equipment with the potential to fail;

(j) Salt-water intrusion addendums shall be required for withdrawals of groundwater or reductions in available recharge within one fourth mile of any part of Puget Sound, or a greater distance inland where there is evidence that chloride (bicarbonate + carbonate) ratio exceeds 1.5 equivalent parts per million at any time of the year. The addendum shall include an assessment of the likelihood and extent of seawater intrusion into a critical aquifer and a description of probable impact on wells on adjacent or nearby parcels;

(k) An assessment of how the development activity meets the protection standards established in SCC 30.62C.320;

(l) If the hydrogeologic report identifies impacts to critical aquifer recharge areas, the project applicant will be required to:

(i) identify and provide an analysis of alternatives by which such impacts could be avoided or prevented; and

(ii) provide a detailed mitigation plan for any unavoidable impacts. The mitigation plan should include preventative measures, monitoring, process control and remediation and a contingency plan, as appropriate;

(m) Recommendations for implementation and operation of activities, including size limitations, monitoring, reporting and best management practices (bmp);

(n) An evaluation of potential nitrate impacts on the aquifer, including cumulative impacts of adjacent or surrounding developments and activities, and provide recommendations for monitoring and bmps of nitrate generating activities; and

(o) Any other information necessary to determine compliance with this chapter.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62C.150 Notification to purveyors of Group A public water supply systems.

The department shall provide notification as required by chapter 30.70 SCC of any proposed development activity or actions requiring a project permit subject to Part 300 to purveyors of Group A public water supply systems established pursuant to WAC 246-290.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 200 – DESIGNATION AND CLASSIFICATION

30.62C.210 Designation of critical aquifer recharge areas.

The county has designated critical aquifer recharge areas pursuant to RCW 36.70A.170 by defining them and providing criteria for their identification. Project proponents are responsible for determining whether a critical aquifer recharge area exists and is regulated pursuant to this chapter. The department will verify on a case-by-case basis the presence of critical aquifer recharge areas identified by project proponents. Specific criteria for the designation of critical aquifer recharge areas are contained in this chapter and Chapter 30.91 SCC. While the county maintains some maps of critical aquifer recharge areas, they are for informational purposes only and may not accurately represent all such areas.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62C.220 Classification of critical aquifer recharge areas.

The county has established the following three classifications of critical aquifer recharge areas (CARAs):

(1) Sole source aquifers designated by the U.S. Environmental Protection Agency in accordance with the Safe Drinking Water Act of 1974 (Public Law 93-523);

(2) Areas within the 10-year travel zone of Group A wellhead protection areas, determined in accordance with delineation methodologies specified by the Washington Department of Health under authority of chapter 246-290 WAC; and

(3) Areas of high, medium, and low sensitivity to groundwater contamination, based on depth to groundwater and in accordance with The Ground-Water System and Ground-Water Quality in Western Snohomish County, Washington (United States Geological Survey, Water Resources Investigations, Report #96-4312, 1997).

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

PART 300 – STANDARDS AND REQUIREMENTS

30.62C.310 Purpose of Part 300.

Part 300 of this chapter establishes specific standards and requirements for the protection of critical aquifer recharge areas.

30.62C.320 General requirements.

(1) The project proponent shall make all reasonable efforts to avoid and minimize impacts to critical aquifer recharge areas pursuant to the requirements of this section, in the following sequential order of preference:

(a) Avoiding impacts altogether by not taking a certain action or parts of an action; or when avoidance is not possible,

(b) minimizing impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts; and

(c) mitigation for the impacts to the critical aquifer recharge area;

(2) Any activity or use specifically listed in Part 300 shall comply with the best management practices and mitigation plan identified in the hydrogeologic report, and any additional requirements contained in SCC 30.62C.340.

(3) All development activities shall comply with the groundwater quality standards contained in WAC Chapter 173-200 and RCW Chapter 90.48.

(4) Where the department determines that an activity or use not specifically listed in Part 300 has the potential to harm water quality or quantity within critical aquifer recharge areas, the applicant shall comply with Part 100 and apply best management practices and all known and available reasonable technology (AKART) appropriate to protect critical aquifer recharge areas.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62C.330 Prohibited uses.

The following activities and uses are prohibited in sole source aquifers, Group A wellhead protection areas and critical aquifer recharge areas with high sensitivity:

(1) Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, woodwaste, and inert and demolition waste landfills;

(2) Underground injection wells;

(3) Mining of metals and hard rock;

(4) Wood treatment facilities occurring over permeable surfaces (natural or manmade); and

(5) Facilities that store, process, or dispose of radioactive substances.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.62C.340 Uses and development activities subject to special conditions.

The following activities and uses shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations and recommendations from an approved hydrogeologic report required pursuant to SCC 30.62C.140.

Activity	**Statute – Regulation – Guidance**
Above Ground Storage Tanks	Chapter 173-303-640 WAC
Animal Feedlots	Chapter 173-216 WAC, Chapter 173-220 WAC
Animal feeding operations/concentrated animal feeding operations	Final Rule 40 CFR Parts 9, 122, 123, and 412]
Automobile Washing facilities	Chapter 173-216 WAC, Best Management Practices for Vehicle and Equipment Discharges (Washington Department of Ecology WQ-R-95-56)
Below Ground Storage Tanks	Chapter 173-360 WAC
Chemical Treatment Storage and Disposal Facilities	Chapter 173-303-182 WAC
Dangerous waste	Chapter 70.105 RCW, chapter 173-303 WAC, Snohomish Health District Sanitary Code chapter 3.5, and chapter 7.53.070 SCC

Activity	Statute – Regulation – Guidance
Injection Wells	Federal 40 CFR Parts 144 and 146, Chapter 173-218 WAC
Junk Yards and Salvage Yards	Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicles Recycler Facilities (Washington State Department of Ecology 94-146)
On-Site Sewage Systems (Large Scale > 3,500 gal/day)	Chapter 173-240 WAC, Chapter 246-272 WAC, , Chapter 246-272B WAC, Local Health Ordinances
A single or multiple small on-site sewage systems with a combined design volume of greater than 3,500 gal/day	Chapter 246-272 WAC, Chapter 246-272A WAC , Local Health Ordinances
Pesticide and Fertilizer Storage and Use	Chapter 15.54 RCW, Chapter 17.21 RCW
Reclaimed water for groundwater recharge	Chapter 90.46 RCW
Sawmills	Chapter 173-303 WAC, Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Log Yards (Washington State Department of Ecology, 95-53)
Solid Waste Handling and Recycling Facilities	Chapter 173-304 WAC
Surface Mining	Chapter 332-18 WAC
Wastewater Application to Land Surface	Chapter 173-216 WAC, Chapter 173-200 WAC, Washington State Department of Ecology Land Application Guidelines, Best Management Practices for Irrigated Agriculture

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

Chapter 30.63A
DRAINAGE

PART 000 GENERAL

30.63A.010 Purpose and objectives.

(1) The purpose of this chapter is to implement the provisions of the Federal Clean Water Act (33 U.S.C. § 1251 et seq.) as administered by the Washington State Department of Ecology through issuance of the National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Stormwater Management Permit (Permit) in accordance with chapter 90.48 RCW. This chapter regulates stormwater discharges from all new development and redevelopment to prevent and control adverse impacts of drainage and stormwater on the public health, safety, and general welfare.

(2) The objectives of this chapter are:

(a) To promote sound, practical and economical development practices and construction procedures which prevent or minimize impacts to the county's waters;

(b) To prevent or minimize degradation of water quality and to control the sedimentation of streams, rivers, lakes, wetlands, marine waters and other waters to the maximum extent practicable by all known and reasonable methods of prevention, control and treatment;

(c) To control stormwater runoff originating from new development or redevelopment;

(d) To preserve the quality of water for recreation and fish and wildlife habitat;

(e) To maintain aquatic habitat;

(f) To maintain the quality of the county's water resources;

(g) To prevent or minimize adverse effects caused by degradation of surface water quality flow patterns or quantities, locations, and changes to hydrologic flow patterns;

(h) To prevent groundwater degradation from surface water flows;

(i) To preserve and protect the county's wetlands by maintaining hydrologic continuity with other aquatic resources;

(j) To maintain the safety of county roads and rights-of-way;

(k) To protect and maintain the safety and reliability of public and private electric systems to federally mandated standards;

(l) To protect public safety by reducing soil erosion, slope instability, and landslides;

(m) To encourage new development and redevelopment to locate within urban growth areas; and

(n) To promote non-structural preventative and source control activities and actions.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.020 Applicability.

The regulations in this chapter apply to all new development and redevelopment unless otherwise exempted or modified in this chapter.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.030 Compliance with other laws.

Approvals and permits granted based on compliance with this chapter and any rules, policies and procedures promulgated hereunder do not constitute waivers of the requirements of any other laws or regulations, nor do they indicate compliance with any other laws or regulations. Compliance with all applicable federal, state and local laws and regulations is required.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.040 Projects performed under authority of the director of public works or county engineer.

For projects performed under the authority of the director of the department of public works or the county engineer, compliance with this chapter may be achieved pursuant to SCC 30.63B.100.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

PART 100 STORMWATER REGULATIONS, MANUALS AND DESIGN STANDARDS

30.63A.100 Snohomish County stormwater regulations.

The provisions of chapters 30.63A, 30.63B, 30.63C and 7.53 SCC, together with those manuals and standards described in SCC 30.63A.110 and 30.63A.120, shall constitute the county's stormwater regulations.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.110 Snohomish County Drainage Manual.

The director of the department of public works is authorized to adopt by rule, pursuant to chapter 30.82 SCC, the Snohomish County Drainage Manual, to be known as the "Drainage Manual." The Drainage Manual shall provide detail and specificity regarding the requirements of chapters 30.63A, 30.63B and 30.63C SCC. The Drainage Manual shall be used in place of the 2005 Department of Ecology Stormwater Management Manual for Western Washington. When best management practices (BMPs) are required by this chapter, they shall comply with the Drainage Manual.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.120 Engineering Design and Development Standards.

(1) The county engineer is authorized to adopt and revise by rule, pursuant to chapter 30.82 SCC, engineering design and development standards related to the requirements of chapters 30.63A, 30.63B and 30.63C SCC. These engineering design and development standards shall be contained in the EDDS adopted under SCC 13.05.010.

(2) Work performed and materials installed pursuant to the requirements of chapters 30.63A, 30.63B and 30.63C SCC shall conform to the EDDS.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.140 Washington State Department of Transportation Highway Runoff Manual.

BMPs from the Washington State Department of Transportation Highway Runoff Manual, as determined by the Washington State Department of Ecology to be equivalent to the 2005 Stormwater Management Manual for Western Washington, may be used to meet certain requirements of chapters 30.63A, 30.63B and 30.63C SCC for road construction projects, subject to approval by the applicable director.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.150 Hierarchy of regulations.

In the application of the county's stormwater regulations, where any conflict exists between the requirements of chapters 30.63A, 30.63B or 30.63C SCC and the Drainage Manual, other manuals authorized in this chapter, or chapter 5 of the EDDS, the provisions of chapters 30.63A, 30.63B and 30.63C SCC shall control.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.160 Hierarchy of definitions.

In the application of chapters 30.63A, 30.63B and 30.63C SCC, where a definition in chapter 30.91 SCC conflicts with a definition in the Drainage Manual or chapter 5 of the EDDS, the definition from chapter 30.91 SCC shall control. Where a term used in the Drainage Manual or the EDDS is not defined in chapter 30.91 SCC, the definition in the Drainage Manual or the EDDS shall apply.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.170 Modification and waiver criteria and processes.

Requests for modifications or waivers from the requirements of chapters 30.63A and 30.63B SCC, the Drainage Manual, and chapter 5 of the EDDS and any submittal checklist item pertaining to the requirements of chapters 30.63A and 30.63B SCC shall be processed under SCC 30.63A.830 through SCC 30.63A.842.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

PART 200 EXEMPTIONS

30.63A.200 General exemptions.

The following new development and redevelopment activities shall be exempt from all stormwater management requirements of this chapter except as otherwise specified below:

(1) Repair or installation of underground or overhead facilities performed by a utility. For this exemption to apply, the repair or installation shall only replace ground surfaces with in-kind materials or materials with similar runoff characteristics and the development activities must occur outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination.

(2) Utility facility maintenance and repairs performed by a utility that replace ground surfaces with in-kind materials or materials with similar runoff characteristics, that do not add impervious surface, and that do not adversely impact any critical areas, critical area buffers or upstream or downstream properties, except that such activities shall comply with minimum requirement 2 (SCC 30.63A.445 through 30.63A.510).

(3) Remodeling or tenant improvements that do not meet the definitions of new development, redevelopment or land disturbing activity.

(4) Development activities that result in less than 2,000 square feet of new, replaced or new plus replaced impervious surface, except that such activities shall comply with minimum requirement 2 (SCC 30.63A.445 through 30.63A.510). For this exemption to apply, development activities must occur outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination.

(5) Forest practice Classes I, II, III and Class IV special non-conversion forest practices regulated by Title 222 WAC.

(6) Oil and gas field activities or operations, including the construction of drilling sites, waste management pits, access roads and transportation and treatment infrastructure (such as pipelines, natural gas treatment plants, natural gas pipeline compressor stations and crude oil pumping stations).

(7) The following road maintenance activities: pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the coverage area, shoulder grading, reshaping and/or re-grading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism and vegetation maintenance.

(8) The following commercial agricultural activities:

(a) Tilling, soil preparation, fallow rotation, planting, harvesting and other commercial agricultural activities involving working the land when such activities are outside of critical areas (except for floodplains and aquifer recharge areas with low or moderate sensitivity to groundwater contamination), together with the buffers of and setbacks from these critical areas;

(b) Maintenance or repair of existing commercial agricultural facilities including drainage facilities, ponds, animal stock flood sanctuaries, animal waste management facilities, agricultural buildings, fences, roads and bridges; and

(c) New construction of drainage ditches (including enlargement of existing drainage ditches) that require less than 500 cubic yards of grading. To qualify under this exemption, such ditches shall not adversely impact critical areas or upstream or downstream properties, be located within 100 feet of streams, wetlands, lakes, marine waters, fish and wildlife habitat conservation areas, or erosion hazard areas, or contain water on-site for retention, infiltration or evaporation and the development activities must occur outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination.

(9) Agricultural activities defined in chapter 30.32B SCC, SCC 30.91A.090 or 30.62.015, provided:

(a) The activity occurs on property on which agriculture is a legal use of the property;

(b) The activity requires no other permit or project approval from Snohomish County except for a flood hazard permit under chapter 30.43 SCC; and

(c) The activity does not occur in a wetland as defined under state law, unless:

(i) The activity is exempt from wetlands regulations under section 404(f) of the federal Clean Water Act;

(ii) The activity occurs on designated agricultural or rural lands and the wetland area is no greater than 5,000 square feet of non-riparian Category 2 or 3 wetlands or 10,000 square feet of non-riparian Category 4 wetlands, pursuant to chapter 30.62 SCC; or

(iii) The activity occurs in a UGA or on designated forest lands, and the wetland is an area of no greater than 5,000 square feet of non-riparian wetland Categories II or III or 10,000 square feet of non-riparian Category IV wetlands, pursuant to SCC 30.62A.230(2).

(10) The construction or maintenance of recreational trails, not including challenge areas, parking areas, spectator areas, or any other developed or disturbed areas that are not trails, provided that the following criteria are met:

(a) The trail at issue is on land located in a rural or resource zone;

(b) The trail at issue is located in a public park or a private park, as those terms are defined in chapter 30.91P SCC;

(c) The area in which the construction or maintenance will be performed does not drain into the county's municipal separate storm sewer system, as that term is defined in chapter 30.91M SCC; and

(d) Design of the trail conforms to:

(i) The standards specified in the United States Forest Service Trail Construction and Maintenance Notebook and the United States Forest Service Standard Specifications for Construction and Maintenance of Trails; or

(ii) Such other standards for the design and construction of recreational trails that provide equivalent or greater environmental protection, provided that such standards are adopted by rule pursuant to SCC 30.82.010.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 11-048, Aug. 31, 2011, Eff date Sept. 22, 2011)

30.63A.220 Exemption for county projects.

Projects performed by the county shall be exempt from the security requirements of chapter 30.84 SCC and the insurance requirements of SCC 30.63A.940.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

PART 300 NEW DEVELOPMENT AND REDEVELOPMENT THRESHOLDS

30.63A.300 Drainage review thresholds and requirements for new development.

(1) Regardless of the new development thresholds established below in SCC 30.63A.300(2) and (3), all new development shall be required to comply with minimum requirement 2 (SCC 30.63A.445 through 30.63A.510), unless minimum requirement 2 is not required for an exempted activity pursuant to SCC 30.63A.200. In addition, new development shall comply with any other applicable additional requirement specified in part 700 of this chapter.

(2) New development projects shall comply with minimum requirements 1 through 5 (SCC 30.63A.400 through 30.63A.525) for the new and replaced impervious surfaces and the land disturbed if the new development will:

(a) Result in or add 2,000 square feet or greater of new, replaced or new plus replaced impervious surface area; or

(b) Cause land disturbing activity of 7,000 square feet or greater.

(3) New development projects shall comply with all minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605) for the new impervious surfaces and converted pervious surfaces if the new development will:

(a) Result in or add 5,000 square feet or more of new impervious surface area;

(b) Convert three-quarters of an acre or more of native vegetation to lawn or landscaped areas; or

(c) Convert 2.5 acres or more of native vegetation to pasture.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.310 Minimum drainage review thresholds and requirements for redevelopment.

(1) Regardless of the redevelopment thresholds established below in SCC 30.63A.310(2) and (3) all redevelopment shall comply with minimum requirement 2 (SCC 30.63A.445 through SCC 30.63A.510) unless minimum requirement 2 is not required for an exempted activity pursuant to SCC 30.63A.200. In addition, redevelopment shall comply with any other applicable redevelopment requirement specified in part 700 of this chapter.

(2) Redevelopment projects shall comply with minimum requirements 1 through 5 (SCC 30.63A.400 through 30.63A.525) for the new and replaced impervious surfaces and the land disturbed if the redevelopment will:

(a) Result in or add 2,000 square feet or greater of new, replaced or the total of new plus replaced impervious surfaces; or

(b) Cause 7,000 square feet or more of land disturbing activity.

(3) Redevelopment projects shall comply with minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605) for the new impervious surfaces and converted pervious surfaces if the redevelopment will:

(a) Result in or add 5,000 square feet or more of new impervious surface area;

(b) Convert three-quarters of an acre or more of native vegetation to lawn or landscaped areas; or

(c) Convert 2.5 acres or more of native vegetation to pasture.

(4) If the runoff from new impervious surfaces and converted pervious surfaces is not separated from runoff from other surfaces on the project site, stormwater treatment facilities must be sized for the entire flow that is directed to them. The director may allow the minimum requirements to be met for an equivalent area of a pollution generating surface draining to the same site. For public road projects, the equivalent area does not have to be within the project limits, but must drain to the same receiving water.

(5) In addition to the requirements in SCC 30.63A.310(1) through (4), for road-related redevelopment projects, runoff from the replaced and new impervious surfaces (including pavement, shoulders, curbs and sidewalks) shall meet minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605) if the new impervious surfaces total 5,000 square feet or more and total 50 percent or more of the existing impervious surfaces within the project limits. The project limits shall be defined by the length of the project and the width of the right-of-way.

(6) In addition to the requirements in SCC 30.63A.310(1) through (4), all redevelopment projects, except road-related projects covered by SCC 30.63A.310(5), shall comply with minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605) for the new plus replaced impervious surfaces when:

(a) The total of the new plus replaced impervious surfaces totals 5,000 square feet or more; and

(b) The value of proposed improvements including interior improvements exceeds 50 percent of the assessed value of the existing site improvements.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

PARTS 400 – 600 MINIMUM REQUIREMENTS

30.63A.400 Minimum requirement 1: Preparation of a stormwater site plan.

When minimum requirement 1 applies pursuant to part 300 of this chapter, the applicant shall prepare a stormwater site plan consistent with SCC 30.63A.400 through 30.63A.440.

(1) A stormwater site plan is a comprehensive report containing all of the technical information and analysis necessary for the evaluation of a proposed new development or redevelopment project for compliance with the requirements of this chapter.

(2) Prior to any land disturbing activity, the applicant shall submit a stormwater site plan that complies with SCC 30.63A.400 through 30.63A.440 and volume I, chapter 2 of the Drainage Manual. Volumes II through V of the Drainage Manual shall be used during the selection of BMPs. The content of a stormwater pollution prevention plan (SWPPP), and the procedures for preparing a SWPPP, a part of the stormwater site plan, shall be required and followed pursuant to parts 400 through 500 of this chapter and volume II, chapter 3 of the Drainage Manual. The SWPPP shall be part of the stormwater site plan.

(3) The following types of stormwater site planning work shall be performed by or under the direction of a professional engineer licensed in Washington State:

(a) Stormwater site plans that involve engineering calculations;

(b) Plans involving construction of treatment facilities or flow control facilities (detention ponds or infiltration basins, etc.);

(c) Structural source control BMPs; and

(d) Drainage conveyance systems.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.405 Minimum requirement 1: Stormwater site planning process.

(1) The applicant shall use a seven-step site planning process prior to any land disturbing activity for new development or redevelopment to comply with minimum requirement 1. The level of detail needed for each step may depend upon the project size as explained in the description of the individual steps provided in SCC 30.63A.410 through 30.63A.440.

(2) The following seven steps shall be used to develop a stormwater site plan:

(a) Step 1: Collect and analyze information on existing conditions (SCC 30.63A.410);

(b) Step 2: Prepare preliminary development layout (SCC 30.63A.415);

(c) Step 3: Perform off-site (upstream and downstream) analysis (SCC 30.63A.420);

(d) Step 4: Determine applicable minimum requirements (SCC 30.63A.425);

(e) Step 5: Prepare a permanent stormwater control plan (SCC 30.63A.430);

(f) Step 6: Prepare a stormwater pollution prevention plan (SWPPP) (SCC 30.63A.435); and

(g) Step 7: Complete the stormwater site plan (SCC 30.63A.440).

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.410 Minimum requirement 1: Stormwater site planning process step 1.

This section establishes the requirements of step 1 of the stormwater site planning process.

(1) The applicant shall collect, analyze and document information on the existing site conditions, including topography, drainage patterns, soils, depth to groundwater or impermeable layer, ground cover, presence of any critical areas, adjacent areas, existing development, existing stormwater facilities, and adjacent on- and off-site utility facilities. Soil analyses shall include particle size distribution, cation exchange capacity, and organic content, determined in accordance with test methods set forth in volume V, chapter 5 of the Drainage Manual.

(2) Data shall be analyzed to determine site limitations including:

(a) Areas with high potential for erosion and sediment deposition (based upon soil properties, slope, etc.);

(b) Locations of critical areas;

(c) Tree retention and replacement areas and landscaping required pursuant to title 30 SCC, if applicable; and

(d) Required or existing open space areas, tracts or easements.

(3) Areas of site limitation shall be delineated on the stormwater site plan required in SCC 30.63A.440. Critical areas shall be shown on a critical area site plan pursuant to chapter 30.62 SCC or chapter 30.62A SCC, as applicable, which shall be recorded with the auditor. The applicant shall prepare an existing conditions summary, which shall be submitted as part of the stormwater site plan. The applicable information collected in this step shall be used to prepare the SWPPP.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.415 Minimum requirement 1: Stormwater site planning process step 2.

This section establishes the requirements of step 2 of the stormwater site planning process.

(1) Based upon the analysis of existing site conditions in step 1 (SCC 30.63A.410), the applicant shall prepare a preliminary development layout that locates the proposed buildings, roads, parking lots, landscaping areas and buffers for the proposed development using the following design principles:

(a) Fit development to the terrain to minimize land disturbance;

(b) Confine construction activities to the smallest area possible, and away from critical areas;

(c) Preserve natural vegetation (especially forested areas) as much as possible;

(d) On sites with a mix of soil types, locate impervious areas over less permeable soil (e.g., till), and limit development over more porous soils (e.g., outwash);

(e) Cluster buildings together;

(f) Minimize impervious surface areas; and

(g) Maintain and utilize natural drainage patterns.

(2) The preliminary development layout shall be used to determine threshold discharge areas and whether the size thresholds in minimum requirements 6, 7 and 8 (SCC 30.63A.530 through 30.63A.570) are exceeded, and to create the drawings and maps required for the stormwater site plan.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.420 Minimum requirement 1: Stormwater site planning process step 3.

This section establishes the requirements of step 3 of the stormwater site planning process.

(1) All new development and redevelopment projects shall submit a general off-site analysis report, which shall be comprised of a downstream analysis (SCC 30.63A.420(2)) and an upstream analysis (SCC 30.63A.420(3)). Both analyses shall be qualitative, shall be performed in accordance with volume 1, chapter 2 of the Drainage Manual, and shall address potential off-site water quality, erosion, slope stability, and drainage impacts associated with the new development or redevelopment project.

(2) The downstream analysis shall assess the area downstream of the subject property for the entire flow path from the project site to the nearest receiving water or up to one mile, whichever is less.

(a) The downstream analysis shall:

(i) Evaluate potential downstream drainage impacts as well as the adequacy of the downstream drainage facilities to accommodate flows from the development activity and all other upstream sources identified by the threshold discharge area pursuant to SCC Figure 30.91T.054B;

(ii) Provide a narrative of the downstream conditions and a computation of the adequacy of downstream conveyance systems required under SCC 30.63A.730;

(iii) Include a summary of a visual inspection of the condition of the downstream drainage system, whenever possible, and photographic documentation to verify that it will function in accordance with the downstream analysis; and

(iv) Provide documentation of drainage problems identified in the Snohomish County Drainage Needs Report (DNR) or equivalent studies, and in the department of public works surface water management complaint database.

(b) If the downstream analysis indicates that flooding of a building, structure, road, critical area, lake or fishery resource has the potential to occur within one mile downstream of the property, or to the nearest receiving water, the director may return the downstream analysis to the applicant and require further evaluation of the potential impacts of the new development activity to the downstream area beyond one mile or the nearest receiving water.

(3) The upstream analysis shall assess the area upstream from the project site, which drains onto or through the site. The analysis shall evaluate potential drainage impacts that may occur upstream as a result of the project, and calculate the area of land and drainage flow to the site.

(4) If the downstream analysis or the upstream analysis finds that the proposed new development or redevelopment project may cause significant adverse off-site drainage impacts, the applicant shall submit a mitigation report that proposes mitigation of those impacts.

(a) Significant adverse off-site drainage impacts occur:

(i) When upstream runoff from peak flow in a 100-year storm event would cause significant adverse impacts upstream including flooding of a building, structure, road, critical area, lake or fishery resource; or

(ii) When downstream runoff causes a 0.1 cubic feet per second or greater increase in the 100-year flow frequency from a threshold discharge area as estimated using the Western Washington Hydrology Model or other model approved by the Washington State Department of Ecology and the department, or causes flooding of a building, structure, road, critical area, lake or fishery resource.

(b) Mitigation shall be sequenced as follows: Avoiding, minimizing, rectifying, or compensating for impacts. Should the selection of any single mitigation preference be determined inadequate by the department, then a combination of two or more mitigation approaches shall be required.

(c) The department may require the applicant to perform a quantitative analysis when the qualitative analysis required by this section finds that the proposed new development or redevelopment project may cause significant adverse impacts. When a quantitative analysis is required, it shall be used in developing the mitigation required by this subsection.

(d) When a new development project or a redevelopment project will be developed in phases, a mitigation plan shall be identified for each project phase, based on the significant adverse drainage impacts associated with each phase.

(5) In addition to the requirements above, and in accordance with minimum requirement 6 (SCC 30.63A.530 through SCC 30.63A545), an off-site treatment analysis from the project site to the nearest receiving water or up to one mile, whichever is less, and a mitigation report shall be required for projects that:

(a) Add 5,000 square feet or more of new impervious surface;
(b) Convert three-quarters of an acre of pervious surfaces to lawn or landscaped areas; or
(c) Convert 2.5 acres of forested area to pasture.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.425 Minimum requirement 1: Stormwater site planning process step 4.

This section establishes the requirements of step 4 of the stormwater site planning process. The applicant shall determine the applicable minimum requirements for new development and redevelopment pursuant to the thresholds provided in SCC 30.63A.300 and 30.63A.310. Figures 2.2, 2.3 and 2.4 in volume I of the Drainage Manual illustrate the basic project thresholds.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.430 Minimum requirement 1: Stormwater site planning process step 5.

This section establishes the requirements of step 5 of the stormwater site planning process.

(1) The applicant shall prepare a permanent stormwater control plan. Stormwater control BMPs and facilities that will serve the project site in its developed condition, including on-site stormwater management BMPs required by SCC 30.63A.525, shall be selected using the process outlined in volume I, chapter 4 of the Drainage Manual. In preparing a stormwater site plan, the applicant shall consider how to reduce or minimize the need for constructed stormwater facilities by minimizing proposed impervious surfaces and minimizing land disturbing activities when feasible. The final BMPs and facilities which are selected by the applicant shall be depicted on the permanent stormwater control plan. This plan shall include the following:

(a) If flow control facilities are proposed to comply with minimum requirement 7 (SCC 30.63A.520 through 30.63A.565), a description of the existing site hydrology, including a list of assumptions and site parameters used in analyzing the pre-developed site hydrology, shall be submitted with the plan and shall be reflected in the stormwater calculations;

(b) The acreage, soil types, and land cover used to determine the pre-developed flow characteristics, along with basin maps, for each subbasin affected by the project. The pre-developed condition shall be a forested land cover unless historic information is provided that indicates the site was prairie prior to settlement; and

(c) A topographic map to determine basin boundaries. The map shall show:
(i) Delineation and acreage of upstream areas contributing runoff to the site;
(ii) Flow control facility locations;
(iii) Outfall locations;
(iv) Overflow route;

(v) All natural streams and drainage features, including the direction of flow, acreage of areas contributing drainage, and the limits of land disturbing activity; and

(vi) Each basin within or flowing through the site and model input parameters for each basin.

(2) All stormwater site plan narratives shall describe the site hydrology and include a table showing the totals of impervious surfaces, pollution-generating impervious surfaces, and pollution-generating pervious surfaces for each threshold discharge area for which on-site stormwater management BMPs are the sole stormwater management approach. The calculations will be used to verify that the thresholds for application of treatment, flow control facilities and wetland protection pursuant to minimum requirements 6, 7 and 8 (SCC 30.63A.530 through 30.63A.570) are not exceeded.

(3) The permanent stormwater control plan for development activities requiring treatment and flow control facilities pursuant to minimum requirements 6, 7 and 8 (SCC 30.63A.530 through 30.63A.570) shall include the following information:

(a) Narrative, mathematical and graphic presentations of model input parameters selected for the developed site conditions, including acreage, soil types, land covers, road layout, and all drainage facilities and easements;

(b) Developed basin areas, threshold discharge areas, and flow which are cross-referenced to computer printouts or calculation sheets. Developed basin flows shall be listed and tabulated in the documentation;

(c) Any documents used to determine the developed site hydrology. The same basin identification used for the pre-developed site hydrology shall be used whenever possible. If the boundaries of a basin are modified by the project proposal, they shall be clearly shown on a map and the basin identification shall be modified to indicate the change;

(d) Finished grade topographic maps;

(e) Finished floor elevations, when required by the director, if they are needed to address topographical or existing infrastructure constraints;

(f) If treatment facilities are required or proposed, a listing of the water quality menus used according to volume V, chapter 3 of the Drainage Manual shall be provided to describe the permanent stormwater control plan performance standards and goals. If flow control facilities are proposed, confirmation shall be provided that the flow control standard is achieved using the flow duration standards in volumes III and V of the Drainage Manual;

(g) Documentation regarding flow control systems, including:

(i) Drawings of flow control facilities and their appurtenances showing basic measurements necessary to calculate the storage volumes available in live and dead storage, all orifice/restrictor sizes and head relationships, control structure/restrictor placement, and placement on the site; and

(ii) A hydrologic analysis including computer printouts, calculations, equations, references, storage/volume tables, graphs as necessary to show results and the methodology used to determine the storage facility volumes. Where the Western Washington Hydrology Model (WWHM) or other runoff model approved by the Washington State Department of Ecology is used, its documentation files shall be included;

(h) The following items shall be required for any proposed water quality system:

(i) A drawing of the proposed treatment facilities and any structural source control BMPs. The drawing must show overall measurements and dimensions, placement on the site and location of inflow, bypass, and discharge systems; and

(ii) WWHM or other approved model printouts pursuant to SCC 30.63A.430(3)(g)(ii), as well as any necessary calculations, equations, references, and graphs to show that the facilities are designed consistent with the requirements and design criteria of volume V of the Drainage Manual; and

(i) Documentation regarding permanent stormwater control plan conveyance systems including:

(i) An analysis of any existing conveyance systems and the analysis and design of the proposed stormwater conveyance system for the project. This information shall be presented in a clear, concise manner that can be easily followed, checked, and verified; and

(ii) Clear labeling of all pipes, culverts, catch basins, channels, swales, and other stormwater conveyance appurtenances that correspond directly to engineered stormwater control plans.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.435 Minimum requirement 1: Stormwater site planning process step 6.

This section establishes the requirements of step 6 of the stormwater site planning process.

(1) The applicant shall prepare a SWPPP pursuant to SCC 30.63A.445 through 30.63A.510. For projects that result in 2,000 square feet or greater of new, replaced or new plus replaced impervious surfaces, the SWPPP shall contain sufficient information to show that the potential pollution problems have been adequately addressed for the proposed project. Projects that result in less than 2,000 square feet of impervious surfaces or disturb less than 7,000 square feet of land may utilize an abbreviated SWPPP for small project development pursuant to SCC 30.63A.810.

(2) Pursuant to SCC 30.63A.445 through 30.63A.510, the SWPPP narrative and drawings shall explain and justify the pollution prevention decisions made for the project.

(3) New development and redevelopment shall be designed to prevent erosion and discharge of sediment and other pollutants into receiving waters. Land disturbing activities for new development and redevelopment shall be permitted only if conducted pursuant to an approved stormwater site plan that establishes and depicts permitted areas of land disturbing activity pursuant to chapter 30.63B SCC. All clearing limits, streams, wetlands, lakes, marine waters, and fish and wildlife habitat conservation areas, and their buffers, erosion or landslide hazard areas and setbacks pursuant to chapters 30.62 and 30.62B SCC, and drainage courses shall be depicted and quantified in the SWPPP narrative and on the plans in square footage or acres.

(4) The twelve elements listed in this subsection shall be addressed in the development of a SWPPP unless site conditions render the element unnecessary, the applicant provides written justification in the SWPPP narrative that the element is not applicable to the site or project, and the director agrees in writing that the element is not applicable. The director's administrative determination that an element is not applicable shall not be considered a modification or waiver under SCC 30.63A.830 or 30.63A.840. The twelve SWPPP elements required by this section and SCC 30.63A.450 through 30.63A.510 are described in detail in volume 1, section 2.5.2 of the Drainage Manual. These elements address water quality protection strategies that would limit site impacts, prevent erosion and sedimentation, and manage activities and sources of pollution. The twelve elements are:

(a) Mark clearing limits;
(b) Establish construction access;
(c) Control flow rates;
(d) Install sediment controls;
(e) Stabilize soils;
(f) Protect slopes;
(g) Protect drain inlets;
(h) Stabilize channels and outlets;
(i) Control pollutants;
(j) Control de-watering;
(k) Maintain BMPs; and
(l) Manage the project.

(5) On construction sites that discharge to surface water, the primary consideration in the preparation of the SWPPP is compliance with state water quality standards. The step-by-step procedure outlined in volume II, section 3.2 of the Drainage Manual is required for the development of the SWPPP. The checklist contained in volume II, section 3.3 of the Drainage Manual, or an equivalent prepared by the department, shall be used to prepare and review the SWPPP. Abbreviated SWPPPs, when permitted and used pursuant to SCC 30.63A.810, shall comply with Appendix I-F of the Drainage Manual.

(6) On construction sites that infiltrate all stormwater runoff, the primary consideration in the preparation of the SWPPP shall be the protection of the infiltration facilities from fine sediments during the construction phase and protection of groundwater from other pollutants.

(7) Any conflicts between this section and SCC 30.63A.445 through 30.63A.510 shall be resolved in favor of SCC 30.63A.445 through 30.63A.510.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

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

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

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

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

(3) Stormwater site planning sheets which display the:

(a) Acreage and boundaries of all drainage basins;

(b) Existing stormwater drainage to and from the site to the natural receiving waters or one mile off-site, whichever is nearer to the site;

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

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

(e) Significant geographical features;

(f) Critical areas; and

(g) Soils within the project site;

(4) Existing conditions summary;

(5) Any areas of site limitation;

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

(7) Drainage design;

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

(9) Permanent stormwater control plan;

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

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

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

(13) Documentation to establish the appropriate security device amount when required under Chapter 30.84 SCC.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.63A.445 Minimum requirement 2: Stormwater pollution prevention plan (SWPPP) – objectives and applicability.

When minimum requirement 2 applies pursuant to part 300 of this chapter or SCC 30.63A.200, the applicant or any person required to comply with minimum requirement 2 shall prepare a SWPPP consistent with SCC 30.63A.445 through 30.63A.510.

(1) The objectives of a SWPPP are:

(a) To implement and maintain BMPs that identify, reduce, eliminate, and/or prevent the discharge of stormwater pollutants;

(b) To prevent violations of surface water quality, groundwater quality, and sediment management standards;

(c) To prevent adverse impacts to receiving waters by controlling peak rates and volumes of stormwater runoff; and

(d) To eliminate the discharges of unpermitted process wastewater, domestic wastewater, non-contact cooling water, and other illicit discharges to stormwater drainage systems.

(2) Applicants proposing small projects meeting the requirements of SCC 30.63A.810 may utilize the abbreviated SWPPP format provided in Appendix I-F of the Drainage Manual to meet minimum requirement 2.

(3) The twelve elements set forth in SCC 30.63A.455 through 30.63A.510 shall be addressed in the development of a SWPPP, unless site conditions render the element unnecessary, the applicant provides written justification in the SWPPP narrative that the element is not applicable to the site or project, and the director agrees in writing that the element is not applicable. The director's administrative determination that an element is not applicable shall not be considered a modification or waiver under SCC 30.63A.830 or 30.63A.840.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.450 Minimum requirement 2: SWPPP – general requirements.

(1) Applicants for all new development and redevelopment projects of any size shall be responsible for preventing soil erosion and the discharge of sediment and pollutants into receiving waters. A SWPPP must be submitted as part of the stormwater site plan. The SWPPP shall be implemented at initial soil disturbance through final stabilization.

(2) The SWPPP shall include a narrative and drawings. The narrative shall be a stand-alone document attached to the construction drawings. The standard SWPPP format for narratives is available from the Washington State Department of Ecology. The narrative shall include written explanations describing the pollution prevention decisions made for the project to comply with the SWPPP requirements contained in SCC 30.63A.450 through 30.63A.510, including information concerning existing site conditions, construction schedules and other pertinent items not found in the drawings. Sediment and erosion control BMPs shall be selected and designed pursuant to volume II, chapters 3 and 4 of the Drainage Manual. The drawings and narrative shall describe when and where the selected BMPs will be installed, the performance that the BMPs are expected to achieve and actions to be taken if performance is not achieved. All relevant information shall be included on the construction plans for the availability of project inspectors.

(3) All new development and redevelopment shall be designed to prevent erosion and discharge of sediment and other pollutants into receiving waters.

(4) To control sediment transport and erosion during the wet season, seasonal work limitations shall apply. From October 1 through April 30, land disturbing activities may only be authorized if silt-laden runoff will be prevented from leaving the site through any combination of the following:

(a) Site conditions including existing vegetative coverage, slope, soil type and proximity to receiving waters;

(b) Limitations on activities and the extent of disturbed areas; and

(c) Proposed erosion and sediment control measures.

(5) Based on information provided by the applicant and/or local weather conditions, the department may expand or restrict the seasonal limitation on site disturbance. Where there is 100 percent infiltration of surface water runoff within the site into approved and installed stormwater facilities, land disturbing activities are exempt from the seasonal clearing and grading limitations in subsection (4).

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.455 SWPPP element 1: Preserve vegetation and marking clearing limits.

SWPPP element 1 establishes requirements regarding the preservation of vegetation and marking clearing limits.

(1) Land disturbing activities for development are permitted only if conducted pursuant to a stormwater site plan that establishes the permitted areas of land disturbing activity. When establishing these land disturbing activity areas, consideration shall be given to minimizing the removal of existing trees and minimizing disturbance and compaction of native soils, except as needed for building purposes. The duff layer, native top soil, and natural vegetation shall be retained in an undisturbed state to the maximum degree practicable.

(2) Prior to beginning land disturbing activities, the following areas within the construction area shall be delineated and quantified in the SWPPP narrative and on the SWPPP plans in square footage or acres and shall be marked in the field:

(a) Clearing limits;

(b) Critical areas and their buffers or setbacks;

(c) Erosion or landslide hazard areas and their setbacks;

(d) Easements;

(e) Tree retention and replacement areas and landscaping and landscape buffers required by title 30 SCC; and

(f) Other areas on the site required to be preserved or protected including, but not limited to, drainage courses.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.460 SWPPP element 2: Establish construction access.

SWPPP element 2 establishes requirements regarding construction access.

(1) Construction vehicle ingress and egress shall be limited to one route, when possible.

(2) All soil erosion control plans shall provide for installation of a stabilized construction entrance constructed with quarry spalls, crushed rock or other equivalent BMP or method to prevent sediment transport onto roads. If a standard gravel construction entrance is proposed, geo-textile fabric shall be used under the rock.

(3) A wheel wash or tire bath is required if wet season grading is proposed or if the stabilized construction entrance is not effective in preventing sediment from being tracked onto public roads.

(4) Street cleaning shall be required when sediment is tracked off-site, consistent with street cleaning practices described in volume II, chapter 3 of the Drainage Manual. Streets shall be cleaned at the end of each day during dry weather and more frequently during wet weather. Street washing is only allowed after sediment is removed by shoveling or pick-up sweeping and transported to a controlled disposal area. Street wash wastewater shall be controlled by pumping it back on site or otherwise preventing its discharge into systems tributary to the waters of the state.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.465 SWPPP element 3: Control flow rates.

SWPPP element 3 establishes requirements regarding control of runoff flow rates.

(1) Properties and waterways downstream from project sites shall be protected from soil erosion due to increases in the velocity and peak volumetric flow rate of stormwater runoff from the project site. Where necessary to comply with this requirement, stormwater retention or detention facilities shall be constructed as one of the first steps in grading the site.

(2) Detention and retention facilities shall be constructed and tested to be functional prior to construction of site improvements (e.g., impervious surfaces).

(3) If permanent infiltration ponds are used for flow control during construction, these facilities shall be protected from siltation during construction.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.470 SWPPP element 4: Install sediment controls.

SWPPP element 4 establishes requirements regarding the installation of sediment controls. If there is runoff from the construction site, sediment shall be removed from the runoff. Water quality protection requirements established in chapter 7.53 SCC shall be met. Stormwater runoff from areas subject to land disturbing activity shall pass through a temporary sediment pond, or other appropriate sediment removal BMPs, prior to leaving a construction site or prior to discharge into a temporary infiltration facility. Runoff from fully stabilized areas may be discharged without a sediment removal BMP, but shall meet SWPPP element 3 pursuant to SCC 30.63A.465 and minimum requirement 7 (SCC 30.63A.555 and 560), as applicable. Sediment control for sediment ponds, traps, filters, and other sediment control BMPs, as applicable, shall be conducted as one of the first steps in grading operations on the project site. Detention and retention facilities shall be functional prior to construction of site improvements (e.g., impervious surfaces). BMPs intended to trap sediment on site shall be located in a manner to avoid interference with the migration of juvenile salmonids attempting to enter off-channel areas or drainages.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.475 SWPPP element 5: Stabilize soils.

SWPPP element 5 establishes requirements regarding the stabilization of soils.

(1) The applicant shall stabilize all exposed and unworked soils through the application of BMPs pursuant to volume II, chapter 4 of the Drainage Manual.

(2) BMPs that provide both temporary and permanent groundcover shall be shown on the SWPPP.

(3) Soil stockpiles shall be located away from storm drain inlets, drainage channels and other waters. BMPs to stabilize soil stockpile areas shall be depicted on the SWPPP. Such BMPs shall stabilize the stockpile areas from erosion and provide sediment trapping measures.

(4) The time-period of soil exposure allowed depends on the season. No soils shall remain exposed and unworked for more than seven days during the dry season, May 1 through September 30, or two days during the wet season, October 1 through April 30.

(5) The department shall condition permits to require that soils be stabilized at the end of the work week, if needed, when weather conditions or forecasts indicate that precipitation is likely.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.480 SWPPP element 6: Protect slopes.

SWPPP element 6 establishes requirements regarding the protection of slopes.

(1) Cut and fill slopes shall be designed and constructed in accordance with chapter 30.63B SCC and in a manner that will minimize erosion and comply with the county's applicable critical area regulations. Cut and fill

slopes shall be protected from erosive and concentrated flows until permanent cover and drainage conveyance systems are in place.

(2) Off-site stormwater runoff or groundwater shall be diverted away from slopes and areas subject to land disturbing activity with interceptor dikes, pipes and/or swales. Off-site stormwater should be managed separately from stormwater generated on the site.

(3) Drainage shall be collected on site at the top of slopes in pipe slope drains or protected channels to prevent erosion and avoid hazards. Temporary pipe slope drains shall handle the expected peak 10-minute flow velocity from a Type 1A, 10-year, 24-hour frequency storm for the developed condition. Alternatively, the 10-year, one-hour flow rate predicted by an approved continuous runoff model, increased by a factor of 1.6, may be used. The hydrologic analysis required by SCC 30.63A.430(3)(g)(ii) shall use the existing land cover condition for predicting flow rates from tributary areas outside the project limits. For tributary areas on the project site, the analysis shall use the temporary or permanent project land cover condition, whichever will produce the highest flow rates. If using the Western Washington Hydrology Model to predict flows, bare soil areas should be modeled as "landscaped area."

(4) Excavated material shall be placed on the uphill side of trenches, consistent with safety and space considerations.

(5) Check dams shall be placed at regular intervals within constructed channels that are cut down a slope.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.485 SWPPP element 7: Protect permanent drain inlets.

SWPPP element 7 establishes requirements for the protection of permanent drain inlets. All permanent storm drain inlets require protection from sediment and silt-laden water as follows:

(1) Permanent storm drain inlets made operable during construction shall be protected so that stormwater runoff does not enter the conveyance system without first being filtered or treated to remove sediment.

(2) Inlet protection devices shall be cleaned or removed and replaced when sediment has filled one-third of the available storage or as specified by the product manufacturer.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.490 SWPPP element 8: Stabilize channels and outlets.

SWPPP element 8 establishes requirements regarding stabilization of channels and outlets. Temporary and permanent conveyance systems shall be stabilized to prevent erosion during and after construction. Conveyance system outlets require protection as follows:

(1) All temporary on-site conveyance channels shall be designed, constructed, and stabilized to prevent erosion from expected peak flows. Channels shall handle the expected peak 10-minute flow velocity from a Type 1A, 10-year, 24-hour frequency storm for the developed condition. Alternatively, the 10-year, 1-hour flow rate predicted by an approved continuous runoff model, increased by a factor of 1.6, may be used. The hydrologic analysis required by SCC 30.63A.430(3)(g)(ii)shall use the existing land cover condition for predicting flow rates from tributary areas outside the project limits. For tributary areas on the project site, the analysis shall use the temporary or permanent project land cover condition, whichever will produce the highest flow rates. If using the Western Washington Hydrology Model to predict flows, bare soil areas should be modeled as "landscaped area."

(2) Stabilization, including armoring material, adequate to prevent erosion of outlets, adjacent stream banks, slopes and downstream reaches shall be provided at the outlets of all conveyance systems and shown on the SWPPP.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.495 SWPPP element 9: Control pollutants.

SWPPP element 9 establishes requirements regarding the control of pollutants. The SWPPP shall show how all pollutants, including waste materials and demolition debris, shall be handled and disposed of in a manner that does not contaminate stormwater. Areas of construction equipment maintenance, mixing or application of fertilizers or chemicals, and water treatment systems shall be shown on the SWPPP. When applicable, plans shall also indicate where on-site fueling tanks with secondary containment will be located. The SWPPP shall indicate that the pollutants be managed as follows:

(1) Cover, containment, and protection from vandalism shall be provided for all chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment. On-site fueling tanks shall include secondary containment.

(2) Maintenance, fueling and repair of heavy equipment and vehicles shall be conducted using spill prevention and control measures consistent with volume IV, chapters 2 and 3 of the Drainage Manual and chapter 7.53 SCC. Contaminated surfaces shall be cleaned immediately following any spill incident.

(3) Wheel wash or tire bath wastewater shall be discharged to a separate on-site treatment system or to the sanitary sewer with local sewer district approval.

(4) Application of fertilizers and pesticides shall be conducted in a manner and at application rates that will not result in loss of chemical to stormwater runoff. Manufacturers' label requirements for application rates and procedures shall be followed.

(5) BMPs shall be used to prevent or treat contamination of stormwater runoff by pH modifying sources. These sources include, but are not limited to, bulk cement, cement kiln dust, fly ash, new concrete washing, curing waters, waste streams generated from concrete grinding and sawing, exposed aggregate processes, dewatering concrete vaults, concrete pumping and mixer washout waters.

(6) Construction site operators shall adjust the pH of stormwater if necessary to prevent violations of water quality standards.

(7) Construction site operators shall obtain written approval from the Washington State Department of Ecology prior to using chemical treatment other than CO_2 or dry ice to adjust pH.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.500 SWPPP element 10: Control de-watering.

SWPPP element 10 establishes requirements for the control of de-watering. Highly turbid or contaminated de-watering water shall be handled separately from stormwater. The water from all de-watering systems for trenches, vaults and foundations may be disposed of in one of the following manners:

(1) Foundation, vault, and trench de-watering water which have similar characteristics to stormwater runoff at the site shall be discharged into a controlled conveyance system prior to discharge to a sediment trap or sediment pond.

(2) Clean, non-turbid de-watering water, such as well-point ground water, can be discharged to systems tributary to or directly into surface waters of the state, provided the de-watering flow does not cause erosion or flooding of receiving waters. Clean de-watering water should not be routed through stormwater sediment ponds. Other disposal options for clean, non-turbid de-watering water may include:

(a) Infiltration;

(b) Transportation off-site in a vehicle (such as a vacuum flush truck) for legal disposal in a manner that does not pollute state waters;

(c) On-site chemical treatment or other suitable treatment technologies approved by the department and Washington State Department of Ecology;

(d) Sanitary sewer discharge with local sewer district approval, if there is no other option; and

(e) Use of a sedimentation bag with outfall to a ditch or swale for small volumes of localized de-watering water.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.505 SWPPP element 11: Maintain BMPs.

SWPPP element 11 establishes requirements regarding the maintenance of BMPs. The SWPPP shall provide for inspection and maintenance of the constructed BMPs. The applicant shall maintain BMPs and comply with their removal at the end of the project as follows:

(1) All temporary and permanent erosion and sediment control BMPs shall be inspected, maintained and repaired in accordance with the Drainage Manual or as approved or required by the director to assure continued performance of their intended function in accordance with BMP specifications.

(2) The applicant may remove temporary BMPs when they are no longer needed.

(3) All temporary erosion and sediment control BMPs shall be removed within 30 days after construction is completed and the department has determined that the site is stabilized.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.510 SWPPP element 12: Manage the project.

SWPPP element 12 establishes requirements regarding management of the project. The SWPPP narrative shall describe how the project site shall be managed for soil erosion and sedimentation control throughout the life of the project.

(1) The SWPPP narrative shall describe how construction site operators plan to maintain and repair all sediment and erosion control BMPs to assure continued performance of their intended function. If a project site is one or more acres, the narrative shall describe how construction site operators will have the required certified erosion and sedimentation control lead (CESCL) periodically inspect the site. The CESCL shall be identified in the SWPPP and shall be present on-site or on-call at all times. The SWPPP narrative shall contain a process for notification of the county when a BMP identified in the SWPPP is inadequate due to the actual discharge of or potential to discharge a significant amount of any pollutant pursuant to chapter 7.53 SCC.

(2) Construction site operators shall inspect, maintain, update and implement the SWPPP in accordance with the Drainage Manual and as required by the director. SWPPPs shall be modified whenever there is a change in design, construction, operation, or maintenance at the construction site that has or could have a significant effect on the discharge of pollutants to waters of the state.

(3) For a phased project, the SWPPP narrative shall address phasing of BMPs, CESCL training when applicable, pre-construction conferences and inspections, coordination with utilities and contractors, and reporting. Projects shall be phased to the maximum extent practicable and shall take into account wet season requirements of SCC 30.63A.450(4) and (5) and SCC 30.63A.475. The SWPPP narrative and plans shall provide a process for notifying the county of construction problems that result in unforeseen significant adverse impacts to the waters of the state, such as the discharge of prohibited pollutants.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.515 Minimum requirement 3: Water pollution source control for new development or redevelopment.

When minimum requirement *3* applies pursuant to part 300 of this chapter and no exemption under SCC 30.63A.200 applies, source control shall be provided through the application of source control BMPs during construction and on the developed site following construction. BMPs shall be appropriate for the proposed construction activities, buildings, facilities and intended post-development site uses in

accordance with volume IV of the Drainage Manual. All known, available and reasonable source control BMPs shall be required as follows:

(1) Source control BMPs in accordance with volume IV, chapters 3 and 4 of the Drainage Manual shall be applied during construction if any pollution-generating activities described in volume IV, chapters 3 and 4 are performed on the site during construction; and

(2) Source control BMPs in accordance with volume IV, chapter 5 of the Drainage Manual shall be selected, designed, and constructed if any pollution-generating activities or uses described in volume IV, chapter 5 are proposed for the developed site following construction.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.520 Minimum requirement 4: Preservation of natural drainage systems and outfalls, and provision of off-site mitigation.

When minimum requirement 4 applies pursuant to part 300 of this chapter and no exemption under SCC 30.63A.200 applies, the requirements of this section shall be met.

(1) Natural drainage patterns identified in the stormwater site plan and determined by the currently functioning drainage pattern and patterns occurring over the past ten consecutive years shall be maintained. Discharges from the project site shall occur at natural locations, to the maximum extent practicable.

(2) The manner by which runoff is discharged from the project site shall not cause significant adverse off-site drainage impacts, as defined in SCC 30.63A.420(4)(a). Mitigation of significant adverse off-site drainage impacts should be provided pursuant to SCC 30.63A.420. In addition, appropriate energy dissipation shall be provided for all outfalls in accordance with the requirements of the EDDS and volume III of the Drainage Manual.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.525 Minimum requirement 5: On-site stormwater management.

When minimum requirement 5 applies pursuant to part 300 of this chapter and no exemption under SCC 30.63A.200 applies, the requirements of this section shall be met.

(1) In order to infiltrate, disperse, and retain stormwater runoff on-site to the maximum extent feasible without causing flooding or erosion impacts, and to reduce the hydrologic disruption of developed sites, the following on-site stormwater management BMPs shall be implemented to the maximum extent feasible and according to the conditions set forth in SCC 30.63A.525(2) through SCC 30.63A.525(6):

(a) Non-pollution-generating impervious surface (NPGIS) runoff control BMPs in volume III, chapter 3 of the Drainage Manual;

(b) Pollution-generating impervious surface (PGIS) dispersion BMPs in volume V, chapter 5 of the Drainage Manual; and

(c) BMP T.5.13 (Post-Construction Soil Quality and Depth) provided in volume V, chapter 5 of the Drainage Manual.

(2) NPGIS runoff control BMPs in volume III, chapter 3 of the Drainage Manual shall be implemented to the maximum extent feasible on all new development and redevelopment projects designed solely for residential use.

(3) PGIS dispersion BMPs in volume V, chapter 5 of the Drainage Manual shall be implemented to the maximum extent feasible on all new development and redevelopment projects designed solely for residential use.

(4) BMP T.5.13 provided in volume V, chapter 5 of the Drainage Manual shall be implemented to the maximum extent feasible on all new development and redevelopment projects.

(5) The feasibility of using each type of on-site stormwater management BMP shall be determined by the criteria set forth in volume III, chapter 3 and volume V, chapter 5 of the Drainage Manual and based on information obtained through the stormwater site planning process set forth in SCC 30.63A.400 through 30.63A.440.

(6) BMPs required in SCC 30.63A.525 are defined in volume I, Appendix 1 of the Drainage Manual as LID BMPs.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.530 Minimum requirement 6: Runoff treatment – requirements.

When minimum requirement 6 applies pursuant to part 300 of this chapter and where no exemption applies pursuant to SCC 30.63A.200, the applicable requirements of SCC 30.63A.530 through 30.63A.545 shall be met. Volume V, chapters 2 and 3 of the Drainage Manual provide the step-by-step process for selecting the type of treatment that will apply to individual projects and four treatment menus (oil control, phosphorous, enhanced and basic).

(1) Applicants shall provide construction of stormwater treatment facilities for the following types of projects:

(a) Projects in which the total effective, pollution-generating impervious surface (PGIS) is 5,000 square feet or more in a threshold discharge area of the project; or

(b) Projects in which the total of pollution-generating pervious surface (PGPS) is three-quarters of an acre or more in a threshold discharge area, and from which there is a surface discharge into a natural or man-made conveyance system from the site.

Table 30.63A.530
Treatment Requirements by Threshold Discharge Area

	Less than ¾ acre of PGPS	Greater than or equal to ¾ acre PGPS	Less than 5,000 sf PGIS	Greater than or equal to 5,000 sf PGIS
Treatment Facilities Required	No	Yes	No	Yes
On-site stormwater BMPs Required	Yes	Yes	Yes	Yes

(2) Projects that are high-use sites shall use oil control treatment as determined by step 2 of the treatment facility selection process established in volume V, chapter 2 of the Drainage Manual. High-use sites are those that typically generate high concentrations of oil due to high traffic turnover or the frequent transfer of oil. High-use sites include, but are not limited to:

(a) An area of a commercial or industrial site subject to an expected average daily traffic (ADT) count equal to or greater than 100 vehicles per 1,000 square feet of gross building area or outside commercial area;

(b) An area of a commercial or industrial site subject to petroleum storage and transfer in excess of 1,500 gallons per year, not including routinely delivered heating oil;

(c) An area of a commercial or industrial site subject to parking, storage or maintenance of 25 or more vehicles that are each over ten tons gross weight (trucks, buses, trains, heavy equipment, etc.); and

(d) A road intersection with a measured ADT count of 25,000 vehicles or more on the main roadway and 15,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements.

(3) An applicant shall determine if control of phosphorous is required as determined by step 4 of the treatment facility selection process established in volume V, chapter 2 of the Drainage Manual. Phosphorous treatment is required for new development or redevelopment prior to the discharge of stormwater as described below:

(a) Discharges to waters reported under section 305(b) of the Federal Clean Water Act (CWA) (33 U.S.C. § 1315(b)) and designated as not supporting beneficial uses due to phosphorous;

(b) Discharges to waters listed in Washington State's Nonpoint Source Assessment required under section 319(a) of the CWA (33 U.S.C. § 1329(a)) due to nutrients;

(c) Discharges to wetlands meeting the definition of a priority peat system set forth in the Drainage Manual; or

(d) Discharges to an infiltration system at a project site for which:

(i) The soil suitability criteria for infiltration treatment are not met pursuant to volume III, chapter 3 of the Drainage Manual; and

(ii) The infiltration system is within one quarter mile of a lake meeting the criteria in (a) or (b) of this section.

(4) An applicant shall determine if enhanced treatment is required as determined by step 5 of the treatment facility selection process established in volume V, chapter 2 of the Drainage Manual. Enhanced treatment for reduction of dissolved metals shall be required for the following project sites:

(a) Industrial project sites that discharge to fish-bearing waters, or to waters or conveyance systems tributary to fish-bearing waters;

(b) Commercial project sites that discharge to fish-bearing waters, or to waters or conveyance systems tributary to fish-bearing waters;

(c) Multi-family project sites that discharge to fish-bearing waters, or to waters or conveyance systems tributary to fish-bearing waters;

(d) High ADT roads within Urban Growth Areas (UGAs) that discharge to fish-bearing waters, or to waters or conveyance systems tributary to fish-bearing waters as follows:

(i) Fully controlled and partially controlled limited access roadways with ADT counts of 15,000 or more; and

(ii) All other roads with an ADT of 7,500 or greater;

(e) High ADT roads outside of UGAs that discharge to fish-bearing waters, or to waters or conveyance systems tributary to fish-bearing waters as follows:

(i) Roads with an ADT of 15,000 or greater unless discharging to a 4^{th} Strahler stream order or larger; and

(ii) Roads with an ADT of 30,000 or greater if discharging to a 4^{th} Strahler stream order or larger as determined using a 1:24,000 (1 inch equals 12,000 feet) scale map; and

(f) Project sites for which:

(i) Stormwater is discharged to an infiltration system;

(ii) The soil suitability criteria for infiltration treatment are not met pursuant to volume III, chapter 3 of the Drainage Manual; and

(iii) The infiltration system is within one quarter mile of a fish-bearing stream or a lake.

(5) For developments with a mix of land use types, the enhanced treatment requirement shall apply when the runoff from the areas subject to the enhanced treatment requirement in subsection (4) comprises 50 percent or more of the total runoff within a threshold discharge area (see volume V, chapter 2 of the Drainage Manual).

(6) Sites listed in subsection (4) that discharge directly or indirectly through a municipal storm sewer system to waters listed in the Basic Treatment Receiving Waters in volume I, Appendix I-C of the Drainage Manual, and areas of the project sites listed in subsection (7) that are identified as subject to basic treatment requirements, are not subject to enhanced treatment requirements of subsection (4).

(7) Step 6 of the treatment facility selection process in volume V, chapter 2 of the Drainage Manual provides basic treatment requirements. Basic treatment is required for the following projects:

(a) Single-family or duplex residential projects not otherwise needing phosphorus treatment as required by United States Environmental Protection Agency, the Washington State Department of Ecology, or the county;

(b) Project sites discharging directly to waters listed in volume 1, Appendix I-C of the Drainage Manual;

(c) Project sites that drain to waters that are not fish-bearing, or to waters not tributary to fish-bearing waters;

(d) Landscaped areas of industrial, commercial and multi-family project sites, and parking lots of industrial and commercial project sites that do not involve pollution-generating sources (e.g., industrial activities, customer parking, storage of erodible or leachable material, wastes or chemicals) other than parking of employees' private vehicles. For developments with a mix of land use types, the basic treatment requirement shall apply when the runoff from the areas subject to the basic treatment requirement comprises 50 percent or more of the total runoff within a threshold discharge area; and

(e) Project sites for which:

(i) The soil suitability criteria for infiltration treatment are not met pursuant to volume III, chapter 3 of the Drainage Manual;

(ii) Phosphorous treatment is not required pursuant to SCC 30.63A.530(3); and

(iii) Enhanced treatment is not required pursuant to SCC 30.63A.530(4).

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.535 Minimum requirement 6: Treatment facility selection, design and maintenance.

(1) The applicant shall provide stormwater treatment facilities that are:

(a) Selected in accordance with the process identified in volume I, chapter 4 and volume V, chapter 2 of the Drainage Manual;

(b) Designed in accordance with the design criteria in volume V of the Drainage Manual;

(c) Maintained in accordance with the minimum schedule in volume V of the Drainage Manual;

(d) Sized to threshold discharge areas to meet minimum requirement 6 for project sites with multiple discharge points; and

(e) Sized for treatment facility and water quality design storm volumes based upon the volume of runoff predicted from a 24-hour storm with a six-month return frequency (i. e., six-month, 24-hour Type 1A storm). Wet pool facilities shall be sized based upon the volume of runoff predicted through use of the Natural Resource Conservation Service curve number equations in volume III, chapter 2 of the Drainage Manual for the six-month, 24-hour Type 1A storm. Alternatively, the 91st percentile, 24-hour runoff volume indicated by a continuous runoff model approved by the Washington State Department of Ecology and the department may be used pursuant to the water quality design flow rates established in SCC 30.63A.540.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.540 Minimum requirement 6: Water quality design flow rate.

Water quality design flow rates shall comply with the following standards:

(1) For projects that require water quality treatment prior to detention or when detention facilities are not required, the flow rate at or below which 91 percent of the runoff volume, as estimated by an approved continuous runoff model, shall be treated.

(2) Downstream of detention facilities, the water quality design flow rate must be the full two-year release rate from the detention facility.

(3) A modification to the design flow rate may be approved pursuant to SCC 30.63A.830 if the request identifies volumes and flow rates that are at least equivalent to the applicable water quality design flow rate.

(4) That portion of any development project in which the PGIS or PGPS thresholds of SCC 30.63A.530 are not exceeded in a threshold discharge area shall include on-site stormwater BMPs pursuant to SCC 30.63A.525.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.545 Minimum requirement 6: Stormwater discharge from PGIS.

The discharge of untreated stormwater from PGIS to groundwater is not allowed, except for the discharge achieved by infiltration or dispersion of runoff from projects designed solely for residential use through the use of on-site stormwater BMPs.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.550 Minimum requirement 7: Flow control requirements for new development or redevelopment.

When minimum requirement 7 applies pursuant to part 300 of this chapter, and no exemption under SCC 30.63A.200 applies, the requirements of SCC 30.63A.550 through 30.63A.565 shall be met.

(1) Except as otherwise provided in this section, flow control shall be provided for all projects to reduce the impacts of stormwater runoff from impervious surfaces and land cover conversions. The requirements of this section apply to projects that discharge stormwater directly or indirectly through a conveyance system into a fresh water system.

(2) Standard flow control shall be applied so that stormwater discharges match developed discharge durations to pre-developed durations for the range of pre-developed discharge rates from 50 percent of the two-year peak flow up to the full 50-year peak flow. The pre-developed condition shall be matched to the fully-forested condition (soils and vegetation) to which the Western Washington Hydrologic Model (WWHM) is calibrated, unless reasonable, historic information is provided that indicates the site was prairie prior to Euro-American settlement.

(3) Flow control is not required for projects that discharge directly or indirectly through a municipal separate storm sewer system to a water listed in volume I, Appendix I-E of the Drainage Manual subject to the following restrictions:

(a) Any direct discharge does not result in the diversion of drainage from any lake, wetland or stream classified as Type 1, 2, 3, or 4 in the State of Washington Interim Water Typing System, or Type “S”, “F”, or “Np” in the Permanent Water Typing System, or from any Category I, II, or III wetland;

(b) Flow splitting devices or drainage BMPs are applied to route natural runoff volumes from the project site to any downstream lake, Type 5 or “Ns” stream or Category IV wetland as follows:

(i) Design of flow splitting devices or drainage BMPs will be based on continuous hydrologic modeling analysis. The design will assure that flows delivered to Type 5 or Ns stream reaches or lakes will approximate, but in no case exceed, durations ranging from 50 percent of the 2-year to the 50-year peak flow;

(ii) Flow splitting devices or drainage BMPs that deliver flow to Category IV wetlands shall be designed using continuous hydrologic modeling to preserve pre-project wetland hydrologic conditions unless specifically waived or exempted by regulatory agencies with permitting jurisdiction;

(c) The project site must be drained by a conveyance system that is comprised entirely of manmade conveyance elements (e.g., pipes, ditches, and outfall protection) and extends to the ordinary high water mark of the exempt receiving water;

(d) The conveyance system between the project site and the exempt receiving water shall have sufficient hydraulic capacity to convey discharges from future build-out conditions (under current zoning) of the site, and the existing condition from non-project areas from which runoff is or will be collected; and

(e) Any erodible elements of the manmade conveyance system must be adequately stabilized to prevent erosion under the conditions noted in subsections (1) and (3)(c) above.

(4) For project sites with multiple discharge points, a threshold discharge area analysis shall be required to determine whether multiple flow control and treatment facilities are required to meet minimum requirement 7 pursuant to SCC 30.63A.550 through 30.63A.565.

(5) Applicants shall follow the methodology in volume III of the Drainage Manual to size flow control facilities.

(6) When a site has a closed depression that will be altered or modified, applicants shall perform a closed depression analysis and design flow control facilities in accordance with volume III, chapter 2.4 of the Drainage Manual.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.555 Minimum requirement 7: Flow control thresholds.

(1) Projects that meet the following thresholds illustrated in SCC Table 30.63A.555 require construction of flow control facilities and/or BMPs:

(a) Projects in which the total of effective impervious surfaces is 10,000 square feet or more in a threshold discharge area;

(b) Projects that convert three-quarters of an acre or more of native vegetation to lawn or landscape and from which there is a surface water discharge into a natural or man-made conveyance system from the site;

(c) Projects that convert 2.5 acres or more of native vegetation to pasture in a threshold discharge area and from which there is a surface discharge into a natural or man-made conveyance system from the site; and

(d) Projects that through a combination of effective impervious surfaces and converted pervious surfaces cause a 0.1 cubic feet per second or greater increase in the 100-year flow frequency from a threshold discharge area as estimated using the Western Washington Hydrology Model or other model approved by the Washington State Department of Ecology and the department.

Table 30.63A.555
Flow Control Requirements by Threshold Discharge Area

	Flow Control Facilities Required	**On-site Stormwater Management BMPs Required**
Less than ¾ acres conversion to lawn/landscape, or less than 2.5 acres to pasture	No	Yes
Greater than or equal to ¾ acres conversion to lawn/landscape, or greater than or equal to 2.5 acres to pasture	Yes	Yes
Less than 10,000 square feet of effective impervious area	No	Yes
Greater than or equal to 10,000 square feet of effective impervious area	Yes	Yes
Greater than or equal to 0.1 cubic feet per second increase in the 100-year flow frequency	Yes	Yes

(2) That portion of any project in which the above thresholds are not exceeded in a threshold discharge area shall include on-site stormwater management BMPs in accordance with minimum requirement 5 pursuant to SCC 30.63A.525.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.63A.560 Minimum requirement 7: Flow control design – parking lots.

Parking lot ponding may be allowed if the following flow control requirements are met:

(1) Ponding is limited to a 0.5 foot elevation at the curb line;

(2) No ponding is allowed in the emergency or drive lanes during a 100-year storm event;

(3) Discharges from the project site must meet the flow control standard applicable to the project in accordance with volume III, chapter 3 of the Drainage Manual; and

(4) The proposal complies with all other applicable code requirements and regulations.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.570 Minimum requirement 8: Detention or treatment in wetlands and wetland buffers.

When minimum requirement 8 applies pursuant to part 300 of this chapter and no exemption under SCC 30.63A.200 applies, and when a project will result in the direct or indirect (through a conveyance system) discharge of stormwater into a wetland or wetland buffer, the requirements of this section shall be met.

(1) The thresholds for construction of stormwater treatment and flow control facilities identified in minimum requirements 6 and 7 (SCC 30.63A.530 through 30.63A.560) shall be used to design stormwater treatment and flow control facilities discharging to wetlands. A threshold discharge area analysis is required for project sites with multiple discharge points.

(2) Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing wetland functions and values or mitigation shall be required pursuant to chapters 30.62 and 30.62A SCC. All runoff treatment requirements in SCC 30.63A.530 through 30.63A.545 shall be met. The following requirements shall also apply:

(a) The hydrologic analysis required pursuant to SCC 30.63A.440(6) and (7) shall use the existing land cover condition to determine the existing hydrologic conditions unless directed otherwise by the county and other regulatory agencies with jurisdiction; and

(b) A wetland can be considered for hydrologic modification and/or stormwater treatment in accordance with the wetland assessment criteria in volume I, Appendix I-D of the Drainage Manual.

(3) Stormwater treatment and flow control facilities shall not be built within a wetland buffer, except for:

(a) Necessary conveyance systems approved by the county; or

(b) Facilities that meet the standards for Category 3 and 4 or III and IV wetlands approved for hydrologic modification and/or treatment in accordance with the wetland assessment criteria in volume I, Appendix I-D of the Drainage Manual.

(4) Wetlands that mitigate for loss of wetlands shall not be used for water quality treatment.

(5) Natural or created Category 1 and 2 or I and II wetlands, as classified in either SCC 30.62.300 or 30.62A.230, as applicable, and their buffers, shall not be used for detention or treatment of stormwater runoff.

(6) Natural or created Category 3 and 4 or III and IV wetlands, as classified in SCC 30.62.300 or 30.62A.230, as applicable, together with created wetlands intended to mitigate for loss of wetlands, and their buffers, shall not be used for detention of stormwater runoff except when the applicant demonstrates that all of the following criteria have been met:

(a) Alternatives to detention in the wetland are not feasible;

(b) The applicant has complied with the wetlands and fish and wildlife habitat conservation area regulations in chapters 30.62 SCC or 30.62A SCC, as applicable;

(c) Water quality treatment requirements of SCC 30.63A.530 are met prior to discharge of stormwater runoff into a wetland;

(d) The overall impacts to critical areas within the sub-basin are beneficial, impacts on the wetland will be minimized, and mitigation is provided for loss of all wetland functions and values, as provided in chapter 30.62 SCC or SCC 30.62A.310, as applicable; and

(e) The detention or retention storage and discharge will not adversely affect the hydroperiod pursuant to the hydroperiod analysis and design criteria in volume I, Appendix 1-D of the Drainage Manual.

(7) If the department approves the use of a natural or created wetland for stormwater detention as provided in SCC 30.63A.570(6), the design of such a detention facility shall be based on field measurements of water level fluctuations under natural conditions that are collected in accordance with the hydroperiod analysis and design criteria in volume I, Appendix I-D of the Drainage Manual.

(8) As an alternative to the wetland protections provided in SCC 30.63A.570(6), public regional stormwater management facilities constructed by public agencies may be located within critical areas and their buffers pursuant to chapters 30.62, 30.62A and 30.62B SCC, as applicable, if alternative sites that would provide the same degree of downstream benefits are not available and the facility is designed to prevent or minimize damage to aquatic resources. Mitigation must be provided in accordance with the requirements of chapters 30.62 and 30.62A SCC, as applicable, for loss of any wetland functions and values.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.575 Minimum requirement 9: Inspection, operation and maintenance requirements.

When minimum requirement 9 applies pursuant to part 300 of this chapter, and no exemption under SCC 30.63A.200 applies, the requirements of SCC 30.63A.575 through 30.63A.605 shall be met.

(1) The owner(s) of real property burdened by one or more easements or other servitudes for drainage facilities, stormwater facilities and/or other stormwater BMPs, as shown on the approved stormwater site plan for the property, shall not create, place or maintain any obstructions in, on, above, upon, over, under, across or through such easements or other servitudes.

(2) The owner(s) of real property burdened by one or more easements or other servitudes for drainage facilities, stormwater facilities and/or other stormwater BMPs, as shown on the approved stormwater site plan for the property, shall at all times ensure there is adequate access to such easements or other servitudes for the performance of inspection and maintenance activities to the drainage facilities, stormwater facilities and/or other stormwater BMPs.

(3) The owner(s) of real property containing one or more drainage facilities, stormwater facilities and/or other stormwater BMPs, as shown on the approved stormwater site plan for the property, shall regularly inspect and maintain such facilities and/or BMPs to ensure such facilities and/or other BMPs are functioning as anticipated by the approved stormwater site plan. Such facilities and/or BMPs shall be inspected according to the maintenance requirements set forth in SCC 7.53.140.

(4) The owner(s) of real property on which one or more drainage facilities, stormwater facilities and/or other stormwater BMPs are located, as shown on the approved stormwater site plan for the property, shall develop, keep and maintain an operation and maintenance manual for such facilities and/or BMPs, consistent with the provisions in volume V of the Drainage Manual. The operation and maintenance manual shall be available for examination by the county at any reasonable time. The manual shall at a minimum include the following information regarding the drainage facilities, stormwater facilities and/or other stormwater BMPs located on the property:

(a) A maintenance plan developed pursuant to volume V, chapter 4.6 of the Drainage Manual;

(b) A log listing the dates, type and scope of any maintenance activities performed; and

(c) Any other information pertinent to the functioning of the drainage facilities, stormwater facilities and/or other stormwater BMPs on the property.

(5) Any modification to the drainage facilities, stormwater facilities or other stormwater BMPs shown on an approved stormwater site plan for a property, which is not part of an approved maintenance schedule, requires prior approval by the county. Proposed revisions to the approved plans, drainage computations or maintenance schedule shall be submitted to the county for approval prior to modification pursuant to SCC 30.63A.825.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

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

(1) Any private party who constructs, locates, builds or otherwise places one or more drainage facilities, stormwater facilities and/or other stormwater BMPs in, on, above, upon, over, under, across or through any portion of a county right-of-way or other county-owned property shall be responsible for the inspection,

maintenance and operation of such facilities and/or BMPs during one of the following two periods, whichever is longer:

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

(b) Through such time as any maintenance security is released pursuant to SCC 30.84.120.

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

(3) The private party responsible for interim inspection, maintenance and operation of drainage facilities, stormwater facilities and/or other stormwater BMPs pursuant to this section shall provide a maintenance security as required pursuant to SCC 30.84.120.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

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

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

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.63A.590 Minimum requirement 9: Easements granted to the county.

(1) To protect the public from flooding, water quality degradation, damage to aquatic habitat and other drainage impacts, easements shall be granted to the county for the right to enter onto privately owned property, at the county's discretion, for the purpose of accessing, inspecting, maintaining, modifying or replacing the following types of privately owned drainage facilities, stormwater facilities or other stormwater BMPs:

(a) All permanent drainage facilities, stormwater facilities and stormwater BMPs approved by the county pursuant to this chapter, except for those facilities and/or BMPs that are:

(i) Shown in an approved stormwater site plan that serves only one single family residence or one duplex (and any accessory uses thereto); or

(ii) Located on a lot created prior to September 30, 2010 (effective date of this ordinance); and

(b) Conveyance systems that conduct stormwater from a public right-of-way, private tract or public easement to drainage facilities, stormwater facilities, stormwater BMPs, conveyance systems or waters of the state.

(2) All easements granted to the county under SCC 30.63A.590(1) shall include access rights from an opened public right-of-way.

(3) Drainage easements granted to the county pursuant to SCC 30.63A.590(1) shall be 20 feet in width unless:

(a) The drainage facility, stormwater facility or other stormwater BMP is larger than 20 feet in width, in which case the easement size shall be increased appropriately;

(b) During plan review, the director requires an increase above the required easement width to the extent

reasonably necessary to allow adequate maintenance of the proposed drainage facility, stormwater facility or other stormwater BMP, or to accommodate existing site conditions, when the director determines that there are special circumstances applicable to the site or the intended use for which a wider easement is reasonably necessary; or

(c) During plan review, the director may reduce the easement width, if the director determines that there are special circumstances applicable to the site or the intended use. These circumstances may include, but are not limited to, shape, topography, location, or surroundings that do not generally occur on other sites and that render it infeasible to provide the standard width easement, provided that the director also determines the proposed drainage facility, stormwater facility or other stormwater BMP can be adequately inspected and maintained with a reduced easement width.

(4) The director of public works shall have the authority to modify existing drainage easement widths pursuant to the conditions in SCC 30.63A.590(3).

(5) All drainage easements granted pursuant to SCC 30.63A.590(1) shall be in a form specified by the director, and shall include a covenant requiring the owner(s) of the property at issue to regularly inspect and maintain the drainage facilities, stormwater facilities or stormwater BMPs located within the easement area. All persons having an ownership interest in the property at issue shall execute and acknowledge the easement document, which shall be recorded.

(6) Should the county determine, at any time, that the property owner(s) have not performed the required inspection and maintenance of the drainage facilities, stormwater facilities or stormwater BMPs located within a drainage easement granted pursuant to SCC 30.63A.590(1), the county may cause such inspection and/or maintenance to be performed, and the property owner(s) shall reimburse the county for the cost of any such work.

(7) Prior to accepting an easement granted pursuant to SCC 30.63A.590(1), the director may require the removal of all obstructions or encumbrances located in, on, above, upon, over, under, across or through the easement area which are inconsistent with the purposes for which the easement is being granted.

(8) No fill, structures, fences, walls, rip rap, buildings or other similar obstructions to access or restrictions to the flow of water may be placed within the easement area without the written consent of the director. Obstructions placed within an easement area in violation of this restriction may be removed by the county at the sole expense of the property owner(s), and the property owner(s) shall reimburse the county for the cost of removal.

(9) Payments due to the county under SCC 30.63A.590(6) and (8) above shall be made within 90 days of the day the county submits a bill for costs. In the event of nonpayment, the county may bring suit to recover such removal costs, including its attorneys' fees, and upon obtaining a judgment, such amount shall become a lien against the property of the owner as provided in RCW 4.56.190.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.595 Minimum requirement 9: Private easements.

(1) All privately owned drainage facilities, stormwater facilities and other stormwater BMPs shown on an approved stormwater site plan that are located on multiple, contiguous properties not contained in a public easement dedicated to the county shall be contained within a recorded private easement. Such private easements shall be established for the benefit of all real property for which such facilities and other BMPs have been designed to convey, store or treat stormwater runoff. Private easements shall be a minimum of ten feet in width. Private easements required by this section shall permit each affected property owner to enter onto the easement area for purposes of inspecting and maintaining the facilities or other BMPs located thereon.

(2) Private easements required by SCC 30.63A.595(1) shall be in a form specified by the director, and shall include a covenant requiring the owner(s) of the properties at issue to regularly inspect and maintain the drainage facilities, stormwater facilities or other BMPs located within the easement area. All persons having an ownership interest in the properties at issue shall execute and acknowledge the easement document,

which shall be recorded prior to drainage or construction plan approval.

(3) Any private drainage easement required by SCC 30.63A.595(1) that is located in a subdivision or other platted development shall be depicted on the face of the plat. In such cases, the face of the plat shall contain covenant language approved by the director requiring affected property owners to regularly inspect and maintain the drainage facilities, stormwater facilities or other BMPs located within the easement areas depicted on the face of the plat. SCC 30.63A.595(2) above shall not apply to private easements covered by this subsection SCC 30.63A.595(3).

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.605 Minimum requirement 9: Separate tracts or easements.

(1) Runoff treatment facilities constructed to meet the requirements of SCC 30.63A.530 through 30.63A.545, flow control facilities constructed to meet the requirements of SCC 30.63A.550 through 30.63A.560, and access constructed to serve those facilities shall be placed in one or more separate lots or tracts that are owned in common by all of the property owners served by the facility, or by a homeowners association.

(2) The joint owners of runoff treatment and flow control facilities, and access roads constructed to serve those facilities, located in a separate lot or tract shall be jointly and severally responsible for inspection, maintenance, and operations, unless the facility is dedicated to the county after authorization by the county engineer.

(3) Pursuant to SCC 30.63A.830 and SCC 30.63A.835, the county engineer shall have the authority to allow detention or retention facilities to be placed in an easement rather than a separate lot or tract, when such placement is reasonably necessary to address special circumstances pertaining to the project site or off-site drainage facilities construction.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

PART 700 ADDITIONAL REQUIREMENTS.

30.63A.700 Minimum requirements for road maintenance redevelopment.

This section establishes requirements for the application of minimum requirements to road maintenance redevelopment practices.

(1) For projects that remove and replace a paved surface to base course or lower, or repair the roadway base where impervious surfaces are not expanded, minimum requirements 1 through 5 (SCC 30.63A.400 through 30.63A.525) shall be required.

(2) Extending the pavement edge without increasing the size of the road prism and paving graveled shoulders are considered new impervious surfaces and shall be subject to the minimum requirements required by SCC 30.63A.310.

(3) The following are considered new impervious surfaces and are subject to the minimum requirements required by SCC 30.63A.310:

(a) Resurfacing by upgrading from dirt to gravel, asphalt, or concrete;

(b) Upgrading from gravel to asphalt, or concrete; and

(c) Upgrading from a bituminous surface treatment (“chip seal”) to asphalt or concrete.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.710 Drainage facility setback requirements.

Drainage facilities shall meet the setback requirements in SCC 30.23.110 and the EDDS.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.720 Access to flow control and treatment facilities.

The applicant shall provide an access route from a public right-of-way to all stormwater flow control and treatment facilities. The access road shall be constructed in accordance with the EDDS and provide access to all areas necessary for maintenance of the facility. The director may require the applicant to provide access routes to other elements of the proposed drainage system to allow effective inspection or maintenance of drainage facilities.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.730 Conveyance systems - minimum standards.

(1) All conveyance systems shall be designed to at least accommodate the peak discharge from the 25-year, 24-hour design storm based on post-development site conditions, including stormwater flowing through the site which originates both on-site and off-site. This peak discharge flow shall remain within the conveyance system. Conveyance systems for new development or redevelopment projects that require full drainage plans shall be designed in accordance with SCC 30.63A.740.

(2) Road crossings and conveyance systems in fish-bearing waters shall be designed pursuant to SCC 30.62A.330(2)(d) and (e), as applicable.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.740 Stormwater plan conveyance system and stub out requirements for new development or redevelopment activities, subject to full drainage plan.

(1) Conveyance systems.

(a) Conveyance systems for new development and redevelopment associated with full drainage plans shall accommodate the peak discharge from the 100-year, 24-hour design storm based on post-development site conditions.

(b) For purposes of this subsection, a conveyance system shall be considered adequate if the peak discharge and maximum water level is contained within all drainage easements or within existing conveyance systems, provided that the conveyance system may overflow or be surcharged as long as:

(i) Stormwater runoff does not inundate any of the traveled portion of a public or private road; and

(ii) No portion of a building will be flooded.

(c) To size conveyance systems for drainage areas of less than 25 acres, the computation standard shall be the rational method or its equivalent as approved by the director. For drainage areas of 25 acres or more, the minimum computation standard shall be the Natural Resources Conservation Service (NRCS) TR-55, Santa Barbara Urban Hydrograph (SBUH), or equivalent method or equivalent flood routing simulation method as approved by the director.

(2) Access culverts shall be sized based upon the hydrologic analysis of the upstream basin prepared under SCC 30.63A.740(1)(c).

(3) If infiltration or dispersion systems, excluding perforated stub out connections, are not provided pursuant to SCC 30.63A.525, drainage stub-outs shall be provided for and utilized by each proposed lot served by a new drainage pipe system for conveyance. Drainage stub-outs shall comply with the following requirements:

(a) Each drainage stub-out shall be connected to the pipe system and be suitably located at the lowest elevation on the lot so that it conveys stormwater from all future roof down spouts, driveways, and yard drains, provided that this requirement shall not preclude the connection of footing drains or other subsurface drains;

(b) Each drainage stub-out shall have free-flowing drainage to an existing or proposed yard drain, dispersion trench, or other structure on the pipe conveyance system or to an approved outfall location; and

(c) At the time of drainage facilities construction, drainage stub-outs shall be clearly marked in accordance with the EDDS.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.750 Tightline systems required in the Lake Stevens Urban Growth Area.

All new drainage systems in the Lake Stevens Urban Growth Area which discharge into stream channels with ravine walls that have slopes of greater than 33 percent shall install tightlines (totally enclosed drainage systems) to convey the stormwater. Stormwater shall be conveyed from the top of the ravine wall to the stream channel in order to prevent erosion, scour and sediment transport.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

PART 800 SUBMITTAL, REVIEW, INSPECTION AND ACCEPTANCE PROCESS

30.63A.800 Stormwater drainage review process.

(1) Stormwater drainage review conducted pursuant to this chapter shall be completed in conjunction with, and shall be a condition of, approval of the underlying permit for a proposed development or redevelopment activity. Construction shall not commence until a required permit or plan for new development or redevelopment is issued or approved and until required reviews or inspections are completed.

(2) Whenever a development or redevelopment requires submittal of a targeted or full stormwater site plan under this chapter, the stormwater site plan shall be submitted at the time of application for the underlying permit for a proposed project, except that phased submittal of a full stormwater site plan is permitted pursuant to SCC 30.63A.820.

(3) An application for a new development or redevelopment which requires a stormwater site plan to be submitted at the time of application for the underlying permit shall not be deemed complete until a complete stormwater site plan is submitted together with the application for the permit or approval. The department shall use the provisions of SCC 30.63A.400 through SCC 30.63A.440 to determine if the stormwater site plan is complete.

(4) When a full stormwater site plan is required for new development or redevelopment and the drainage review is phased, the full stormwater plan shall be submitted at the time construction plans are submitted.

(5) Upon finding any deficiencies in the stormwater site plan submittal, the department shall notify the applicant of the deficiencies and return the stormwater site plan to the applicant for revision and resubmittal.

(6) Once a stormwater site plan has been determined complete, the department shall review the plan for compliance. This review shall include site inspections pursuant to SCC 30.63A.860.

(7) Stormwater site plan resubmissions after two reviews by the department, or the submittal of a revised stormwater site plan, shall be subject to the resubmittal and revision fee requirement in SCC 30.86.510(2).

(8) The department shall notify the applicant upon approval of the stormwater site plan.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.805 Targeted stormwater site plan submittal requirements.

(1) Targeted stormwater site plans shall be submitted to document compliance with minimum requirements 1 through 5 (SCC 30.63A.400 through 30.63A.525). The targeted stormwater site plan submittal shall include both the items required by SCC 30.63A.440 and the targeted stormwater site plan submittal checklist items adopted by the department pursuant to SCC 30.70.030. Targeted stormwater site plan submittal requirements include a preliminary development layout of the proposed drainage system. The layout shall depict the results of the site planning process pursuant to SCC 30.63A.400 through SCC 30.63A.440 and shall include the nature and extent of the work proposed and a written executive summary explaining how the drainage system will function.

(2) In addition to compliance with minimum requirements 1 through 5, compliance with minimum requirements 6, 7 and 8 pertaining to runoff treatment, flow control and detention or treatment in wetlands and their buffers may be required based upon the site plan, scope of the proposed project and the results of the hydrologic analysis required under SCC 30.63A.440.

(3) When required by the director, targeted stormwater site plan submittals shall include additional or detailed engineering and design information pursuant to minimum requirements 1 through 5 (SCC 30.63A.400 through 30.63A.525) for site-specific conditions, development activity in the public right-of-way, conveyance sizing, on-site stormwater management BMP techniques and facilities, or as needed to protect the public health, safety and welfare.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.810 Stormwater pollution prevention plans for small projects.

(1) A full SWPPP prepared under minimum requirement 2 (SCC 30.63A.445 through 30.63A.510) is not required for small projects as defined by SCC 30.63A.810(2). Applicants for small projects may submit an abbreviated SWPPP consistent with volume 1, Appendix I-F of the Drainage Manual to comply with minimum requirement 2.

(2) A small project for the purpose of this section consists of a project site that:

(a) Includes an area of land disturbance less than one acre in size and is not part of a common plan of development;

(b) Creates, adds or replaces, or any combination thereof, impervious surface area in an amount less than 2,000 square feet;

(c) Moves less than 100 cubic yards of material graded on site or 500 cubic yards of material under the foundation of a building that will be built pursuant to an approved building permit;

(d) Causes less than 7,000 square feet of land disturbing activity;

(e) Is located outside of a floodplain or shoreline designation;

(f) Will not adversely impact a wetland, stream or water of the state or change a natural drainage course; and

(g) Does not require engineering to comply with this chapter.

(3) The abbreviated SWPPP must consider all twelve elements of the construction SWPPP described in SCC 30.63A.450 through 30.63A.510 as described in volume1, Appendix I-F.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.63A.815 Full stormwater site plan submittal requirements.

(1) Full stormwater site plans shall address minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605). The full stormwater site plan submittal shall include both the items required by SCC 30.63A.440 and the full stormwater site plan submittal checklist items adopted by the department pursuant to SCC 30.70.030.

(2) Full stormwater site plan submittal requirements require an accurate set of plans and calculations prepared by a professional engineer licensed in Washington State. The plans shall become part of the construction documents and plans prepared for the development activity. The full stormwater site plan shall clearly indicate the nature and extent of the work proposed and how the system shall be maintained and to whom maintenance responsibility shall be assigned.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.820 Phased submittal of full stormwater site plans.

An applicant may phase the submittal of a full stormwater site plan pursuant to this section.

(1) When a project requires a full stormwater site plan, and the proposed development activity is subject to a public hearing where the hearing examiner has original jurisdiction, an applicant may submit a targeted stormwater site plan pursuant to SCC 30.63A.805, along with the underlying permit application, to initiate review.

(2) As part of a phased submittal, in addition to compliance with minimum requirements 1 through 5 (SCC 30.63A.400 through 30.63A.605), the targeted stormwater site plan shall comply with additional requirements as follows:

(a) If the site analysis required by minimum requirement 1 identifies site conditions that require compliance with minimum requirements 6, 7 or 8, the targeted stormwater site plan shall address water quality treatment, flow control, and wetlands protection pursuant to SCC 30.63A.530 through SCC 30.63A.570, when applicable.

(b) Detailed engineering and design information shall be provided when required by the director for site-specific conditions, development in the public right-of-way, or compliance with any required conveyance sizing, on-site stormwater management BMPs, or detention or treatment design, as needed to protect the public health, safety and welfare.

(3) The department shall review the targeted stormwater site plan and make written findings regarding whether the proposed new development or redevelopment will:

(a) Adversely affect existing water quality conditions of any surface or ground water;

(b) Alter the existing surface or subsurface drainage patterns or flow rates on or off the site;

(c) Increase peak discharge or stormwater runoff volume sufficiently to cause adverse impacts downstream; or

(d) Cause erosion, sedimentation or flooding on upstream or downstream properties.

(4) The department shall provide a written recommendation regarding the targeted stormwater site plan to the hearing examiner. If the department recommends conditional approval of the targeted stormwater site plan, the recommendation shall include a statement requiring the submittal and approval of a full stormwater site plan, which must be found by the department to comply with the requirements of chapter 30.63A SCC prior to any construction plan approval.

(5) If the hearing examiner approves the new development or redevelopment, the approval shall be conditioned upon submittal of a full stormwater site plan to the department which complies with minimum requirements 1 through 9 (SCC 30.63A.400 through SCC 30.63A.605).

(6) The applicant shall not initiate construction until the department approves a full stormwater site plan and issues construction permits.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.825 Stormwater site plan revisions.

(1) Proposed revisions to an approved stormwater site plan shall be submitted to the department prior to construction, except that requests for revisions to an approved stormwater site plan may be submitted to the department during construction if necessary to address unforeseen circumstances that occur during construction.

(2) The applicant may revise an approved stormwater site plan upon paying a revision review fee pursuant to SCC 30.86.510(2) and obtaining written approval from the department prior to construction of any proposed revision to an approved stormwater site plan. At a minimum, the revised submittal shall include substitute pages of the approved stormwater site plan, which include the proposed changes, revised drawings showing any structural changes, and any other supporting information that explains and supports the reason for the change. The department may require additional information before approving or denying the proposed revision. All revisions shall be consistent with all applicable minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605). Any revision shall comply with the requirements of this chapter and be shown on final record drawings.

(3) Land disturbing activity site plans prepared pursuant to chapter 30.63B SCC shall clearly indicate if they have been prepared for land disturbing activity that will be initiated or continue during the wet season work limitation period between October 1 and April 30. When approved construction plans for a project do not state that the stormwater site plans have been prepared to allow land disturbing activity between October 1 and April 30, land disturbing activity shall not occur during that time period until revised construction plans addressing wet season work limitations and BMPs have been approved by the department. Only site stabilization and erosion control activities shall be allowed to occur during the wet season until a revised stormwater site plan and SWPPP are approved.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.63A.830 Modifications.

(1) The county may approve project-specific modifications of the regulations and standards in chapters 30.63A and 30.63B SCC, the Drainage Manual and chapter 5 of the EDDS pursuant to the requirements of this section. The department shall have decision-making authority for title 30 SCC modifications and the department of public works shall have decision-making authority for modifications of the Drainage Manual and chapter 5 of the EDDS.

(2) Modifications shall be requested in writing on an application form approved by the department.

(3) Modification requests shall be submitted as soon as the need for the modification is identified. Modifications that affect project lot yield, density or scope must be submitted prior to the SEPA threshold determination or the final administrative decision on the application.

(4) The modification fee established in SCC 30.86.515 shall be paid at the time the modification request is submitted to the department.

(5) The modification request shall:

(a) Specify the section(s) of chapters 30.63A or 30.63B SCC, the Drainage Manual, or chapter 5 of the EDDS for which the modification is requested;

(b) Describe how the intent of the regulations and standards will be achieved with the modification;

(c) Provide the reasons for the request including site-specific details;

(d) Indicate how the request meets the criteria of SCC 30.63A.830(6);

(e) Indicate if a submittal requirement is required to be modified or waived; and

(f) Contain sufficient information to evaluate the request.

(6) The appropriate director may modify any regulation or standard in chapters 30.63A and 30.63B SCC, the Drainage Manual, or chapter 5 of the EDDS for a specific project, provided that the applicant has demonstrated to the director's satisfaction that the following criteria are met:

(a) The modification provides substantially equivalent environmental protection as adopted stormwater management regulations and standards;

(b) The modification is based upon sound engineering practices which will meet design objectives addressing safety, function, environmental protection, and facility maintenance;

(c) The modification does not adversely impact off-site properties; and

(d) The modification results in the least possible change that could be granted that still meets the intent of chapters 30.63A and 30.63B SCC, the Drainage Manual and chapter 5 of the EDDS.

(7) No submittal checklist requirement shall be modified which would result in a failure to meet the requirements of chapters 30.63A, 30.63B or 30.63C SCC, the Drainage Manual, or chapter 5 of the EDDS.

(8) The appropriate director shall issue a written decision within 30 days of receipt of a complete modification request. However, if the request requires a significant amount of technical analysis by the department, the director may notify the applicant by U.S. or electronic mail that additional review time is required beyond 30 days or that additional information is needed to render a decision.

(9) The appropriate director's written decision shall approve, conditionally approve, or deny the request. It shall include findings of fact and conclusions documenting the county's evaluation of the modification criteria in SCC 30.63A.830(6). The decision shall state that the applicant can file a request for reconsideration pursuant to SCC 30.63A.835.

(10) The appropriate director's modification decision shall be the county's final decision on the modification request unless reconsideration is requested under SCC 30.63A.835. The hearing examiner may not review the director's final decision on the modification request under either the hearing examiner's original or appellate jurisdiction.

(11) If the appropriate director determines that a modification of a procedural requirement should apply to all applications for new development and redevelopment, the modification may be applied to all applications for new development or redevelopment without a need for each applicant to request the modification.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.835 Reconsideration of a modification decision.

(1) An applicant may file a written request for reconsideration of a modification decision issued pursuant to SCC 30.63A.830 with the department within 15 calendar days following the date the written decision was issued. The applicant shall pay the fee established in SCC 30.86.515 at the time the request for reconsideration is made. The timely filing of a request for reconsideration shall stay the review of related project components until the appropriate director issues the reconsideration decision.

(2) The grounds for seeking reconsideration shall be limited to the following:

(a) The appropriate director's findings, conclusions or conditions are not supported by the record;

(b) New information, which could not reasonably have been produced and which is material to the decision, is discovered; or

(c) The applicant proposes changes to the application in response to deficiencies identified in the modification decision.

(3) The request for reconsideration must:

(a) Contain the name, mailing address, and daytime telephone number of the applicant, or the applicant's representative, together with the signature of the applicant or of the applicant's representative;

(b) Identify the specific findings, conclusions, actions, and/or conditions for which reconsideration is requested;

(c) State the specific grounds upon which relief is requested;

(d) Describe the specific relief requested; and

(e) Where applicable, identify and provide documentation of the newly-discovered information or changes proposed.

(4) Within 30 days of the date a complete request for reconsideration is filed, the appropriate director shall make a written decision to either approve, approve with conditions, or deny the request for reconsideration. The decision shall include findings of fact and conclusions documenting the county's evaluation of the modification criteria in SCC 30.63A.830(6).

(5) The appropriate director shall consider only one request for reconsideration per each modification decision.

(6) When reconsideration is requested, the applicable director's decision on reconsideration shall be the county's final decision on the modification request.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.840 Waivers.

(1) The county may approve requests for project-specific waivers of the regulations and standards in chapters 30.63A and 30.63B SCC, the Drainage Manual, and chapter 5 of the EDDS pursuant to the requirements of this section. The department shall have decision-making authority for title 30 SCC waivers and the department of

public works shall have decision-making authority for waivers of the Drainage Manual and chapter 5 of the EDDS.

(2) Waivers shall be requested in writing on an application form approved by the department.

(3) Waiver requests shall be submitted as soon as the need for the waiver is identified. Waivers that affect project lot yield, density or scope must be submitted prior to the SEPA threshold determination or the final administrative decision on the application. The waiver fees established in SCC 30.86.510 shall be paid at the time the waiver request is submitted to the department.

(4) The waiver request shall:

(a) Specify the section(s) of chapters 30.63A or 30.63B SCC, the Drainage Manual, or chapter 5 of the EDDS for which the waiver is requested;

(b) Describe how the intent of the requirement will be achieved with the waiver;

(c) Provide the reasons for the request including site-specific details;

(d) Document how the request meets the criteria of SCC 30.63A.840(5); and

(e) Contain sufficient information to evaluate the request.

(5) The appropriate director may waive any regulation or standard in chapters 30.63A and 30.63B SCC, the Drainage Manual, or chapter 5 of the EDDS for a specific project, provided that the applicant has demonstrated to the director's satisfaction that the following criteria are met:

(a) The appropriate director finds and documents in writing that the application of the stormwater management requirement or standard for which the waiver is sought will deny the project applicant all economically viable use of the property that is subject to the requirement or standard;

(b) The waiver will not increase risk to the public health and welfare, be injurious to other properties in the vicinity or upstream or downstream, or affect the quality of waters of the state; and

(c) The waiver is the least possible waiver that could be granted to comply with the intent of chapters 30.63A and 30.63B SCC, the Drainage Manual, and chapter 5 of the EDDS.

(6) A notice of application shall be provided for each waiver application pursuant to the procedures outlined in SCC 30.70.045 through SCC 30.70.070.

(7) The appropriate director shall issue a written decision within 30 days of the end of the comment period established in SCC 30.70.060. However, if the request requires a significant amount of technical analysis by the department, the director may notify the applicant by U.S. or electronic mail that additional review time is required beyond 30 days or that additional information is needed to render a decision.

(8) The director’s decision shall be in writing and include findings of fact and conclusions based upon an evaluation of the waiver criteria in SCC 30.63A.840(5). The director may approve, approve conditionally or deny the waiver request. The decision shall state that the applicant and any party of record may request reconsideration of the decision pursuant to SCC 30.63A.842. The director shall provide a notice of decision pursuant to SCC 30.71.040.

(9) The appropriate director shall also include in the written decision the following information:

(a) The current (pre-project) use of the site;

(b) How the application of the standard(s) or requirement(s) for which the waiver is sought restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the minimum requirements on _____, 20__;

(c) The possible remaining uses of the site if the waiver were not granted;

(d) The uses of the site that would have been allowed in title 30 SCC prior to the adoption of the minimum requirements on _____, 20__;

(e) A comparison of the estimated amount and percentage of value loss as a result of the requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the minimum requirements on _____, 20__; and

(f) Whether it is feasible for the owner to alter the project to apply the minimum requirements.

(10) The appropriate director's waiver decision shall be the county's final decision on the waiver request unless reconsideration is requested under SCC 30.63A.842. The hearing examiner may not review the director's final decision on the waiver request under either the hearing examiner's original or appellate jurisdiction.

(11) If the appropriate director determines that a waiver of a procedural requirement should apply to all applications for new development or redevelopment, the waiver may be applied to all such applications without a need for each applicant to request the waiver.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.842 Reconsideration of a waiver decision.

(1) An applicant or any aggrieved party of record may file a written request for reconsideration of a waiver decision issued pursuant to SCC 30.63A.840 with the department within 15 calendar days following the date the written decision was issued. The applicant or party of record shall file a reconsideration application and pay the fee established in SCC 30.86.600 with the department. The petitioner for reconsideration shall mail a copy of the petition for reconsideration to all parties of record as of the date of filing the request for reconsideration. The timely filing of a request for reconsideration shall stay the review of related project components until the appropriate director issues the reconsideration decision.

(2) The grounds for seeking reconsideration shall be limited to the following:

(a) The director's findings, conclusions or conditions are not supported by the record;

(b) New information, which could not reasonably have been produced and which is material to the decision is discovered; or

(c) The applicant proposes changes to the application in response to deficiencies identified in the waiver decision.

(3) The request for reconsideration must:

(a) Contain the name, mailing address, and daytime telephone number of the applicant, or the applicant's representative, together with the signature of the applicant or of the applicant's representative;

(b) Identify the specific findings, conclusions, actions, and/or conditions for which reconsideration is requested;

(c) State the specific grounds upon which relief is requested;

(d) Describe the specific relief requested; and

(e) Where applicable, identify and provide documentation of the newly discovered evidence or changes proposed.

(4) Within 30 days of the date a complete request for reconsideration is filed, the appropriate director shall issue a written decision to either approve, approve with conditions, or deny the request for reconsideration. The decision shall include findings of fact and conclusions documenting the county's evaluation of the waiver criteria in SCC 30.63A.830(5). The appropriate director shall provide a notice of decision pursuant to SCC 30.71.040.

(5) The appropriate director may consolidate for action, in whole or in part, multiple requests for reconsideration of the same decision where such consolidation would facilitate procedural efficiency.

(6) When reconsideration is requested, the appropriate director's decision on reconsideration shall be the county's final decision on the waiver request.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.845 Authority to require more stringent standards and requirements and to impose mitigation.

(1) Before and after the issuance of a land disturbing activity permit, the director may impose additional or more stringent standards and requirements than those specified in this chapter or impose mitigation requirements to the extent necessary to:

(a) Protect the public health, safety and welfare; or

(b) Mitigate any significant adverse impact from the new development or redevelopment.

(2) The director's decision to require additional or more stringent standards and requirements or mitigation requirements shall be in writing and shall include findings of fact and conclusions that demonstrate how the decision meets the following criteria:

(a) The decision eliminates or substantially reduces a specific public health, safety or welfare concern or a significant adverse impact;

(b) The decision is based on sound engineering practices;

(c) The decision will not adversely impact off-site properties; and

(d) The decision is the least possible change from the requirements of this chapter.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.850 Compliance with permits and stormwater site plans.

Any person performing any development or redevelopment activity shall comply with all specifications, standards, requirements and conditions of any permit or stormwater site plan approved during the plan review conducted under the authority of this chapter. Any person engaged in new development or redevelopment shall have a copy of the stormwater site and construction plans and specifications at the work site at all times and shall be responsible for compliance with the approved plans, specifications, and permit requirements. No person may alter or interfere with any drainage facility which is an element of an approved stormwater site plan without an approved site plan revision pursuant to SCC 30.63A.825.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.855 Replacement of individuals reviewing or inspecting work.

During the installation of stormwater facilities, drainage facilities, or stormwater BMPs, if the civil engineer, the soils engineer, the certified erosion and sediment control lead (CESCL), or the engineering geologist of record is replaced, work requiring their review and inspection shall be stopped until a replacement licensed professional or other qualified individual agrees in writing to accept responsibility for inspecting and approving the work within his or her area of technical expertise. It shall be the duty of the applicant or owner to notify the department in writing of such change before the recommencement of such work.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.860 Drainage inspection process.

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

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

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

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

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

(5) New development and redevelopment sites shall be inspected by the county and CESCL, when a CESCL is required, upon completion of construction and before final approval/occupancy to verify proper installation of

permanent erosion controls, stormwater facilities, and BMPs.

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

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

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

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.63A.865 Submittal of record drawings.

Upon completion of the construction of conveyance systems, treatment facilities, flow control facilities and structural source control BMPs (excluding the construction of on-site stormwater management BMPs) and prior to final inspection approval, the applicant shall submit record drawings of the full stormwater site plan prepared by a civil engineer or registered surveyor. The engineering drawings shall accurately represent the project as constructed. They shall depict the actual vertical and horizontal locations of roads and drainage facilities constructed on and off the site. Record drawings shall be stamped, signed and dated by a civil engineer licensed in Washington State and shall meet the standards contained in the EDDS.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.63A.870 Process for construction acceptance.

When the applicant or owner requests construction acceptance of drainage facilities for purposes of recording a final subdivision or short subdivision pursuant to chapter 30.41A or 30.41B SCC, or for purposes of obtaining a certificate of occupancy for single-family detached units (SFDUs) or for other types of commercial projects pursuant to SCC 30.52A.130, the department shall perform a drainage inspection pursuant to SCC 30.63A.860(6) to determine whether the construction has been completed in conformance with the approved stormwater site plan.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

PART 900 SECURITY DEVICES AND INSURANCE

30.63A.900 Drainage security devices and insurance – general.

Security devices shall be provided as required by chapter 30.84 SCC and insurance, in forms acceptable to the director, shall be provided as required by SCC 30.63A.940 to ensure that all work or actions required by this chapter are satisfactorily performed, installed and completed in accordance with applicable approved plans, specifications, permit and/or approval requirements and conditions.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.63A.940 Drainage insurance requirements.

(1) When drainage facilities are constructed within any portion of county road right-of-way, the department shall require the applicant for such construction to obtain commercial general liability insurance coverage against personal injury, property damage, or loss resulting from activities related to the construction.

(2) The insurance required by this section shall be in an amount determined by the director of the department of budget and finance to be commensurate with the risk to the public involved, and shall be at a minimum amount of $1,000,000 per occurrence. The policy shall be maintained continuously for the duration of the work undertaken pursuant to the permit or approval, and for an additional three years after the county has given final approval of the construction shown on the stormwater site plan or has accepted the stormwater facilities after construction is completed and approved. The policy shall contain appropriate endorsements and amendments as required by the director of the department of budget and finance, and shall name "Snohomish County, its officers, elected and appointed officials, employees and agents" as an additional insured.

(3) The policy shall provide that the director shall be notified by certified mail of any modification or cancellation of the policy at least thirty days prior to any such modification or cancellation. If the insurance required by this section is canceled and not replaced, or is modified in a manner unacceptable to the director of the department of budget and finance, the director may revoke the permit or approval.

(4) The applicant shall provide evidence of the existence and continuation of the insurance required by this section to the director of the department of budget and finance in accordance with the requirements of the department of budget and finance, which shall include one or more of the following:

(a) An original binder of insurance signed by an authorized broker of the insurance carrier reciting the coverage required in this section, accompanied by a letter of clarification if requested;

(b) A copy of the "declarations" pages of the policy, reciting the coverage; or

(c) A copy of the complete policy.

(5) The insurance carrier must be authorized to transact business within the State of Washington. The insurance carrier and policy shall be subject to the approval of the director of the department of budget and finance.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

Chapter 30.63B
LAND DISTURBING ACTIVITY

30.63B.010 Purpose and objectives.

(1) The purpose of this chapter is to regulate land disturbing activities as defined in SCC 30.91L.025.
(2) Specific objectives of this chapter are:
(a) To promote sound, practical, and economical development practices and construction activities that prevent or minimize adverse impacts to adjoining properties and to waters of the state within Snohomish County;
(b) To prevent or minimize degradation of water quality to protect human health, recreational opportunities and fish and wildlife habitat;
(c) To control soil movement on land that is subject to new development or redevelopment;
(d) To maintain stable earth during land disturbing activity for structures and to maintain stable earth foundations for structures;
(e) To protect public safety by reducing slope instability and the potential for landslides or erosion; and
(f) To maintain the safety of county roads and rights-of-way.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.020 Applicability.

This chapter applies to all land disturbing activity as defined in SCC 30.91L.025.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.030 Land disturbing activity permits required.

(1) A land disturbing activity permit is required for all land disturbing activity and must be obtained prior to the commencement of any land disturbing activity unless the activity is exempted in SCC 30.63B.070, or the activity is conducted as part of a project administered by the department of public works or the county engineer under the requirements of SCC 30.63B.100(1)(b) and (2).
(2) If a person or entity determines that a proposed land disturbing activity is exempt from obtaining a land disturbing activity permit under SCC 30.63B.070, the person or entity may consult with the department to confirm the determination or to ensure compliance with other applicable requirements of title 30 SCC. A consultation may be requested by following the pre-application process described in SCC 30.70.020. The appropriate consultation fee established in SCC 30.86.510(2)(c) shall be paid at the time of the request.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.040 Land disturbing activity permit fees.

(1) Land disturbing activity permit fees shall be paid pursuant to SCC 30.86.510.
(2) If utility facilities and any related underground drainage systems must be relocated as a direct result of a project performed under the authority of the director of the department of public works or the county engineer and such relocation work is included in that department's plans, the relocation of the utility facilities and any related underground drainage systems shall be exempt from the land disturbing activity fee requirements of SCC 30.86.510.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-073, Sept. 22, 2010, Eff date Sept. 30, 2010)

30.63B.050 Permit approval criteria.

(1) A land disturbing activity permit shall only be issued after:

(a) The project complies with the requirements of this chapter;

(b) Stormwater site plan approvals and all other permits and approvals required by the county for site development have been obtained;

(c) Written evidence has been submitted that approvals required from other jurisdictions and agencies will be issued;

(d) Clearing limits have been marked on the land disturbing activity site plan;

(e) A land disturbing activity site plan and specifications have been approved;

(f) Security devices pursuant to chapter 30.84 SCC and insurance pursuant to SCC 30.63A.940 have been accepted by the department when applicable;

(g) Environmental review under chapter 30.61 SCC has been completed, if applicable; and

(h) The project complies with all other applicable requirements of title 30 SCC.

(2) A land disturbing activity permit shall not be issued for land disturbing activity in shorelines until all required permits and approvals have been granted pursuant to chapter 30.44 SCC.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.63B.060 Authority to require more stringent standards and requirements and to impose mitigation.

(1) Before and after the issuance of a land disturbing activity permit, the director may impose additional or more stringent standards and requirements than those specified in this chapter or impose mitigation requirements to the extent necessary to:

(a) Protect the public health, safety and welfare; or

(b) Mitigate any significant adverse impact from the land disturbing activity.

(2) The director's decision to require additional or more stringent standards and requirements or mitigation requirements under SCC 30.63B.060(1) shall be in writing and shall include findings of fact and conclusions that demonstrate how the decision meets the following criteria:

(a) The decision eliminates or substantially reduces a specific public health, safety and welfare concern or a significant adverse impact;

(b) The decision is based on sound engineering practices;

(c) The decision will not adversely impact off-site properties; and

(d) The decision is the least possible change from the requirements of this chapter.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.070 Land disturbing activity permit exemptions.

A land disturbing activity permit is not required for activities exempted in this section. Exemption from obtaining a land disturbing activity permit is not an exemption from compliance with this chapter, nor from any other applicable provision in title 30 SCC. Land disturbing activity exempted in this section shall comply with SCC 30.63A.445 through 30.63A.510, unless specifically exempted from those provisions by SCC 30.63A.200.

(1) Land disturbing activities are exempt from obtaining a land disturbing activity permit when:

(a) The land disturbing activity occurs outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination;

(b) The land disturbing activity is set back at least two feet from all property lines;

(c) The land disturbing activity does not obstruct or alter an existing drainage course or pattern;

(d) The land disturbing activity disturbs less than 7,000 square feet of land;

(e) The land disturbing activity creates or replaces less than 2,000 square feet of new, replaced, or new plus replaced impervious surface;

(f) The property on which the land disturbing activity will occur collects or concentrates stormwater from 5,000 square feet or less of drainage area; and

(g) The amount of land disturbing activity is consistent with one of the following thresholds:

(i) 100 cubic yards or less of grading on a site in any 18 consecutive months (except fills and associated compaction intended to support structures or private roads);

(ii) 500 cubic yards or less of excavation in any 18 consecutive months for a basement foundation, or for improvements to a single-family dwelling and/or accessory structures, provided that excess excavated material shall be disposed of at a permitted site approved by the director and provided further that the activity shall only commence after a building permit is secured by the applicant; or

(iii) 500 cubic yards or less of grading in any 18 consecutive months for construction of underground drainage systems, provided that the construction shall only commence after a right-of-way use, utility, single-family or commercial building permit is obtained by the applicant.

(2) The following land disturbing activities are exempt from obtaining a land disturbing activity permit when the activity is at least two feet from all property boundary lines. For this exemption to apply, development activities must occur outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination:

(a) Operation of a solid waste disposal site subject to a solid waste permit pursuant to chapter 70.95 RCW, except that expansion, relocation, closure, or capping of a solid waste disposal site is not exempt;

(b) Mineral resource operations including commercial mining, quarrying, excavating, or processing of rock, sand, gravel, aggregate, or clay and associated stockpiling when such operations are authorized by a conditional use permit or an administrative conditional use permit for expansion of a nonconforming use as required by chapters 30.22, 30.42C or 30.43A SCC, except that the following are not exempt:

(i) Reclamation pursuant to SCC 30.63B.170;

(ii) An operation which the director determines may destabilize or undermine any adjacent or contiguous property; and

(iii) An operation which the director determines may result in an adverse downstream drainage impact;

(c) Site investigative work necessary for land use application submittals pursuant to title 30 SCC, such as surveys, soil borings, test pits, percolation tests, non-mechanical survey monument placement, data collection by non-mechanical means and other related activities, if performed in accordance with state-approved sampling protocols or sections 7 and 10 of the Federal Endangered Species Act (ESA) (16 U.S.C. §§ 1536 and 1539), provided that the land disturbing activity is no greater than is necessary to accomplish the site investigative work;

(d) Drilling or excavation of a well for a single family dwelling;

(e) Digging, excavating, or filling cemetery graves; and

(f) Repair or installation of underground or overhead utility facilities that replace ground surfaces with in-kind materials or materials with similar runoff characteristics.

(3) The following land disturbing activities are exempt from obtaining a land disturbing activity permit:

(a) Repair or installation of underground or overhead facilities performed by a utility that only replaces ground surfaces with in-kind materials or materials with similar runoff characteristics. For this exemption to apply, development activities must occur outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination;

(b) Facility maintenance and repairs performed by a utility that that replace ground surfaces with in-kind materials or materials with similar runoff characteristics, that do not add impervious surface, and that do not adversely impact any critical areas, critical area buffers or upstream or downstream properties;

(c) Remodeling or tenant improvements that do not meet the definitions of new development or redevelopment;

(d) Forest practice Classes I, II, III and Class IV special non-conversion forest practices regulated by title 222 WAC;

(e) Oil and gas field activities or operations, including the construction of drilling sites, waste management pits, access roads, and transportation and treatment infrastructure (such as pipelines, natural gas treatment plants, natural gas pipeline compressor stations and crude oil pumping stations);

(f) The following road maintenance activities: pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the coverage area, shoulder grading, reshaping and/or re-grading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism and vegetation maintenance; and

(g) The construction or maintenance of recreational trails, not including challenge areas, parking areas, spectator areas, or any other developed or disturbed areas that are not trails, provided that the following criteria are met:

(i) The trail at issue is on land located in a rural or resource zone;

(ii) The trail at issue is located in a public park or a private park, as those terms are defined in chapter 30.91P SCC;

(iii) The area in which the construction or maintenance will be performed does not drain into the county's municipal separate storm sewer system, as that term is defined in chapter 30.91M SCC; and

(iv) Design of the trail conforms to:

(A) The standards specified in the United States Forest Service Trail Construction and Maintenance Notebook and the United States Forest Service Standard Specifications for Construction and Maintenance of Trails; or

(B) Such other standards for the design and construction of recreational trails that provide equivalent or greater environmental protection, provided that such standards are adopted by rule pursuant to SCC 30.82.010.

(4) The following commercial agricultural activities that are conducted on land designated riverway commercial farmland, upland commercial farmland, or local commercial farmland by the comprehensive plan and future land use map (FLUM) are exempt from obtaining a land disturbing activity permit:

(a) Tilling, soil preparation, fallow rotation, planting, harvesting and other commercial agricultural activities involving working the land. For this exemption to apply, development activities must occur outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination;

(b) Maintenance or repair of existing commercial agricultural facilities including drainage facilities, ponds, animal stock flood sanctuaries, animal waste management facilities, agricultural buildings, fences, roads and bridges; and

(c) New construction of drainage ditches (including enlargement of existing drainage ditches) that requires 500 cubic yards or less of grading. Such ditches shall not adversely impact critical areas or upstream or downstream properties, be located within 100 feet of streams, wetlands, lakes, marine waters, fish and wildlife habitat conservation areas, and erosion hazard areas, or contain water on-site for retention, infiltration or evaporation. For this exemption to apply, development activities must occur outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination.

(5) Agricultural activities defined in chapter 30.32B SCC, SCC 30.91A.090 or 30.62.015 are exempt from obtaining a land disturbing activity permit, provided that:

(a) The activity occurs on property on which agriculture is a legal use of the property;

(b) The activity requires no other permit or project approval from Snohomish County except for a flood hazard permit under chapter 30.43 SCC; and

(c) The activity does not occur in a wetland as defined by state law, unless:

(i) The activity is exempt from wetlands regulations under section 404(f) of the federal Clean Water Act;

(ii) The activity occurs on designated agricultural or rural lands and the wetland area is no greater than 5,000 square feet of non-riparian Category 2 or 3 wetlands or 10,000 square feet of non-riparian Category 4 wetlands, pursuant to chapter 30.62 SCC; or

(iii) The activity occurs in a UGA or on designated forest lands, and the wetland is an area of no greater than 5,000 square feet of non-riparian wetland Categories II or III or 10,000 square feet of non-riparian Category IV wetlands, pursuant to SCC 30.62A.230(2).

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 11-048, Aug. 31, 2011, Eff date Sept. 22, 2011)

30.63B.090 Compliance with other laws.

Approvals of construction and land disturbing activity site plans and the issuance of a land disturbing activity permit under this chapter, and any rules, policies and procedures promulgated hereunder, do not constitute waivers of the requirements contained in any other laws or regulations. Compliance with all applicable federal, state, and local laws and regulations is required.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.100 Projects performed under authority of the director of public works or county engineer.

(1) For projects performed under the authority of the director of the department of public works or the county engineer that require a land disturbing activity permit, the director of the department of public works or the county engineer may:

(a) Submit a land disturbing activity permit application and the applicable fee payment to the department of planning and development services pursuant to SCC 30.63B.030 and 30.63B.040; or

(b) The director of the department of public works may adopt a rule, in accordance with the rulemaking provisions in chapter 30.82 SCC, that is intended to ensure compliance with the substantive requirements of chapters 30.63A, 30.63B, and 30.63C SCC. The rule may be administered either by the director of the department of public works or the county engineer. The rule shall:

(i) Establish administrative procedures and tools under which the department of public works will achieve and document compliance with the substantive requirements of chapters 30.63A, 30.63B and 30.63C SCC and other applicable provisions of title 30 SCC during project planning, design, environmental review and throughout construction administration and acceptance;

(ii) Require identical or functional equivalents of plans and reports required by chapters 30.63A, 30.63B and 30.63C SCC or other applicable chapters of title 30 SCC; and

(iii) Implement the provisions of SCC 30.63A.830 through 30.63A.842 without amendment, except that such provisions may be administered by either the director of the department of public works or the county engineer.

(2) If the director of the department of public works or the county engineer chooses to administer any project according to the rule described in SCC 30.63B.100(1)(b) and consultation with the department of planning and development services is desired to ensure compliance with title 30 SCC, the department of public works shall follow the pre-application process described in SCC 30.70.020 to arrange the consultation. The department of public works shall pay the appropriate consultation fee established in SCC 30.86.510(2)(c).

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.110 Standards for cuts and excavations.

Cuts or excavations shall conform to the provisions of this section, unless the department approves the alternative recommendations contained in a soils engineering report or engineering geology report required under SCC 30.63B.230 or 30.63B.240. A cut that is less than four feet in height shall not be required to meet the requirements of this section.

(1) The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than one unit vertical to two units horizontal (50 percent slope), unless the applicant furnishes a soils engineering report or an engineering geology report, or both, stating that the site has been investigated and determining that a cut at a steeper slope will be stable and will not create a hazard to public or private property.

(2) Slopes shall be stabilized after being cut or excavated. The soils engineering report or the engineering geology report, or both, shall verify that the slopes shall not be subject to on-going erosion that would adversely impact public safety or public or private property. Erosion hazard areas and landslide hazard areas, as defined in SCC 30.62.015 or subtitle 30.9 SCC, shall be described and shown in the soils engineering report.

(3) Cuts or excavations within streams, wetlands, lakes, marine waters, fish and wildlife habitat conservation areas, erosion hazard areas, landslide hazard areas or the buffers of or setbacks from any of these areas shall not occur unless a critical area study is prepared and mitigation is provided consistent with the applicable requirements of chapters 30.62, 30.62A and 30.62B SCC.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.120 Standards for fills and embankments.

Fills shall conform to the provisions of this section, unless the department approves the recommendations contained in a soils engineering report required under SCC 30.63A.230. The requirements of this section shall not apply to fills that are less than four feet in height and which are not intended to support structures.

(1) Fill slopes shall not be constructed on natural slopes steeper than one unit vertical to two units horizontal (50 percent slope). The slope of fill surfaces shall be no steeper than is safe for the intended use. The slope shall be protected pursuant to SCC 30.63A.480. Fill slopes steeper than 33 percent shall require a geotechnical engineering report pursuant to chapter 30.62 or 30.62B SCC, as applicable.

(2) Fill material.

(a) Deleterious amounts of organic material shall not be permitted in fills. Except as permitted by the department under SCC 30.63B.120(2)(b), no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills.

(b) The department may allow rock greater than 12 inches in diameter to be buried or placed in fills when the soils engineer properly devises a method of placement, inspects the site during the placement of the rock, and approves the fill stability. The following conditions shall also apply:

(i) Prior to issuance of the land disturbing activity permit, potential rock disposal areas shall be delineated on the land disturbing activity site plan;

(ii) Rock greater than 12 inches in diameter shall be located no less than ten feet or more below the finish grade, measured vertically; and

(iii) Rocks or other similar irreducible material shall be placed so as to assure filling of all voids with well-graded soil.

(3) All fills intended to support structures or private roads shall be compacted to a minimum of 90 percent of maximum density. All fills within public rights-of-way, private tracts and easements shall be compacted in accordance with the EDDS. All fills in the floodplain shall be designed to resist or prevent scour and erosion from floodwaters. Fills in the floodplain shall be regulated pursuant to chapters 30.43C and 30.65 SCC. If fill is allowed in the floodplain, a zero-level rise analysis shall be performed and provided in the land disturbing activity permit application.

(4) Fill shall not be placed in streams, wetlands, lakes, marine waters, fish and wildlife habitat conservation areas, erosion hazard areas, landslide hazard areas or in the buffers of or setbacks from any of these areas unless a critical area study is prepared and mitigation is provided consistent with the applicable requirements of chapters 30.62, 30.62A and 30.62B SCC.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.130 Standard setbacks for cuts and fills.

(1) Before performing any land disturbing activity subject to a land disturbing activity permit, the applicant shall mark on the site and show on the land disturbing activity site plan the limits of all proposed land disturbing activities, trees and native vegetation to be retained, and drainage courses, so that setbacks can be determined. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.

(2) The top of cut slopes shall not be nearer to a site boundary line than 20 percent of the vertical height of cut, and in no event nearer than two feet from the boundary line. The setback shall be increased when necessary to stabilize any required subsurface drainage or surcharge, as determined by the geotechnical engineering report, soils engineering report or engineering geology report pursuant to SCC 30.63B.220 through 30.63B.240.

(3) The toe of fill slopes shall not be made nearer to the site boundary line than 50 percent of the height of the slope, but in no event nearer than two feet from the boundary line.

(4) Cuts and fills shall be set back a minimum of two feet from the property line unless both of the following are provided:

(a) A construction easement, written agreement or letter of authorization from all of the affected property owners allowing a setback of less than two feet; and

(b) A survey by a land surveyor licensed in Washington State that ensures compliance with construction and land disturbing activity site plans prior to construction of cut, fill, rockery, or a retaining wall proposed within six inches of a property line.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.63B.140 Standards for drainage and terracing.

(1) Cut or fill slopes steeper than one unit vertical to three units horizontal (33 percent slope) shall be designed to comply with the following criteria:

(a) Terraces at least six feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris, except that where only one terrace is required, it shall be at mid-height of the slope. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by a civil engineer. Suitable access shall be provided to permit proper cleaning and maintenance of drainage facilities, if any;

(b) Swales or ditches on terraces shall have a minimum gradient of 0.5 percent;

(c) Cut or fill slopes shall be provided with subsurface drainage as necessary to ensure slope stability and proper conveyance of groundwater;

(d) All drainage facilities shall be designed to carry waters to the nearest practicable drainage way in a safe manner and shall comply with chapter 30.63A SCC. Outfalls or points of discharge shall be designed using BMPs and construction procedures that prevent or minimize erosion pursuant to volumes II and III of the Drainage Manual;

(e) Building pads located on cuts or fills shall have a drainage gradient of two percent toward approved drainage facilities except that the gradient from a building pad may be one percent if all of the following conditions exist throughout the project site:

(i) No proposed fills are greater than ten feet deep;

(ii) No proposed finish cut or fill slope faces have a vertical height more than ten feet; and

(iii) No existing slope faces that are steeper than one unit vertical to ten units horizontal (ten percent slope) have a vertical height more than ten feet; and

(f) Paved interceptor drains shall be installed if the drainage flow path is greater than 40 feet above the cut slope. Interceptor drains, if required, shall be paved with a minimum of three inches of concrete or gunite and may be reinforced. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches, measured horizontally across the drain.

(2) The department may approve an alternative slope or retaining structure when it is determined that the documentation on the construction plans and land disturbing activity site plan demonstrates that the alternative slope or retaining structure will be stable and will not adversely impact downstream properties.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.150 Standards for soil erosion control.

All land disturbing activity shall provide soil erosion control pursuant to this section and chapter 30.63A SCC.

(1) The faces of cut and fill slopes shall be prepared and maintained to control erosion. Soil erosion control may consist of effective planting, hydro-seeding or mulching. Soil erosion control protection for the slopes shall be installed as soon as practicable in accordance with SCC 30.63A.480 and prior to calling the department to request final land disturbing activity inspection. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protective measures may not be required, as determined by the department.

(2) Where necessary to provide erosion protection to adjoining properties, check dams, cribbing, riprap, silt fences or other devices and methods shall be employed.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.160 Standards for tree and vegetation retention and replacement.

Land disturbing activity site plans and SWPPPs required pursuant to chapter 30.63A SCC shall show all on-site tree and vegetation retention areas required by any applicable provisions of title 30 SCC. Tree replacement areas shall also be shown on the land disturbing activity plan, when applicable.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.170 Standards for reclamation of quarry or mining sites.

Upon completion or abandonment of a quarry or mining operation, the owner or operator of sites not regulated by the Washington State Department of Natural Resources pursuant to chapter 78.44 RCW shall obtain a land disturbing activity permit for reclamation, which shall include an approved full stormwater site plan pursuant to chapter 30.63A SCC and comply with the following reclamation standards:

(1) Grading or backfilling shall be done with clean earth material (i.e., non-noxious, non-flammable, non-combustible and non-putrescible solids);

(2) Graded or backfilled areas, except for roads, shall be sodded or surfaced with soil of a quality at least equal to the topsoil of the immediately surrounding land areas, and to a depth equal to that of the topsoil of immediately surrounding land areas, provided that all sod and soil shall be at least eight inches in depth consistent with soil quality and depth BMPs in volume V of the Drainage Manual;

(3) Final grading shall result in finished grades which would allow development of the land uses permitted within the underlying zone classification;

(4) Bare topsoil shall be stabilized by planted trees, shrubs, legumes, and grasses indigenous to the region and compatible with the surrounding area;

(5) Graded or backfilled areas shall be reclaimed in a manner that will not allow water to collect, nor permit stagnant water to remain, and will not adversely affect the groundwater aquifer or maximum seasonal high groundwater table; and

(6) Non-harmful tailings, which consist of earth material and soil piles, shall be graded to near-level contour, matching the surrounding natural topography. The leveled and graded area shall be sodded or surfaced and planted as required by SCC 30.63B.170(2) and (4).

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.180 Land disturbing activity permit submittal requirements.

The land disturbing activity permit application shall comply with the submittal checklist established by the department pursuant to SCC 30.70.030. The permit application shall contain the following plans and reports, when applicable:

(1) Land disturbing activity site plan pursuant to SCC 30.63B.190;
(2) Engineered construction plans pursuant to SCC 30.63B.200;
(3) Geotechnical engineering report pursuant to SCC 30.63B.220;
(4) Soils engineering report pursuant to SCC 30.63B.230;
(5) Engineering geology report pursuant to SCC 30.63B.240;
(6) Liquefaction report pursuant to SCC 30.63B.250;
(7) Zero-rise analysis pursuant to SCC 30.63B.120(3);
(8) Plans and reports necessary for compliance with chapter 30.63A SCC; and
(9) Haul route agreements related to the land disturbing activity.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.190 Land disturbing activity site plan and reports.

(1) A land disturbing activity site plan, including a stormwater site plan consistent with the land disturbing activity site plan, shall be submitted with the land disturbing activity permit application. Engineered construction plans shall be submitted when required under SCC 30.63B.200. The land disturbing activity site plan shall depict, but not be limited to, the following items, when applicable:

(a) Existing and finished grade contours including natural drainage courses;
(b) Critical areas and their buffers;
(c) The amount of proposed fill, measured in acres, in critical areas;
(d) Landscape and open space areas and tree and native vegetation retention and replacement areas;
(e) Clearing limits and clearing operations;
(f) Quantity of cut or excavations and fill or embankments in cubic yards;
(g) Soils specifications for compaction;
(h) Cut and fill areas and stockpile areas;
(i) Setbacks from property boundaries;
(j) Terracing, keyways and benches; and
(k) A description of construction specifications, operations and scheduling pursuant to requirements in the EDDS.

(2) Pursuant to chapter 30.52A SCC and SCC 30.63B.210 through 30.63B.250, reports on geotechnical engineering, soils engineering, engineering geology, and liquefaction shall be submitted when required by this chapter and chapter 18 of the IBC.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.200 Land disturbing activities and projects requiring engineered construction plans.

(1) The following land disturbing activities require the submittal of construction plans prepared by and stamped by an engineer licensed in the State of Washington:

(a) All land disturbing activity in excess of 5,000 cubic yards;

(b) All land disturbing activity located within public or private roads and their rights-of-ways, tracts or easements;

(c) All land disturbing activity that is subject to environmental review under chapter 30.61 SCC or is related to development activity that is subject to environmental review under chapter 30.61 SCC; and

(d) All land disturbing activity projects that require civil engineering, as determined by the department pursuant to subtitle 30.5 SCC and IBC sections 1802.4, 1802.6 and 1803.4(2).

(2) Engineered construction plans for the land disturbing activities identified in SCC 30.63B.200(1) shall also comply with chapter 30.52A SCC and the EDDS.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.210 Reports.

(1) The applicant shall submit reports on geotechnical engineering, soils engineering, engineering geology, and liquefaction when required by this chapter or chapters 16, 18 or 33 of the IBC as part of the land disturbing activity permit application. Reports shall be prepared and stamped by an engineer licensed in Washington State. The department shall review the reports and ensure that all appropriate recommendations in the reports are reflected on the land disturbing activity site plans.

(2) During review of the land disturbing activity permit application, if the department determines that geologic, hydrologic, or soil conditions may present special grading or drainage conditions which may damage a public right-of-way or county property, or that may pose a substantial threat to public health, safety or welfare, the department may require the applicant to submit a geotechnical engineering report that includes a soils engineering report and/or an engineering geology report pursuant to SCC 30.63B.230 and 30.63B.240 and chapters 16, 18 and 33 of the IBC.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.220 Geotechnical engineering report.

If a geotechnical engineering report is required by SCC 30.63B.210 or chapter 18 of the IBC, the applicant's geotechnical engineer, civil engineer or engineering geologist shall inspect and determine the suitability of the prepared ground to receive fills and the stability of cut slopes with respect to soil, hydrologic, and geologic conditions. This information shall be incorporated in the engineering report. The geotechnical engineering report shall also evaluate the need for subdrains or other groundwater drainage devices. To verify safety, the department may require testing for required compaction, soil bearing capacity, stability of all finished slopes and the adequacy of structural fills as a condition of permit approval. The required content of the geotechnical engineering report is contained in section 1802.6 of the IBC.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.230 Soils engineering report.

When required by chapters 16, 18 and 33 of the IBC for expansive soils, questionable soils and the potential for soils near high groundwater, a soils engineering report shall be required. The required content of the soils

engineering report is contained in sections 1613, 1802.6 and 3304 of the IBC. The report also shall include the following:

(1) Data regarding the nature, distribution, site classification and strength of existing soils;

(2) Conclusions and recommendations for land disturbing activity procedures identified in the reports required by SCC 30.63B.210 or chapters 16, 18 and 33 of the IBC;

(3) Design criteria for corrective measures, including structural fills, when necessary due to subsurface soils or groundwater conditions; and

(4) An analysis of the adequacy of affected soils for the intended use of the site as affected by soils engineering factors.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.240 Engineering geology report.

When required by chapters 16 and 18 of the IBC to analyze soil characteristics due to the location of on-site faults, an engineering geology report shall be required. The report shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and an analysis of the adequacy for the intended use of sites to be developed by the proposed land disturbing activity, as affected by geologic factors. The required content of the engineering geology report is contained in sections 1613 or 1802 of the IBC as applicable.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.250 Liquefaction report.

Based on the soil strength identified in the soils engineering report, the department may require a geotechnical or geologic investigation and report in accordance with section 1802.4 of the IBC, which shall address the potential for liquefaction.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.270 Time limitation of application.

(1) An application for a land disturbing activity permit shall be deemed to have been abandoned 18 months after the date the applicant filed a complete application, unless the applicant has pursued the submittal of all necessary information and revisions requested by the department in good faith, or a permit has been issued.

(2) The director is authorized to grant one extension of the permit application if abandoned. Such extension shall not exceed an additional 18 month period. The application extension shall be requested in writing and the applicant shall demonstrate a justifiable cause for the extension. A renewal fee shall be paid at the time of the renewal request pursuant to SCC 30.86.510(2)(a) and (b).

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.280 Permit expiration and renewal.

(1) Land disturbing activity permits shall expire 18 months from the date of issuance. However, the director may set an earlier expiration date for a permit or issue a permit that is non-renewable, or both, if the director determines that soil, hydrologic or geologic conditions on the project site necessitate that land disturbing activity, drainage improvements and site stabilization be completed in less time.

(2) No land disturbing activity shall be performed under an expired land disturbing activity permit. An applicant shall obtain a new permit before starting work authorized under the expired permit.

(3) The director is authorized to grant, in writing, one permit extension of not more than 18 months. The permit extension shall be requested in writing and the applicant shall demonstrate justifiable cause for the

extension. The request for extension shall be submitted to the department 30 days before the date of expiration of the original permit.

(4) Prior to extension of a permit, an on-site inspection may be required to determine whether the work authorized by the original permit complies with this chapter and any other applicable law or regulation.

(5) The renewal fee in SCC 30.86.510(2) for a permit extension request shall be paid at the time the extension request is submitted.

(6) The director may extend the timeframe for submitting an extension request under SCC 30.63B.280(3) for good cause, but shall not approve any extension request received later than 30 days after the date of expiration of the original permit.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010 and April 29, 2011)

30.63B.290 Requests for modification or waiver of requirements.

The county may approve modifications or waivers of the requirements of this chapter pursuant to SCC 30.63A.170.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.300 Person responsible.

(1) The county is not responsible for the accuracy of land disturbing activity site plans submitted for approval. The county expressly disclaims any responsibility for the design or implementation of a land disturbing activity site plan. The design and implementation of a suitable land disturbing activity site plan is the responsibility of the applicant and property owner.

(2) The applicant and owner shall ensure that all land disturbing activity work is performed in accordance with an approved land disturbing activity site plan and construction specifications that comply with the provisions of title 30 SCC. Any person performing land disturbing activity subject to a land disturbing activity permit shall ensure that a copy of the approved land disturbing activity permit, approved land disturbing activity site plan, and construction plans are available on the work site at all times. Such person shall be responsible for compliance with all approved plans, specifications and permit conditions.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.310 Inspections – general.

Land disturbing activity inspections required by this chapter may be conducted together with any inspections required by chapter 30.63A SCC.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.320 Site inspection for clearing limits.

Upon submittal of a complete land disturbing activity permit application, the county must perform a preliminary site inspection prior to any land disturbing activity to confirm that the clearing limits, if applicable, are marked in the field, and that natural drainage courses are not blocked or altered.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.330 Pre-construction meeting and inspection prior to land disturbing activity.

After a land disturbing activity permit is issued, but prior to any land disturbing activity, the applicant or owner shall call the department to arrange a pre-construction meeting and inspection with the department to review clearing limits, inspection and project management procedures.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.340 Inspections after permit issuance.

(1) During construction and land disturbing activity, the county shall inspect all land disturbing activity operations for which a permit is issued pursuant to SCC 30.63B.350. The county shall inspect the site at various stages of work including before construction, during construction, at construction completion and at final acceptance of a subdivision or issuance of a certificate of occupancy. The county shall determine if the SWPPP required by chapter 30.63A SCC is implemented and the construction undertaken by the owner, contractor and certified erosion and sediment control lead (CESCL) complies with the approved SWPPP, land disturbing activity site plan and construction plans.

(2) When required on an approved land disturbing activity site plan, the applicant shall provide professional inspection of land disturbing activity by a civil and/or a soils engineer, or an engineering geologist retained by the owner or applicant to provide such services for engineered land disturbing activity as follows:

(a) The civil engineer shall review and observe the establishment of line, grade, surface drainage and erosion control of the development area. If revisions to any approved land disturbing activity or stormwater site plan, right-of-way plan or other construction plans are required during the course of the land disturbing activity, they shall be prepared by the civil engineer.

(b) The soils engineer shall observe the land disturbing activity and test for compaction. The types of soils inspections and standards shall be consistent with sections 1802.6 and 1803.5 of the IBC.

(c) The soils engineer shall provide sufficient observation during the preparation of the ground and during placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plans identified in SCC 30.63B.340(2)(a) and the appropriate requirements of this chapter and chapter 30.63A SCC. These observations shall be set forth in a written report as required by SCC 30.63B.360(1)(b) that shall be submitted to the department prior to the final inspection. Revised recommendations relating to conditions differing from the soils engineering, engineering geology, geotechnical engineering and liquefaction reports submitted as part of the land disturbing activity permit application shall be submitted to the department and the civil engineer responsible for the project as soon as they are available.

(d) The engineering geologist shall inspect all excavation to determine if geologic conditions encountered are in conformance with the engineering geology report completed under SCC 30.63B.240. If conditions differ from the approved engineering geology report, the geologist shall submit revised recommendations to the county and soils engineer regarding changes to the land disturbing activity site plan or other construction plans as soon as they are available.

(e) If the civil engineer, CESCL, the soils engineer, or the engineering geologist finds that the work was not performed in conformance with this chapter or the land disturbing activity permit, the individual who discovered the discrepancies shall report this information immediately, in writing, to the applicant or owner and to the county.

(3) The county shall notify the applicant or owner of any discrepancies that would necessitate land disturbing activity site plan or construction plan revisions or corrections by the professional consultants.

(4) If the civil engineer, the soils engineer, CESCL, or the engineering geologist of record is changed during land disturbing activity, the work shall be stopped until a replacement has agreed in writing to accept their responsibilities under this chapter. It shall be the duty of the applicant or owner to notify the county in writing of such change in contacts prior to resuming land disturbing activity.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.350 Inspection schedule after permit issuance.

Following issuance of a land disturbing activity permit, inspections of all land disturbing activity subject to the permit shall be conducted pursuant to, but not limited by, the following inspection schedule:

(1) After the land disturbing activity pre-construction meeting, the applicant shall request from the county a

drainage inspection prior to any land disturbing activity.

(2) All permitted development sites involving land disturbing activity that meet the thresholds for drainage review shall be inspected for compliance with applicable minimum requirements pursuant to chapter 30.63A SCC.

(3) All permitted development sites involving land disturbing activities that meet the thresholds for drainage review pursuant to chapter 30.63A SCC shall be inspected upon completion of all land disturbing activity and construction and prior to final approval or issuance of a certificate of occupancy to verify proper installation of permanent erosion controls and storm water facilities/BMPs, if applicable. The county shall determine that all land disturbing activity and construction is complete or identify all land disturbing activity and construction items that are incomplete.

(4) When the county determines that a special inspection is required pursuant to chapter 17 of the IBC for water quality monitoring on land disturbing activity projects, the applicant or owner shall engage consultants to conduct professional inspections and to prepare and submit periodic inspection reports to the county on a timely basis. The county shall respond within seven working days as to the acceptability of the report. The applicant or owner shall act as a coordinator between the consultant, the contractor and the county inspector.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.360 Final reports and other documents required at the completion of work.

(1) When engineered construction and land disturbing activity site plans are required pursuant to SCC 30.63B.190 and 30.63B.200, or professional inspection is required pursuant to SCC 30.63B.340 for land disturbing activity, the following final reports, plans, drawings and supplements are required at completion of all land disturbing activity and construction:

(a) A record drawing of land disturbing activity site plan prepared by the civil engineer or surveyor showing original ground surface elevations, finished grade ground surface elevations, lot drainage patterns, and the locations and elevations of stormwater drainage facilities and outlets of subsurface drains. Details of subsurface drains shall be shown on the record drawing as reported by the soils or civil engineer or land surveyor. Upon completion of all land disturbing activity and construction, the civil engineer shall sign a statement on the plan stating that to the best of their knowledge, the land disturbing activities were completed in accordance with the approved land disturbing activity site plan and permit;

(b) A report prepared by the soils engineer, retained pursuant to SCC 30.63B.340(2), which shall include locations of field density tests, summaries of field and laboratory tests, other substantiating data, and a description of any changes to the approved land disturbing activity site plan made during the land disturbing activity and their effect on the recommendations made in the approved soils engineering investigation report. The report shall include a signed statement by the soils engineer that, to the best of their knowledge, the land disturbing activity work within their area of responsibility was completed in accordance with the approved soils engineering report and applicable provisions of this chapter; and

(c) A report prepared by the engineering geologist retained pursuant to SCC 30.63B.340(2) that shall include a final description of the geology of the site, any new information disclosed during the land disturbing activity, and the effect of that information on recommendations incorporated in the approved land disturbing activity site plan. The final geology report shall include a signed statement by the engineering geologist that, to the best of their knowledge, the work within their area of responsibility was completed in accordance with the approved engineering geology report and applicable provisions of this chapter.

(2) The applicant or owner shall notify the county when the disturbed land is ready for final inspection. Final approval shall not be given by the county until all land disturbing activity and construction, including installation of all drainage facilities and their protective devices and all erosion-control measures, have been completed in accordance with the final approved land disturbing activity and stormwater site plans, and the required reports have been submitted and approved.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.370 Security devices and insurance.

(1) The department may require security devices pursuant to chapter 30.84 SCC and insurance pursuant to SCC 30.63A.940 to ensure that the land disturbing activity, if not completed in accordance with the approved land disturbing activity site plan and construction plans, will be corrected.

(2) For drainage facilities and improvements required pursuant to this chapter and chapter 30.63A SCC, the department may require security devices pursuant to chapter 30.84 SCC and insurance pursuant to SCC 30.63A.940.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.63B.380 Emergency land disturbing activities and required permits.

(1) Land disturbing activity that requires a land disturbing activity permit may be undertaken to perform an emergency action, without first obtaining a permit, when insufficient time exists to obtain a land disturbing activity permit. An emergency action is only allowed when:

(a) One of the following circumstances exists:

(i) Damage is occurring as a result of flood waters at or exceeding flood stage as defined by the county's departments of emergency management or public works, and land disturbing activity is necessary to protect existing property, maintain an existing utility facility function, or to prevent channel impairment;

(ii) Maintenance performed by a utility is necessary to repair a utility facility or line which has been damaged as a direct result of an emergency; or

(iii) Removal and relocation of material deposited onto commercial farmland by flood waters is necessary to protect farming operations; and

(b) All of the following criteria are met:

(i) Circumstances causing the emergency developed suddenly;

(ii) The emergency constitutes an imminent threat to public health, safety, welfare, property or the environment and emergency land disturbing activities are necessary to prevent an imminent threat of serious environmental degradation; and

(iii) The land disturbing activity is the minimum necessary to alleviate the emergency.

(2) Prior to undertaking any emergency land disturbing activity to remedy the emergency, the proponent of such activity must notify the department in writing by providing a summary of the intended activity. If prior notification is not feasible, the project proponent shall provide such notification in writing to the department within 48 hours of initiating the emergency land disturbing activity.

(3) The department shall notify the property owner or person who conducted the emergency land disturbing activity in writing that:

(a) The person responsible for the emergency action shall comply with soil erosion and sedimentation control practices required pursuant to minimum requirement 2 (SCC 30.63A.445 through 30.63A.510) as soon as practicable; and

(b) Applications for project permits necessary to satisfy compliance with this chapter shall be submitted to the department within 120 days from the date the emergency land disturbing activity was initiated; and

(c) Whether the land disturbing activity meets the criteria of SCC 30.63B.380(1) and (2).

(4) If the director determines that land disturbing activity was performed that did not meet the criteria in this section, then in addition to requiring that a land disturbing activity permit application be submitted to the department within 120 days of the land disturbing activity, code enforcement may be pursued.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.390 Hazards.

(1) When the department determines that any existing cut, excavation, fill, embankment or other land disturbing activity or a condition resulting from land disturbing activity on private property creates a present or imminent hazard, or is likely to create a hazard, the department may issue an emergency order pursuant to SCC 30.85.240.

(2) Where the director determines that hazardous conditions exist, warning signs shall be affixed at locations as required by the director, and the site shall be enclosed by fencing that shall be closed and locked when personnel are not present at the site. The fence shall be no less than five feet in height and the fence material shall have no horizontal opening larger than two inches.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

Chapter 30.63C
Low Impact Development

30.63C.010 Purpose.

The purpose of this chapter is to facilitate, and in some instances require, the use of low impact development (LID) best management practices (BMPs).

(Added Ord. 10-024, June 9, 2010, Eff date Sept. 30, 2010)

30.63C.020 Applicability.

This chapter applies to all development projects that are required or designed to use LID BMPs to meet the stormwater management requirements of chapter 30.63A SCC. Applicants that have applications vested on or before June 28, 2006, may request the use of the provisions of this chapter without losing their vested rights.

(Added Ord. 10-024, June 9, 2010, Eff date Sept. 30, 2010)

30.63C.025 Projects performed under authority of the director of the department of public works or county engineer.

For projects performed under the authority of the director of the department of public works or the county engineer, compliance with this chapter may be achieved pursuant to SCC 30.63B.100.

(Added Ord. 10-024, June 9, 2010, Eff date Sept. 30, 2010)

30.63C.030 Low impact development best management practices.

(1) LID BMPs from the following sources may be used to meet the requirements of chapter 30.63A SCC:
(a) LID BMPs in Appendix I-A of the Drainage Manual; and
(b) Other BMPs approved by the Washington State Department of Ecology and the department that are adopted as LID BMPs through the rulemaking process in chapter 30.82 SCC.
(2) LID BMPs used to meet the requirements of chapter 30.63A SCC shall only be eligible for stormwater modeling credits consistent with Volume III and Appendix III-C of the Drainage Manual.

(Added Ord. 10-024, June 9, 2010, Eff date Sept. 30, 2010)

30.63C.040 Use of low impact development in Little Bear Creek Urban Growth Area expansion areas.

(1) New development or redevelopment, excluding single-family residential building permits, proposed within any portion of a Southwest UGA expansion area approved on or after December 20, 2006, that is located in the Little Bear Creek Watershed shall, when site conditions allow, use the LID BMPs identified in SCC 30.63C.030 to meet the stormwater management requirements of chapters 30.63A SCC.
(2) If site conditions prevent the exclusive use of approved LID BMPs, conventional stormwater management strategies and techniques shall be used in conjunction with all feasible LID BMPs identified in SCC 30.63C.030 to meet the requirements of chapter 30.63A SCC.

(Added Ord. 10-024, June 9, 2010, Eff date Sept. 30, 2010)

30.63C.050 Low impact development pre-application submittal meetings.

(1) All permit applicants, except those submitting single-family residential building permits, that propose the use of stormwater modeling credits, or request a code modification or an EDDS deviation in order to use

LID BMPs pursuant to SCC 30.63C.060 through 30.63C.090, shall participate in a pre-application submittal meeting.

(2) All permit applicants not specifically excluded in SCC 30.63C.050(1) that propose LID BMPs to meet the requirements of chapter 30.63A SCC are encouraged to participate in a pre-application submittal meeting.

(3) The director may waive a pre-application meeting required under SCC 30.63C.050(1) upon written request by the applicant, if the director determines in writing that the pre-application meeting would serve no useful purpose based upon the circumstances outlined in the request.

(Added Ord. 10-024, June 9, 2010, Eff date Sept. 30, 2010)

30.63C.060 Code modifications and EDDS deviations – general.

(1) Requests for code modifications and EDDS deviations permitted under this chapter may be granted when the following criteria are met:

(a) The requestor seeks a modification from one of the code provisions listed in SCC 30.63C.080(1) or a deviation from the EDDS pursuant to SCC 30.63C.090(1);

(b) The requested code modification or EDDS deviation is necessary to implement a LID BMP identified in SCC 30.63C.030(1); and

(c) The requested code modification meets the criteria established in SCC 30.63C.080(2) or the EDDS deviation meets the criteria established in SCC 30.63C.090(2).

(2) When a code modification or an EDDS deviation is granted pursuant to this chapter, no other waiver, modification or deviation related to the code provision or EDDS provision for which the deviation or modification is granted shall be required under any other provision of this title.

(3) A request for a code modification or an EDDS deviation under this chapter shall be submitted on forms approved by the appropriate department. All code modification requests shall demonstrate how the criteria in SCC 30.63C.080(2) are met and all EDDS deviation requests shall demonstrate how the criteria in SCC 30.63C.090(2) are met. All requests for code modifications under this chapter for a development proposal shall be combined in a single request when feasible. All requests for EDDS deviations under this chapter for a development proposal shall be combined in a single application when feasible.

(4) Fees for code modification and EDDS deviation requests under this chapter are established in SCC 30.86.515 and 30.86.710. Fees shall be paid at the time the request is submitted. Requests for code modifications under this chapter combined in a single application shall require the payment of only one modification fee. Requests for EDDS deviations under this chapter combined in a single request shall require the payment of only one deviation fee.

(Added Ord. 10-024, June 9, 2010, Eff date Sept. 30, 2010)

30.63C.070 Approval authority.

(1) The director is authorized to approve, approve with conditions, or deny requests for code modifications from certain county code provisions pursuant to SCC 30.63C.080. The county engineer is authorized to approve, approve with conditions, or deny requests for certain deviations from the EDDS pursuant to SCC 30.63C.090. The decision of the director on a code modification request and the decision of the county engineer on an EDDS deviation request is final and is not appealable to the hearing examiner.

(2) As a condition of approval for modifications and deviations under this chapter, the county may require adoption of covenants and restrictions and the establishment or grant of tracts or easements necessary for access, maintenance and inspection of the LID BMP for which the modification or deviation was approved.

(Added Ord. 10-024, June 9, 2010, Eff date Sept. 30, 2010)

30.63C.080 Code modifications and approval criteria.

(1) An applicant may request a modification from the provisions of the following SCC chapters:

(a) Chapter 30.23 SCC, General development standards - Bulk regulations;

(b) Chapter 30.24 SCC, General development standards - Roads and access;

(c) Chapter 30.25 SCC, Landscaping;

(d) Chapter 30.26 SCC, Parking;

(e) Chapter 30.42B SCC, Planned residential development; and

(f) Subtitle 30.5 SCC, Construction codes.

(2) A request for a modification of the provisions listed in SCC 30.63C.080(1) may be granted when the following criteria in addition to SCC 30.63C.060(1)(a) and (b) are met:

(a) The modification is consistent with and furthers the purposes of the stormwater regulations set forth in SCC 30.63A.100;

(b) The modification does not result in significant adverse environmental impacts;

(c) The modification does not adversely impact the public health, safety, and welfare;

(d) The modification is consistent with generally accepted engineering and design criteria; and

(e) The modification will result in one or more of the following:

(i) Innovative site design;

(ii) Increased on-site stormwater retention using a variety of vegetation and landscape conditions;

(iii) Retention or re-creation of original natural habitat conditions over a significant portion of the site;

(iv) Improved on-site water quality beyond that required by current applicable regulations; or

(v) Retention or re-creation of pre-development and/or natural hydrologic conditions, and retention or re-creation of forested watershed conditions.

(Added Ord. 10-024, June 9, 2010, Eff date Sept. 30, 2010)

30.63C.090 EDDS deviations and approval criteria.

(1) An applicant may request a deviation from any chapter of the EDDS, except chapter 5, to facilitate the use of LID BMPs.

(2) A request for an EDDS deviation necessary to facilitate the use of LID BMPs may be granted when the deviation criteria in EDDS section 1-05 and the following deviation criteria in addition to SCC 30.63C.060(1)(a) and (b) are met:

(a) The deviation is consistent with and furthers the purposes of the stormwater regulations set forth in SCC 30.63A.100;

(b) The deviation does not result in significant adverse environmental impacts;

(c) The deviation does not adversely impact the public health, safety, and welfare;

(d) The deviation is consistent with generally accepted engineering and design criteria; and

(e) The deviation will result in one or more of the following:

(i) Innovative site design;

(ii) Increased on-site stormwater retention using a variety of vegetation and landscape conditions;

(iii) Retention or re-creation of original natural habitat conditions over a significant portion of the site;

(iv) Improved on-site water quality beyond that required by current applicable regulations; or

(v) Retention or re-creation of pre-development and/or natural hydrologic conditions, and retention or re-creation of forested watershed conditions.

(Added Ord. 10-024, June 9, 2010, Eff date Sept. 30, 2010)

Chapter 30.64
GROUNDWATER PROTECTION

30.64.010 Purpose and applicability.

(1) The purpose of this chapter is to establish minimum ground water protection standards for certain uses.

(2) Applicability. This chapter has been for the most part superseded by Chapter 30.62C SCC, Critical Aquifer Recharge Area Regulations. However, due to the enactment of SSB 5248 (Chapter 353, Laws of 2007), this chapter, which was the law applicable to certain agricultural activities on May 1, 2007, must remain in place for those activities until July 1, 2010 unless otherwise repealed. Accordingly, this chapter applies only to agricultural activities as defined in this paragraph which require a project permit and are subject to SEPA, except that single family building permits are exempt. For the purposes of this chapter "agricultural activities" means agricultural uses and practices currently existing or legally allowed on rural land or agricultural land designated under RCW 36.70A.170 including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, when the replacement facility is no closer to a critical area than the original facility; and maintaining agricultural lands under production or cultivation. SSB 5248 (Chapter 353, Section 2, Laws of 2007).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.64.020 Review for groundwater impacts.

(1) Regulations adopted under this chapter shall not prohibit uses legally existing on any parcel prior to June 1, 1992.

(2) Only project permit applications subject to SEPA will be evaluated to determine their impacts upon the groundwater resource.

(3) The project types listed below will be required to submit, in addition to an environmental checklist, a hydrogeologic site evaluation (see SCC 30.64.040) or proof of compliance with federal and/or state requirements.

SCC Table 30.64.020(3) shall determine how projects shall comply with this chapter:

Table 30.64.020(3)
Specific Project Compliance Chart

	Project	**Hydrogeologic Site Evaluation**	Best Management Practices
1.	Underground storage tanks (UST)		XX Proof of compliance w/DOE. License # of installer
2.	Commercial, industrial institutional facilities which use hazardous substances		XX
3.	Large on-site sewage systems	Proof of compliance with DOE and/or DOH criteria.	
4.	Petroleum pipelines	XX	XX
5.	Excavation & processing of minerals	XX	XX
6.	Solid waste facilities	XX	XX
7.	Land application of sewage sludge. Study determines application rate.	XXXX	
8.	Project in known area of salt water intrusion	DOE pump test if salt water intrusion is within 1 mile.	XX

(1) Underground storage tanks as defined by chapter 173-360 WAC;
(2) Commercial, industrial, institutional or other facilities which store, use, handle, or produce hazardous substances or waste products (as defined by WAC 173-303-101;
(3) On-site sewage disposal systems serving large development, or any single use, generating sufficient effluent over 3,500 gallons per day, require approval of its plans by the department of health under chapter 246-272 WAC or the department of ecology under chapter 173-240 WAC;
(4) Petroleum pipelines;
(5) Excavation and processing of minerals requiring administrative conditional use permits or conditional use permits pursuant to Chapter 30.31D SCC;
(6) Solid waste facilities;
(7) Land application of sewage sludge from sewage treatment works which combine industrial waste and commercial waste with domestic waste or any sewage sludge application exceeding two acres in size; and
(8) Projects in known areas of contamination as evidenced by depletion of fresh water quality and quantity, i.e., salt water intrusion.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.64.030 Documentation and mitigation plan.

(1) If the evaluation under SCC 30.64.020 identifies significant impacts to critical aquifer recharge areas, the project applicant will be required to document potential impacts and provide a discussion of alternatives by which such impacts could be avoided or prevented.
(2) The applicant shall provide a detailed mitigation plan for any unavoidable potential impacts. The county

may require that the mitigation plan include preventative measures, monitoring, process control and remediation, as appropriate. The mitigation plan must be approved by the county and be implemented as a condition of project approval.

(Added Amended Ord. 02-062, December 9, 2002, Eff date February 1, 2003)

30.64.040 Hydrogeologic site evaluation.

(1) A "hydrogeologic site evaluation" is an evaluation which encompasses some or all of the following checklist of items shall be prepared by a professional who has training and experience in hydrogeology:

(a) Hydrogeologic setting:

(i) describe the geologic setting of the site and illustrate with geologic and soil maps;

(ii) generally describe the lithology, stratigraphy, and areal distribution of soil and rock material in the area;

(iii) discuss geologic features which may control groundwater movement such as faults, folds, joint patterns, igneous intrusions, etc.;

(iv) describe the occurrence and movement of groundwater in the area. Generally discuss such topics as recharge and discharge, depth to groundwater, and regional groundwater flow patterns. Illustrative material such as water level maps or flow nets are recommended;

(v) generally discuss groundwater quality trends, natural and human-induced, including discussion of cumulative changes over an area.

(b) Water quality goals and standards:

(i) describe the water quality goals, standards and related measures associated with the aquifer(s) underlying the site, and for nearby surface waters;

(ii) discuss how water quality goals, standards and related measures apply to contaminants from the site.

(c) Site-specific hydrogeology:

(i) depict on an appropriately scaled map the location of well(s) (whether abandoned or active) and springs within 1,000 feet of the site, or within a five year time of travel (whichever is greater);

(ii) prepare hydrogeological cross-sections through the site and surrounding area which illustrate available borehole and trench information. Include references of other information used to prepare the cross-sections;

(iii) describe the nature of groundwater movement beneath the site. This description should consider the following:

(A) areal distribution, stratification, and hydraulic conductivity of saturated and unsaturated earth materials;

(B) probable migration pathways for wastewater released to the septic drainfields;

(C) an estimate of probable time of travel through the soil horizontally from a potential contaminant source;

(iv) describe how the contaminants of concern will be attenuated within the unsaturated zone;

(v) estimate the quantity and quality of water recharged to the saturated zone under anticipated operation;

(vi) describe the contaminant attenuation processes anticipated within any saturated zone upon which an estimate is based;

(vii) devise a system for monitoring groundwater quality. Describe what steps will be taken if monitoring results show considerably higher levels of contaminants than predicted.

(2) If a hydrogeologic site evaluation is required by SCC 30.64.020 the evaluation shall address the following:

(a) Soil texture, permeability and contaminant attenuation properties;

(b) Characteristics of (the unsaturated top layer of soil (the vadose zone) and geologic material) including

permeability and attenuation properties;

(c) Depth to groundwater and/or impermeable soil layer; and

(d) Aquifer properties such as hydraulic conductivity and gradients.

(3) The scope of the study shall be in direct relationship to the scope of the project.

30.64.050 Imposition of conditions on projects.

Based on available information including that provided by the applicant pursuant to the requirements of SCC 30.64.040, the department shall impose conditions designed to prevent degradation of groundwater quality or quantity. Such conditions may include determining background water quality and quantity prior to development, determining groundwater levels, monitoring of those levels, mitigation plans including prevention, and development of groundwater quality or quantity management plans. All conditions to permits shall be based on known, available and reasonable methods of prevention, control, and treatment.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.65
SPECIAL FLOOD HAZARD AREAS

30.65.010 Purpose and applicability.

The purpose of this chapter is to protect the public health, safety and welfare in those areas subject to periodic inundation due to flooding, and to minimize losses due to flood conditions in the specific areas subject to this chapter by utilizing the methods and provisions set forth herein. The regulations set forth herein shall apply to all development in special flood hazard areas as defined in this title within the jurisdiction of the county.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.65.020 Intent.

This chapter restricts uses and regulates structures to those that are consistent with the degree of flood hazard. The intent of this chapter is:

(1) To minimize loss of life and property by restricting uses and regulating development in special flood hazard areas;

(2) To alert the county assessor, appraisers, owners, potential buyers and lessees to the natural limitations of the flood plain;

(3) To meet the minimum requirement of the national flood insurance program; and

(4) To implement state and federal flood protection programs.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.65.030 National Flood Insurance Program.

This chapter incorporates the minimum flood plain management standards and regulations of the National Flood Insurance Program (NFIP). The enactment of this chapter is a necessary prerequisite for the county's continued eligibility in the NFIP.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.65.040 Special flood hazard areas established.

The special flood hazard areas designated by the federal emergency management agency in a scientific and engineering report entitled "the flood insurance study for unincorporated Snohomish County", dated September 16, 2005, and with the flood insurance rate maps *(FIRMS)** for Snohomish County, Washington and incorporated areas revised September 16, 2005, *or as amended** and issued by FEMA on paper or digital format, together with the corresponding U.S. army corps of engineers river study maps, are adopted herein by reference and declared to be a part of this chapter and are hereby established as special flood hazard areas for the purposes of this chapter.

*Code Reviser Note: The text shown above in 30.65.040 in italic font was added by Amended Ord. 05-068 but was not indicated with addition marks.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005)

30.65.050 Identification on official zoning maps.

In order to assist the public in identifying those properties within special flood hazard areas, the geographic extent of the areas shall generally be depicted upon the county's official zoning maps. Said depiction shall be provided for informational purposes only.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005)

30.65.100 Floodproofing: use of available data.

(1) In all special flood hazard areas where base flood elevation data has been provided in accordance with SCC 30.65.040, or where the county can reasonably utilize base flood elevation data available from federal, state or other sources, the specific flood hazard protection standards of SCC 30.65.120 and SCC 30.65.230 shall be required.

(2) In all special flood hazard areas where base flood elevation data has not been provided, the County shall review all development proposals in accordance with SCC 30.65.110 general standards and SCC 30.65.120 specific standards and shall require compliance with the standards of said sections as necessary to assure that development will be reasonably safe from flooding. The test of reasonableness shall include use of historic data, high water marks, photographs of past flooding, etc., where available.

(3) When a regulatory floodway for a stream has not been designated, the county may require that applicants for new construction and substantial improvements reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of existing, proposed, and anticipated future development and determine that the increase in the water surface elevation of the base flood will not be more than one foot at any point in the community. Building and development near streams without a designated floodway shall comply with the requirements of 44 CFR 60.3(b)(3) and (4) and (C)(10) of the National Flood Insurance Program regulations.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-005, February 21, 2007, Eff date March 4, 2007)

30.65.110 Floodproofing: general standards.

The following regulations shall apply in all special flood hazard areas.

(1) Anchoring and construction techniques.

(a) All new construction and substantial improvements shall be:

(i) anchored to prevent flotation, collapse or lateral movement of the structure;

(ii) constructed using materials and utility equipment resistant to flood damage; and

(iii) constructed using methods and practices that minimize flood damage.

(b) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement. Minimum anchoring requirements shall be those established by chapter 30.54A SCC.

(2) Utilities.

(a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

(c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(3) Subdivision proposals. All subdivision, short subdivision, binding site plan, planned residential development, or rural cluster subdivision proposals shall:

(a) Be consistent with the need to minimize flood damage;

(b) Have roadways, public utilities, and other facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(c) Have adequate drainage provided to reduce exposure to flood damage; and

(d) Include base flood elevation data.

(4) Watercourse alterations. The flood carrying capacity within altered or relocated portions of any watercourse shall be maintained. Prior to the approval of any alteration or relocation of a watercourse in riverine situations, the department shall notify adjacent communities and the State Department of Ecology, and submit evidence of such notification to FEMA of the proposed development.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.65.120 Floodproofing: specific standards.

In all special flood hazard areas where base elevation data has been provided as set forth in SCC 30.65.100, the following regulations shall apply, in addition to the general regulations of SCC 30.65.110:

(1) All electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are permanently affixed to a structure and which may be subject to floodwater damage shall be elevated a minimum of one foot above the base flood elevation or higher (unless within an approved watertight structure).

(2) Residential construction.

(a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation, except as provided in subsection (c) for residential accessory structures.

(b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters except as provided in subsection (c) for residential accessory structures. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

(ii) the bottom of all openings shall be no higher than one foot above the interior and exterior lowest grades;

(iii) openings may be equipped with screens, louvers, or other coverings or devices only if they permit the automatic entry and exit of floodwaters.

(c) New construction and substantial improvement of a residential accessory structure, including but not limited to storage buildings, detached garages, sheds, and small pole buildings, together with attendant utility and sanitary facilities may as an alternative to the provisions of SCC 30.65.120(1) and (2), be wet floodproofed in accordance with the following:

(i) The structure must have a low potential for structural flood damage and shall not exceed a maximum assessed value for the cost of construction of
$25,000. The market value of construction shall be determined by the department in accordance with the valuation procedure utilized in conjunction with the setting of building permit fees;

(ii) Be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage;

(iii) Not be used for human habitation;

(iv) Include adequate hydrostatic flood openings;

(v) Use flood resistant materials below the base flood elevation;

(vi) Must offer minimum resistance to the flow of floodwater (must not be in the floodway);

(vii) Must be anchored to prevent flotation, collapse or lateral movement; and

(viii) Must have elevated all electrical, plumbing and heating equipment one foot above the base flood elevation.

(d) Wet floodproofing will trigger higher flood insurance premiums.

(3) Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that any portion of a structure below a minimum of one foot elevation above base flood level is watertight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Must also comply with SCC 30.65.120(2)(b).

(4) Agricultural construction. New construction and substantial improvement of any agricultural structure except farmhouses and farmhouse mobile homes which are regulated by SCC 30.65.120(2) above shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation; and meet the floodproofing requirements of SCC 30.65.120(3). In the alternative, new construction and substantial improvement of any agricultural structure shall, together with attendant utility and sanitary facilities:

(a) Have a low potential for structural flood damage; and shall not exceed a maximum assessed value for the cost of construction of $65,000. The market value of construction shall be determined by the department in accordance with the valuation procedure utilized in conjunction with the setting of building permit fees; and

(b) Be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage;

(c) Not be used for human habitation;

(d) Include adequate hydrostatic flood openings;

(e) Use flood resistant materials below the base flood elevations;

(f) Must offer minimum resistance to the flow of floodwater (i.e. must not be in the floodway);

(g) Must be anchored to prevent flotation, collapse or lateral movement;

(h) Must have elevated all electrical, plumbing and heating equipment one foot above the base flood elevations; and

(i) Be subject to higher flood insurance premiums associated with wet floodproofing.

(5) Mobile homes.

(a) Installation of mobile homes and substantial improvements to mobile homes shall be elevated on a permanent foundation and shall be securely anchored to an adequately anchored foundation system in accordance with SCC 30.65.110(1)(b) to resist flotation, collapse and lateral movement, and shall have the lowest floor elevated a minimum of one foot above the base flood elevation. *

(6) Critical facilities as defined in SCC 30.91C.360 shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood plain shall be provided to all critical facilities to the extent possible.

(7) Recreational vehicles, when otherwise permitted by county code, shall

(a) Be on the site for fewer than 180 consecutive days; and

(b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; and

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

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

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

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

(8) When fill is permitted to be used as an elevation/floodproofing technique, it shall be designed and installed so that it is properly compacted, sloped and armored to resist potential flood velocities, scouring and erosion during flooding.

(9) Flood hazard permits issued for wet floodproofing of any structure or for elevated structures having enclosures below the elevated structure that are wet floodproofed shall be subject to a standard permit condition prohibiting human habitation. The conditions shall be recorded on title on a form approved by the department.

* Code Reviser Note: Amended Ordinance No. 07-005 deleted 30.65.120(5)(b) in its entirety but failed to show the following text of SCC 30.65.120(5)(b)(iii) as stricken: "(A) lots large enough to permit steps, (B) piling foundations placed in stable soil no more than 10 feet apart, and (C) reinforcement provided for pilings extending more than six feet above the ground level". This material has been omitted pursuant to SCC 1.02.020(2)(g).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005; Amended Ord. 07-005, February 21, 2007, Eff date March 4, 2007)

30.65.125 General requirements for all crawlspace construction

(1) Crawlspace may be used to elevate a building in a special flood hazard area to or above the base flood elevation if the space is designed to meet the following National Flood Insurance Program requirements, which apply to all crawlspaces that have enclosed areas or floors below the base flood elevation:

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings discussed in SCC 30.65.125(b) below.

(b) The crawlspace is an enclosed area below the base flood elevation and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than 1 foot above the lowest adjacent interior and exterior grade. Crawlspace construction is not permitted in FEMA coastal high hazard area designated V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones.

(c) Portions of the building below the base flood elevation must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the base flood elevations. The recommended construction practice is to elevate the bottom of joists and all insulation above base flood elevation. Insulation is not a flood-resistant material. When insulation becomes saturated with floodwater, the additional weight often pulls it away from the joists and flooring. Ductwork or other utility systems located below the insulation may also pull away from their supports.

(d) Any building utility systems including ductwork within the crawlspace must be elevated above base flood elevation or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork must either be placed one foot above the base flood elevation or sealed from floodwaters.

(Added Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005; Amended Ord. 07-005, Eff date March 4, 2007)

30.65.130 Elevation and floodproofing certification.

Certification shall be provided to verify that the minimum floodproofing and elevation standards of SCC 30.65.110 and 30.65.120 flood hazard protection standards have been satisfied. Certification shall be required only for the new construction or substantial improvement of any residential, commercial, industrial or non-residential structure located in a special flood hazard area, except that agricultural structures constructed in accordance with the wet floodproofing standards of SCC 30.65.120 (4) (a), (b) and (c) shall not require certification. A completed FEMA elevation certificate form 81-31 shall be required in accordance with National Flood Insurance Program regulations and standards.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005)

30.65.140 Certification form.

The form of the elevation and floodproofing certificate shall be specified by the department and shall be generally consistent with that required by FEMA for the administration of the national flood insurance program.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.65.150 Information to be obtained.

Surveyed existing ground elevations of the four corners of the proposed development shall be submitted with the plan review application. The elevation or floodproofing certificates shall verify the following flood hazard protection information:

(1) Surveyed existing ground elevations of the four corners of the proposed development; and

(2) The actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement; and

(3) The actual elevation (in relation to mean sea level) of floodproofing of all new or substantially improved floodproofed structures, and that the floodproofing measures utilized below the base flood elevation render the structure watertight with walls substantially impermeable to the passage of water and have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-005, February 21, 2007, Eff date March 4, 2007)

30.65.160 Certification responsibility.

The project proponent shall be responsible for providing required certification data to the department prior to the applicable construction inspections specified in the certification form. All elevation data specified in SCC 30.65.150 must be obtained and certified by a registered professional land surveyor. Other floodproofing data specified in SCC 30.65.150 must be obtained and certified by a registered professional engineer or architect. The elevation and floodproofing certification shall be permanently maintained by the department.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005)

30.65.200 Floodway fringe areas: permitted uses.

The following uses are permitted in the floodway fringe areas:

(1) Any use permitted by the applicable zone in accordance with chapter 30.22 SCC when in compliance with

all applicable provisions established in this chapter unless prohibited by SCC 30.65.210.

(2) Utility transmission lines. Utility transmission lines shall be permitted when consistent with chapter 30.22 SCC and where not otherwise inconsistent with this chapter. When the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway fringe or special flood hazard area en route to another destination, as opposed to serving customers within a floodway fringe or special flood hazard area, such transmission line shall conform to the following:

(a) Electric transmission lines shall cross floodway fringe and special flood hazard areas by the most direct route feasible. When support towers must be located within floodway fringe or special flood hazard areas, they shall be placed to avoid high flood water velocity and/or depth areas, and shall be adequately flood proofed.

(b) Buried utility transmission lines transporting hazardous materials, including but not limited to crude and refined petroleum products and natural gas, shall be buried a minimum of four feet below the maximum scour of the waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained within the floodway fringe or special flood hazard area to the maximum extent of potential channel migration as determined by hydrologic analyses. All such hydrologic analyses shall conform to requirements of SCC 30.65.220(6)(c).

(c) Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and non-hazardous materials shall be buried below existing natural and artificial drainage features. Burial depth in all agricultural areas requiring or potentially requiring subsurface drainage shall be a minimum of six feet as measured from ground surface to the top of the transmission line, or at other such depth as deemed necessary by on-site investigations performed by a qualified soils expert familiar with Snohomish County soils. Burial depth in all other agricultural and non-agricultural floodway fringe or special flood hazard areas shall be determined on the basis of accepted engineering practice and in consideration of soil conditions and the need to avoid conflict with agricultural tillage.

(d) All buried utility transmission lines shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated.

(e) Above ground utility transmission lines not including electric transmission lines shall only be allowed for the transportation of non-hazardous materials. In such cases, applicants must demonstrate that line placement will have no appreciable effect upon flood depth, velocity, or passage. Such lines shall be adequately protected from flood damage.

(f) Above ground utility transmission line appurtenant structures including valves, pumping stations, or other control facilities shall not be permitted in floodway fringe or special flood hazard areas except where no other alternative is available or in the event a floodway fringe or special flood hazard location is environmentally preferable. In such instances, above ground structures shall be located so that no appreciable effect upon flood depth, velocity or passage is created, and shall be adequately flood proofed.

(3) Critical facilities. Construction of new critical facilities shall be allowed only if no feasible alternative site is available outside of the flood hazard area.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.65.210 Floodway fringe areas: prohibited uses.

New mobile home parks and the expansion of existing mobile home parks shall be prohibited in floodway fringe areas.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.65.220 Floodways: permitted uses.

The following uses are allowed in the floodway when permitted by the applicable zone in accordance with chapter 30.22 SCC, provided the use is in compliance with the applicable general and specific floodproofing

standards of SCC 30.65.110 and 30.65.120, and other applicable provisions of this chapter and will have a negligible effect upon the floodway in accordance with the floodway encroachment provisions of SCC 30.65.230(1):

(1) Agriculture;

(2) Forestry, including processing of forest products with portable equipment;

(3) Preserves and reservations;

(4) Park and recreational activities;

(5) Removal of rock, sand and gravel, when the applicant can provide clear and convincing evidence that such uses will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flooding threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of chapter 30.31D SCC and the county shoreline management program;

(6) Utility transmission lines when allowed in underlying zones unless otherwise prohibited by this chapter. When the primary purpose of such a transmission line is to transfer bulk products or energy through a floodway en route to another destination, as opposed to serving customers within a floodway, such transmission lines shall conform to the following:

(a) All utility transmission lines shall cross floodways by the most direct route feasible as opposed to paralleling floodways;

(b) Electric transmission lines shall span the floodway with support towers located in flood fringe areas or beyond. Where floodway areas cannot be spanned due to excessive width, support towers shall be located to avoid high flood water velocity and/or depth areas, and shall be adequately floodproofed;

(c) Buried utility transmission lines transporting hazardous materials, including but not limited to crude and refined petroleum products and natural gas, shall be buried a minimum of four feet below the maximum established scour of the waterway, as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained horizontally within the hydraulic floodway to the maximum extent of potential channel migration as determined by hydrologic analyses. In the event potential channel migration extends beyond the hydraulic floodway, conditions imposed upon floodway fringe and special flood hazard areas shall also govern placement. All hydrologic analyses are subject to acceptance by the county, shall assume the conditions of a 100-year frequency flood as verified by the U.S. Army Corps of Engineers, and shall include on-site investigations and consideration of historical meander characteristics in addition to other pertinent facts and data. The use of riprap as a meander containment mechanism within the hydraulic floodway shall be consistent with the county shoreline management program;

(d) Buried utility transmission lines transporting non-hazardous materials including water and sewage shall be buried a minimum of four feet below the maximum established scour of the waterway as calculated on the basis of hydrologic analyses. Such burial depth shall be maintained horizontally within the hydraulic floodway to the maximum extent of potential channel migration as determined by hydrologic analyses. All hydrologic analyses shall conform to requirements in SCC 30.65.220(6)(c). The use of riprap as a meander containment mechanism within the hydraulic floodway shall be consistent with the county shoreline management program;

(e) Beyond the maximum extent of potential channel migration, utility transmission lines transporting hazardous and non-hazardous materials shall be buried below existing natural and artificial drainage features. Burial depth in all agricultural areas requiring or potentially requiring subsurface drainage shall be a minimum of six feet as measured from ground surface to the top of the transmission line, or at other such depth as deemed necessary by on-site investigations performed by a qualified soils expert familiar with county soils. Burial depth in all other agricultural and non-agricultural floodway areas shall be determined on the basis of accepted engineering practice and in consideration of soil conditions and the need to avoid conflict with agricultural tillage;

(f) All buried utility transmission lines shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated;

(g) Above ground utility transmission lines, not including electric transmission lines, shall only be allowed

for the transportation of non-hazardous materials where an existing or new bridge or other structure is available and capable of supporting the line. When located on existing or new bridges or other structures with elevations below the level of the 100-year flood, the transmission line shall be placed on the down-stream side and protected from flood debris. In such instances, site specific conditions and flood damage potential shall dictate placement, design and protection throughout the floodway. Applicants must demonstrate that such above ground lines will have no appreciable effect upon flood depth, velocity or passage, and shall be adequately protected from flood damage. If the transmission line is to be buried except at the waterway crossing, burial specifications shall be determined as in SCC 30.65.220(6)(d).

(h) All floodway crossings by utility transmission lines transporting hazardous materials shall be equipped with valves capable of blocking flow within the pipeline in the event of leakage or rupture. All floodway crossings shall have valves unless otherwise indicated by standard engineering review of the site and type of transmission line as acceptable to the county with locations determined by other provisions of this chapter;

(i) Above ground utility transmission line appurtenant structures including valves, pumping stations, or other control facilities shall not be permitted in the floodway; and

(j) Where a floodway has not been determined by preliminary Corps of Engineers' investigations or official designation, a floodway shall be defined by qualified engineering work by the applicant on the basis of a verified 100-year flood event;

(7) Repairs, reconstruction, replacement, or improvements to existing farmhouse structures which are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170, subject to the following:

(a) The new farmhouse is a replacement for an existing farmhouse on the same farm site;

(b) There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;

(c) The farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within 90 days after occupancy of the new farmhouse;

(d) For substantial improvements, and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is one foot higher than the base flood elevation;

(e) New and replacement water supply systems, are designed to eliminate or minimize infiltration of flood waters into the system;

(f) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood waters into the system and discharge from the system into the flood waters;

(g) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage;

(h) The replacement farmhouse shall not exceed the total square footage of encroachment of the structure which it is replacing.

(8) Replacement of single family dwellings, other than farmhouse replacement pursuant to SCC 30.65.220(7), when the flood depth, flood velocity, and flood-related erosion of the site is evaluated in order to identify a building location that offers the least risk of harm to life and property. A suitable building location for a replacement structure shall be approved for structures damaged by flooding or flood-related erosion only when the following are met:

(a) The State Department of Ecology, pursuant to RCW 86.16.041(4) and (5), assesses the risk of harm to life and property posed by the specific conditions of the floodway at any proposed building site, and based upon scientific analysis of depth, velocity, and flood-related erosion recommends to the county that a waiver to the floodway prohibition of RCW 86.16.041(2)(a) for repair, replacement or relocation of such structures is authorized for a specific building location.

(b) Repair, replacement or relocation of such structures is permitted only when authorization required pursuant to 30.65.220(8)(a) is given in writing by the state department of ecology pursuant to RCW 86.16.041(4) and (5).

(9) Repair, reconstruction, or improvement of residential structures, where repair, reconstruction, or

improvement of a structure does not increase the ground floor area, and is not a substantial improvement.

(10) Water-dependent utilities and other installations which by their very nature must be in the floodway. Examples of such uses are: Dams for domestic/industrial water supply, flood control and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; structural and nonstructural flood damage reduction facilities, and stream bank stabilization structures and practices. The applicant shall supply convincing evidence that a floodway location is necessary in view of the objectives of the proposal and that the proposal is consistent with other provisions of this chapter and the county shoreline management program. In all instances of locating utilities and other installations in floodway locations, project design must incorporate floodproofing.

(11) Dikes, when the applicant can provide clear and convincing evidence that:

(a) Adverse effects upon adjacent properties will not result relative to increased floodwater depths and velocities during the base flood or other more frequent flood occurrences;

(b) Natural drainage ways are minimally affected in that their ability to adequately drain floodwaters after a flooding event is not impaired; and

(c) The proposal has been coordinated through the appropriate diking district where applicable, and that potential adverse effects upon other affected diking districts have been documented.

(12) Public works, limited to roads and bridges.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended byAmended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.65.230 Floodways: prohibited uses.

(1) The following uses/development are prohibited in the floodway:

(a) Any structure, including mobile homes designed for, or to be used for, human habitation of a permanent nature (including temporary dwellings authorized by SCC 30.22.130 except as provided by SCC 30.65.220(7), (8), and (9).

(b) All encroachments, including fill, new construction, and other development unless verification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the effect of the subject encroachment together with the cumulative effects of all similar potential encroachments shall not materially cause water to be diverted from the established floodway, cause erosion, obstruct the natural flow of water, reduce the carrying capacity of the floodway, or result in any increase in flood levels during the occurrence of the base flood discharge.

(c) The construction or storage of any object subject to flotation or movement during flood level periods;

(d) The following uses, due to their high degree of incompatibility with the purpose of establishing and maintaining a functional floodway are specifically prohibited:

(i) the filling of marshlands,

(ii) solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials,

(iii) damming or relocation of any watercourse that will result in any downstream increase in flood levels during the occurrence of the base flood discharge; and

(iv) critical facilities as defined in this title.

(2) The listing of prohibited uses in this section shall not be construed to alter the general rule of statutory construction that any use not permitted is prohibited.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-005, February, 21, 2007, Eff date March 4, 2007)

30.65.240 Density fringe area.

(1) SCC 30.65.240 through 30.65.285 provide specific criteria to be used in regulating development in areas of high flood damage potential where conventional floodway areas cannot be established. In order to foster the continued agricultural use of prime farmlands in these flood plain areas, and maintain an acceptable level of flood hazard protection, the development criteria outlined by this chapter shall apply to all development in the density fringe area. The development criteria contained in SCC 30.65.250 and 30.65.255 shall be utilized to prevent a cumulative increase in the base flood elevation of more than one foot.

(2) The density fringe area shall consist of the following:

(a) *Areas designated on the Floor Insurance Study (FIS) for Snohomish County and Incorporated Areas, and the Flood Insurance Rate Maps (FIRMS)** dated September 16, 2005, and as amended in paper or digital format.

(b) Stillaguamish River special flood hazard area (100-year flood plain) located between the mouth of said river and river mile 11.1; also corresponding to the Corps of Engineers study E-2-10-138 as modified by Snohomish County, sheets 1 through 8 or FIRMS as amended in paper or digital format by FEMA.

*Code Reviser Note: The text shown above in subsection (2)(a) in italic font was added by Amended Ord. 05-068 but was not indicated with addition marks.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005)

30.65.250 Density fringe area: maximum allowable density.

The land area occupied by any use or development permitted by this chapter that will displace floodwaters shall not exceed two percent of the land area of that portion of the lot located in the density fringe area. The limitations of this section shall not apply to those uses listed in SCC 30.65.260.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.65.255 Density fringe area: maximum allowable obstruction.

The maximum width (sum of widths) of all new construction, substantial improvements or other development shall not exceed 15 percent of the length of a line drawn perpendicular to the known floodwater flow direction at the point where the development(s) is located. The length of said line shall not extend beyond the property boundary or the edge of the density fringe area, whichever is less. The limitations of this section shall not apply to those uses listed in SCC 30.65.260.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.65.260 Density fringe area: exceptions to maximum allowable density and obstruction limitations.

The following uses shall be exempt from the maximum allowable density and obstruction limitations of SCC 30.65.250 and 30.65.255:

(1) Water-dependent utilities;

(2) Dikes;

(3) Utility facilities; and

(4) Public works, when the project proponent demonstrates that the floodwater displacement effects of the proposal when considered together with the maximum potential floodwater displacement allowed by SCC

30.65.250 and 30.65.255 shall not cause a cumulative increase in the base flood elevation of more than one foot. Floodwater displacement information shall be obtained and certified by a professional engineer.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.65.265 Density fringe area: recording required when density and obstruction allowances are increased.

When the density and/or the allowable obstruction area in a density fringe designation is increased pursuant to SCC 30.65.250 and 30.65.255, the property owner shall record with the Auditor's office a notice in a form approved by Planning and Development Services describing the related flood hazard permit number, subject property assessor number(s) and structures included in the density fringe area calculations.

(Added Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005; Amended Ord. 07-005, Feb. 21, 2007, Eff date March 4, 2007)

30.65.270 Density fringe area: general provisions.

The following regulations shall apply to all development in the density fringe area:

(1) Identified natural drainage channels that are secondary to the river channel(s) in discharging floodwaters downstream during flood periods shall be preserved or maintained as open space.

(2) All structures and development shall be oriented parallel to known floodwater flow directions in order to minimize flow obstruction. Determination of such orientation shall be based upon topographical and historical flood data. When such information is not available, orientation shall be in an upstream-downstream direction, parallel with the adjacent river channel except that such orientation shall not be required for utility transmission lines permitted by SCC 30.65.280(6), and roads permitted by SCC 30.65.280(13).

(3) All new construction and substantial improvements shall comply with the flood hazard protection standards of SCC 30.65.120.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.65.280 Density fringe area: permitted uses.

The following uses are permitted in the density fringe area:

(1) Agriculture, including:

(a) Accessory agricultural structures such as but not limited to barns, milking parlors, silos, manure tanks, and loafing sheds that provide direct support for primary agricultural activities including tilling of the soil, raising of crops, horticulture, viticulture, small livestock, poultry, pasturing, grazing, dairying and/or animal husbandry; and

(b) Livestock protection mounds, when the mounds do not consist of solid waste as defined by this title; and

(c) Manure pits and lagoons;

(2) Forestry, including processing of forest products with portable equipment;

(3) Preserves and reservations;

(4) Parks and recreational activities;

(5) Removal of rock, sand and gravel providing that the applicant can provide clear and convincing evidence that such a use will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flood threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of chapter 30.31D SCC and the county shoreline management program;

(6) Utility transmission lines, under the same terms and conditions of SCC 30.65.200(2);

(7) Water-dependent utilities. Examples of such uses are dams for domestic/industrial water supply, flood control and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; and structural and non-structural flood damage reduction facilities, and stream bank stabilization structures and practices;

(8) Improvements to existing residential structures that do not exceed the maximum allowable density and obstruction requirements of SCC 30.65.250 and 30.65.255;

(9) Single family farmhouse structures including modular homes and mobile homes placed on permanent concrete foundations, if the following conditions are met:

(a) The structure is constructed to building code standards;

(b) The farmhouse is necessary to the operation of a commercial farm engaged in agriculture;

(c) A potential building site for the farmhouse on the same farm site is not available outside the density fringe area;

(d) Earthfill utilized for building foundation shall be emplaced and stabilized in a manner that will prevent erosion from flood water flow;

(e) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;

(f) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood waters into the system and to eliminate or minimize discharge from the system into the flood waters;

(g) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage;

(h) An egress plan for vacating the structure during the base flood occurrence shall be provided;

(10) Marinas;

(11) Dikes, if the applicant can provide clear and convincing evidence that:

(a) Adverse effects upon adjacent properties will not result relative to increased floodwater depths and velocities during the base flood or other more frequent flood occurrences;

(b) Natural drainage ways are minimally affected in that their ability to adequately drain floodwaters after a flooding event is not impaired; and

(c) The proposal has been coordinated through the appropriate diking district where applicable, and that potential adverse effects upon other affected diking districts have been documented;

(12) Utility facilities;

(13) Public works, limited to:

(a) Roads,

(b) Bridges,

(c) Docks, and

(d) Port facilities; and

(14) In urban growth areas only, sawmill storage yards when located adjacent to existing sawmill uses.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005; Amended byAmended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.65.285 Density fringe area: prohibited uses.

The following uses shall be prohibited in the density fringe area:

(1) Any structure, including mobile homes, designed for, or to be used for human habitation of a permanent nature (including temporary dwellings authorized by SCC 30.22.130, except as provided by SCC 30.65.280(8) and (9);

(2) The construction or storage of any object subject to flotation or movement during flooding;

(3) The filling of marshlands;
(4) Solid waste landfills, dumps, junkyards, outdoor storage of vehicles and/or materials;
(5) Damming or relocation on any watercourse that will result in any downstream increase in flood levels during the base flood;
(6) Critical facilities;
(7) The listing of prohibited uses in this section shall not be construed to alter the general rule of statutory construction that any use not permitted is prohibited.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.65.300 Continuation of nonconforming uses and structures.

Any nonconforming use or nonconforming structure may be continued subject to the provisions of this chapter. The provisions of SCC 30.65.310 through 30.65.340 shall be applied in place of other provisions in chapter 30.28 SCC relating to nonconforming uses and structures.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.65.310 Nonconforming uses.

Nonconforming uses shall not be expanded and may be changed only to other uses which are allowed by this chapter; except that nonsubstantial improvements to the structural portions of nonconforming uses are allowed as provided in SCC 30.65.330 (1).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.65.320 Discontinuance.

If the nonconforming use is discontinued for a period of 12 consecutive months or more, the nonconforming status of the use is terminated and any future use of the land or structures shall be in conformity with the provisions of this chapter. The mere presence of a structure, equipment, or material shall not be deemed to constitute the continuance of a nonconforming use unless the structure, equipment or material is actually being occupied or employed in maintaining such use.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.65.330 Restoration.

(1) Nothing in this shall be deemed to prohibit the restoration of the structural portions of a nonconforming use located outside a designated floodway within six months from the date of its accidental damage by fire, explosion, natural disaster, or act of public enemy; provided that the applicable elevation and/or floodproofing requirements of this title shall be adhered to if the structure is destroyed. A structure shall be considered to be destroyed if the restoration costs exceed 75 percent of the market value; provided further that restoration of nonresidential structures in the floodway shall be allowed when the applicable provisions of SCC 30.65.220 and 30.65.230 are met.
(2) Construction or reconstruction of the structural portions of a nonconforming use pursuant to this section in a special flood hazard area, whether new construction, substantial or nonsubstantial improvements, shall be subject to all applicable provisions of this chapter and chapter 30.43C.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.65.340 Nonconforming structures.

(1) Nonconforming structures may be structurally altered or enlarged and nonconforming structures accidentally damaged or destroyed by fire, explosion, act of God, or act of public enemy may be reconstructed; provided that the degree of nonconformance shall not be increased and the applicable elevation and/or floodproofing requirements of this title shall be observed when proposed construction is a substantial improvement provided further that, construction in the floodway (nonsubstantial and substantial improvements) shall be subject to the limitations of SCC 30.65.220 and 30.65.230.

(2) Nonconforming structures that are also the structural portions of a nonconforming use shall also be subject to the provisions of SCC 30.65.330.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.66A
PARK AND RECREATION FACILITY IMPACT MITIGATION

Reviser's Note: Chapter 30.66A consisting of sections; 30.66A.010, 30.66A.020, 30.66A.030, 30.66A.040, 30.66A.050, 30.66.052, 30.66A.055, 30.66A.060, 30.66A.070, 30.66A.090, 30.66A.100, 30.66A.110, 30.66A.120, 30.66A.130, 30.66A.140, 30.66A.150, and 30.66A.160 was repealed in its entirety effective March 11, 2005 and a NEW Chapter 30.66A was enacted (Amended Ord. 04-016, Feb. 23, 2005; Eff date March 11, 2005)

30.66A.010 Purpose and applicability.

(1) The purpose of this chapter is:

(a) To ensure that adequate park land and park facilities are available to serve new growth and development as defined in SCC 30.91D.200;

(b) To require that new growth and development pay its proportionate share of the costs of new park land and park facilities identified in the capital facilities plan element of the comprehensive plan that are reasonably related to the new development;

(c) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary or duplicative fees for the same impact; and

(d) To implement the policies established in the comprehensive park and recreation plan.

(2) This chapter shall apply to all development, except for development that was subject to a prior SEPA threshold determination that provided for mitigation under chapter 30.66A SCC as codified prior to the effective date of this chapter. An applicant subject to a prior version of this chapter may consent in writing to the application of this chapter.

(Added Amended Ord. 04-016, Feb. 23, 2005, Eff date March 11, 2005)

30.66A.020 Park and recreation impact fee required.

1) Each development, as a condition of approval, shall be subject to the park and recreation impact fee established in Table 30.66A.040(1).

(2) The amount of the fee shall be based upon the rate in effect at the time of filing a complete application for development; provided however, that those applications deemed complete before the adoption of the GMA-based impact fee contained in this section shall be required to pay the SEPA-based mitigation fee in effect at the time the application was deemed complete and further provided that if the building permit is not issued within five years after the application is deemed complete the fee shall be based upon the rate in effect at the time of building permit issuance.

(3) Payment of a park and recreation impact fee is required prior to building permit issuance except as provided in SCC 30.66A.020(4).

(4) Payment of the park and recreation impact fee required for a detached single-family residential dwelling constructed for resale may be deferred from the time of building permit issuance, but shall be paid in full either upon the closing of the sale of the property, or 18 months from the date of issuance of the original building permit, whichever is earlier, or prior to any occupancy of the structure if the property owner elects to retain ownership and not sell the property. The department shall allow an applicant to defer payment of a park and recreation impact fee when, prior to the issuance of the building permit, the applicant:

(a) Submits a signed and notarized deferred impact fee application and acknowledgement form for either an individual detached single-family residential dwelling, or a group of detached single-family residential dwellings in the same development, for which the property owner wishes to defer payment of park and recreation impact fees; and

(b) Pays a non refundable $250.00 administration fee for each deferred impact fee application; and

(c) Records a lien for impact fees against the property in favor of the county in the total amount of all deferred impact fee(s). The lien for impact fees shall:

(i) Be in a form approved by the county; and

(ii) Include the legal description, tax account number and address of the individual lot; or

(iii) Include the legal description, tax account number and address for each lot if the lien will encumber all lots in a development where the impact fee has not been paid.

(5) If the dwelling will be located within a subdivision or short subdivision, the subdivision or short subdivision shall be recorded prior to recording the lien for impact fees and issuance of the building permit.

(6) A single deferred impact fee application, administration fee, and lien for impact fees will be required when the applicant requests deferral of both park and recreation impact fees and road system impact fees under SCC 30.66B.340, either on an individual lot basis or for all lots in a development where the impact fees have not been paid.

(7) Payment of deferred park and recreation impact fees shall be made by cash, escrow company check, cashier's check, certified check, or credit card.

(8) Upon receipt of payment of deferred mitigation fees the department will generate and execute a separate lien release for each individual detached single-family residential dwelling. The property owner, at their expense, will be responsible for recording each separate lien release.

(9) Compliance with the requirements of the deferral option shall constitute compliance with subdivision or short subdivision conditions pertaining to the timing of the impact fee payment.

(Added Amended Ord. 04-016, Feb. 23, 2005, Eff date March 11, 2005; Amended by Ord. 10-085, Oct. 20, 2010, Eff date Dec. 4, 2010)

30.66A.030 Service areas established.

The county is divided into seven park service areas ("PSAs") for purposes of calculating and imposing park impact fees. These PSAs correspond to year 2000 census tract boundaries.

30.66A.040 Impact fee schedule.

(1) Developments subject to this chapter shall pay the fees set forth in Table 30.66A.040(1).

Table 30.66A.040(1)
PARK AND RECREATION IMPACT FEES

Park Service Area	PSA Name	Single Family and Duplex - $/unit	Multi-Family $/unit
301	Kayak Point	$811.29	$594.01
302	River Meadows	$48.82	$35.75
303	Robe Canyon	$0.00	$0.00
304	White Horse	$0.00	$0.00
305	Lord Hill	$344.52	$473.16
306	Centennial	$1,361.22	$1,037.92
307	Nakeeta Beach	$1,244.49	$491.05

(2) The

impact fee schedule may be reviewed and/or adjusted in conjunction with revisions to the Countys comprehensive plan, or at any time that the County Council determines that economic or budgetary circumstances warrant review.

(3) The following types of development are exempt from park impact fees under this chapter:

(a) Nursing homes.

(b) Low-income housing. The director of parks and recreation may, on a case-by-case basis, grant exemptions to the application of the fee schedule for low-income housing as defined in SCC 30.91H.220 and in accordance with the conditions specified under RCW 82.02.060(2). To qualify for the exemption, the developer shall submit a petition to the director prior to application for building permit. Conditions for such approvals shall meet the requirements of RCW 82.02.060(2) and shall include a requirement for a covenant to assure the projects continued use for low-income housing. The covenant shall be an obligation that runs with the land upon which the housing is located, and shall be recorded against the title of the real property.

(Added Amended Ord. 04-016, Feb. 23, 2005, Eff date March 11, 2005)

30.66A.050 Impact fee limitations.

(1) Park and recreation impact fees shall be imposed for the acquisition of or improvements to park land, and for the construction of recreational facilities that are identified in the capital facilities plan and are reasonably related to the development. These fees shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the development, and shall be used for system improvements that will reasonably benefit the new development.

(2) Park and recreation impact fees may be collected for capital facilities costs previously incurred to the extent that new growth and development will be served by the previously constructed capital facilities. Park and recreation impact fees shall not be imposed to make up for existing system deficiencies.

(Added Amended Ord. 04-016, Feb. 23, 2005, Eff date March 11, 2005)

30.66A.060 Credit for in-kind contributions.

(1) A developer may request a credit against park and recreation impact fees due under this chapter for the dedication of land, or improvement to or construction of any capital facilities identified in the capital facilities plan.

(2) All credit requests must be submitted to the parks department concurrently with the development application and be accompanied by supporting documentation.

(3) The director of parks and recreation shall review a credit request to determine whether the proposed in-kind contribution is eligible for credit under the following eligibility criteria:

(a) A proposal for purchase, installation and/or improvement of park and recreation facilities located on land owned by the county shall be eligible for credit if:

(i) The county is responsible for continuing maintenance and operation of the facilities;

(ii) The director determines that the facility contribution corresponds to the type(s) of park and recreation facilities listed in the capital facilities plan;

(iii) The facility contribution is located in the same PSA; and

(iv) The director determines, after analysis of supply and demand data and the comprehensive park and recreation plan, that the proposed park and recreation facility contributions would better meet the communitys need for facilities than would an impact fee.

(b) A proposal to dedicate or convey land to the county for park and recreation facilities may satisfy some or all of a developers park and recreation impact fee obligation if the director determines, after analysis of supply/demand data and the county comprehensive park and recreation plan, that the proposed land dedication or conveyance would better meet the communitys need for facilities than would an impact fee. The director

shall also consider, among other criteria, the extent to which the proposed dedication or conveyance meets the following criteria:

(i) The land should be suitable for future active park and recreation facilities;

(ii) The land should have public access via a public street or an easement of an equivalent width and accessibility;

(iii) The land should be surveyed or otherwise readily distinguishable from adjacent property;

(iv) The land must have no known physical defect, such as problems with drainage, erosion or flooding, or the presence of hazardous waste, which the director determines would cause inordinate demands on public resources for maintenance and operation;

(v) The land should have no known on-site safety hazards; and

(vi) The developer must be willing to provide and fund, for an interim period of three years, unless extended in writing by the director, a method acceptable to the director for managing and maintaining the land.

(4) The credit granted for any in-kind contribution may not exceed the developments impact fee obligation, except as provided in SCC 30.66A.065.

(5) The developer's credit request shall be reviewed in accordance with the eligibility criteria set forth above. The director shall then notify the developer in writing whether the department will accept some or all of the developer's proposal as an in-kind credit.

(6) The director may find it necessary to establish the value of the credit on a per-unit basis as a part of the development approval for subdivisions, PRDs and other large-scale developments where credits for in-kind contributions or pre-existing lots are proposed or required. The resulting credit values will then be recorded as part of the subdivision or other instrument of approval and will be used in determining the fee obligation, if any, at the time of building permit application for the development activity.

(7) If the developer disagrees with the director's valuation of proposed in-kind contributions, the developer may appeal the decision pursuant to the procedures in SCC 30.66A.140.

(Added Amended Ord. 04-016, Feb. 23, 2005, Eff date March 11, 2005)

30.66A.065 Credit to developer for land dedication or conveyance in excess of required impact fees.

The director of parks and recreation, in consultation with the department, may reimburse or credit the developer if the fair market value of the land dedication or conveyance exceeds the developer's impact fee obligation for a development. The developer may be reimbursed or credited with any one or more of the following:

(1) Direct cash payments from the trust fund(s);

(2) An adjustment in allowable dwelling units equal to the value of the excess dedication for subdivisions, short subdivisions or planned residential developments in residential zones as follows: R 7,200, R 8,400, R 9,600, R 12,500 and R 20,000 providing all minimum requirements of the zone are met or;

(3) Issuing a parks and recreation impact fee credit document equal to the dollar value of the excess dedication or conveyance of the land. The impact fee credit document shall be valid for six years from the date of issuance and may be applied toward a developer's impact fee obligation within the PSA where the development generating the credit is located.

(Added Amended Ord. 04-016, Feb. 23, 2005, Eff date March 11, 2005)

30.66A.070 Performance of in-kind contributions.

If a development is conditioned upon the dedication, purchase, installation, or improvement of park and recreation facilities, a final subdivision or short subdivision shall not be recorded, and no building permit shall be issued until:

(1) The director of parks and recreation has determined in writing that any land to be dedicated is shown on

the face of the final subdivision or short subdivision, or a deed conveying the land to the county has been recorded with the county auditor; and

(2) The director has determined in writing that the developer has satisfactorily undertaken, or guaranteed to undertake in a manner acceptable to the director, any required purchase, installation, or improvement of park and recreation facilities.

(Added Amended Ord. 04-016, Feb. 23, 2005, Eff date March 11, 2005)

30.66A.080 Use of fees.

(1) Park and recreation impact fees collected under this chapter shall be deposited into an interest-bearing account established for each PSA. Funds deposited into these accounts shall be expended or encumbered within ten years of receipt, unless there exists an extraordinary and compelling reason, as identified in written findings by the county council, for the funds to be held longer than ten years.

(2) All impact fees collected under this chapter shall be used to mitigate development impacts within the PSA in which the development is located through purchase or development of land and/or purchase or improvement of facilities identified in the capital facilities element and the comprehensive parks and recreation plan.

(3) Park impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the capital facilities provided are consistent with the requirements of this title.

(Amended Ord. 04-016, Feb. 23, 2005, Eff date March 11, 2005; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.66A.100 Use and disposition of dedicated land.

(1) All land dedicated or conveyed pursuant to this chapter shall be set aside for development of park and recreation facilities. The county and any city, school district, or special purpose district to which land is dedicated or conveyed pursuant to this chapter shall make every effort to use, develop and maintain land dedicated or conveyed for park and recreation facilities.

(2) If the use of any such dedicated land is determined by the director of parks and recreation to be infeasible for development of park and recreation facilities, the dedicated land may be sold or traded for another parcel of land in the same PSA, subject to the requirements of state law and county code. The proceeds from such a sale shall be used to acquire land or develop park and recreation facilities in the same PSA. Prior to any proposed sale of land which has been dedicated to the county, the county shall notify each current taxpayer of record or resident of known address in the subdivision in which the dedicated land is proposed for sale and each taxpayer of record and resident of known address within 500 feet of the said park site.

(Added Amended Ord. 04-016, Feb. 23, 2005, Eff date March 11, 2005)

30.66A.110 Projects that cross park service area boundaries.

If a development is located in two or more PSAs, the impact mitigation funds shall be used for acquisition and/or development of park land and facilities on a prorated basis determined by the number of lots or units located in each PSA.

(Added Amended Ord. 04-016, Feb. 23, 2005, Eff date March 11, 2005)

30.66A.120 Validity of pre-existing agreements.

Written mitigation agreements between the county and a developer that have been executed prior to July 3, 1991, shall be accepted as satisfying the park and recreation impact fee obligations for those phases of a development addressed by the written agreement.

(Added Amended Ord. 04-016, Feb. 23, 2005, Eff date March 11, 2005)

30.66A.130 Administrative adjustment of fee amount.

(1) A developer may appeal to the director of parks and recreation for an adjustment to the amount of or an elimination of fees imposed under this chapter by submitting a written explanation of the basis for appeal within 14 days of acceptance by the county of a building permit application. If the developer has chosen the early payment option in 30.66A.020(4), the developer may appeal to the director of parks and recreation within 14 days of final plat recording. The director of parks and recreation may adjust the fee amount, in consideration of information submitted by the developer, if one of the following circumstances exists:

(a) The park and recreation impact fee assessment was incorrectly calculated;

(b) Unusual circumstances exist that demonstrate the park and recreation impact fee is unfair as applied to the specific development;

(c) A credit for in-kind contributions by the developer, as provided for under SCC 30.66A.060 above, is warranted;

(d) Any other credit specified in RCW 82.02.060(1)(b) is warranted; or

(e) The impact fee assessment was improper under RCW 82.02.020 or RCW 82.02.050 et seq.

(2) Park and recreation impact fees may be paid under protest in order to obtain a development approval without delay pending resolution of the appeal. A written protest must be submitted at or prior to the time fees are paid and will relate only to the specific fees identified in the protest.

(3) Failure to file a written protest and to seek a timely appeal to the director shall preclude any appeal of the park and recreation impact fee under SCC 30.66A.140.

(4) Refunds approved under this section, or following an administrative appeal as provided in SCC 30.66A.140, shall be made to the current property owner at the time the refund is authorized, unless the current property owner releases the county from any obligation to refund the current property owner.

(5) The developer may appeal the directors decision as provided in SCC 30.66A.140.

(Added Amended Ord. 04-016, Feb. 23, 2005, Eff date March 11, 2005)

30.66A.140 Appeals.

(1) Any person aggrieved by a decision to impose impact fees, impose modifications, or waive an impact fee under this chapter may appeal the decision to the hearing examiner. Appeals of an impact fee under this chapter must be combined with the administrative appeal for the underlying development approval if there is an administrative appeal process for the underlying development approval. Appeal of the impact fee shall proceed as a Type 1 appeal pursuant to chapter 30.71 SCC if there is no administrative appeal for the permit.

(2) The impact fee may be modified or refunded only if paid under written protest in accordance with SCC 30.66A.130, upon a determination based on the criteria contained in SCC 30.66A.130. Appeals shall be limited to application of the impact fee provisions to a specific development.

(Added Amended Ord. 04-016, Feb. 23, 2005, Eff date March 11, 2005)

Chapter 30.66B
CONCURRENCY AND ROAD IMPACT MITIGATION

*Code Reviser Note: The provisions of Amended Ord. 03-127, except all procedural provisions, shall not apply to any development permit application that is complete prior to the effective date of Amended Ord. 03-127 (November 17, 2003). An applicant for any pending application may choose to apply all applicable provisions of Amended Ord. 03-127 to such application upon written request to PDS.

30.66B.005 Purpose and applicability.

(1) The purpose of this chapter is to ensure that public health, safety and welfare will be preserved by having safe and efficient roads serving new and existing developments.

(2) The requirements of this chapter apply to all developments and road systems as defined in chapters 30.91D and 30.91R SCC, respectively.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.007 Delegation of Authority by Department of Public Works

With the concurrence of the director, the director of the department of public works may delegate any portion of the authority vested in the department of public works under this chapter relating to development permit processing to the department of planning and development services, if the director of public works determines, in his or her discretion, that the delegation will improve delivery of services in the development permitting process or serve the public health, safety, and welfare. In delegating such authority, the director may reserve the right of final decision.

(Added Ord. 05-116, Nov. 21, 2005, Eff date Dec. 18, 2005)

30.66B.010 Relationship to chapter 30.61 SCC.

(1) The requirements of this chapter, together with the comprehensive plan, Title 13 SCC, and other development regulations and policies that may be adopted, constitute the basis for review of development and the imposition of mitigation requirements due to the impacts of development on the transportation system.

(2) Mitigation measures required by this chapter shall constitute adequate mitigation of adverse or significant adverse environmental impacts on the road system for the purposes of chapter 30.61 SCC to the extent that the director determines the specific impacts of the development are adequately addressed by this title in accordance with chapter 30.61 SCC.

(3) The provisions of this chapter do not limit the ability of the county to impose mitigation requirements for the direct impacts of development on state highways, city streets, or other another county's roads pursuant to SCC 30.66B.710 and .720.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.015 Development mitigation requirements.

Any application for approval of or a permit for a development shall be reviewed by the department of public works to determine any mitigation requirements that may be applicable for the following:

(1) Impact on road system capacity;
(2) Impact on specific level-of-service deficiencies;
(3) Impact on specific inadequate road condition locations;
(4) Frontage improvements requirements;

(5) Access and transportation system circulation requirements;
(6) Dedication or deeding of right-of-way requirements;
(7) Impact on state highways, city streets, and other counties' roads;
(8) Transportation demand management measures; and
(9) Impact on highways, roads and/or streets from large trucks generated by mineral operations permitted in accordance with chapter 30.31D SCC

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.020 Pre-submittal conference.

(1) Any developer proposing a development that will generate three or more peak hour vehicle trips, is required to attend a pre-submittal conference with the department of public works before submitting the development application, except for those submitting applications for a duplex residential permit on a single lot.
(2) The purpose of the pre-submittal conference is to review the traffic related aspects of the development proposal, to determine if a traffic study is necessary, and to ensure that the application is submitted with adequate information for the review process.
(3) The department of public works shall determine at the pre-submittal conference the need for a study and the scope of analysis of any study required.
(4) The transportation service area (TSA) in which a development is located will be determined at the pre-submittal conference. The department of public works will determine the transportation service area of developments that straddle a boundary, are physically adjacent to another transportation service area, or which generate the greatest traffic impacts in an adjacent TSA. The department of public works may change such determination upon review of the initial application.
(5) The determinations made by the department of public works at the pre-submittal conference shall be shown on a scoping sheet that will be signed by the department of public works and the applicant or their representatives. The scoping sheet shall remain valid for 90 days after signature. A valid scoping sheet must accompany any application for a development generating three or more peak-hour trips.
(6) A developer may choose to provide only trip generation or trip distribution with the initial application and leave the full scope of traffic impact analysis to be determined by the department of public works during its preliminary review of the application. In such cases, the department of public works will recommend in its first written traffic-related comments to the department of planning and development services, a requirement for additional traffic analysis to be provided by a traffic consultant approved by the department of public works and paid for by the developer.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.025 Completeness determination.

A development application shall not be considered complete until all traffic studies or data required in accordance with SCC 30.66B.035 or required as a result of the pre-submittal conference of SCC 30.66B.020 are received.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.030 Identification of other agencies with jurisdiction.

The developer is responsible for identifying all agencies that may have jurisdiction and all permits and approvals required for the proposed development. To the extent known by the department of public works,

agencies of local, state, or federal governments that may have jurisdiction over the development or permits necessary for development approval related to transportation will be identified at the pre-submittal conference or in the notification regarding application completeness. Where there are changes in the development that result in the need for review by other jurisdictions or require additional permits or approvals regarding transportation, the department of public works will, to the extent known, identify those agencies that have jurisdiction in a supplemental notification to the developer. The department will cooperate with the Washington State Department of Transportation (WSDOT), cities, and other agencies concerning identification of necessary access permits, approvals, developer agreements, or other conditions related to transportation. Transportation-related permits and approvals may include, but are not limited to, WSDOT access permits, other city or county access permits, WSDOT public road/state route intersection approvals, railroad grade crossing or signalization approvals, or public utility easement crossing approvals.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.035 Traffic study- when required.

(1) A development adding more than fifty peak-hour trips shall be required to provide a traffic study to enable the department of public works to make a concurrency determination in accordance with SCC 30.66B.125, unless the department determines at the pre-submittal conference that a study is not required.

(2) Applicants for mineral operations submitted in accordance with chapter 30.31D SCC shall be required to provide a traffic study to enable the department of public works to analyze and assess appropriate mitigation for impacts to the road system resulting from the activity.

(3) A traffic study may be required of a developer to analyze a potential inadequate road condition pursuant to SCC 30.66B.210.

(4) A developer shall provide a traffic study for developments that add three or more peak-hour trips when the department of public works determines there is a need for additional information on:

(a) Impacts of the development on any arterial units in arrears and/or designated ultimate capacity arterial units;

(b) A development's traffic distribution;

(c) A possible inadequate road condition;

(d) Adequacy of any road system impact fee required pursuant to this chapter, in representing reasonable and/or adequate mitigation for that particular development; or

(e) A suspected traffic impact that may warrant mitigation beyond that provided through the road system impact fee payment system.

(5) The traffic study will consist of at least a traffic generation and distribution analysis but may be as extensive as analyzing all arterial units on the road system wherever three or more peak-hour trips from the development are added.

(6) A traffic study or other additional information may be required as a result of changes in the development proposal.

(7) The director of public works may waive the requirement for a traffic study and so state the finding in the pre-submittal conference-scoping sheet, if the director finds there is sufficient information known about a development's road system from previous traffic studies. In such cases, the existing information will be used to establish any necessary traffic mitigation requirements to be recommended in the review of the development.

(8) Developments impacting roads under the jurisdiction of the WSDOT, a city or another county, shall provide a traffic study to address impacts of the development, as may be required in an interlocal agreement pursuant to SCC 30.61.230(6) with the WSDOT, city or other county.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 31, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.66B.040 Traffic study- author's qualifications.

Traffic studies shall be conducted under the direction of a responsible individual or firm acceptable to the director of public works. More complex studies requiring expert analysis and opinion beyond the compilation of available data shall be conducted by an engineer licensed to practice in the state of Washington with special training and experience in traffic engineering and, preferably, membership in the institute of transportation engineers (ITE). The developer shall provide to the director of public works the credentials of the individuals selected to perform traffic studies certifying compliance with the foregoing.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.045 Review of traffic study.

The director of public works shall review any required traffic study for accuracy and proper methodology and may use the study's conclusions in arriving at the department's recommendation under 30.66B.050. Additional information or actual traffic counts may be requested to verify traffic study conclusions or traffic analysis.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.050 Director of public works' recommendation on approval of development.

(1) The director of public works shall only recommend approval of a development if, in the director's opinion, adequate provisions for public roads, access, and mitigation of the transportation impacts of the development are made as provided in the county's development regulations, SEPA, and this chapter.
(2) The director of public works shall only recommend approval of a development if the development is determined concurrent in accordance with this chapter.
(3) In approving or permitting a development, the approving authority shall consider the director of public works' recommendations and act in conformity with this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.055 Imposition of mitigation requirements.

(1) The county shall impose mitigation required under this chapter as a condition of approval of development.
(2) Mitigation imposed as a condition of approval shall expire on the expiration date of the concurrency determination for a development. Any building permit application submitted after the concurrency expiration date shall be subject to full reinvestigation of traffic impacts under this chapter before the building permit can be issued. Determination of new or additional impact mitigation measures shall take into consideration, and may allow credit for, mitigation measures fully accomplished in connection with the prior approval when those mitigation measures addressed impacts of the current building permit application.
(3) The director of public works, following review of any required traffic study and any other pertinent data, shall inform the developer in writing of the mitigation required pursuant to this chapter.
(4) If a development proposes transportation demand management measures or measures to mitigate impacts on roads under the jurisdiction of another agency, the applicant must provide a written proposal to the department of public works describing those measures. The director of public works shall review the developer's proposal and provide a recommendation of approval or denial of the development application to the department as required by SCC 30.66B.050, based on the requirements of this chapter. If the developer has not submitted a written proposal by the time the department of public works makes its written recommendation on the case to the department, the director of public works will recommend denial.

(5) Required mitigation measures shall be binding on the real property that is legally described in the development application and administered in accordance with the provisions of SCC 30.66B.070.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-127, Nov. 5, 2003, Eff date Nov. 17, 2003*see Code Reviser Note at beginning of Chapter)

30.66B.057 Review of duplex residential building permit applications.

(1) A duplex residential building permit for a lot for which necessary mitigation as required by this chapter was not provided at the time of lot creation, will be issued by the director only after appropriate mitigation is provided in conformance with this chapter.

(2) The director of public works is not required to review duplex residential building applications. Application forms for all duplex residential building permits shall be accompanied by a statement that development of every lot in the county with a new duplex residence will have an impact on the road system that must be mitigated. The statement shall outline the options available to the developer for providing necessary mitigation as required by this chapter. An applicant shall inform the department of the applicant's mitigation choice at the time of permit issuance.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.060 Authority to deny development-- excessive expenditure of public funds.

If the location, nature, or timing of a proposed development necessitates the expenditure of public funds in excess of those currently available for the necessary road improvement or inconsistent with priorities established to serve the general public benefit, and provision has not otherwise been made to meet the mitigation requirements as provided in this chapter, the county may deny the permit for the development. As an alternative, the county may allow the developer to alter the proposal so that the need for road improvement is lessened or may provide the developer with the option of bearing all or more than the development's proportionate share of the required road improvement costs.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.065 Authority to withhold or condition administrative permits or approvals.

The director shall have discretion under this chapter to refuse to issue an administrative permit or approval when applicable provisions of this chapter have not been met. The director may condition issuance of a certificate of occupancy or final inspection approval of any administrative permit or approval upon compliance with this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.070 Record of development obligations.

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

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

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

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

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

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

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

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

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

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

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

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-127, Nov. 5, 2003, Eff date Nov. 17, 2003*see Code Reviser Note at beginning of Chapter); Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.66B.075 Revision of development following approval.

Following approval of the development, any request to revise the proposed development which causes an increase in the traffic generated by the development, or changes a point of access, shall be considered a major revision of the development, and shall be processed in the same manner as an original application, except when specifically provided otherwise by this title or when the director of public works finds that the revision is minor and may be administratively approved.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.080 Authorization for administrative rules.

The director of public works is hereby authorized to adopt administrative rules pursuant to chapter 30.82 SCC to administer this chapter. The administrative rules shall set forth any necessary procedural requirements for developers to follow to allow efficient processing of development applications. The director of public works shall adopt administrative rules on at least the following topics:

(1) Traffic studies: scope, format, required elements, processing and review in accordance with sound transportation engineering and planning principles;
(2) Level-of-service determination: methodology, data collection, forecasting;
(3) Transit compatibility: transit supportive criteria for arterials, compatibility of development;
(4) Inadequate road conditions: criteria for identification;
(5) Frontage improvements: standards, variables;
(6) Mitigation measures: extent, timing, and agreements;
(7) Master road improvement programs: processing;
(8) Transportation demand management (TDM) for developments;
(9) Review of applications for mineral operations submitted in accordance with chapter 30.31D SCC generating significant numbers of large trucks including traffic study requirements, impact analysis, and mitigation requirements;
(10) Ultimate capacity designations consistent with SCC 30.66B.110; and
(11) Concurrency requirements for certain public facilities needed to support residential development.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006; Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.085 Transportation needs report.

The director is authorized to adopt and update a transportation needs report based on and consistent with the transportation element and capital facilities element of the comprehensive plan. The purpose of the transportation needs report is to quantify the continuing need for road improvements on the road system anticipated by projected growth. The transportation needs report shall be used in evaluating the traffic impact of developments and determining the road system impact fee cost basis.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.100 Level-of-service standards.

(1) The county has adopted level of service standards for county arterials in the comprehensive plan. The department of public works will plan, program, and construct transportation system capacity improvements for the purpose of maintaining these adopted level-of-service standards in order to facilitate new development that is consistent with the comprehensive plan.
(2) The minimum level-of-service standards are established in the transportation element of the county comprehensive plan and are set forth in SCC 30.66B.101 and SCC 30.66B.102. The determination of whether or not an arterial unit meets the adopted level-of-service standards is as follows:
(a) First, using the level-of-service standard based on average daily trips (ADT) adopted in SCC 30.66B.101, weekday, two-way, 24-hour volumes are used to measure ADT, consistent with department of public works rules establishing details on the methodology, frequency and validity of traffic counts. ADT thresholds, set forth in SCC 30.66B.101, vary by urban/rural classification, number of lanes and whether or not arterial units have been designated as ultimate capacity pursuant to SCC 30.66B.110. If the ADT on an arterial

does not exceed the threshold identified in SCC 30.66B.101, the arterial unit meets the countys standard.

(b) If the ADT on an arterial unit exceeds the threshold identified in SCC 30.66B.101, the average travel speed is evaluated. If the average travel speed on the arterial unit falls below the appropriate threshold identified in SCC 30.66B.102, then the level of service on the arterial unit does not meet the countys standard.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.101 Transportation Level of Service Standard: Average Daily Trip (ADT) Thresholds

Thresholds Measured as Number of Average Daily Trips (ADT)

Arterial Unit NOT Designated As Ultimate Capacity			Arterial Unit Designated As Ultimate Capacity	
Number of Lanes	Rural	Urban	Rural	Urban
2	4,000	7,000	18,000	22,000
3	5,000	9,000	27,000	33,000
4	7,000	12,000	36,000	44,000
5	n/a	15,000	45,000	55,000
6	n/a	16,000	54,000	66,000
7	n/a	21,000	63,000	77,000

(Added Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 09-004, Mar. 4, 2009, Eff date March 27, 2009)

30.66B.102 Transportation Level-of Service Standards: Average Travel Speed

Rural/Urban Arterial Unit Classification	Transit Compatibility [(1)] and Qualifying Public Facilities [(2)]	Average Travel Speed Standard
Rural	No	C [(3)]
	Yes	D [(3)]
Urban	No	E [(4)]
	Yes	Five (5) miles per hour less than E [(5)]

Note: The reference notes in this table (1-5) are set forth in SCC 30.66B.103 (1-5)

(Added Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.103 Reference Notes for SCC 30.66B.102

(1) Transit compatibility minimum criteria are established by department of public works rules in accordance with SCC 30.66B.080 and are to include such factors as frequency of bus service and availability of pedestrian facilities.

(2) The lower travel speed standard applies to certain public facilities needed to support residential development. Public developments which use the lower travel speed standard to achieve concurrency shall provide additional road mitigation in the form of transit compatibility or transportation demand management (TDM) in accordance with SCC 30.66B.166. The determination of whether or not a proposed development qualifies for the lower travel speed standard shall be based upon the following criteria with additional specificity provided by department of public works rules.

(a) The development proposed by the public agency is needed to support residential development that is already constructed, approved or deemed concurrent, and

(b) the public agency submitting the application for development is directed by a publicly elected official or board, and

(c) the location of the agencys facility is constrained by established legal or public districts, and

(d) siting the development in the proposed location would provide a legitimate public benefit to the occupants of the residential areas.

(3) The letter grades for roads classified as rural correspond to varying travel speeds, depending on the length of the specific arterial unit and the number of controlled intersections. The method used to determine the thresholds is established by department of public works rules in accordance with SCC 30.66B.080 based on the principles of the Highway Capacity Manual published by the Transportation Research Board.

(4) The letter grades for roads classified as urban correspond to varying travel speeds as established in the Highway Capacity Manual and depend on characteristics of the arterial.

(5) For urban roads that are transit compatible, Snohomish County applies a five (5) mph reduction to the average travel speed minimums for urban arterials.

(Added Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.110 Designation of ultimate capacity.

(1) When the county council determines that excessive expenditure of public funds is not warranted for the purpose of making further improvements on certain arterial units, the county council may designate, by motion, following a public hearing, such arterial unit as being at ultimate capacity.

(a) Designation of ultimate capacity shall include a commitment by the county to complete an access management and circulation plan for the arterial unit and a commitment by the county for specific, additional road improvements, transportation system management (TSM) actions, access management improvements, and/or transportation demand management (TDM) actions for the purpose of improving efficiency, preserving roadway capacity, and improving operations. In addition, any known improvements needed to address safety issues must be identified in conjunction with such ultimate capacity designation.

(b) The designation of an arterial unit at ultimate capacity by the county council will be initiated by an engineer's report and written recommendation from the director of public works evaluating whether or not a given arterial unit is a candidate for ultimate capacity based on the criteria in SCC 30.66B.110(2) and related rules adopted by the Department.

(c) "Arterial Unit," under this section, shall mean the existing facility plus any improvements which are fully funded and programmed for construction within six years.

(d) The recommendation by public works and the designation by the county council must identify the

specific growth management objective(s) that support(s) the designation of ultimate capacity for that particular arterial unit.

(2) A recommendation of ultimate capacity by public works and a designation by the county council of ultimate capacity may be appropriate if one or more of the following conditions are met for a particular arterial unit:

(a) The total number of vehicle lanes is consistent with the adopted transportation element of the county comprehensive plan and the facility meets the standards of the Engineering Design and Development Standards (EDDS); or

(b) The number of general-purpose travel lanes (excluding turn lanes) is consistent with the adopted transportation element, appropriate improvements are made at key intersections to provide for efficient traffic flow, adequate provisions are made to accommodate pedestrian and bicycle demand, and there are physical, environmental, existing structures or other constraints that preclude additional cost effective improvements; or

(c) The county arterial is experiencing a decrease in level of service, the source of which is attributable to another agency's transportation facility, the conditions of subsection (2)(b) above are all met, and the county section of road approaching the other agency's facility meets the standards of the EDDS, the number of lanes on the county approach is consistent with the adopted transportation element, additional left-turn or right-turn lanes are provided on the county approach to maximize efficiency on the county approach and where appropriate to match the ultimate lane configuration of the other agency's transportation facility, and the length of turn lanes on the county approach is designed to accommodate forecast demand.

(3) Developments impacting arterial units designated as ultimate capacity will be required to provide additional mitigation pursuant to SCC 30.66B.160(2)(c) for the purpose of improving efficiency, preserving roadway capacity, and improving operations.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.120 Concurrency determination- required.

(1) The department of public works shall make a concurrency determination for each development application to ensure that the development will not impact a county arterial unit in arrears. The approving authority shall not approve any development that is not determined concurrent under this chapter.

(2) A concurrency determination shall state

(a) When the concurrency determination was made (the concurrency determination date),

(b) Whether the concurrency determination is conditioned upon satisfaction of specific conditions, and

(c) The expiration date of the concurrency determination (the "concurrency expiration date").

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-127, Nov. 5, 2003, Eff date Nov. 17, 2003*see Code Reviser Note at beginning of Chapter)

30.66B.125 Concurrency determination- process.

(1) The department of public works shall make a concurrency determination following receipt of a development application and review of appropriate traffic data. Forecasts used in making concurrency determinations shall be in accordance with SCC 30.66B.145. The department of public works will include a concurrency determination in its first written traffic-related comments to the department following receipt of the application or receipt of other required information or analysis.

(2) In its concurrency determination, the department of public works shall find that, at the time of the determination, the development is concurrent, the development is not concurrent, or that additional information is needed to determine whether or not the development is concurrent. The department of public works will document in writing the methodology and information used in making the concurrency determination.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.130 Concurrency determination- methodology.

(1) In determining whether or not a proposed development is concurrent, the department of public works shall analyze likely road system impacts on arterial units based on the size and location of the development.

(2) A concurrency determination is based on an evaluation of road system impacts for a proposed development within the boundaries of the development's transportation service area. The evaluation will identify the development's impacts on any arterial unit in arrears as specified in SCC 30.66B.160, or any arterial unit designated at ultimate capacity.

(3) A development's forecast trip generation at full occupancy shall be the basis for determining the impacts of the development on the road system. The department of public works will accept valid data from a traffic study prepared pursuant to this chapter or will use the latest edition of the ITE Trip Generation report published by the Institute of Transportation Engineers. Adjustments will be made for trip reduction credits approved under SCC 30.66B.640 - .650.

(4) If a development is proposed within a transportation service area that contains no arterial units in arrears and/or designated ultimate capacity arterial units, then the development shall be determined to be concurrent, except that if the development generates more than fifty peak-hour trips, the requirements of SCC 30.66B.035 shall also apply.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.135 Development deemed concurrent.

The following development shall be deemed concurrent:

(1) Any development that has a valid pre-application concurrency approval pursuant to SCC 30.66B.175; and

(2) Building permit applications for development within an approved binding site plan, rezone accompanied by an official site plan, nonresidential subdivision or short subdivision for which a concurrency determination has already been made in accordance with this chapter if the following are met:

(a) The concurrency determination for the development approval has not expired;

(b) The building permit will not cause the approved traffic generation of the prior approval to be exceeded;

(c) There is no change in points of access; and

(d) Mitigation required pursuant to the previous development approval is performed as a condition of building permit issuance.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-127, Nov. 5, 2003, Eff date Nov. 17, 2003*see Code Reviser Note at beginning of Chapter; Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.145 Concurrency determination-forecasting level-of-service.

(1) An inventory of developments that have been determined concurrent, also referred to as "developments in the pipeline," will be used to estimate future traffic volumes for forecasting future level-of-service conditions. This inventory will be established and maintained by the department of public works in accordance with the department's administrative rules. Developments in the pipeline will also include developments given pre-application concurrency approval pursuant to SCC 30.66B.175.

(a) The department of public works shall use the inventory of developments in the pipeline when conducting analysis to determine whether an arterial unit is in arrears. Inventories or estimates shall be in accordance with the department of public works' administrative rules.

(b) A developer may be required to provide a forecast of future level-of- service conditions to the department of public works for purposes of making a concurrency determination on a proposed development. When required to provide a forecast, the developer shall use the inventory of developments in the pipeline, as established and maintained by the department of public works, when providing a forecast of future level-of service conditions to the department. The inventory of developments in the pipeline used for making a concurrency determination on a proposed development shall not include any development that has been deemed concurrent subsequent to the proposed development.

(2) Estimates of future traffic volumes used for purposes of making level-of-service forecasts for concurrency determinations shall consist of the sum of the following: the current traffic volumes, the additional traffic volume that will be generated by the proposed development, and the additional traffic volume that will be generated by other developments in the pipeline.

(a) Estimates of current traffic volumes will be based on recent counts acceptable to the department of public works. The department of public works will provide them when available. When acceptable counts are not available, the applicant must provide them. The department of public works may specify by administrative rule the methodology for performing traffic counts of current traffic volumes.

(b) Additional traffic volume that will be generated by the proposed development will be based on the development's forecast trip generation at full occupancy, in accordance with SCC 30.66B.130(3).

(c) The following shall apply to forecasting additional traffic volume that will be generated by the inventory of developments in the pipeline:

(i) the inventory of developments in the pipeline shall not include developments that have been deemed concurrent subsequent to the proposed development;

(ii) estimates of additional traffic volume that will be generated by the inventory of developments in the pipeline will include, at minimum, residential developments generating seven (7) or more peak-hour trips and commercial developments generating five (5) or more peak-hour trips that have been determined concurrent based on the department's concurrency determination;

(iii) the department may, in its discretion, determine that certain developments in the pipeline should not be included in the inventory. The department may exclude a development, or part of a development, in the pipeline based on a factual demonstration by the applicant that one or more of the following is applicable:

(A) a development is not going to be constructed;

(B) a development is not going to be approved; or

(C) a development was already occupied at the time the current traffic volumes were counted; and

(iv) a threshold of three AM and/or PM peak-hour trips will be used for trip distributions.

(d) The department of public works will provide the applicant with the information in the department's inventory of developments in the pipeline and the number of trips added to the individual traffic movements at the intersections on the identified arterial units.

(e) The department of public works will identify the arterial unit(s) for which an applicant must make estimates of future traffic volumes and specify the methodology for level-of-service forecasts used by the applicant in forecasting level of service from the estimates of future traffic volumes. Estimates of future traffic volumes may be required of the applicant for weekday a.m. and p.m. peak hour vehicle trips for any traffic movements on any intersection located on the identified arterial unit(s) including termini.

(f) Forecasts will analyze traffic impacts for arterial units in the development's road system for the "forecast year" (i.e., the year of the proposed expiration date of the development's concurrency determination).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-127, Nov. 5, 2003, Eff date Nov. 17, 2003*see Code Reviser Note at beginning of Chapter)

30.66B.150 Changes to concurrency determination.

(1) A concurrency determination made pursuant to this chapter may be changed only if one or more of the following occurs:

(a) The applicant proposes substantial transportation-related changes to the development proposal prior to the final approval that would cause the approved traffic generation of the prior approval to be exceeded, change points of access or circulation, change mitigation measures relating to the transportation system, or increase traffic volumes on any arterial units;

(b) The determination was based on phasing and the applicant proposes changes to the development proposal prior to the final approval that would move up the occupancy dates for all or part of the development to earlier phases;

(c) The concurrency determination was procured by misrepresentation or lack of material disclosure or the data and/or analysis upon which the concurrency determination was made are found to have gross material errors and/or misrepresent the existing or future road system or the development's impact on that road system;

(d) More than one year has elapsed since the concurrency determination and the SEPA threshold determination for the development has not been made; or

(e) The developer proposes a change in the development after approval.

(2) Any development requiring an additional concurrency determination pursuant to SCC 30.66B.150(1) due to a change to the development or at the request of a developer will be subject to an additional review fee at the rate identified as the base review fee in SCC 13.110.030.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.155 Concurrency determination- expiration.

(1) The concurrency expiration date for a development shall be six years after the concurrency determination date, except

(a) When it is determined by the director of public works that an earlier concurrency expiration date should be established due to the impact of the development on level-of-service conditions;

(b) When a later concurrency expiration date is established in accordance with SCC 30.66B.810; and

(c) The concurrency expiration date for a binding site plan may, at the request of the applicant, be established as the date of the latest certificate of occupancy for the development as proposed by the applicant, provided that the same or later date is used for the forecast year in the traffic study for determining impacts on level-of-service in accordance with SCC 30.66B.145.

(2) The concurrency expiration date shall be based upon the size of the development, the level of service of impacted arterial units, and shall be consistent with the level-of-service standards and revenue/expenditure forecast adopted in the comprehensive plan.

(3) Building permits for a development must be issued prior to expiration of the concurrency determination for the development, except when

(a) The development is a residential subdivision or short-subdivision, in which case the subdivision or short-subdivision must receive preliminary approval prior to expiration of the concurrency determination, or

(b) The development is a residential development which requires site plan approval, in which case the site approval must be issued prior to expiration of the concurrency determination, or

(c) The development is a conditional or administrative conditional use permit with no associated building permits, in which case the conditional or administrative conditional use permit must be issued prior to expiration of the concurrency determination for the development.

(4) No additional concurrency determination is required for residential dwellings within a subdivision or short subdivision that receives preliminary approval in compliance with this section.

(5) If a concurrency determination expires, or within one year will expire, the director of public works shall,

at the request of the developer, consider evidence that conditions have not significantly changed, make a new concurrency determination, and may establish a new concurrency expiration date in accordance with this section. If the concurrency determination for a binding site plan has expired, subsequent building permit applications for development within the binding site plan will be evaluated for concurrency as stand-alone development applications in accordance with SCC 30.66B.100 - .185.

(6) A concurrency determination is tied to the development application upon which the determination is made, cannot be transferred to another development application, and always expires in cases in which the underlying development application expires.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-127, Nov. 5, 2003, Eff date Nov. 17, 2003*see Code Reviser Note at beginning of Chapter)

30.66B.160 Concurrency determination- arterial unit in arrears or at ultimate capacity.

(1) If a development is proposed within a transportation service area which contains one or more arterial units in arrears and/or designated ultimate capacity arterial units, then the development may only be determined to be concurrent based on a trip distribution to determine the impacts of the development. The director of public works shall not determine concurrent any development generating more than fifty peak-hour trips which would likely impact an arterial unit in arrears or likely cause any arterial unit to fall into arrears, except when the developer proposes to remedy any arterial unit in arrears in accordance with SCC 30.66B.167.

(2) Impacts shall be determined based on each of the following:

(a) If the trip distribution indicates that the development will not place three or more peak-hour trips on any arterial units in arrears and/or designated ultimate capacity arterial units, then the development shall be deemed concurrent;

(b) If the trip distribution indicates that the development will place three or more peak-hour trips on any arterial unit in arrears, then the development shall not be determined concurrent except in accordance with SCC 30.66B.167;

(c) If the trip distribution indicates that the development will place three or more peak-hour trips on any designated ultimate capacity arterial unit, then the development shall be determined concurrent only if the development proposes to mitigate its road system impact by making access management and circulation provisions for the arterial unit consistent with any access management and circulation plan adopted pursuant to SCC 30.66B.110(1)(a) and will be required to provide additional mitigation through either of the following:

(i) by providing sufficient transportation demand management (TDM) measures under SCC 30.66B.610-.650 to indicate the potential for removing a minimum of ten percent of the development's peak-hour trips from the road system; or

(ii) by meeting the department of public works' criteria for transit compatibility in accordance with the director of public works' administrative rules, provided that under this option the impacted ultimate capacity arterial unit must also meet the criteria for transit supportive design.

(d) If the trip distribution indicates that the development will place three or more peak-hour trips on any designated ultimate capacity arterial unit that directly connects a state highway with a city, and there is an interlocal agreement as specified in 30.61.230(6) between the county and the city addressing the designated ultimate capacity arterial unit, then the development shall be determined concurrent only if proposed mitigation is consistent with the terms of the interlocal agreement. If there is no interlocal agreement between the county and the city addressing the designated ultimate capacity arterial unit, then this requirement shall not apply.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.66B.165 Arterial unit in arrears- special circumstances.

Where the only remedy to an arterial unit in arrears is the installation of a traffic signal, but signalization warrants contained in the current edition of the manual on uniform traffic control devices are not met at present, developments impacting the arterial unit will be allowed to proceed without the installation of the traffic signal; PROVIDED, That all other warranted level-of-service and transit related improvements are made on the arterial unit with the deficient level-of-service. Developments impacting such arterial units will not be issued building permits until the improvements (not including the traffic signal) to the level-of-service deficient arterial unit are under contract or being performed. Such developments will still be subject to all other obligations as specified in this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.166 Public Facilities Supporting Residential Development Deemed Concurrent Pursuant to SCC 30.66B.103(2)

(1) If a public facility needed to support residential development is deemed concurrent pursuant to SCC 30.66B.103(2), then the development will be required as a condition of approval to take measures to increase the efficiency of the existing road system and preserve capacity by either:

(a) providing sufficient transportation demand management (TDM) measures under SCC 30.66B.610--.650 to indicate the potential for removing a minimum of ten percent of the development's peak-hour trips from the road system, or

(b) by meeting the adopted criteria for a transit compatible development in accordance with the director of public works' administrative rules, provided that under this option the impacted arterial unit must meet the adopted criteria for transit supportive design.

(Added Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.167 Concurrency determination- options when a development is not concurrent.

Any development determined not to be concurrent shall have the following options available:

(1) A development which meets the department's criteria for transit compatibility, shall be determined concurrent

(a) If the impacted arterial unit in arrears meets the criteria for transit supportive design in accordance with the director of public works' administrative rule developed pursuant to SCC 30.66B.080;

(b) If the level of service on the impacted arterial unit in arrears meets the LOS standards adopted within the comprehensive plan, and

(c) The development can otherwise be determined to be concurrent in accordance with SCC 30.66B.160.

(2) A development may modify its proposal to lessen its impacts on the road system in such a way as to allow the director of public works to determine the development concurrent. Any modification of the proposal must be submitted in writing to the department of public works. The director of public works will review the modified proposal and make a new concurrency determination pursuant to SCC 30.66B.150. If determined concurrent, the department of public works will attach the new concurrency determination to its recommendation made pursuant to SCC 30.66B.050, and recommend any of the following conditions proposed by the developer:

(a) Deferral of construction of all or identified subsequent phases of a development until such time as the county has a financial commitment for or has made capacity improvements which would remedy any arterial unit in arrears; or

(b) Deferral of construction of all or identified subsequent phases of a development until such time as the developer constructs capacity improvements which would remedy any arterial unit in arrears. To propose this

condition, the developer must demonstrate compliance with SCC 30.66B.170.

(3) The developer may request through the docketing process established in chapter 30.74 SCC an amendment to the comprehensive plan to allow for lower density development, if a lower density would allow the development to achieve concurrency.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended byAmended Ord. 10-022, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.66B.170 Arterial unit in arrears or inadequate road conditions- developer constructed improvements.

(1) If a developer chooses to mitigate the development's impact by constructing offsite road improvements to remedy the arterial unit in arrears or inadequate road condition, the developer must investigate the impact, identify improvements, and offer a construction plan to the director for construction of the offsite improvements. Construction of improvements shall be in accordance with the EDDS and the procedures of Title 13 SCC.

(2) In cases where two or more developers have agreed to fully fund a certain improvement, the developers must supply the department of public works with a written agreement, binding on each development as a condition of approval. The agreement shall address the proportionate share of the cost that each developer will bear and the timing of construction of the improvements.

(3) Any developer who volunteers to construct offsite improvements which are part of the cost basis of any impact fee imposed pursuant to this chapter will have the value of those improvements, as determined in the cost basis contained in the transportation needs report, credited against the impact fee. If the value of the offsite improvement is greater than the amount of the impact fee imposed, the developer may apply for a latecomer's agreement under the provisions of chapter 13.95 SCC or propose the establishment of a road improvement district (RID) under the provisions of chapter 13.140 SCC.

(4) Any developer who volunteers to construct offsite improvements which are not part of the cost basis of any impact fee imposed pursuant to this chapter may apply for a latecomer's agreement under the provisions of chapter 13.95 SCC or propose establishment of a road improvement district (RID) under the provisions of chapter 13.140 SCC.

(5) Any developer who chooses to mitigate a development's impact by constructing offsite improvements may propose to the director of public works that a joint public/private partnership be established to jointly fund and/or construct the proposed improvements. The director of public works will determine whether or not such a partnership is to be established.

(6) Construction of capacity improvements under this section must be complete or under contract prior to the issuance of any building permits and must be complete prior to approval for occupancy or final inspection; PROVIDED, That where no building permit will be associated with a conditional or administrative conditional use permit, then construction of improvements is required as a precondition to approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.175 Optional pre-application concurrency evaluation.

(1) Prior to submitting an application, any developer may request a pre-application concurrency decision in accordance with the requirements of this section. All requirements of this chapter applicable to pre-submittal conferences shall apply to pre-application concurrency evaluations, unless expressly excepted in this section.

(2) A request for a pre-application concurrency evaluation must be made to the department of public works in accordance with the following and in the form and manner prescribed by the department. A pre-application concurrency evaluation is a Type 1 decision and shall be processed in accordance with chapter 30.71 SCC, except as otherwise provided in this chapter and SCC 30.66B.180.

(a) The developer must provide the department of public works with a detailed description of the proposed development's maximum possible impact on the level-of-service of the road system. The information provided must include projected trip generation and trip distribution, as well as site plan information indicating access points for the development.

(b) The developer must propose a year of expiration date for the requested concurrency determination, which shall be used as the forecast year for the evaluation of future level-of-service conditions on the road system. The expiration date for any concurrency determination issued pursuant to this section for a subsequent development application shall be in accordance with SCC 30.66B.155 and the forecast year used for the pre-application concurrency evaluation.

(c) The developer shall provide a traffic study consistent with SCC 30.66B.035. The department of public works will meet with the developer to identify the scope of the traffic study required to make the pre-application concurrency decision.

(d) Application for a pre-application concurrency evaluation shall be accompanied by a fee payment in the amount specified in SCC 13.110.030. For purposes of SCC 13.110.030, a request for a pre-application concurrency evaluation shall be considered a development application.

(3) Following receipt of a traffic study that meets the requirements established in the pre-application concurrency scoping meeting, notice of the request for a pre-application concurrency evaluation shall be made in accordance with the procedures of SCC 30.70.050. The department of public works will have fourteen (14) days following the close of the public and agency comment period to make a pre-application concurrency decision.

(4) Pre-application concurrency evaluations shall be consistent with the requirements of SCC 30.66B.130, except that the threshold for requiring a traffic study shall be three peak-hour trips instead of fifty (50) peak-hour trips.

(5) A pre-application concurrency evaluation is an action subject to the requirements of chapter 30.61 SCC.

(6) If the department of public works' pre-application concurrency decision is that the proposed development can be determined concurrent, the department will issue a pre-application concurrency approval. If the pre-application concurrency decision is that the proposed development cannot be determined concurrent, the department shall notify the developer in writing of the decision and the reasons therefore. The developer shall have 90 days from such notification to respond with revisions or alternative analyses or proposals. Responses may include revisions to the traffic study, alternative analysis of the conclusions drawn by the department, or utilization of options under SCC 30.66B.167. A response shall be treated like a new application for a pre-application concurrency decision.

(7) The department of planning and development services shall provide notice of the department of public works' pre-application concurrency decision and the time period for filing an administrative appeal in accordance with SCC 30.71.050. The pre-application concurrency decision may be appealed pursuant to SCC 30.66B.180.

(8) A development with a pre-application concurrency approval that is valid at the time of application submittal will be deemed concurrent under SCC 30.66B.135 without further review, provided that the administrative appeal period for the concurrency approval has expired or the concurrency approval has been upheld on appeal and there is no further opportunity for administrative or judicial review.

(9) Concurrency determinations for developments that received a pre-application concurrency approval shall not be subject to further administrative review or appeal during project review, including review pursuant to the State Environmental Policy Act (SEPA).

(10) A pre-application concurrency approval shall be valid only for subsequent development applications for the same parcel of property and where the maximum possible impact on the level-of-service of the road system established in the pre-application concurrency approval is not exceeded by the proposed development. A pre-application concurrency approval cannot be transferred to a different parcel of property.

(11) Pre-application concurrency approvals under this subsection shall be valid for six months following the

notice of decision unless an appeal is pending, in which case the approval shall be valid for six months following resolution of all appeals.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-127, Nov. 5, 2003, Eff date Nov. 17, 2003*see Code Reviser Note at beginning of Chapter; Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.177 Interlocal agreement with state, cities, and counties.

(1) Any level-of-service standards and concurrency requirements established in accordance with RCW 36.70A.070 for state highways will be addressed by a letter of understanding or an interlocal agreement as specified in SCC 30.61.230(6), between the county and the Washington state department of transportation (WSDOT). A development will be required to mitigate impacts on roads under the jurisdiction of the WSDOT that are part of the road system, in accordance with SCC 30.66B.710. The mitigating measures recommended by WSDOT will be imposed as a condition of development approval to the extent that such requirements are reasonably related to the impact of the proposed development and consistent with the terms of an interlocal agreement as specified in SCC 30.61.230(6) between the county and the WSDOT.

(2) Any level-of-service standards and concurrency requirements established in accordance with RCW 36.70A.070 for roads under the jurisdiction of a city or another county will be addressed by an interlocal agreement as specified in SCC 30.66B.230(6), between the county and the other city or county. A development will be required to mitigate impacts on roads under the jurisdiction of cities or other counties that are part of the road system, in accordance with SCC 30.66B.720. The mitigating measures recommended by the city or other county will be imposed as a condition of development approval to the extent that such requirements are reasonably related to the impact of the proposed development and consistent with the terms of an interlocal agreement as specified in SCC 30.61.230(6) between the county and the other agency.

*Code Reviser Note: Amended Ordinance No. 10-072 corrected several code references in SCC 30.66B.177 but failed to include the following text of SCC 30.66B.177(2): "30.66B.230(9), between the county and the other city or county. A development will be required to mitigate impacts on roads under the jurisdiction of cities or other". This material is retained pursuant to SCC 1.02.020(2)(g).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.66B.180 Concurrency determination review or appeal.

(1) A person may seek review of or appeal a pre-application concurrency decision or a concurrency determination as provided in this section. No review or appeal is provided for a concurrency determination made pursuant to SCC 30.66B.135. The scope and standard for review of the pre-application concurrency decision or concurrency determination is as provided in SCC 30.66B.185.

(2) Any aggrieved person may request the hearing examiner to review a concurrency determination that is associated with an underlying Type 2 application at the open record hearing for the Type 2 application, except as provided in SCC 30.66B.175(9).

(a) The department of planning and development services shall provide notice of the concurrency determination. The notice shall be combined with the notice of public hearing for the underlying application provided pursuant to SCC 30.72.030 and shall reference the standard for review of a concurrency determination in SCC 30.66B.185.

(b) The aggrieved person must provide written documentation to the hearing examiner demonstrating why the concurrency determination fails to satisfy the requirements of this chapter.

(c) The decision of the hearing examiner is final and conclusive with an optional right of reconsideration

as provided in SCC 30.72.065 and may then be appealed by an aggrieved party of record to the county council pursuant to SCC 30.72.070 together with an appeal of the underlying permit or approval decision.

(3) Any aggrieved party of record may appeal a concurrency determination associated with an underlying Type 1 decision, except as provided in SCC 30.66B.175(9). Any such appeal shall be processed as an appeal of a Type 1 decision in accordance with chapter 30.71 SCC.

(a) The department of planning and development services shall provide notice of the concurrency determination and the time period for filing an administrative appeal in accordance with SCC 30.71.040.

(b) An open record appeal hearing conducted pursuant to this subsection shall be consolidated with any other open record appeal hearing relating to the underlying permit or approval decision.

(4) Any person may appeal a concurrency determination associated with a project permit application that is not otherwise subject to administrative appeal, except as provided in SCC 30.66B.175(9). Any such appeal shall be processed as an appeal of a Type 1 decision in accordance with chapter 30.71 SCC. The department of planning and development services shall provide notice of the concurrency determination and the time period for filing an administrative appeal in accordance with SCC 30.71.050.

(5) Any aggrieved person may appeal a pre-application concurrency decision made pursuant to SCC 30.66B.175 by filing an appeal of a Type 1 decision in accordance with SCC 30.71.050. The appeal shall follow the procedure specified in SCC 30.66B.180(2), (3), or (4) depending on whether the development to be applied for will require a Type 2 decision, a Type 1 decision, or a project permit application that is not subject to administrative appeal, except that consolidation with the underlying application or appeal of the underlying permit or approval decision is not required or permitted.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 06-093, Nov. 8, 2006, Eff date Nov. 26, 2006)

30.66B.185 Concurrency determination - standard of review.

A concurrency determination by the department creates a rebuttable presumption of validity. The hearing examiner may vacate a concurrency determination upon a showing that the determination is clearly erroneous. The department of public works' professional judgment and expertise shall be entitled to substantial weight. The party challenging the concurrency determination shall have the burden of proof.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.210 Inadequate road condition determination and requirements.

(1) Regardless of the existing level of service, development which adds three or more p.m. peak-hour trips to a location in the road system determined to have an existing inadequate road condition (IRC) at the time of imposition of mitigation requirements, or development whose traffic will cause an IRC at the time of full occupancy of the development, must eliminate the IRC. To eliminate an inadequate road condition means to make sufficient changes to the road system to allow the county engineer to determine that the location no longer constitutes an inadequate road condition.

(2) If a developer wishes to challenge the department's determination that the development adds three or more p.m. peak-hour trips through any IRC location on the road system, the developer may submit a traffic distribution analysis in accordance with SCC 30.66B.035. If the traffic distribution analysis shows that the development does not add three or more p.m. peak-hour trips through the IRC location, the application for the development will be allowed to proceed with no obligation to eliminate an IRC.

(3) If a location uninvestigated by the department of public works is brought to the attention of the hearing body at public hearing as a potential IRC, the hearing body shall determine if investigation is warranted and if so, the hearing body shall not conclude the hearing until the location has been investigated and a determination of its status made by the county engineer. The county engineer's investigation shall occur within 14 days of the

identification of the potential IRC, or within 14-days of submission of a traffic study by the developer, if the county engineer determines one is required.

(4) The county engineer shall determine whether or not a location constitutes an IRC in accordance with department of public works administrative rule. The county engineer's determination that a location constitutes an IRC is final and is not subject to review or appeal pursuant to SCC 30.66B.820, but the effect of an IRC location determination on a development may be appealed in accordance with SCC 30.66B.820.

(5) A development's access onto a public road shall be designed so as not to create an IRC. Developments shall be designed so that IRCs are not created.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.220 Improvements to remove inadequate road conditions.

(1) Improvements to remove the inadequate road condition (IRC) must be complete or under contract before a building permit for the development will be issued and the road improvement must be complete before any certificate of occupancy or final inspection will be issued. When no building permit is associated with the development, such as development requiring a conditional use permit or administrative conditional use permit, improvements removing the IRC must be completed as a precondition to approval.

(2) A developer may opt to eliminate an IRC by constructing offsite road improvements in accordance with SCC 30.66B.170.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.310 Road system impact fee.

(1) A development shall mitigate its impact upon the future capacity of the road system by paying a road system impact fee reasonably related to the impacts of the development on arterial roads located in the same transportation service area as the development, at the rate identified in SCC 30.66B.330 for the type and location of the proposed development. A development's road system impact fee will be equal to the development's new average daily traffic (ADT), based on the latest edition of the ITE Trip Generation report published by the Institute of Transportation Engineers, times the per trip amount for the specific transportation service area identified in SCC 30.66B.330, except that the following adjustments may be made:

(a) In accordance with RCW 82.02.060(4), the director of public works shall have the authority to adjust the amount of the impact fee to consider unusual circumstances in specific cases to ensure that impact fees are fairly imposed;

(b) In accordance with RCW 82.02.060(5), the director of public works shall have the authority to adjust the amount of the impact fee to be imposed on a particular development to reflect local information when available, including studies and data submitted by the developer; and

(c) Adjustments will be made for trip reduction credits approved under SCC 30.66B.640 - .650.

(2) As required by RCW 82.02.060(3), credit against a development's road system impact fee shall be provided for dedication of land for, improvement to, or construction of any capacity improvements that are identified in the transportation needs report as part of the road system impact fee cost basis and are imposed by the county as a condition of approval.

(3) As provided for by RCW 82.02.060(2), exemption from road system impact fees may be provided for low income housing and other development with a broad public purpose, provided that the road system impact fee for such development is paid from public funds other than impact fee accounts. The developer requesting the exemption shall be responsible for identifying the source of and securing the availability of such public funds.

(4) Developments which are determined to cause a greater reduction in ADT on the road system than the number of new ADT generated by the development, by promoting the use of transit or other means, will be determined to generate no new ADT for the purpose of determining the developments road system impact fee.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.315 Comprehensive plan amendment- analysis of change in capacity needs.

Any comprehensive plan amendment proposed in conjunction with a development proposal will include in its environmental impact analysis the change in capacity needs, as a result of the proposed plan amendment, of all arterial roads impacted by 25 or more p.m. peak hour trips generated by the development irrespective of the boundaries of the transportation service area wherein the plan amendment is located and not limited to the road system as defined in chapter 30.91R SCC. Any increases in the capacity needs of the roads analyzed will be considered an impact caused by the plan amendment and will be mitigated as a requirement of development approvals if the plan amendment is allowed.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.320 Road system impact fee-cost basis.

(1) The road system impact fees will be collected and spent for capacity improvements on facilities that are addressed by the county's capital facilities plan. In accordance with RCW 82.02.050(3), the impact fees:

(a) Shall only be imposed for system improvements that are reasonably related to the new development;

(b) Shall not exceed a proportionate share of the costs of the system improvements reasonably related to the new development;

(c) Shall be used for system improvements that will reasonably benefit the new development.

(2) The road system impact fee cost basis is established in the transportation needs report. The estimated cost of capacity improvements that are reasonably related to the impacts of new development, and that will reasonably benefit new development, will be identified in the transportation needs report for each transportation service area. Capacity improvements to facilities under the jurisdiction of the Washington State Department of Transportation (WSDOT), a city or another county may be included when consistent with the terms of an interlocal agreement as specified in SCC 30.61.230(9). The road system impact fee cost basis is subject to the following adjustments:

(a) As required by RCW 82.02.060(1)(b), the impact fee cost basis will be adjusted to provide a credit for taxes (excluding impact fees imposed under this section) paid by new development which help pay for the identified capacity improvements.

(b) Consideration shall be given to other funds available to pay for the capacity improvements included in the impact fee cost basis.

(c) The impact fee cost basis may include costs previously incurred by the county for capacity improvements for which excess capacity exists.

(3) The amount of the impact fee will be determined for each transportation service area, based on and not to exceed, the impact fee cost basis divided by the number of new daily vehicle trip ends generated, as identified in the transportation needs report.

(4) Improvements needed to remedy any level-of-service deficiencies in facilities serving current uses will not be included in the impact fee cost basis.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.330 Fee schedule.

30.66B.330 Fee schedule.

LOCATION Transportation Service Area (TSA)	TYPE Residential/ Commercial	NEW TRIP AMOUNT Developments Inside the Urban Growth Area (UGA)	Developments Outside the Urban Growth Area (UGA)
A	RESIDENTIAL	$242	$264
A	COMMERCIAL	$206	$227
B	RESIDENTIAL	$364	$397
B	COMMERCIAL	$309	$343
C	RESIDENTIAL	$152	$166
C	COMMERCIAL	$129	$142
D	RESIDENTIAL	$267	$291
D	COMMERCIAL	$227	$252
E	RESIDENTIAL	$230	$252
E	COMMERCIAL	$196	$216
F	RESIDENTIAL	$230	$252
F	COMMERCIAL	$196	$216

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.340 Timing of road system impact fee payment.

(1) Payment of a road system impact fee is required prior to building permit issuance except as provided in SCC 30.66B.340(3). Where no building permit will be associated with the development, such as a development requiring a conditional or administrative conditional use permit, payment is required as a precondition to approval. For a binding site plan for which the concurrency expiration date is more than six years after the concurrency determination date, one-half of the payment is required prior to recording of the binding site plan with record of survey.

(2) The amount of the road system impact fee payment shall be based upon the rate in effect at the time of filing of a complete application for development.

(3) Payment of the road system impact fee required for a detached single-family residential dwelling constructed for resale may be deferred from the time of building permit issuance, but shall be paid in full either upon the closing of the sale of the property, or 18 months from the date of issuance of the original building permit, whichever is earlier, or prior to any occupancy of the structure if the property owner elects to retain ownership and not sell the property. The department shall allow an applicant to defer payment of a road system impact fee when, prior to the issuance of the building permit, the applicant:

(a) Submits a signed and notarized deferred impact fee application and acknowledgement form for either an individual detached single-family residential dwelling, or a group of detached single-family residential dwellings in the same development, for which the property owner wishes to defer payment of road system impact fees; and

(b) Pays a non refundable $250.00 administration fee for each deferred impact fee application; and

(c) Records a lien for impact fees against the property in favor of the county in the total amount of all deferred impact fee(s). The lien for impact fees shall:

(i) Be in a form approved by the county; and

(ii) Include the legal description, tax account number and address of the individual lot; or

(iii) Include the legal description, tax account number and address for each lot if the lien will encumber all lots in a development where the impact fee has not been paid.

(4) If the dwelling will be located within a subdivision or short subdivision, the subdivision or short subdivision shall be recorded prior to recording the lien for impact fees and issuance of the building permit.

(5) A single deferred impact fee application, administration fee, and lien for impact fees will be required when the applicant requests deferral of both road system impact fees and park and recreation impact fees under SCC 30.66A.020, either on an individual lot basis or for all lots in a development where the impact fees have not been paid.

(6) Payment of deferred road system impact fees shall be made by cash, escrow company check, cashiers check, certified check, or credit card.

(7) Upon receipt of payment of deferred mitigation fees the department will generate and execute a seperate lien release for each individual detached single-family residential dwelling. The property owner, at their expense, will be responsible for recording each separate lien release.

(8) Compliance with the requirements of the deferral option shall constitute compliance with subdivision or short subdivision conditions pertaining to the timing of the impact fee payment.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-127, Nov. 5, 2003, Eff date Nov. 17, 2003*see Code Reviser Note at beginning of Chapter; Amended by Ord. 10-085, Oct. 20, 2010, Eff date Dec. 4, 2010)

30.66B.350 Administration of road system impact fee payments.

(1) Any road system impact fee payment made pursuant to this chapter shall be held in a reserve account and shall be expended to fund improvements on the road system in accordance with chapter 82.02 RCW.

(2) An appropriate and reasonable portion of payments collected may be used for administration of this chapter.

(3) Any refund of a road system impact fee due to a developer shall be administered in accordance with chapter 82.02 RCW and this section. Any refund approved under this section, or following an administrative appeal as provided in SCC 30.66B.370, shall be made to the current property owner at the time the refund is authorized, unless the current property owner releases the county from any obligation to refund the current property owner. A developer may request and shall receive a refund, including interest earned on the impact fees, when the developer does not proceed with the development activity and no impact has resulted. Recording of a subdivision or short subdivision, or a binding site plan with a record of survey constitutes proceeding with development activity for the purpose of refund applicability.

(4) A developer shall pay a road system impact fee under protest in order to obtain a permit or other approval for development while reserving the right to challenge the road system impact fee pursuant to SCC 30.66B.370. Any developer protest to payment of the impact fee must be submitted in writing concurrently with payment. Failure to provide such written protest at the time of fee payment shall be deemed a withdrawal of any appeal filed under SCC 30.66B.370.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.360 Relationship between impact fees and special district fees.

(1) This chapter does not preclude the establishment of road improvement districts, local improvement districts, transportation benefit districts, or similar governmental funding mechanisms for the construction of specific transportation improvements.

(2) If a special district is formed to provide for the construction of an improvement as identified in the impact fee cost basis of the transportation needs report, the assessment or fee required by the special district for the specific improvement will be compared to the impact fee payment that would otherwise be imposed. If the

special district fee is the same or greater than the amount of the impact fee payment, the impact fee will be considered paid through the special district fee. If the special district fee is less than the amount of impact fee payment, the amount of the impact fee payment will be reduced by the value of the special district fee.

(3) If a special district is formed for improvements that are not identified as part of the transportation needs report, then a development will be required to pay the special district fee in addition to payment of any impact fee imposed under this chapter.

(4) If the improvement to be built by the special district is in the transportation needs report but completely or partially out of the development's road system, the special district fee shall offset the impact fee only in proportion to the cost of the portion of the special district improvement that is located in the development's road system.

(5) Impact fee payments for those properties affected by special districts, as described above, established prior to February 9, 1991, shall be administered in the same manner as described in this section. If properties are subdivided, impact fee payments shall be compared against the applicable, corresponding, proportionate special district fees.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.370 Review of impact fees.

(1) Any person aggrieved by a decision applying an impact fee under this chapter to a development application and who has filed a written protest in accordance with SCC 30.66B.350 may appeal the decision to the hearing examiner using the procedures established in SCC 30.71.050. Where there is an administrative review or appeal process before the hearing examiner for the underlying application, an appeal of an impact fee imposed pursuant to this chapter must be combined with administrative review or appeal of the underlying application. Where there is no administrative review or appeal process before the hearing examiner for the underlying application, the appeal shall be limited to application of the impact fee. The department of planning and development services shall provide notice of the decision to impose impact fees pursuant to this chapter for a Type 1 or 2 project application and the procedure for administrative review or appeal. Notice shall be provided in accordance with chapter 30.71 or 30.72 SCC, as may be applicable.

(2) At the hearing, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence. The impact fee may be modified upon a determination that it is proper to do so based on the application of the criteria contained in SCC 30.66B.310. Appeals under this section shall be limited to application of the impact fee provisions to the specific development activity for which application is made, and the provisions of this chapter shall be presumed valid.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.410 Frontage improvement requirements.

(1) All developments will be required to make frontage improvements along the parcel's frontage on any opened, constructed, and maintained public road. The required improvement shall be constructed in accordance with the EDDS, including correction of horizontal and vertical alignments, if applicable.

(2) The improvement standard will be established by the director of public works in accordance with SCC 30.66B.430 and as outlined in the department of public work's administrative rules on frontage improvements.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.420 Access and transportation circulation requirements.

(1) All developments will be required to:

(a) Provide for access and transportation circulation in accordance with the comprehensive plan and this chapter applicable to the particular development,

(b) Design and construct such access in accordance with the EDDS, and

(c) Improve existing roads that provide access to the development in order to comply with adopted design standards, in accordance with SCC 30.66B.430.

(2) Access to state highways and city streets shall be in accordance with the applicable state or city standards and requirements.

(3) All developments that propose to take access via an existing public or private road which, for the vehicle trips projected to use the road after full occupancy of the development, is not designed and constructed in accordance with the EDDS, will be required to improve such road to bring it into compliance with the EDDS when the director of public works determines it necessary to provide for safety and the operational efficiency of the road. The extent of improvements will be established by the director of public works in accordance with SCC 30.66B.430.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.430 Extent of improvements.

(1) The extent of frontage improvements, offsite road improvements, or access and transportation circulation improvements necessary to meet the requirements of this chapter and Title 13 SCC will be established by the director of public works. The developer may be responsible for preparing any aspect of engineering design or investigation necessary to establish the extent of improvements if the director of public works does not have the design or investigation programmed or under way consistent with the development's schedule. The traffic study shall contain analysis of the extent of any improvements determined to be necessary by the director of public works.

(2) Design of improvements shall be in accordance with the EDDS. Where an interim or partial improvement is implemented through SCC 30.66B.440, the improvement design shall be compatible with the adopted standard.

(3) In determining improvements required, the director of public works will consider, with other relevant factors, the following:

(a) Extent of the development proposed;

(b) Priority of improvements to involved county roads in the county's six-year transportation improvement plan;

(c) Condition of existing transportation facilities in comparison to adopted standards;

(d) Existing and projected land uses and development densities;

(e) Current and projected levels of service on the affected road system;

(f) Availability of public transit;

(g) Any traffic study submitted;

(h) Availability of a specific improvement program;

(i) The number of dwelling units currently using the road system that must be improved and projected to use the road system after full occupancy of the development;

(j) The needs of low-income persons for decent, affordable, low-cost housing;

(k) Transportation system or demand management measures proposed by the developer;

(l) The need for pedestrian and bicycle facilities;

(m) Continuity with existing and proposed improvements;

(n) Development standards of adjacent cities;

(o) The need for safety improvements for school children; and

(p) The types, sizes and performance of vehicles generated by the development, including but not limited to large trucks.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.66B.440 Timing of improvements.

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.66B.510 Right-of-way requirements.

(1) A developer shall be required to dedicate, establish, or deed right-of-way to the county for road purposes as a condition of approval of a development, when to do so is reasonably necessary as a direct result of a proposed development, for improvement, use or maintenance of the road system serving the development.

(2) In cases where the dedication, establishment, or deeding of additional right-of-way cannot be reasonably required as a direct result of the proposed development but such right-of-way is necessary for future expansion of the public road system, the developer shall reserve the area needed for right-of-way for future conveyance to the county. Building setback and all other zoning code requirements will be established with respect to the reservation line rather than the deeded, established, or dedicated right-of-way line. The area reserved for right-of-way may be donated to the county or will be purchased by the county through a county road project.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.520 Right-of-way width.

(1) Right-of-way shall be dedicated, established, or deeded to provide sufficient right-of-way widths to accommodate road improvement needs. The standard right-of-way widths based on road classification as defined in the EDDS are:

Non-Arterials	
Access Streets-Urban Growth Area	50 feet
Access Roads-Rural Area	60 feet
Sub collector Streets-Urban Growth Area	50 feet
Sub collector Roads-Rural Area	60 feet
Collector Streets-Urban Growth Area	60 feet
Collector Roads-Rural Area	60 feet

Arterials	
Collector Arterials-Urban Growth Area	70 feet
Minor Collector-Rural Area	70 feet
Minor Arterials-Urban Growth Area	80 feet
Major Collector-Rural Area	80 feet
Principal Arterials-Urban Growth Area	100 feet
Principal or Minor Arterial Rural Area	100 feet

(2) Wider or narrower right-of-way widths than the standard may be required as determined by the county engineer, based on one or more of the following criteria:

(a) Contents of the transportation element of the comprehensive plan, including but not limited to the provision of safe and efficient movement of pedestrians, equestrians and bicyclists with emphasis on transit facilities, schools, and parks and scenic areas;

(b) The likelihood of maintenance of sidewalks, walkways, trails, bikeways or planters outside of public right-of-way;

(c) An adopted design report, roadway design or right-of-way plan which calls for a different right-of-way width for the road under investigation;

(d) Nature of the roadway and road involved, and its impact on neighboring properties including width, slopes, cuts, fills, vertical and horizontal curvature, sight distance at intersections, and the nature of the development and the land upon which it is situated;

(e) EDDS requirements including but not limited to land alteration, site access, road types and geometrics, road elements and roadside features, drainage and utilities;

(f) Any other factors affecting the health, safety, property and general welfare of the public, including users of the roads, sidewalks, walkways, trails or bikeways and the development; and

(g) The provision of adequate public transit facilities.

(3) Right-of-way widths may not be reduced for arterials below the following minimums without express approval from the county council:

(a) Collector Arterials-Urban Growth Area 60 feet;

(b) Minor Collector-Rural Area 60 feet;

(c) Minor Arterials-Urban Growth Area 70 feet;

(d) Major Collector-Rural Area 70 feet;

(e) Principal Arterials-Urban Growth Area 80 feet; and

(f) Principal or Minor Arterial-Rural Area 80 feet.

(4) The county engineer is authorized to include in the EDDS standard drawings depicting the standard right-of-way widths and modification criteria as contained within this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.530 Compensation for right of way and improvements.

(1) A developer shall be compensated for right-of-way dedicated, established or deeded when the right-of-way

(a) Is not necessary for the use and convenience of the occupants or users of the development; or

(b) Is necessary for the construction of improvements identified in the transportation needs report and included as part of the cost basis of any road system impact fee imposed under this chapter.

(2) For purposes of SCC 30.66B.530(1)(a), the minimum right-of-way or improvements that are necessary

for the use and convenience of the occupants or users of the development shall include

(a) A two-lane road for access;

(b) Frontage improvements in accordance with this chapter; and

(c) Property located within 30 feet of the centerline of the right-of-way, as determined by the department of public works.

(3) Compensation for right-of-way dedicated, established, or deeded shall be provided as a credit against any road system impact fee payment imposed under this chapter, except where the value of the right-of-way is greater than the impact fee payment, in which case compensation for the balance between the value of the right-of-way and the impact fee payment shall be by payment. Nonmonetary compensation such as development alternatives may be provided in lieu of credit and/or payment where agreed to by the director of public works and the developer.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.540 Dedication, establishment, or deeding of right-of-way- timing.

(1) Right-of-way shall be dedicated, established, or deeded prior to building permit issuance, except as follows:

(a) For rezone applications accompanied by an official site plan, as a precondition of approval;

(b) For binding site plans, subdivisions or short-subdivisions, prior to the time of recording; or

(c) For conditional use or administrative conditional use permits for which no building permit is associated, as a precondition to approval.

(2) If more than one of SCC 30.66B.540(1)(a)-(c) apply, the right-of-way shall be dedicated or deeded at the earliest stage of development.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.610 Transportation demand management- general.

(1) Transportation demand management (TDM) is a strategy for reducing vehicular travel demand, especially by single occupant vehicles during commuter peak hours. TDM offers a means of increasing the ability of transportation facilities and services to accommodate greater travel demand without making expensive capital improvements. This is a particularly important strategy in cases where road facilities have already reached the practical limit for physical expansion, congestion is severe, and projections for future traffic indicate continued growth.

(2) TDM employs a wide range of measures to increase the use of ridesharing, carpools, vanpools, transit and non-motorized transportation such as bicycling and walking. Transportation coordinators, ride match assistance, preferential parking, flextime, transit subsidies, increased parking fees, reduced parking supply, and provision of shuttle services in areas lacking transit service are examples of TDM measures. TDM measures can be characterized either as site-design features facilitating TDM compatibility which consist of fixed physical features in site design or capital facilities, and programmatic measures specific to users of the sites (e.g., employers, customers, clients).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.615 Transportation demand management- calculation of TDM obligations.

In calculating the amount of a development's TDM obligation under this chapter, the cost of removing one peak hour trip from the road system is approximately $6,500. For a development required to provide TDM pursuant

to SCC 30.66B.160 or SCC 30.66B.630, the development's TDM obligation will equal $6,500 times the required trip reduction percentage times the development's peak-hour trip generation.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 07-116, Dec. 18, 2007, Eff date Dec. 28, 2007)

30.66B.620 Transportation demand management - construction of offsite TDM measures.

(1) A development may satisfy a requirement under SCC 30.66B.160 or SCC 30.66B.630 to provide TDM by constructing a specific offsite TDM measure which has value equal to or greater than the development's TDM obligation as calculated under SCC 30.66B.615.

(2) The offsite improvement must be selected from a list maintained by the department of public works. The list shall specify capital improvements for each TSA and shall be updated periodically in consultation with transit agencies. The developer's choice of improvements is subject to review and approval by the county. The list of capital improvements may include, but are not limited to:

(a) Construction of new park and ride lots or expansion of existing park and ride lots;

(b) Construction of miscellaneous high occupancy vehicle (HOV) facilities such as HOV lanes, bus pullouts, bus-stop shelters, queue bypasses, etc;

(c) Purchase of HOVs such as vans or buses for transit companies; and

(d) Construction of pedestrian facilities connecting development with major activity centers and/or transit facilities.

(3) TDM measures constructed under this section must be constructed before any certificate of occupancy or final inspection will be issued.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.625 Transportation demand management- voluntary payment.

(1) A development may satisfy a requirement under SCC 30.34A.080, SCC 30.66B.160 or SCC 30.66B.630 to provide Transportation Demand Management (TDM) by making a voluntary payment equal to the development's TDM obligation as required pursuant to SCC 30.66B.615.

(2) Funds received by the department for TDM measures will be placed in special accounts with the transportation mitigation fund to be used exclusively for identified TDM measures. The county may construct or purchase these measures or, upon establishment of appropriate interlocal agreements, may transfer the monies to transit agencies for construction or purchase of specific TDM measures. The collection and administration of any funds shall be consistent with SCC 30.66B.350.

(3) Any payment under this section must be made at the time specified in SCC 30.66B.340.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.66B.630 Transportation demand management - required.

(1) All new development in urban growth areas shall provide sufficient transportation demand management measures to indicate the potential for removing a minimum of five percent of a development's p.m. peak-hour trips from the road system. This requirement may be met by:

(a) Earning trip reduction credits for construction of onsite design features pursuant to SCC 30.66B.640;

(b) Construction of offsite TDM measures pursuant to SCC 30.66B.620; or

(c) A voluntary payment into an account established for the purpose of contributing to the construction or purchase of specific TDM measures pursuant to SCC 30.66B.625.

(2) A developer is encouraged to provide additional TDM measures through earning additional trip reduction credits to mitigate traffic impacts beyond the five percent minimum established in SCC 30.66B.630, as provided in SCC 30.66B.650.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.640 Transportation demand management- trip reduction credits for construction of onsite design features.

(1) A developer required to provide TDM in accordance with this chapter may fully or partially satisfy the requirement by earning trip reduction credits for onsite design features.

(2) The department of public works will allow a five percent trip reduction credit to any commercial development including multi-family residential deemed "TDM compatible" by incorporating all of the following on-site design features to the satisfaction of the department:

(a) A design for a basic circulation system that provides continuity of pedestrian systems related to the primary road network;

(b) A safe, convenient pedestrian facility that meets the EDDS that joins the front building entrance(s) directly with frontage improvements;

(c) A safe, convenient pedestrian facility that meets the EDDS that joins the front building entrance(s) with all other on-site front building(s) entrances;

(d) A safe, convenient pedestrian facility that meets the EDDS that joins building entrance(s) with any bus stop or pedestrian facility (e.g., commuter trail) located adjacent to the development;

(e) Where practicable and desirable for pedestrian access, provision of special easements to facilitate pedestrian circulation between the site and adjacent neighborhoods, schools, shopping areas, transit facilities, or other activity centers;

(f) Where practicable and desirable the use of minimum setbacks to reduce walking distances;

(g) Where practicable and desirable the placement of vehicle parking to the sides and the rear of the buildings;

(h) Where practicable and desirable lighting and weather protection for pedestrian facilities;

(i) For nonresidential developments, secure bicycle parking (preferably covered) spaces located near the front entrance(s) that number at least two percent of the development's calculated p.m. peak-hour trips; and

(j) For employment sites, signed preferential parking spaces for carpools or vanpools that number at least six percent of any employee parking spaces.

(3) The department of public works will allow a five percent trip reduction credit to any subdivision or short subdivision for single-family and/or duplex residential units deemed "TDM compatible" by incorporating all of the following on-site design features to the satisfaction of the department:

(a) A design for a basic circulation system that provides continuity of pedestrian systems related to the primary road network;

(b) A safe, convenient pedestrian facility that meets the EDDS that joins building entrance(s) with any bus stop or pedestrian facility (e.g., commuter trail) located adjacent to the development;

(c) Where practicable and desirable for pedestrian access, provision of special easements to facilitate pedestrian circulation between the site and adjacent neighborhoods, schools, shopping areas, transit facilities, or other activity centers;

(d) Where practicable and desirable, lighting and weather protection for pedestrian facilities; and

(e) An overall density of at least four dwelling units per gross acre.

(4) On-site features accepted for TDM compatibility in a mitigation proposal and/or measures with area-wide impacts allowed credits pursuant to SCC 30.66B.650(3) must be constructed before any certificate of occupancy or final inspection will be issued.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.650 Transportation demand management- eligibility for additional trip reduction credits.

(1) The department of public works will allow up to two percent additional trip reduction credits to any commercial development, including multi-family residential, for which the developer agrees to implement a voluntary trip reduction program, has deemed "TDM compatible" for on-site design pursuant to SCC 30.66B.630, and which constructs or incorporates bicycle facilities and reduced automobile parking spaces to the satisfaction of the department of public works.

(2) The department of public works will allow an additional five percent trip reduction credit to a development which voluntarily agrees to implement a trip reduction program as per SCC 32.40 and department of public works rules to the satisfaction of the department.

(3) The department of public works may allow to a development on a case-by-case basis up to five percent additional trip reduction credits for on-site measures with an area-wide impact not used to satisfy requirements under SCC 30.66B.650(2).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 07-116, Dec. 18, 2007, Eff date Dec. 28, 2007)

30.66B.660 Transportation demand management- procedure for submitting proposal for trip reduction credits.

(1) A developer opting to earn trip reduction credits as provided in SCC 30.66B.640 or .650 shall provide a TDM plan upon submittal of a development application. The TDM plan will describe the TDM measures proposed for the development. A developer choosing to construct offsite TDM measures pursuant to SCC 30.66B.620 or making a voluntary payment pursuant to SCC 30.66B.625 is not required to submit a TDM plan but must submit a written proposal pursuant to SCC 30.66B.055.

(2) The department of public works will review the TDM plan and determine the amount of trip reduction credits allowed.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.670 Trip reduction credits- how used.

(1) Trip reduction credits allowed to developers will be used in determining the development's traffic impacts. Approved trip reduction credits will be applied against a development's calculated vehicle trip generation including p.m. peak-hour trips and ADT. The adjusted vehicle trip generation number reflecting approved trip reduction credits may be used to determine one or more of the following:

(a) Any road system impact fee payment made pursuant to this chapter;

(b) Impacts for concurrency determinations pursuant to this chapter;

(c) Peak-hour trips impacting inadequate road conditions pursuant to SCC 30.66B210(1); or

(2) Developers required to provide TDM in accordance with this chapter may use approved trip reduction credits as follows:

(a) Developers may use trip reduction credits equal to or greater than the minimum required trip reduction percentage to completely satisfy a requirement to provide TDM.

(b) Developers may use trip reduction credits in an amount less than the minimum required trip reduction percentage to partially satisfy a requirement to provide TDM. Under this option, the amount of the developer's TDM obligation under SCC 30.66B.615 shall be reduced by a factor equal to the development's approved percent trip reduction credits divided by the minimum required trip reduction percentage.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.680 Trip reduction program- discontinuance.

A developer or future owner may choose to not implement or to discontinue a trip reduction program, or may cease to maintain onsite design features, by making a payment to the department of public works. The payment shall be equal to the amount of the discount(s) resulting from the initial credit to any road system impact fee payment or any TDM payment made pursuant to this chapter, with adjustments for inflation.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.710 Mitigation requirements for impacts to state highways.

When a development's road system includes a state highway:

(1) Mitigation requirements for impacts on state highways and at intersections of county roads with state highways will be established consistent with the terms of an inter-local agreement as authorized by SCC 30.61.230(6), between the county and the WSDOT, rather than by the provisions of this chapter;

(2) The director of public works will submit to the WSDOT the traffic study and/or any other information relating to the traffic impact of the development, and request a review under the WSDOT's mitigation policy. The WSDOT may review the material and recommend mitigation to the director of public works.

(3) The director of public works will review the WSDOT determined mitigation requests and, to the extent that such requirements are reasonably related to the impact of the proposed development, the director shall, as part of the director's recommendation under SCC 30.66B.050, recommend that the requirements be imposed. The approving authority will impose such mitigation measures as a condition of approval of the development in conformance with the terms of the interlocal agreement as specified in SCC 30.61.230(6), between the county and the WSDOT;

(4) A development which takes access from or has frontage on a state highway will be required to meet the WSDOT requirements for dedication or deeding of additional right-of-way, provision of access and construction of frontage improvements on the state highway as determined necessary by the WSDOT;

(5) Any payment to mitigate impacts on state highways must be made at the time specified in SCC 30.66B.340;

(6) Construction of improvements to mitigate impacts on state highways is required at the time specified by SCC 30.66B.440; and

(7) Right-of-way required for state highways shall be dedicated or deeded at the time specified by SCC 30.66B.540.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.66B.720 Mitigation requirements for impacts to city streets and roads in another county.

When a development's road system includes city streets or another county's roads:

(1) Mitigation requirements for impacts to city streets and roads in another county will be established consistent with the terms of an interlocal agreement as authorized by SCC 30.61.230(6), between the county and the appropriate jurisdiction.

(2) The director of public works shall forward to the representative of the appropriate jurisdiction the traffic study and any other information on traffic impact for any development whose road system includes that jurisdiction's streets or roads. The jurisdiction may review the material and recommend mitigation to the director of public works;

(3) The director of public works will review the jurisdiction's recommended mitigating measures and to the

extent that such requirements are reasonably related to the impact of the proposed development and consistent with the terms of the interlocal agreement, the director of public works shall, as part of the director's recommendation under SCC 30.66B.050, recommend that those requirements be imposed. The approving authority will impose such measures as a condition of approval of the development in conformance with the terms of the interlocal agreement;

(4) A development which takes access from or has frontage on a city street or another county's road will be required to meet the city's or county's requirements for dedication or deeding of additional right-of-way, provision of access and construction of frontage improvements on the city's street or county's road as determined necessary by the city or county;

(5) Any payment to mitigate impacts on city streets or another county's roads must be made at the time specified in SCC 30.66B.340;

(6) Construction of improvements to mitigate impacts on city streets or another county's roads is required at the time specified by SCC 30.66B.440; and

(7) Right-of-way required for cities' streets or other counties' roads shall be dedicated or deeded at the time specified by SCC 30.66B.540.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.66B.740 Transportation benefit districts.

Transportation benefit districts formed under chapter 36.73 RCW will supercede the requirements of chapter 30.66B SCC where the ordinance forming the district specifically determines and states that the improvements made by the district mitigate the traffic impact of new development on the portion of the road system to be improved by the transportation benefit district. Transportation impacts on the remainder of the development's road system beyond the roads covered by any special district will be mitigated under the requirements of this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.750 Master road improvement program.

(1) In areas of high potential for residential, commercial, or industrial development and when the cumulative impact of several new developments could necessitate extensive and costly road improvements, the purposes of this chapter may be facilitated by establishment of a master road improvement program (MRIP).

(2) The director of public works may propose a MRIP designed to resolve problems related to level of service, inadequate road conditions, or public safety. The MRIP, in full or in part, may be considered in determining the requirements of this chapter.

(3) A MRIP shall include:

(a) A description of the road or roads, or portion thereof included;

(b) A description of the proposed improvements;

(c) A financial system, including a plan for calculating the proportionate share of road costs to be contributed by owners, developers, the county, and other jurisdictions;

(d) A traffic study analyzing existing and future conditions anticipated on the road or roads involved;

(e) Level-of-service thresholds and concurrency management systems which shall not fall below the standards established in the comprehensive plan;

(f) Options for the county council to pursue if the level-of-service thresholds are not maintained or achieved; and

(g) Other factors as determined appropriate.

(4) If the county council concludes that a MRIP adequately addresses the issues of public safety and

amelioration of present and future level-of-service problems and/or inadequate road conditions, as required by this chapter, it may adopt all or parts of such program in lieu of satisfaction of one or more of the requirements of this chapter. Once a MRIP has been adopted by the council, the provisions of the above-referenced chapters notwithstanding, the county shall issue a permit or approval for development provided the applicant complies with the provisions of other applicable local ordinances and agrees to comply with the developer obligations in the MRIP. The agreement shall be in written form acceptable to the prosecuting attorney, and filed for record with the county auditor prior to subdivision or short subdivision, or the effective date of any other development approval or permit.

(5) Any developer who chooses not to mitigate the development's traffic impact on roads covered by an MRIP by means of the MRIP, shall be subject to the requirements of this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.810 Application for deviation.

(1) Prior to the issuance of any decision applying requirements of this chapter, a developer may submit a written request to the director of public works for deviation from mitigation or concurrency requirements of this chapter that are considered to be disproportionate, or not reasonably related, to the impacts and/or timing of the proposed development. If the director determines that the purposes of this chapter would be best served by deviation from such requirements, the director shall include as part of the director's recommendation under SCC 30.66B.050, the reason for such deviation and any alternative mitigation measures that are determined to be necessary.

(2) The approving authority, upon consideration of such a recommendation, shall determine whether the purposes of this chapter would be best served by deviation from the requirements of this chapter, and may permit such deviation and impose as a condition of approval any alternative mitigation measures that are determined to be necessary and are recommended by the director of public works.

(3) Nothing in this section shall be construed to allow a violation of the Growth Management Act.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66B.820 Variations--public agencies.

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

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

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

Chapter 30.66C
SCHOOL IMPACT MITIGATION

30.66C.010 Purpose and applicability.

(1) The purpose of this chapter is:
(a) to ensure that adequate school facilities are available to serve new growth and development; and
(b) to require that new growth and development pay its proportionate share of the costs of new school facilities.
(2) This chapter shall apply to all development, except for the following:
(a) Development that
(i) was the subject of a prior SEPA threshold determination that resulted in the imposition of school mitigation conditions under chapter 30.66C SCC as codified prior to January 1, 1999; and
(ii) has not undergone modifications or other administrative revisions following issuance of the SEPA threshold determination. An applicant subject to a prior version of this chapter may consent in writing to the application of this chapter.
(b) Permits for attached or detached accessory apartments.
(c) Permits for remodeling or renovation.
(d) "Housing for Older Persons" as defined by 42 U.S.C. § 3607(2), when guaranteed by a restrictive covenant.
(e) Permits for temporary dwellings.
(f) Permits for new single-family detached units and duplexes constructed on legal lots created prior to May 1, 1991.
(g) Building permits for residential development on or located within:
(i) existing lots recognized through the administrative lot status process pursuant to SCC 30.41A.030 or SCC 30.41B.025;
(ii) unrecorded short plats filed with the county prior to September 12, 1972, and pursuant to SCC 30.41B.025(2); and
(iii) exempt subdivisions or large tract subdivisions, including five acre segregations pursuant to SCC 30.41A.030(1) or SCC 30.41B.025(1)(a), 20-acre segregations pursuant to 30.41A.030(2) or 30.41B.025(1)(b), and 80-acre segregations pursuant to SCC 30.41A.020(7) or SCC 30.41B.020(7).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 04-140, Jan. 12, 2005, Eff date Jan. 29, 2005)

30.66C.020 School impact fee eligibility.

(1) Any district serving the county shall be eligible to receive school impact fees upon adoption by the council of a capital facilities plan for the district by reference as part of the capital facilities element of the comprehensive plan.
(2) A condition of eligibility shall be that a district must provide documentation that it has petitioned every other city and/or county served by that district to establish a school impact fee or mitigation program.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.030 Expiration of district plans.

For purposes of impact fee eligibility, a district's capital facilities plan shall expire two years from the date of its adoption by the council, or when an updated plan, as required in Appendix F of the comprehensive plan, is adopted by the council, whichever date first occurs.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.035 Updating of district plans.

(1) A district's capital facilities plan shall be updated by the district and transmitted to the county by the district at least 60 days prior to its biennial expiration date. The district's updated plan shall be submitted by the department to the council for its consideration within forty-five (45) days of the department's receipt of complete and accurate information as required in Appendix F of the comprehensive plan. In the event any district desires to amend its capital facilities plan prior to the biennial expiration date, the district may propose an amendment to be considered by the county pursuant to the procedures established by Appendix F. Such amendments shall be considered by the county no more than once per year unless the board of directors of such district declares, and the county finds, that an emergency exists.

(2) A district's updated capital facilities plan may include revised data for the fee calculation and a corresponding modification to the impact fee schedule, consistent with the comprehensive plan and SCC 30.66C.040 through 30.66C.065.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.040 Minimum requirements for district capital facilities plans.

To be eligible for school impact fees, districts must submit capital facilities plans to the county pursuant to the procedure established by this chapter. District capital facilities plans shall contain data and analysis necessary and sufficient to meet the requirements of the GMA and Appendix F of the comprehensive plan. The plans must provide sufficient detail to allow computation of school impact fees according to the formula contained in SCC 30.66C.045. Additional elements may be contained within a school district capital facilities plan, provided that any such additional elements are consistent with those mandatory elements outlined in Appendix F.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.045 Impact fee calculation formula.

(1) General. The formula in this section provides the basis for the impact fee schedule for each district serving the county. District capital facilities plans shall include a calculation of its proposed impact fee schedule, by dwelling unit type as provided in SCC 30.66C.105, utilizing this formula. In addition, a detailed listing and description of the various data and factors needed to support the fee calculation is included herein.

(2) Determination of projected school capacity needs. Each district shall determine, as part of its capital facilities plan, projected school capacity needs for the current year and for not less than the succeeding five-year period. The capital facilities plan shall also include estimated capital costs for the additional capacity needs, and those costs provide the basis for the impact fee calculations set forth in this section.

(3) Cost calculation by element. The fees shall be calculated on a "per dwelling unit" basis, by "dwelling unit type" as set forth below.

(a) Site acquisition cost element.

{[B(2) x B(3)] ÷ B(1)} x A(1) = Site Acquisition Cost Element

Where:

B(2) = Site Size (in acres, to the nearest 1/10th)
B(3) = Land Cost (Per Acre, to the nearest dollar)
B(1) = Facility Design Capacity
A(1) = Student Factor (for each dwelling unit type)

The above calculation shall be made for each of the identified grade levels (e.g. elementary, middle, junior high and/or senior high). The totals shall then be added with the result being the "Total Site Acquisition Cost Element" for purposes of the final school impact fee calculation below.

(b) School construction cost element.

[C(1) ÷ B(1)] x A(1) = School Construction Cost Element
Where:
C(1) = Estimated Facility Construction Cost
B(1) = Facility Design Capacity
A(1) = Student Factor (for each dwelling unit type)

The above calculation shall be made for each of the identified grade levels (e.g. elementary, middle, junior high and/or senior high). The totals shall then be added and multiplied by the square footage of permanent facilities divided by the total square footage of school facilities, with the result being the "Total School Construction Cost Element" for purposes of the final school impact fee calculation below.

(c) Relocatable facilities (portables) cost element.

[E(1) ÷ E(2)] x A(1) = Relocatable Facilities Cost Element
Where:
E(1) = Relocatable Facilities Cost
E(2) = Relocatable Facilities Student Capacity
A(1) = Student Factor (for each dwelling unit type)

The above calculation shall be made for each of the identified grade levels (e.g. elementary, middle, junior high and/or senior high). The totals shall then be added and multiplied by the square footage of relocatable facilities divided by the total square footage of school facilities, with the result being the "Total Relocatable Facilities Cost Element" for purposes of the final school impact fee calculation below.

(4) Credits against cost calculation - mandatory. The following monetary credits shall be deducted from the calculated cost elements defined above for purposes of calculating the final school impact fee below.

(a) State match credit.

D(1) x D(3) x D(2) x A(1) = State Match Credit
Where:
D(1) = Boeckh Index
D(3) = Square footage of school space allowed per student, by grade span, by the Office of the Superintendent of Public Instruction
D(2) = State Match Percentage
A(1) = Student Factor (for each dwelling unit type)

The above calculation shall be made for each of the identified grade levels (e.g. elementary, middle, junior high and/or senior high). The totals shall then be added with the result being the "Total State Match Credit" for purposes of the final school impact fee calculation below.

(b) Tax payment credit.

{[(1 + F(1))^10] -1}
{F(1)(1+F(1))^10} x F(2)] x F(3)= Tax Credit

Where:
F(1) = Interest Rate
F(2) = District Property Tax Levy Rate
F(3) = Average Assessed Value (for each dwelling unit type)

(5) Adjustments against cost calculation - elective by district. Recognizing that the availability of other

sources of public funds varies among districts, each district may provide an additional credit against school impact fees which the district determines will provide the best balance in system improvement funding within the district, between school impact fees and other sources of local public funds available to the district. This adjustment may reduce, but may not increase, the school impact fee from the amount determined by application of the elements identified above. The adjustment, if any, applied by the district shall be specified within the district's capital facilities plan adopted by the county.

(6) Calculation of total impact fee.

(a) The total school impact fee, per dwelling unit, assessed on a development activity shall be the sum of:

Total Site Acquisition Cost Element
Total School Construction Cost Element
Total Relocatable Facilities Cost Element
minus the sum of:
Total State Match Credit
Total Tax Payment Credit

Elective Adjustment by District expressed in Total Dollars per Dwelling Unit, by Dwelling Unit Type.

(b) The total school impact fee obligation for each development activity pursuant to the school impact fee schedule of this ordinance shall be calculated as follows:

Number of Dwelling Units, by Dwelling Unit Type
multiplied by
School Impact Fee for Each Dwelling Unit Type
less

the value of any in-kind contributions proposed by the school developer and accepted by the school district, as provided in SCC 30.66C.150.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.050 Department review and transmittal.

(1) Upon receipt of a district's capital facilities plan (or amendment thereof) the department shall determine whether the plan meets the following requirements:

(a) the required plan contents and plan performance criteria outlined in Appendix F of the comprehensive plan are included in the document;

(b) The analysis contained within the district capital facilities plan is consistent with current data developed pursuant to the requirements of the GMA and Appendix F;

(c) Any school impact fee proposed in the district's capital facilities plan has been calculated using the formula contained in SCC Table 30.66C.050(1) of this chapter; and

(d) The district capital facilities plan has been adopted by the district's board of directors.

(2) Upon finding that these requirements have been satisfied, the department shall transmit the district capital facilities plan to the planning commission.

(3) The director is authorized to adopt policies and procedures for the establishment and operation of a technical review committee to assist the department in its review of capital facilities plans and the student factor methodologies used to support the plans.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.055 District capital facilities plan and fee adoption.

Any school district capital facilities plan adopted by the county council shall be incorporated into the capital facilities element of the county's comprehensive plan. Adoption of the district capital facilities plan shall

constitute adoption of the schedule of school impact fees specified in the district's capital facilities plan as modified by SCC 30.66C.100.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.060 Correction of deficiencies.

Prior to its adoption by the council, should the department find a district's capital facilities plan to be deficient in any way, the department shall notify the district of the deficiency, identifying the specific matters found to be deficient, and shall indicate the standard for correction. The district shall then have forty-five (45) days (or such longer period as may be necessary to comply with applicable legal requirements) to correct the deficiencies and resubmit its revised, adopted capital facilities plan.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.065 Delays.

If a district fails to submit its biennial update of the district capital facilities plan at least 60 days before the expiration date, or if the department notifies a district of deficiencies in the district's proposed capital facilities plan and the district fails to correct identified deficiencies within forty-five (45) days (or such longer period as may be necessary to comply with applicable legal requirements), the department shall endeavor, but shall not be obligated, to complete review prior to the plan expiration date. If an updated district capital facilities plan has not been adopted by the council prior to the existing plan's expiration date due to the district's failure to submit an updated plan, the district shall be ineligible to receive school impact fees until the updated plan has been adopted by the council.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.100 Fee required.

(1) Each development, as a condition of approval, shall be subject to the school impact fee established pursuant to this chapter. The school impact fee shall be calculated in accordance with the formula established in SCC 30.66C.045. The fees listed in Table 30.66C.100(1) represent one-half of the amount calculated by each school district in its respective capital facilities plan in accordance with the formula identified in SCC 30.66C.045.

(2) The payment of school impact fees will be required prior to issuance of building permits. The amount of the fee due shall be based on the fee schedule in effect at the time of building permit application.

(3) The department shall maintain and provide to the public upon request a table summarizing the schedule of school impact fees for each school district within the county.

(4) The fees set forth in Table 30.66C.100(1) apply to developments that vest to county development regulations from January 1, 2013 to December 31, 2014.

(5) Building permits submitted after January 1, 1999 for which prior plat approval has been obtained under chapter 30.66C SCC as codified prior to January 1, 1999 shall be subject to the school impact fees established pursuant to this chapter, as set forth in this section, except as provided in SCC 30.66C.010(2).

Table 30.66C.100(1) School Impact Mitigation Fees

SCHOOL DISTRICT	SINGLE FAMILY	MULTI-FAMILY 1-BEDROOM per dwelling unit	MULTI-FAMILY 2+ BEDROOMS per dwelling unit	DUPLEXES AND TOWNHOMES
Edmonds No. 15	$0	$0	$0	$0
Everett No. 2	$3,798	$0	$2,216	$2,216
Lake Stevens No. 4	$4,692	$0	$2,915	$2,915
Lakewood No. 306	$892	$0	$396	$396
Marysville No. 25	$1,879	$0	$2,882	$2,882
Monroe No. 103	$1,984	$0	$3,172	$3,172
Mukilteo No. 6	$2,642	$0	$2,883	$2,883
Northshore No. 417	$0	$0	$0	$0
Snohomish No. 203	$896	$0	$0	$0
Sultan No. 311	$0	$0	$0	$0

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 03-033, April 9, 2003, Eff date April 21, 2003; Amended Ord. 04-118, Nov. 23, 2004, Eff date Jan. 1, 2005; Ord. 05-108, Nov. 21, 2005, Eff date Jan. 1, 2006; Amended by Amended Ord. 06-086, November 20, 2006, Eff date Jan. 1, 2007; Amended Ord 08-058, May 7, 2008, Eff date May 19, 2008; Amended by Amended Ord. 08-115, Nov. 5, 2008, Eff date Jan. 1, 2009; Amended by Ord. 10-097, Nov. 22, 2010, Eff date Jan. 1, 2011; Amended by Ord. 12-093, Nov. 19, 2012, Eff date Jan. 1, 2013)

30.66C.110 Impact fee schedule - exemptions.

The council may, on a case-by-case basis, grant exemptions to the application of the fee schedule for low-income housing as defined in chapter 30.91 SCC and in accordance with the conditions specified under RCW 82.02.060(2). To qualify for the exemption, the developer shall submit a petition to the director for consideration by the council prior to application for building permit. Conditions for such approvals shall meet the requirements of RCW 82.02.060 (2) and include a requirement for a covenant to assure the project's continued use for low-income housing. The covenant shall be an obligation that runs with the land upon which the housing is located, and shall be recorded against the title of the real property.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.120 Service areas established.

For purposes of calculating and imposing school impact fees, the geographic boundary of each district constitutes a separate service area.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.130 Impact fee limitations.

(1) School impact fees shall be imposed for district capital facilities that are reasonably related to the development under consideration, shall not exceed a proportionate share of the costs of system improvements that are reasonably related to the development, and shall be used for system improvements that will reasonably

benefit the new development.

(2) School impact fees must be expended or encumbered for a permissible use within six years of receipt by the district.

(3) To the extent permitted by law, school impact fees may be collected for capital facilities costs previously incurred to the extent that new growth and development will be served by the previously constructed capital facilities, provided that school impact fees shall not be imposed to make up for any existing system deficiencies.

(4) A developer required to pay a fee pursuant to RCW 43.21C.060 for capital facilities shall not be required to pay a school impact fee pursuant to RCW 82.02.050 - .090 and this title for the same capital facilities.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.150 Credit for in-kind contributions/existing lots.

(1) A developer may request, and the director may grant a credit against school impact fees otherwise due under this chapter for the value of any dedication of land, improvement to, or new construction of any capital facilities identified in the district's capital facilities plan provided by the developer. Such requests must be accompanied by supporting documentation of the estimated value of such in-kind contributions. All requests must be submitted to the department in writing prior to its determination of the impact fee obligation for the development. Each request for credit will be immediately forwarded to the affected school district for its evaluation.

(2) Where a school district determines that a development is eligible for a credit for a proposed in-kind contribution, it shall provide the department and the developer with a letter setting forth the justification for and dollar amount of the credit, the legal description of any dedicated property, and a description of the development activity to which the credit may be applied. The value of any such credit may not exceed the impact fee obligation of the development.

(3) Where there is agreement between the developer and the school district concerning the value of proposed in-kind contributions, their eligibility for a credit, and the amount of any credit, the director may approve the request for credit and adjust the impact fee obligation accordingly, and require that such contributions be made as a condition of development approval. Where there is disagreement between the developer and the school district regarding the value of in-kind contributions, however, the director may render a decision that can be appealed by either party pursuant to the procedures in SCC 30.66C.300 - 30.66C.310.

(4) For any development subject to the provisions of this title that is sited on one or more legal lots created prior to May 1, 1991, a credit equal to the applicable impact fee for a single-family dwelling times the number of such pre-existing lots shall apply to the fee obligation of the development.

(5) For subdivisions, PRDs and other large-scale developments where credits for in-kind contributions or pre-existing lots are proposed or required, it may be appropriate or necessary to establish the value of the credit on a per-unit basis as a part of the development approval. Such credit values will then be recorded as part of the subdivision or other instrument of approval and will be used in determining the fee obligation - if any - at the time of building permit application for the development activity. In the event that such credit value is greater than the impact fee in effect at the time of permit application, the fee obligation shall be considered satisfied, and the balance of the credit may be transferable to future developments by the applicant within the same school district by agreement with the school district.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.160 SEPA mitigation and other review.

(1) The county may condition or deny development approval pursuant to the SEPA as necessary or appropriate to mitigate or avoid significant adverse impacts to school services and facilities, to assure that appropriate provisions are made for schools, school grounds, and safe student walking conditions, and to ensure

that development is compatible and consistent with each district's services, facilities and capital facilities plan.

(2) Impact fees required by this chapter shall constitute adequate mitigation for impacts on capital facilities identified in the district's capital facilities plan; except that nothing in this chapter prevents issuance of a determination of significance under SEPA and conditioning or denial of the project based on specific adverse environmental impacts identified during project review.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.200 Collection and transfer of fees.

(1) School impact fees shall be due and payable to the county by the developer at the time of issuance of residential building permits for all developments.

(2) Districts eligible to receive school impact fees collected by the county shall establish an interest-bearing account separate from all other district accounts. The county shall deposit school impact fees in the appropriate district account within ten (10) days after receipt, and shall provide the receiving district with a notice of deposit.

(3) Each district shall institute a procedure for the disposition of impact fees and providing for annual reporting to the county that demonstrates compliance with the requirements of RCW 82.02.070, and other applicable laws.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.210 Use of funds.

(1) School impact fees may be used by the district only for capital facilities that are reasonably related to the development for which they were assessed and may be expended only in conformance with the district's adopted capital facilities plan.

(2) In the event that bonds or similar debt instruments are issued for the advance provision of capital facilities for which school impact fees may be expended, and where consistent with the provisions of the bond covenants and state law, school impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the capital facilities provided are consistent with the requirements of this title.

(3) The responsibility for assuring that school impact fees are used for authorized purposes rests with the district receiving the school impact fees. All interest earned on a school impact fee account must be retained in the account and expended for the purpose or purposes for which the school impact fees were imposed, subject to the provisions of SCC 30.66C.220 below.

(4) Each district shall provide the county an annual report showing the source and the amount of school impact fees received by the school district and the capital facilities financed in whole or in part with those school impact fees.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.220 Refunds.

(1) School impact fees not spent or encumbered within ten years after they were collected shall be refunded pursuant to RCW 82.02.080(1). For purposes of this chapter, "encumbered" means school impact fees identified by the district to be committed as part of the funding for capital facilities for which the publicly funded share has been assured, development approvals have been sought or construction contracts have been let.

(2) When the county seeks to terminate any or all impact fee requirements under this section, all unexpended or unencumbered funds, including interest earned, shall be refunded in accordance with RCW 82.02.080(2).

(3) Refunds provided for under this section shall be paid only upon submission of a proper claim pursuant to county claim procedures. Such claims must be submitted within one year of the date the right to claim the refund arises, or the date that notice is given, whichever is later.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.66C.230 Reimbursement for county administrative costs, legal expenses, and refund payments.

Each participating school district shall enter into an agreement with the county for reimbursement of the actual administrative costs of assessing, collecting and handling fees for the district, any legal expenses and staff time associated with defense of this chapter against district-specific challenges, and payment of any refunds provided under SCC 30.66C.220.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.300 Administrative adjustment of fee amount.

(1) Within 14 days of acceptance by the county of a building permit application, a developer or school district may appeal to the director for an adjustment to the amount of or an elimination of fees imposed under this chapter by submitting a written explanation of the basis for the appeal. The director may adjust the amount of or eliminate the fee, in consideration of studies and data submitted by the developer and the affected school district, if one of the following circumstances exists:

(a) The school impact fee assessment was incorrectly calculated;

(b) Unusual circumstances exist that demonstrate the school impact fee is unfair as applied to the specific development;

(c) A credit for in-kind contributions by the developer, as provided for under SCC 30.66C.150 above, is warranted;

(d) Any other credit specified in RCW 82.02.060(1)(b) is warranted; or

(e) The school impact fee assessment was improper under RCW 82.02.020 or RCW 82.02.050 et seq.

(2) To avoid any delay pending resolution of the appeal, school impact fees may be paid under written protest in order to obtain development approval. Such written protest must be submitted at or prior to the time fees are paid, and will relate only to the specific fees identified in the protest. Failure to provide such written protest at the time of fee payment shall be deemed a withdrawal of any appeal to the director.

(3) Failure to file a written protest and to seek a timely appeal to the director shall preclude any appeal of the school impact fee pursuant to SCC 30.66C.310.

(4) Refunds approved under this section, or following an administrative appeal as provided in SCC 30.66C.310, shall be made to the current property owner at the time the refund is authorized, unless the current property owner releases the county and the school district from any obligation to refund the current property owner.

(5) The developer or the school district may appeal the director's decision as provided in SCC 30.66C.310(1).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.310 Appeals of decisions - procedure.

(1) Any person aggrieved by a decision to impose, impose modifications, or waive an impact fee under this chapter may appeal the decision to the hearing examiner. Where there is an administrative appeal process for the underlying development approval, appeals of an impact fee under this chapter must be combined with the

administrative appeal for the underlying development approval. Where there is no administrative appeal for the permit, then appeal of the impact fee shall proceed as a Type 1 appeal pursuant to chapter 30.71 SCC.

(2) The impact fee may be modified or refunded if paid under written protest in accordance with SCC 30.66C.300, upon a determination based on the application of the criteria contained in SCC 30.66C.300. Appeals shall be limited to application of the impact fee provisions to a specific development.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.66C.320 Arbitration of disputes.

With the consent of the developer and the affected district, a dispute regarding imposition or calculation of a school impact fee may be resolved by arbitration.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.67
SHORELINE MANAGEMENT PROGRAM

PART 000 General.

30.67.010 Purpose.

The purpose of this chapter is:

(1) To implement the goals of the Shoreline Management Act (SMA) (chapter 90.58 RCW) and the state Department of Ecology's implementing guidelines (chapter 173-26 WAC); and

(2) To provide a uniform basis for applying Snohomish County Shoreline Management Program (SMP) policies and development regulations within distinctive shoreline areas.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.020 Applicability.

This chapter applies to all land uses, modifications, development activities, actions requiring project permits or approvals, clearing and agricultural activities as per RCW 90.58.065 within the county's shorelines of statewide significance, shorelines and shorelands.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.030 Shoreline Management Program (SMP) – components and relationship to comprehensive plan.

(1) The SMP consists of the following three components:

(a) A document titled *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*;

(b) A series of 44 maps indexed by township and range and originally compiled at a scale of 1:24,000 that comprise the official delineation of the county's shoreline jurisdiction and assignment of shoreline environment designations;

(c) Shoreline regulations contained in this chapter; and

(d) Critical area regulations in chapters 30.62A, 30.62B and 30.62C SCC as adopted in Amended Ordinance 06-061 on August 1, 2007, and chapter 30.65 SCC as adopted in Amended Ordinance 07-005 on February 21, 2007.

(2) The goals and policies of the SMP are considered an element of the comprehensive plan pursuant to SCC 30.10.065.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.040 Relationship to chapter 30.61 SCC – environmental impacts.

Shoreline protective measures required by this chapter shall constitute adequate mitigation of adverse or significant impacts on shoreline ecological functions pursuant to chapter 30.61 SCC when such a determination is made under RCW 43.21C.240.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.060 Relationship to Critical Area Regulations, chapters 30.62A, 30.62B, 30.62C and 30.65 SCC.

(1) Critical areas located within shoreline jurisdiction are subject to the regulations contained in chapters 30.62A, 30.62B, 30.62C, as adopted by Amended Ordinance No. 06-061 August 1, 2007, and 30.65 SCC as adopted by Amended Ordinance No. 07-005 on February 21, 2007, except as modified by SCC 30.67.060(2).

(2) The following provisions in chapter 30.62A SCC are modified as described for critical areas located within shoreline jurisdiction:

(a) SCC 30.62A.540 relating to reasonable use does not apply;

(b) When public access is required pursuant to the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et.seq., access design requirements necessary to meet the ADA shall supersede the requirements of SCC 30.62A.320(2)(d);

(c) Notwithstanding the provisions in SCC 30.62A.610 and SCC 30.62B.510, agricultural activities within shoreline jurisdiction and which are subject to the provisions in the Shoreline Management Act per RCW 90.58.065 shall protect critical areas pursuant to the requirements in SCC 30.62A, Part 600 and 30.62B, Part 500;

(d) When the setback deviation provisions of SCC 30.62B.340(2)(b) are utilized for a project proposal, a shoreline variance permit is required;

(e) When the single family residential development exception in buffers provisions in SCC 30.62A.520 are utilized for a project proposal, the following additional conditions apply:

(i) A shoreline variance permit is required when over 2,500 square feet of buffer is disturbed; and

(ii) A shoreline variance permit is required for expansion of an existing single family residence or accessory structure;

(f) In addition to the provisions in SCC 30.62B.330(3), the following activities are allowed within channel migration zones: restoration or enhancement of shoreline ecological functions; and mitigation for impacts to shoreline ecological functions, including but not limited to mitigation banks;

(g) New single family residential development, expansions of existing single family residences and ordinary residential improvements on existing lots allowed in buffers under SCC 30.62A.520 shall require enhancement of existing buffers based on the criteria in SCC 30.62A.520(11) and shall meet these additional requirements:

(i) Vegetation enhancement efforts shall ensure that the final vegetation condition is capable of mitigating impacts and maintaining existing ecological functions.

(ii) If the shoreline is unmodified and/or the vegetation is relatively intact, the mitigation plan shall provide alternatives, such as out-of-kind mitigation by restoring other degraded ecological functions, or by using off-site mitigation.

(iii) Where modifications such as fill, armoring, patios, etc., have been placed in the buffer, these modifications shall be removed or reduced to the extent necessary to mitigate impacts on the buffer. As guidance, non-water-dependent facilities such as patios should be removed, accesses should be reduced to the minimum needed to provide access, and armoring should be replaced with natural vegetation or non-structural measures;

(h) When buffer reduction provisions of SCC 30.62A.320(1)(f) or (g) are utilized for a project proposal, the maximum allowed reduction is 25percent of the standard buffer width contained in SCC 30.62A.320(1)(a). Buffer reduction in excess of 25% of the standard buffer width require a shoreline variance permit; and

(i) The provisions in SCC 30.62A.630(1)(c)(i) and 30.62B.530(1)(c)(i) do not apply within shoreline jurisdiction.

(3) Except as specifically modified by SCC 30.67.060(2), where there are conflicts between the provisions of this chapter and the provisions of chapters 30.62A, 30.62B, 30.62C and 30.65 SCC, the more ecologically protective provision shall apply.

(4) When the innovative development design provisions of SCC 30.62A.350 are utilized for a project proposal, a shoreline variance permit is required, except that projects solely for ecological restoration or enhancement using the provisions of SCC 30.62A.350 are not required to obtain a shoreline variance permit.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.070 Relationship to other regulatory requirements.

The project proponent is responsible for complying with all applicable federal, state, and local regulations. Compliance with the SMP does not necessarily constitute compliance with other regulations and permit requirements that may apply within shoreline jurisdiction. Where other agencies or entities have concurrent jurisdiction over the proposed development and the department determines that the permit conditions imposed by such agencies or entities satisfy the requirements of this chapter, those permit conditions may be relied upon for the purpose of determining compliance with the requirements of this chapter.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

PART 100 Procedures.

30.67.110 Amendments to the SMP.

(1) Amendments to the SMP will be processed as Type 3 legislative decisions pursuant to chapter 30.73 SCC.

(2) Amendments to the SMP may be proposed under the provisions of SCC 30.74.

(3) Any locally approved amendments to the SMP will not become effective until approved by the state Department of Ecology.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.120 Administration and enforcement.

(1) Shoreline permit requirements and processes are regulated pursuant to chapter 30.44 SCC.
(2) Shoreline permit and review fees are established in chapter 30.86 SCC.
(3) The provisions of the SMP will be enforced under the provisions of chapter 30.85 SCC.
(4) The provisions listed in SCC 30.67.120(1) through (3) are not components of the SMP.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

PART 200 Shoreline designations and maps.

30.67.210 Shoreline environment designations.

(1) The county has designated shorelines pursuant to chapter 90.58 RCW by defining them, providing criteria for their identification and establishing the shoreline ecological functions to be protected. Project proponents are responsible for determining whether a shoreline exists and is regulated pursuant to this chapter. The department will verify on a case-by-case basis the presence of shorelines identified in shoreline applications. Specific criteria for the designation of shorelines areas are contained in section 2.2 of the *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations,* and in SCC 30.67.220.

(2) The SMP classifies shorelines into one of seven shoreline environment designations consistent with the purpose and designation criteria in section 2.2 of the *Shoreline Management Program: Shoreline Environment*

Designations, Policies and Regulations. The seven shoreline environment designations include: Aquatic, Natural, Resource, Municipal Watershed Utility, Rural Conservancy, Urban Conservancy and Urban.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.220 Shoreline environment designation maps.

(1) The shoreline environment designation maps generally depict the location of shoreline jurisdiction, however, the determination of whether a specific site is within shoreline jurisdiction is determined case-by-case based on the property's location and physical characteristics and features. For property determined to be located within shoreline jurisdiction and not designated on the official maps and not subject to SCC 30.67.220(2), the shoreline environment designation shall be based on the shoreline environment designation criteria and the following additional criteria as applicable:

(a) Property or portions of property, including associated wetlands, located waterward of the ordinary high water mark (OHWM), shall be considered Aquatic;

(b) Property or portions of property located landward of the OHWM on bars and islands on rivers and streams shall be considered Natural;

(c) Property or portions of property located landward of the OHWM and within an urban growth area shall be considered Urban and subject to further review for designation as Urban Conservancy based on the criteria in section 2.2.6 of *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*;

(d) Property or portions of a property located landward of the OHWM and outside of an urban growth area, and not zoned A-10, F, F&R, or MC, shall be considered Rural Conservancy and subject to further review for designation as Natural based on the criteria in section 2.2.2 of *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*;

(e) Property or portions of a property located landward of the OHWM and outside of an urban growth area and zoned A-10, F, F&R, or MC, shall be considered Resource and subject to further review for designation as Natural based on the criteria in section 2.2.2 of *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*; and

(f) Associated wetlands located landward of the ordinary high water mark (OHWM) shall be designated consistent with the adjacent designation of the associated shoreland.

(2) Non-federal lands lying within the exterior boundaries of federal lands and those federal lands leased by the federal government to other persons, which fall within the definition of shorelines of the state or shorelands and are subject to the county's SMP, shall be designated as follows:

(a) The Aquatic shoreline environment shall be applied below the ordinary high water mark;

(b) The Natural shoreline environment shall be applied to all shoreline jurisdiction above the ordinary high water mark when federal lands are within a designated wilderness area; and

(c) The Resource shoreline environment designation shall be applied to all shoreline jurisdiction not meeting the criteria in 30.67.220(2)(a) or (b).

(3) Unless otherwise specified by the shoreline environment designation criteria or other established points, lines, or features, the designation boundary lines are the ordinary high water mark of water bodies, and the centerlines of rights-of-way, public alleys, parkways, or railroad rights-of-way.

(4) Shoreline environment designations shall not change as a result of the vacation of a right-of-way, a road or an alley.

(5) All shoreline boundary determinations shall be consistent with the designation criteria for the shoreline environment designations.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.230 Shorelines of statewide significance.

In Snohomish County, shorelines of statewide significance include: Lake Stevens, Spada Lake, Sauk River, North and South Forks of the Stillaguamish River, Snohomish River, Skykomish River (including North Fork), Snoqualmie River, Skagit Bay, Stillaguamish River Estuary and the Snohomish River Estuary. Also included as shorelines of statewide significance are the non-tideland areas of the unincorporated portions of the Puget Sound, Possession Sound, Port Gardner, and Port Susan.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

PART 300 General regulations to comply with Shoreline Management Act goals.

30.67.310 Compliance required even when shoreline permit not required.

All proposed land uses, modifications, development, clearing or new agricultural activities occurring within shoreline jurisdiction, including any development exempt from obtaining a shoreline substantial development permit pursuant to SCC 30.44.120, must conform to the Shoreline Management Act and the SMP goals and policies unless not subject to the Shoreline Management Act pursuant to SCC 30.44.020.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.320 No net loss of shoreline ecological functions.

(1) All proposed land uses, modifications, development or new agricultural activities shall be designed and conducted to achieve no net loss of shoreline ecological functions as defined in WAC 173-26-201(3)(d)(i)(C).

(2) Project proponents shall make all reasonable efforts to avoid and minimize impacts to wetlands, fish and wildlife habitat conservation areas, and their buffers as required under SCC 30.62A.310(3)(a).

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.330 Public access.

(1) Unless the conditions in 30.67.330(2) apply, provision of public access to the water is required for all new private and public developments, including land division, with the exception of the following:

(a) Single family dwellings; duplexes; single family detached units, townhouses, and condominiums creating four or few parcels or dwelling units; and multi-family developments of four or fewer lots or dwelling units; and

(b) Agricultural/ranching activities other than dikes.

(2) Provision of public access will not be required when at least one of the following conditions apply:

(a) Hazards to public health, safety or site security exist which cannot be alleviated by site planning and design or by restricting hours of public access;

(b) Provision of public access would result in significant adverse impacts to shoreline ecological functions that cannot be mitigated on-site; or

(c) The requirement of providing public access for a particular project violates constitutional standards related to nexus and rough proportionality.

(3) Provisions for public access are subject to the following standards:

(a) Except as restricted pursuant to SCC 30.67.330(3)(e), public access shall be a physical improvement in the form of any one or combination of the following: walkway, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat-launching ramp, transient moorage, or other areas serving as a means of view or physical approach to public waters for the public. Public access may also include, but not be limited to, interpretive centers and displays explaining historical events or shoreline ecology;

(b) The minimum public access shall consist of an improved walkway at least five feet wide on an easement ten feet wide, leading from the street or from a public walkway directly to a waterfront use area or to an area on the property from which the water
and water activities can be observed. There shall be no significant obstruction of the view from this viewpoint;

(c) Maintenance of the public access shall be the responsibility of the owner or developer;

(d) Public access sites shall be available for public use at the time of first occupancy or use of the development or activity;

(e) While docks, piers and other permanent moorages are not allowed in the Urban Conservancy or Natural shoreline environment designations, or the Aquatic shoreline environment designation adjacent to the Urban Conservancy or Natural shoreline environment designations, floating walkways or other similar over-water pedestrian structures facilitating access to observation points or viewing areas are permitted provided they are constructed to minimize alteration of natural conditions; and

(f) All subdivisions required to provide public access pursuant to SCC 30.67.570(1)(e) that border publicly-owned or controlled shorelines shall provide at least one dedicated public access to the publically-owned or controlled shoreline.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.340 Cultural, archaeological and historical resources.

(1) Developers and property owners shall immediately stop work and notify the county, the state office of archaeology and historic preservation and affected Indian tribes if archaeological resources are uncovered during excavation.

(2) Permits issued in areas documented to contain archaeological resources shall require a site inspection or evaluation by a professional archaeologist in coordination with affected Indian tribes.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.350 *Water quality, storm water, and nonpoint pollution*.

Where chapters 30.63A or 30.63B SCC allow alternative measures or facilities to protect water quality, manage stormwater or prevent nonpoint pollution, the county will evaluate the alternatives based on the following criteria:

(1) The alternatives must be consistent with the shoreline management policies for the appropriate shoreline environment designation in section 2.2 of *Snohomish County Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*; and

(2) The alternative that provides the greatest level of protection of shoreline ecological functions shall apply.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

PART 400 Shoreline uses and modifications – General regulations.

30.67.410 Use preference within shoreline jurisdiction - location.

(1) All shoreline uses, development or modifications located entirely or in part 200 feet or less from the ordinary high water mark or floodway, whichever is closer, unless separated from the shoreline of the state by another property or a public right-of-way, are subject to the following requirements:

(a) They must be or support an allowable primary shoreline use in conformance with the provisions of the SMP. Development that is not related or incidental to a conforming shoreline use is prohibited, except as provided in SCC 30.67.410(1)(c);

(b) Commercial or industrial primary shoreline uses or development must be water-oriented uses or development subject to the provisions of SCC 30.67.525 or SCC 30.67.550 as applicable; and

(c) Shoreline modifications are allowed when necessary to protect existing legally established non-conforming uses or primary structures provided the modification is consistent with the provisions of this chapter.

(2) Uses, development or modifications in portions of shoreline jurisdiction entirely located more than 200 feet from the ordinary high water mark or floodway, whichever is closer, or separated from the shoreline of the state by another property or a public right-of-way, shall be deemed to have no use connection with the water body. These developments shall be subject to all other policies and regulations of this chapter except the policies and regulations of this SMP which require:

(a) The use or development to be water-oriented; and

(b) Provision of public access.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.420 Prohibited uses.

The following uses are prohibited in shoreline jurisdiction:

(1) Asphalt batch plant and continuous mix asphalt plant;
(2) Major auto repair;
(3) Auto wrecking yard or junk yard;
(4) Billboards and animated signs;
(5) Commercial vehicle storage facility;
(6) Distillation of wood, coal or bones or manufacturing of their by-products;
(7) Explosive manufacturing or storage;
(8) Floating homes;
(9) Forestry industry storage and forestry equipment maintenance facility, except log storage;
(10) Forge, foundry, blast furnace or melting of ore;
(11) Fuel or coal yard;
(12) Hazardous waste storage or treatment facilities;
(13) Storage or refining of petroleum products or gas;
(14) Rolling or blooming mills;
(15) Sanitary landfill;
(16) Sludge utilization;
(17) Stockyard or slaughter house;
(18) Tannery;
(19) Tar distillation or manufacturing;
(20) Transit center; and
(21) Woodwaste recycling or storage, including temporary activities except when in conjunction with an approved shoreline ecological restoration or soil bioengineering project.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.430 Allowed and conditional uses and modifications.

(1) The shoreline uses and shoreline modifications identified in Table 1 are either permitted, conditionally allowed or prohibited within the specific shoreline environment designation as indicated by the following:

(a) "P" indicates that the use or modification is permitted;

(b) "C" indicates that the use is allowed subject to a shoreline conditional use permit;

(c) "P or C" indicates that the overwater portion of the use or modification is permitted in the Aquatic shoreline environment designation where permitted in the adjacent upland environment, subject to a shoreline conditional use permit in the Aquatic shoreline environment designation where conditional in the adjacent upland environment and prohibited in the Aquatic shoreline environment designation where prohibited in the adjacent upland environment; and

(d) A blank cell in the table indicates that the use or modification is prohibited in that specific shoreline environment.

(2) Compliance with chapters 30.22 and 30.23 SCC is also required.

(3) Uses and modifications identified in Table 1 are subject to the shoreline use and modification development standards in Part 500 of this chapter. If there is a conflict between the information in SCC 30.67.430, Table 1, and the specific use and modification regulations in SCC 30.67, Part 500, the requirements of SCC 30.67, Part 500 shall prevail.

(4) The department may condition shoreline permits or approvals for uses or modifications as necessary to ensure compliance with:

(a) Chapter 90.58 RCW and the provisions in this chapter;

(b) The policies in the *Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations*; and

(c) Any other applicable federal, state and local rules and regulations.

(5) Uses or modifications not listed in SCC 30.67.420 or 30.67.430(1), Table 1, must obtain a shoreline conditional use permit even though the use or modification may not require a shoreline substantial development permit.

30.67.430 - Table 1: Shoreline Use and Modification Matrix

Land use or modification	Shoreline Environment Designation						
	Urban	Urban Conservancy	Rural Conservancy	Resource	Municipal Watershed Utility[1]	Natural	Aquatic[2]
Agricultural activities [3]	P	P	P	P		C	C
Manure lagoons	C		P	P			
Livestock flood sanctuaries	P	C	P	P			
Aquaculture [4,12]							
Non-Commercial Activities (non-processing) [36]	P	P	P	P	P [35]	P	P
Commercial Activities (non-processing)	P		C	C			C
Processing [7]	P		P	P	P [35]		P [7]
Boating Facilities: [4, 13]							
Marina	P		C				C
Yacht / boat club	P		C				C
Boat launch facility	P		P	P			P or C
- Boat launch facility (boat ramp only)	P	C	P	P	P	C	P or C
Dock (private)	P	C	P	C			P or C
Boathouse (private)	P		P	C			P or C
Dock / pier / boathouse (public, commercial)	P		P	C			C
Floats, mooring buoys	P	C	P	P			P or C
Breakwaters, jetties, groins, other in-water structures [4, 5, 14]	C, P	P	C, P	C, P	P	C	C, P
Commercial [10, 15]	P		P	P			C
Dredging [4, 16]					C		C
Dredge spoil disposal [4, 16]	C	C[5]	C	C	C	C[5]	C
Fill [4, 17]	P	C, P[5]	P	P	P	C, P[5]	C, P[5]
Flood protection: [4, 18]							
Non-structural	P	P	P	P	P	P	C, P[5]
Structural [11]	P	P[5]	P	P	P		C, P[5]
Forestry [8, 19]	P, C	P, C	P, C	P, C	P, C	P, C	C[30]
Industrial and Ports [10, 20]	P		P	P			C
Institutional uses [21]	P		P	C			C
Mining [6, 22]	C	C	C	C, P[9]	C, P[9]	C	C
Pedestrian access [23]							
Trails	P	P	P	P	P	P	
Elevated or Floating walkways [4]	P	P	P	P			P
Stairways, trams	P	C	P	P			

Recreation [24]	P	P	P	P	P	P	P
Residential [25]							
SFR, MH	P	P	P	P		C	
Duplex	P	C	P	P			
MF, townhouse, Single-Family Detached Units	P						
Mobile home park	P	C	C	C			
Houseboat, Live-aboard vessel							P[31]
Floating Home							
Shoreline / bank stabilization: [4, 26]							
Nonstructural	P	P	P	P	P	C	C, P[5]
Structural [5, 11]	C, P	P	C, P	C, P	C, P		C, P
Shoreline habitat restoration or enhancement [27, 34]	P	P	P	P	P	P	P
- Mitigation Banks [34]	C	C	C	C			C
Transportation facilities [28]							
Bridges	P	C	P	P	C, P[32]		C[33], P[32]
Roads	P	C	P	P	C, P[32]		
Parking (incidental to use only)	P	C	P	P	C	C	
Utility facilities [29]							
Electromagnetic transmission and receiving facilities (generally)	P	C	C	C	C		
Transmission wires, pipes, supports (generally)	P	C	P	P	P	C	C
- transmission wires or pipes when suspended from bridge or other similar structures (specifically)	P	P	P	P	P	P	P
Dams, power plants and associated uses			C	C	C		C
All other utility facilities	P		C	C	C		C

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.440 Reference notes for shoreline use and modification matrix.

(1) Uses in Municipal Watershed Utility are limited to utility uses associated with the hydroelectric project, reservoir water storage, forest practices and recreation as limited by the utility purveyor's Federal Energy Regulatory Commission (FERC) license. This area is zoned exclusively as Forestry (F).

(2) Only those water-dependent portions of the use that require an over-water or in-stream location are allowed in the Aquatic shoreline environment designation. Unless otherwise specified in SCC 30.67, Part 500, such uses are allowed in the Aquatic shoreline environment designation only if the use is allowed in the adjacent upland shoreline environment designation(s).

(3) Agricultural uses are subject to the requirements in SCC 30.67.505.

(4) Uses or modifications are not allowed in critical salt water habitat other than existing commercial shellfish beds, unless in conjunction with ecological restoration or enhancement projects.

(5) Shoreline modifications are permitted only when in conjunction with ecological restoration or enhancement projects located outside of the Natural and adjacent Aquatic environments.

(6) Mining activities within shoreline jurisdiction are limited to the activities allowed pursuant to SCC 30.67.560(1)(a). Mining within the Aquatic shoreline environment designation is also subject to the conditions in SCC 30.67.530 – Dredging. Mining for the sole purpose of removing mineral resources for commercial sales or processing is prohibited in shoreline jurisdiction.

(7) Aquaculture processing in the Aquatic shoreline environment is limited per the requirements in SCC 30.67.510(2)(g)(iii).

(8) A conditional use permit is required for timber harvest exceeding 30 percent of the timer volume within 200 feet landward of the ordinary high water mark of shorelines of statewide significance pursuant to SCC 30.67.545(1)(a)(iii).

(9) Mining activities related to forest practices as defined in SCC 30.67.560(1)(a) are permitted in the Resource or Municipal Watershed Utility shoreline environment designations when over 200 feet from the OHWM and outside of the channel migration zone. Removal of mineral resources deposited within the previous 12-month period on designated farmlands due to recent flood events is permitted in the Resource shoreline environment designation under SCC 30.67.540(2)(d).

(10) Non-water dependent commercial and industrial uses within shoreline jurisdiction shall be strictly limited under SCC 30.67.525(1)(b) and 30.67.550(1)(b).

(11) Structural flood protection and structural shoreline or bank stabilization measures are allowed only when non-structural measures would be inadequate as documented by a geotechnical report required pursuant to SCC 30.67.540(1) or 30.67.575(1). If a flood protection structure is in or near the water, it must also meet the requirements for shoreline stabilization.

(12) Aquaculture uses are subject to the requirements in SCC 30.67.510.

(13) Boating facilities are subject to the requirements in SCC 30.67.515.

(14) Breakwaters, jetties, groins, other in-water structures are subject to the requirements in SCC 30.67.520.

(15) Commercial uses are subject to the requirements in SCC 30.67.525.

(16) Dredging and spoil disposal are subject to the requirements in SCC 30.67.530.

(17) Fill is subject to the requirements in SCC 30.67.535.

(18) Flood protection measures are subject to the requirements in SCC 30.67.540.

(19) Forestry is subject to the requirements in SCC 30.67.545.

(20) Industrial uses and ports are subject to the requirements in SCC 30.67.550 (21) Institutional uses are subject to the requirements in SCC 30.67.555.

(22) Mining is subject to the requirements in SCC 30.67.560.

(23) Pedestrian access is subject to the requirements in SCC 30.67.330.

(24) Recreation is subject to the requirements in SCC 30.67.565.

(25) Residential uses are subject to the requirements in SCC 30.67.570.

(26) Shoreline and bank stabilization measures are subject to the requirements of SCC 30.67.575.

(27) Shoreline habitat restoration and enhancement are subject to the requirements of SCC 30.67.580. Notwithstanding SCC 30.67.430(2), shoreline habitat restoration or enhancement projects do not have to be identified on the use matrices in chapter 30.22 SCC to be permitted in shoreline jurisdiction.

(28) Transportation facilities are subject to the requirements of SCC 30.67.590.

(29) Utility facilities are subject to the requirements of SCC 30.67.595.

(30) Timber removal from the Aquatic shoreline environment designation is subject to the requirements in SCC 30.67.545(2)(c).

(31) Moorage of houseboats used as a primary residence and live-aboard vessels are permitted only in marinas or in waters of the state subject to a lease or permission from the state Department of Natural Resources. See SCC 30.67.570(2)(g).

(32) Roads and bridges constructed for forest practices in accordance with Title 222 WAC are permitted in the Municipal Watershed Utility environment. Bridges constructed for forest practices in accordance with Title 222 WAC are permitted in the Aquatic environment except when the adjacent environment is designated Natural.

(33) Bridges are conditionally permitted in the Aquatic environment provided they are permitted or conditionally permitted in the adjacent upland environment.

(34) Mitigation banks are subject to the requirements in SCC 30.62A.550. Notwithstanding SCC 30.67.430(2), mitigation banks do not have to be identified on the use matrices in chapter 30.22 SCC to be permitted in shoreline jurisdiction. Restoration, enhancement, mitigation activities and mitigation banks are allowed within the channel migration zone per SCC 30.67.060(2)(f).

(35) Aquaculture activities on Spada Lake are limited per the requirements in SCC 30.67.510(2)(e).

(36) Non-commercial aquaculture harvest activities, as defined in SCC 30.91A.255, are allowed in all shoreline environments and are not required to obtain shoreline permits.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.450 Non-conforming uses or structures

The following requirements apply to uses or structures nonconforming to the shoreline regulations in this chapter, which do not meet the criteria in SCC 30.44.125 and which were lawfully constructed or established prior to the effective date of the Shoreline Management Act (SMA) or the SMP, or amendments thereto, but which do not conform to present regulations or standards of the SMP or policies of the SMA. These provisions apply to nonconforming uses or structures in the shoreline jurisdiction in place of SCC 30.28.070 through SCC 30.28.075 and WAC 173-27-080.

(1) Continuance: Any legally established use or structure nonconforming to the shoreline regulations in this chapter is permitted to remain in the form and location in which it existed on the effective date of the nonconformance.

(2) Redevelopment or remodel. SMP nonconforming uses or structures may not be enlarged or increased in any way, including expanded building footprint or increased height, increased use intensity, or altered in any way which increases their nonconformity. A nonconforming structure or use may be moved or relocated on the same parcel provided that the degree of nonconformance with the SMP and the SMA is reduced and further provided that the move or relocation results in improved protection for shoreline ecological functions.

(3) Restoration and replacement: If a nonconforming structure is damaged to an extent not exceeding 75 percent of the replacement cost of the original structure, it may be reconstructed to the extent it existed immediately prior to the time the structure was damaged or to a smaller configuration or in a different location on the same parcel which reduces the degree of nonconformity, so long as restoration is completed within one year of the date of damage. Documentation of the date and extent of damage shall be required prior to issuance of new permits.

(4) Abandonment: If a nonconforming use is discontinued for twelve consecutive months, any subsequent use shall be conforming. The mere presence of a structure, equipment, or material shall not be deemed to constitute the continuance of a nonconforming use unless the structure, equipment, or material is actually being occupied or employed in maintaining such use. It shall not be necessary to show that the owner of the property intended to abandon such nonconforming use in order for the nonconforming rights to expire.

(5) Non-conforming uses and structures which meet the criteria in SCC 30.44.125 are subject to the shoreline substantial development permit requirements in chapter 30.44 SCC.

(6) A structure for which a variance has been issued shall be considered a legal nonconforming structure and the requirements of this section shall apply as they apply to preexisting nonconformities.

(7) A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit.

(a) A conditional use permit may be approved only upon a finding that:

(i) No reasonable alternative conforming use is practical; and

(ii) The proposed use will be at least as consistent with the policies and provisions of the act and the SMP and as compatible with the uses in the area as the preexisting use.

(b) In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the findings in SCC 30.67.450(6)(a), the requirements of the SMP and the SMA and to assure that the use will not become a nuisance or a hazard.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.460 Bulk standards.

(1) No permit shall be issued for any new or expanded building or structure of more than 35 feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines, except where the SMP does not prohibit the same and then only when overriding considerations of the public interest will be served.

(2) In the Urban Conservancy, Rural Conservancy, Resource and Natural shoreline environment designations, lot coverage is limited to ten percent of effective impervious surface.

(3) In the Urban Conservancy, Rural Conservancy and Natural shoreline environment designations, building height is limited to a maximum of 35 feet.

(4) Except in the Urban environment, the minimum lot width fronting shoreline waters shall be 200 feet unless a greater minimum width is specified pursuant to SCC 30.23.030(1); provided that this provision shall not apply to legal lots existing prior to September 30, 2010.

(5) Use-specific or modification-specific bulk standards may also be required pursuant to Part 500 of this chapter.

(6) Unless otherwise specified in this chapter, bulk standards are regulated pursuant to chapter 30.23 SCC. Additional setback or buffer requirements for critical areas are required pursuant to chapters 30.62, 30.62A and 30.62B SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.470 Temporary emergency use, modification or structure.

In emergency situations, as defined pursuant to SCC 30.91E.100, construction of a temporary use, modification or structure may be allowed in accordance with SCC 30.44.280.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

PART 500 Specific shoreline uses and modifications.

30.67.501 Purpose.

The purpose of this Part 500 is to establish:

(1) Development standards for shoreline uses and modifications consistent with the Shoreline Management Act and this chapter; and

(2) Development standards for shoreline uses and modifications consistent with the purpose of each shoreline environment designation and the policies for each specific use or modification contained in *Snohomish County Shoreline Management Program: Shoreline Environment Designations, Policies and Regulations.*

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.505 Agriculture.

The provisions in this section of the county's SMP apply to new agricultural activities including, but not limited to, all uses that are allowed as permitted or conditional uses in the A-10 zone under SCC 30.22.110 which also meet the definition of "agricultural activities" in SCC 30.91A.092 and which are proposed on land not currently used for agricultural activities. Conversion of agricultural land within shoreline jurisdiction to other non-agricultural uses is subject to the use restrictions in chapter 30.67 SCC, Parts 400 and 500.

(1) The following general regulations apply to new agricultural activities in shorelines:

(a) New agricultural activities shall utilize best management practices to ensure protection of shoreline ecological functions, retard surface runoff and reduce siltation.

(b) Manure lagoons and associated permanent transmission systems shall comply with the following:

(i) Manure lagoons shall be designed, constructed and operated to county, Department of Ecology, Natural Resource Conservation Service and U.S. Environmental Protection Agency standards;

(ii) Manure lagoons may not be built within a wetland unless all of the following conditions apply:

(A) The wetland had been converted to agricultural use prior to June 9, 1993;

(B) No other location is available that is not a wetland; and

(C) Full mitigation is provided to replace the functions of the wetland.

(iii) Unless the conditions in SCC 30.67.505(b)(i) and (ii) apply, the toe of the dike of a manure lagoon shall be set back from the water bodies used for recreation as much as possible, and at a minimum shall maintain a 150-foot setback from the OHWM of any river, stream, lake, marine waters or estuary regulated under the Shoreline Management Act.

(iv) Manure lagoons shall comply with all other county regulations including but not limited to grading and flood hazard provisions in Title 30 SCC;

(v) Elevation of the top of the dike of manure lagoons shall be determined according to standards established by the Natural Resource Conservation Service and the Department of Ecology. When located within the floodplain, the top of the manure lagoon dike shall be elevated one foot above the 100- year flood level, or as close to such height as feasible and consistent with Natural Resource conservation Service and Department of Ecology design standards;

(vi) Manure lagoons of earthen construction shall be mulched or seeded with grass on all exterior faces, and vegetation shall be maintained to prevent erosion or slippage;

(vii) If environmental review has shown that there are unmitigated adverse impacts related to ground or surface water contamination, habitat, wildlife, recreational uses, public access, or aesthetics, then setbacks greater than the minimum and/or additional mitigation may be required; and

(viii) Permanent pipelines for transmission of manure shall be properly supported and utilize a single piece of pipe or double piping when crossing waterbodies.

(c) Livestock flood sanctuaries shall comply with the following:

(i) A permit to build livestock flood sanctuary mounds will be granted to property owners only when the applicant clearly demonstrates that the denial of such construction will threaten the viability of the applicant's commercial livestock operation;

(ii) The maximum size of the mounds shall not exceed 50 square feet per animal unit (1,000 lbs) plus the area created by adding a ramp 14 feet wide along two sides to be used for farm vehicle access. An additional area no greater than 25 percent of the calculated area will be allowed to accommodate future herd growth;

(iii) Mounds shall be constructed in a manner that does not impact flood elevations, impede flow, or cause significant adverse effects upstream or downstream. Mounds are prohibited in floodways. In flood plains, mounds shall be oriented to the flow;

(iv) Mounds shall be constructed using non-compressive materials (as defined in the Natural Resource Conservation Service standards for such mounds) that are obtained from approved borrow sites;

(v) Site preparation and mound construction and maintenance practices shall be conducted according to the recommendations of the Natural Resource Conservation Service or best management practices approved by Snohomish County; and

(vi) Mounds shall comply with all other county regulations, including but not limited to, grading and flood hazard provisions in Title 30 SCC.

(2) In addition to the general regulations contained in SCC 30.67.505(1), the following specific shoreline environment designation regulations for new agricultural activities in shoreline jurisdiction apply:

(a) Urban:

(i) Agricultural activities and livestock flood sanctuaries are permitted; and

(ii) Manure lagoons are conditionally permitted.

(b) Urban Conservancy:

(i) Agricultural activities are permitted;

(ii) Manure lagoons are prohibited; and

(iii) Livestock flood sanctuaries are conditionally permitted.

(c) Rural Conservancy: Agricultural activities, manure lagoons and livestock flood sanctuaries are permitted.

(d) Resource: Agricultural activities, manure lagoons and livestock flood sanctuaries are permitted in the Resource environment.

(e) Municipal Watershed Utility: Agricultural activities, manure lagoons and livestock flood sanctuaries are prohibited.

(f) Natural:

(i) Agricultural activities are conditionally permitted provided that only passive agricultural uses such as pasture or grazing shall be allowed and provided further that no clearing, construction or other operations which have an adverse impact on ecological functions occurs; and

(ii) Manure lagoons and livestock flood sanctuaries are prohibited.

(g) Aquatic:

(i) Water-dependent, over-water or in-water uses or modifications related to agricultural activities are conditionally permitted;

(ii) Manure lagoons and livestock flood sanctuaries are prohibited; and

(iii) Bank stabilization or flood protection measures are conditionally permitted in the Aquatic environment to protect primary structures or designated farmland, provided that the need for such protection is documented in a geotechnical report. Non-structural methods are preferred but structural methods may be allowed provided that the geotechnical report indicates that structural methods are necessary. Such shoreline modifications must comply with the requirements of SCC 30.67.540 and 30.67.575.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.510 Aquaculture.

Aquaculture is defined in SCC 30.91A.255.

(1) The following general regulations apply to new aquaculture activities in shorelines:

(a) New shellfish aquaculture activities shall not be located in nearshore critical saltwater habitats except for in existing commercial shellfish beds, nor in accretion areas such as sandflats, mudflats, and pocket estuaries. New finfish aquaculture shall not be located in nearshore critical saltwater habitats nor in accretion areas such as sandflats, mudflats, and pocket estuaries;

(b) Aquaculture activities must be designed to avoid loss of shoreline ecological functions and avoid impeding navigation. When a new aquaculture activity is proposed, mitigation sequencing for shoreline ecological impacts shall be required per SCC 30.62A.310(3)(a);

(c) Over-water structures for aquaculture operations shall not extend beyond the mean low water mark a distance greater than the average length beyond the ordinary low water mark of all preexisting over-water structures within the 300 feet in either direction along the same shoreline. Where no preexisting structures exist within this range, over-water structures may extend beyond the mean low water mark the minimum distance necessary to accommodate the aquaculture activity provided that navigation is not impeded;

(d) No aquatic organism shall be introduced into Snohomish County without the prior written approval of the Director of the Washington State Department of Fish and Wildlife or the appropriate regulatory agency for the specific organism;

(e) Permitted accessory structures typically associated with aquaculture may include: rafts, floats, nets, net pens, access docks, piers, pilings, boat launches and upland storage structures. Jetties, groins, bulkheads, fill, shoreline stabilization measures, flow diversions, and breakwaters are not allowed in conjunction with aquaculture;

(f) Aquacultural processing shall be governed by the regulations in SCC 30.67.550. Commercial sales of aquacultural products shall be governed by the regulations in SCC 30.67.525;

(g) Floating, submerged and intertidal aquacultural structures and other similar structures shall be located and designed to avoid impacts to public use of and access to the water, including navigational access to waterfront property, pedestrian circulation along beaches, and navigation between such structures. Approval of such structures may include the following conditions to protect the public use and access to the water:

(i) Clustering or spacing of rafts to allow for small boat traffic within or through the facilities;

(ii) Directional signage;
(iii) Buoys marking the extent of the operation; and
(iv) Limits on the type, number, location and size of the facility and any accessory structures;

(h) When a federal, state or local permit is required for aquaculture activities, the department shall attach permit conditions requiring that aquaculture operators periodically monitor and report on noise, odor, water quality, aquatic and benthic organism types and densities, current patterns and flows, flushing rates, prevailing storm wind conditions, impacts to wetlands and fish and wildlife habitats and other relevant environmental conditions to the department on a schedule specified by the authority approving the shoreline permit relating to the aquacultural activity. The permit may be revoked by the approving authority for failure to monitor or if monitoring reveals unanticipated impacts that cannot be mitigated;

(i) Structures, equipment, wastes and material other than boats shall not be stored, disposed of or abandoned within shoreline jurisdiction;

(j) Construction materials that come in direct contact with the water shall not be treated or coated with toxic materials. Untreated wood, precast concrete, plastic or nontoxic alternatives shall be used unless the project proponent demonstrates and Snohomish County determines that there is no feasible alternative to toxic construction materials that will provide the structural characteristics necessary for the project; and

(k) Finish treatments, including but not limited to paint, stain, waterproofer, pest preventatives and preservatives used on over-water structures or on structures within 25 feet of the ordinary high water mark shall not result in adverse impacts to water quality.

(2) In addition to the general regulations contained in SCC 30.67.510(1), the following shoreline environment designation-specific regulations for new aquaculture activities in shorelines apply:

(a) Urban: Aquaculture is permitted.
(b) Urban Conservancy:
(i) Non-commercial aquaculture is permitted; and
(ii) Commercial aquaculture and processing are prohibited.
(c) Rural Conservancy:
(i) Non-commercial aquaculture is permitted; and
(ii) Commercial aquaculture and processing are conditionally permitted.
(d) Resource:
(i) Non-commercial aquaculture and processing are permitted;
(ii) Commercial aquaculture is conditionally permitted; and
(iii) Aquaculture processing is permitted;
(e) Municipal Watershed Utility: Commercial aquaculture is not permitted on Spada Lake. Non-commercial aquaculture along with any associated processing activities on Spada Lake are limited by the utility purveyor's Federal Energy Regulatory Commission (FERC) license.
(f) Natural.
(i) Non-commercial aquaculture is permitted; and
(ii) Commercial aquaculture and processing are prohibited.
(g) Aquatic.
(i) Non-commercial aquaculture is permitted;
(ii) Commercial aquaculture is conditionally permitted; and
(iii) No processing of any aquacultural product, except for the sorting or culling of the cultured organism and the washing or removal of surface materials or organisms, shall be permitted water-ward of the ordinary high water mark unless fully contained within a tending boat or barge.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.515 Boating facilities.

Boating facilities include marinas, yacht and boat clubs, boat launch facilities, boat ramps, boathouses, docks, piers, floats and mooring buoys.

(1) The following general regulations apply to new boating facilities in shorelines:

(a) No boating facilities shall extend into a water body in such a manner as to impede navigation or create any navigation hazard.

(b) Boating facilities shall not be located on or over critical saltwater habitats or spawning areas for anadromous fish.

(c) Boating facilities, except for mooring buoys, shall not be located on or over nearshore accretion areas, such as sandflats, mudflats and pocket estuaries.

(d) Structures, equipment, wastes and materials shall not be stored, disposed of or abandoned within the shoreline jurisdiction. Boats may be stored within the shoreline jurisdiction.

(e) Construction materials that come in direct contact with the water shall not be treated or coated with toxic materials. Untreated wood, precast concrete, plastic or nontoxic alternatives shall be used unless the project proponent demonstrates and the department determines that there is no feasible alternative to toxic construction materials that will provide the structural characteristics necessary for the project.

(f) Finish treatments, including but not limited to paint, stain, water-proofer, pest preventatives and preservatives used on overwater structures or on structures within 25 feet of the ordinary high water mark shall not result in adverse impacts to water quality.

(g) Construction shall be limited to times that will have the least disturbance on spawning, migration and rearing of salmonids and other critical species.

(h) Marinas.

(i) Marinas shall not be located on or over critical saltwater habitats or in nearshore sediment accretion areas, such as mudflats, sandflats and pocket estuaries;

(ii) Marina berths must be designed so that they can rise and fall safely with flood waters and tidal fluctuation and have a minimum clearance of six feet below mean lower low water;

(iii) Marinas are not allowed in areas that would detrimentally alter littoral drift patterns. An evaluation of littoral drift patterns within the drift cell in which the marina is proposed is required during the siting process;

(iv) Marinas must be designed and constructed to incorporate uninhibited tidal bypass so as to minimize the need for maintenance dredging;

(v) Marinas shall be designed and constructed to allow adequate flushing and water circulation within the facility to avoid degrading water quality;

(vi) Marinas shall not be located within ½- mile of any outfall of primary treated domestic sewage or industrial waste;

(vii) Prior to siting an in-water marina, an analysis must be conducted to determine the feasibility of an upland boat storage facility on the project site as a preferred alternative; and

(viii) New marinas shall provide for public access consistent with SCC 30.67.330.

(i) Boat launch facilities – general.

(i) Pedestrian access to the water that is separate from the boat launching lane(s) may be required where it is determined to be necessary for public safety;

(ii) Safety buoys shall be installed and maintained separating boating activities from other water recreation and uses where reasonably required for public safety;

(iii) Public boat launch facilities shall include a level vehicle-maneuvering space measuring at least 500 square feet;

(iv) Public boat launch facilities shall include 32 to 40 parking spaces capable of accommodating a vehicle with an attached boat trailer for each ramp lane of boat access to the water; and

(v) All site improvements for boat launch facilities shall comply with all other requirements of the zone in which they are located.

(j) Boat ramps.

(i) Boat ramps shall be located on stable, non-erosional banks, where stabilization structures will not be necessary;

(ii) Boat ramps shall be placed and maintained as near to flush with the foreshore slope as is possible to minimize interruption of geohydraulic processes;

(iii) Boat ramps may be allowed for individual residences when the following conditions are met:

(A) The applicant shows that the boat ramp and its use will not adversely impact shoreline ecological functions or damage critical saltwater habitat;

(B) The upland slope within 25 feet of the ordinary high water mark does not exceed 25 percent; and

(C) Substantial cutting, grading, filling or shoreline stabilization measures are not necessary; and

(iv) When reviewing mitigation measures proposed by applicants to minimize potential impacts on shoreline ecological functions from boat ramps, the county will consider the following:

(A) Availability and adequacy of existing community or public facilities providing boat access to the same shoreline water body;

(B) Shared use facilities are preferred; and

(C) Preferred boat ramp designs are in the following order of priority:

(I) Elevated railways that have minimal disturbance to beach substrate;

(II) Open grid designs that have minimal disturbance to beach substrate;

(III) Seasonal ramps that can be removed and stored upland; and

(IV) Solid structures that interlock with one another leaving spaces for natural beach substrate that can adapt to changes in beach profiles.

(k) Docks, piers and floats.

(i) Docks, piers and floats shall not deflect river currents or wave energy resulting in the undercutting of banks, erosion, or damage to adjacent or downstream properties or critical saltwater habitat;

(ii) Where feasible, moorage buoys shall be required instead of piers, docks or floats on all tidal water, except for port, industrial and commercial developments in the Urban shoreline environment designation;

(iii) Docks, piers and floats associated with water-dependent commercial or industrial uses shall be the minimum size and length necessary to accommodate the proposed use;

(iv) Commercial and industrial docks upon which toxic or flammable materials are handled or stored shall make adequate provisions to minimize the possibility of an accidental spill and prepare an effective spill response plan;

(v) Joint use docks and piers shall be required for commercial and industrial enterprises in close proximity to each other, unless the applicant can demonstrate that the possibility of a multiple owner or multiple use facility is not feasible;

(vi) When moorage facilities are proposed in conjunction with new subdivisions, motels or multi-family residences, a single, joint use moorage facility shall be required.

(vii) When reviewing permit applications for new docks, piers and floats associated with single family residences, the county will consider the following:

(A) Availability and adequacy of existing community or public facilities providing access to the same shoreline water body; and

(B) The feasibility of multiple owner or multiple user facilities. Shared use facilities are preferred whenever possible.

(viii) Unless shared by adjacent property owners, covered private docks and boathouses shall be at least three feet from any side lot line or extension thereof. No setback from adjacent properties is required for uncovered private docks and boathouses or for private docks and boathouses shared by adjacent property owners.

(ix) Docks, piers and floats shall be located and designed as follows:

(A) Floats and floating docks shall include stops which will serve to elevate the floats above the tidelands at low tide. Floats shall be secured with anchored cables in place of pilings, where feasible;

(B) Docks, piers and floats are not allowed in or over critical saltwater habitat;

(C) Shortening, lengthening, narrowing, or reducing the area of a dock, pier or float shall be required as necessary to ensure that:

(I) The structure does not extend over-water in such a manner as to impede navigation or create a navigation hazard; and

(II) The structure avoids disturbing or shading significant freshwater aquatic vegetation communities or critical saltwater habitat;

(D) Increase or decrease of the height of the dock, pier or float may be required to allow for the penetration of light to reduce impacts to habitat related to shading;

(E) Pier and dock requirements for marine shorelines.

(I) Piers and docks located on marine shorelines shall be the minimum size required to provide for moorage. Single family piers or docks shall not exceed 90 feet in length measured perpendicularly from the OHWM. Shared moorage may extend up to 110 feet in length if demonstrated to be necessary to provide adequate moorage. Docks that cannot meet this standard may request a review under the variance provisions of chapter 30.44 SCC;

(II) The maximum width of each pier or dock shall be six feet; and

(III) The maximum width of walkway ramps shall be four feet and shall be fully grated;

(F) Pier and dock requirements for lake shorelines.

(I) The maximum waterward intrusion of any portion of any pier or dock shall not extend further waterward than the average intrusion of the piers or docks on lots abutting the location of the new dock as measured perpendicularly from the OHWM unless an alternative dimension is required to prevent impacts to critical habitat or navigation. In no circumstances shall the maximum waterward intrusion of any portion of the pier or dock extend more than 80 feet from the OHWM, or the point where the water depth is eight feet below the elevation of the OHWM, whichever is reached first;

(II) The maximum width of each pier or dock shall be six feet, or up to eight feet wide on joint use docks; and

(III) The maximum width for piers and docks shall be four feet for the first thirty feet from the OHWM of any lake identified as salmonid habitat.

(G) Pier and dock requirements for river shorelines.

(I) Pier and dock dimensions shall be the minimum necessary to accommodate the proposed use;

(II) Piers and docks shall not impede navigation, water flow, or transport of sediment and debris and shall not result in acceleration of erosion on adjacent or opposite banks; and

(III) Construction timing shall not coincide with migration or spawning of anadromous fish;

(H) Float requirements.

(I) One float per single-family residence and no more than one common use float for each new multifamily development, short subdivision or subdivision is permitted;

(II) No portion of a float shall be placed more than 45 feet waterward of the OHWM on lake shorelines;

(III) Retrieval lines shall not float at or near the surface of the water; and

(IV) No float shall have more than 100 square feet of surface area;

(I) Construction materials for docks, piers or floats shall meet the following requirements:

(I) The decking of all piers and docks shall be designed to allow a minimum of 45 percent light passage. Floats shall be designed to allow a minimum of 30 percent light passage. This may be accomplished through grated decks, space between decking, light prisms, or other means;

(II) If plastics or other non-biodegradable materials are used in float, pier, or dock construction, containment features in the design of the structures are required;

(III) Any part of a dock, pier or float that comes in direct contact with the water shall not be treated or coated with toxic materials. Untreated wood, precast concrete, plastic or nontoxic alternatives shall be used unless the project proponent demonstrates and the department determines that there is no feasible alternative to toxic construction materials or finishes that will provide the structural characteristics necessary for the project; and

(IV) Skirting is not permitted.

(l) Boathouse, private, noncommercial.

(i) The height of any covered, over-water structure shall not exceed 12 feet as measured from the ordinary high water mark;

(ii) The total area including building and possible pier walkway of covered, over-water structures shall not exceed 500 square feet;

(iii)The entirety of the over-water structure shall have a width no greater than 25 percent of the width of the lot at the natural shoreline upon which it is located;

(iv)Maximum extent for any boathouse is 25 feet beyond the mean low waterline;

(v) 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, except as provided in SCC 30.67.570(2)(g); and

(vi)Unless shared by the adjacent property owner, covered boathouses shall be at least three feet from the side lot line or extension thereof. No setback from adjacent properties is required for structures shared by adjacent property owners.

(vii) All boat houses shall consist of a roof and support beams and necessary pier walkways and piling supports. Side walls are prohibited;

(viii) Translucent boat canopies shall be used when possible in lieu of constructing a new boathouse; and

(ix) When a new boat house is constructed, mitigation sequencing for shoreline ecological impacts shall be required per SCC 30.67A.310(3)(a).

(m) Mooring Buoys

(i) Mooring buoys shall not be located on or over critical saltwater habitats;

(ii) Except as prohibited in (i) above, mooring buoys may be located on or over nearshore accretion areas, such as sandflats, mudflats and pocket estuaries;

(iii) Mooring buoys shall be located to minimize impacts on navigation; and

(iv) Mooring buoys shall be reasonably visible to boaters.

(2) In addition to the general regulations contained in SCC 30.67.515(1), the following shoreline environment designation-specific regulations for new boating facilities in shorelines apply as applicable:

(a) Urban. Boating facilities are permitted.

(b) Urban Conservancy.

(i) Marinas, yacht and boat clubs, boat launch facilities other than boat ramps, public or commercial docks and piers, and boathouses are prohibited; and

(ii) Boat ramps, private docks, floats and mooring buoys are conditionally permitted.

(c) Rural Conservancy.

(i) Boat launch facilities, boat ramps, boathouses, docks, piers, floats and mooring buoys are permitted ; and

(ii) Marinas and yacht and boat clubs are conditionally permitted.

(d) Resource.

(i) Marinas and yacht and boat clubs are prohibited;

(ii) Boathouses are conditionally permitted; and

(iii) Boat launch facilities, boat ramps, docks, piers, floats and mooring buoys are permitted.

(e) Municipal Watershed Utility. All boating facilities are prohibited except boat ramps, which are permitted.

(f) Natural. All boating facilities are prohibited except boat ramps which are conditionally permitted.

(g) Aquatic.

(i) Marinas, yacht and boat club facilities are conditionally permitted if the adjacent shoreland designation is either Urban or Rural Conservancy.

(ii) Boat ramps are:

(A) Permitted only when the adjacent shoreland is designated Urban, Rural Conservancy, Resource or Municipal Watershed Utility; and

(B) Conditionally permitted when the adjacent shoreland designation is Urban Conservancy or Natural;

(iii) Private docks, floats and mooring buoys are:

(A) Permitted only when the adjacent shoreland is designated Urban, Rural Conservancy or Resource;

(B) Conditionally permitted when the adjacent shoreland designation is Urban Conservancy; and

(C) Prohibited when the adjacent shoreland designation is Municipal Watershed Utility or Natural; and

(iv) Public or commercial docks, piers or boathouses are conditionally permitted only if the adjacent shoreland designation is Urban, Rural Conservancy or Resource.

(v) Private boathouses are:

(A) Permitted only when the adjacent shoreland designation is either Urban or Rural Conservancy;

(B) Conditionally permitted when the adjacent shoreland designation is Resource; and

(C) Prohibited when the adjacent shoreland designation is either Urban Conservancy, Municipal Watershed Utility or Natural.

(3) Moorage on waters of the state without a lease or permission from the state Department of Natural Resources is restricted by the state and mitigation of impacts to navigation and access is required. If the county becomes aware of un-authorized moorage on waters of the state, the department will notify the state Department of Natural Resources.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.520 Breakwaters, jetties, groins and other in-water structures.

(1) The following general regulations apply to new breakwaters, jetties, groins and other in-water structures not specifically identified:

(a) In-water structures shall be designed and located to:

(i) Avoid or minimize and mitigate impacts to shoreline ecological functions, especially littoral drift;

(ii) Have no adverse impacts on downdrift, downstream and adjacent properties, such as beach starvation, channel migration or erosion;

(iii) Allow for fish passage and for the transport of sediment, debris and floodwaters;

(iv) Be visually compatible with their surroundings;

(v) Avoid or minimize restrictions on the public use of the water surface, especially navigational access; and

(vi) Not be located on or over critical saltwater habitats.

(b) Floating wave attenuators, floating breakwaters, open wall designs or other alternatives to a solid breakwater shall be required for all in-water structures.

(2) In addition to the general regulations contained in SCC 30.67.520(1), the following shoreline environment designation-specific regulations for new breakwaters, jetties, groins or other in-water structures apply:

(a) For projects with the sole purpose of restoration or enhancement of shoreline ecological functions, breakwaters, jetties, groins and other in-water structures are conditionally permitted in the Natural and its adjacent Aquatic environments and permitted in all other shoreline environments; and

(b) For projects not meeting the criteria in SCC 30.67.520(2)(a), the following applies:

(i) Breakwaters, jetties, groins and other in-water structures are conditionally permitted in the Urban, Rural Conservancy, Resource and their adjacent Aquatic environments; and

(ii) Breakwaters, jetties, groins and other in-water structures are prohibited in the Urban Conservancy, Municipal Watershed Utility, Natural and their adjacent Aquatic environments.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.525 Commercial.

Commercial development is defined in SCC 30.91C.132.

(1) The following general regulations apply to commercial development in shoreline jurisdiction:

(a) All commercial development shall be required to provide public access consistent with SCC 30.67.330.

(b) Non-water dependent commercial development is only permitted in the following circumstances:

(i) The proposed development is part of a mixed use project that includes water-oriented uses as the primary use of the site, and the commercial development is clearly incidental or secondary to the water-oriented uses;

(ii) Navigability is severely limited at the proposed site and the use provides public access and restoration of wetlands or fish and wildlife habitat; or

(iii) The proposed commercial development is located over 200 feet from the ordinary high water mark or is physically separated from the shoreline by another property or public right-of-way.

(2) In addition to the general regulations contained in SCC 30.67.525(1), the following shoreline environment designation-specific regulations for commercial uses apply as applicable:

(a) Urban. Commercial uses are permitted.

(b) Urban Conservancy. Commercial uses are prohibited.

(c) Rural Conservancy. Commercial uses are permitted in areas zoned General Commercial (GC), Rural Business (RB), Rural Industrial (RI), Rural Diversification (RD) or Rural Freeway Service (RFS).

(d) Resource. Commercial uses are permitted in areas zoned Agriculture 10-acres (A-10), Forestry (F), General Commercial (GC), Rural Business (RB), Rural Industrial (RI), Rural Diversification (RD) or Rural Freeway Service (RFS).

(e) Municipal Watershed Utility. Commercial uses are prohibited.

(f) Natural. Commercial uses are prohibited.

(g) Aquatic. Only those water-dependent portions of the commercial use that require an over-water or in-stream location are conditionally permitted only when the commercial use is allowed in the adjacent shoreland environment.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.530 Dredging and spoil disposal.

Dredging is defined in SCC 30.91D.445.

(1) The following general regulations apply to dredging and dredge spoil disposal within shorelines:

(a) Projects shall be sited and designed to avoid the need for new or maintenance dredging.

(b) Dredging and dredge spoil disposal are allowed only:

(i) For maintenance of existing navigation channels, provided that the dredging extent is limited to that area previously dredged or to the authorized location, depth and width;

(ii) When necessary to construct or maintain marinas, boat ramps or other boat launch facilities;

(iii) For flood protection under SCC 30.67.540;

(iv) In conjunction with ecological restoration or enhancement projects;

(v) In conjunction with mining activities allowed pursuant to SCC 30.67.560(1)(a); or

(vi) When necessary to maintain and operate public water supply, power generation, and flood control reservoirs, including, but not limited to, sediment removal at pipe inlets or outlets.

(c) The operation and location of dredging and dredge disposal sites shall meet the following criteria:

(i) Unless directly related to restoration or enhancement of shoreline ecological functions, dredging shall not be allowed:

(A) Within critical saltwater habitats or salmonid spawning areas; or

(B) For the sole purpose of obtaining fill or mineral resources except as allowed pursuant to 30.67.530(1)(b);

(ii) Dredging and dredge material disposal activities shall implement all feasible mitigation measures to minimize adverse impacts to shoreline habitats;

(iii) Dredging projects that convert intertidal habitat to subtidal habitat in order to improve navigability must include a comprehensive assessment identifying potential cumulative impacts of site-specific changes to ecosystem functions;

(iv) Dredging shall not be allowed along net-positive drift sectors and where geohydraulic processes are active and accretion shoreforms would be damaged, altered, or irretrievably lost;

(v) Unless in conjunction with an ecological restoration project, open water dredge disposal shall occur only at approved Puget Sound Dredge Disposal Analysis (PSDDA) sites. Any party utilizing a PSDDA site must comply with all PSDDA requirements; and

(vi) Cleanup and disposal of dredged material waterward of the ordinary high water mark must be in accordance with a state Department of Natural Resources Dredged Material Management Program.

(d) Dredge spoils may be utilized in ecological restoration or enhancement projects, provided that they do not contain contaminants and water quality is not adversely impacted.

(e) All dredge spoil disposal sites, except for PSDDA sites, shall meet the following requirements:

(i) The disposal site shall be located outside of the channel migration zone unless the dredge materials will be for a permitted use within the adjacent shoreline jurisdiction;

(ii) Before beginning disposal operations, the dikes enclosing the disposal site shall be constructed such that no spoils bearing discharge water may escape. The disposal site dikes shall be kept in this condition

throughout any disposal operation;

(iii) The settling area within the dikes must be large enough so that the outlet pipe conveying return water can be periodically relocated to control the uptake of suspended sediment;

(iv) Normal drainage patterns within the project site shall not be adversely affected by the spoils disposal operation;

(v) Within six months of the issuance of a permit for dredging activities, trees shall be planted and maintained around the perimeter of the site to act as a visual buffer;

(vi) Dredge spoils may be deposited and removed from the site in a manner that does not disturb the perimeter dike, except at points of ingress and egress, and consistent with the conditions of the approved permit; and

(vii) Written notice shall be given to the department at least two weeks prior to the commencement of any permitted dredge spoils disposal operation.

(2) In addition to the general regulations contained in SCC 30.67.530(1), the following shoreline environment designation-specific regulations for dredging and dredge spoil disposal apply:

(a) Dredging and dredge spoil disposal is conditionally permitted in all shoreline environments when directly related to restoration or enhancement of shoreline ecological functions.

(b) For all dredging or dredge spoil disposal projects not related to ecological enhancement or restoration projects, the following shoreline environment designation-specific regulations apply:

(i) Dredge spoil disposal is conditionally permitted in the Urban, Rural Conservancy and Resource environments;

(ii) Dredge spoil disposal is prohibited in the Urban Conservancy and Natural environments;

(iii)Dredging and dredge spoil disposal are conditionally permitted in the Municipal Watershed Utility environment when consistent with a project license issued by the Federal Energy Regulatory Commission;

(iv)Dredging in the Aquatic environment is conditionally permitted when allowed pursuant to SCC 30.67.530(1); and

(v) Dredge spoil disposal is conditionally permitted in the Aquatic environment when:

(A) The dredge spoil disposal is conducted in conjunction with any of the following project types:

(I) Cleanup and disposal of contaminated sediments as part of an interagency environmental clean-up plan;

(II) Disposal of dredged material from dredging projects allowed under SCC 30.67.530(1)(b) when the dredged material is considered suitable under, and conducted in accordance with, the dredged material management program of the state Department of Natural Resources; or

(III) Disposal of dredged material in conjunction with an approved ecological restoration or enhancement project; or

(B) The dredge spoils are deposited at a Puget Sound Dredge Disposal Analysis (PSDDA) site.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.535 Fill.

(1) The following general regulations apply to fill within shorelines:

(a) Fill is permitted only when used as preparation for a use or modification otherwise permitted by this SMP, except that fill is only allowed in the 100-year floodplain for the purpose of flood-proofing a structure or as part of an ecological restoration or enhancement project.

(b) When allowed under 30.67.535(1)(a), use of fill is subject to the following conditions:

(i) Uses and modifications shall be located and designed to minimize the amount and extent of fill necessary to accommodate the use. For example, projects should be designed with pile-supported piers, rather than piers constructed with fill;

(ii) The perimeter of all fills shall be provided with some means to control erosion. Nonstructural methods such as vegetation and soil bioengineering shall be used unless infeasible;

(iii) The source and content of fill materials to be used shall be approved by the department prior to deposition. Neither organic materials nor fill materials identified as solid waste pursuant to SCC 7.25.020(32) shall be deposited waterward of the ordinary high water mark;

(iv) Fills shall not interfere with normal public use of the waters of the state; and

(v) Dredge spoil disposal used as fill shall comply with SCC 30.67.530.

(2) In addition to the general regulations contained in SCC 30.67.535(1), the following shoreline environment designation-specific regulations for fill apply:

(a) Fill is permitted in the Urban, Rural Conservancy, Resource and Municipal Watershed Utility environments.

(b) Fill is permitted in the Urban Conservancy and Natural environments when in conjunction with an ecological restoration or enhancement project. Otherwise, fill in the Urban Conservancy and Natural environments is conditionally permitted.

(c) Fill is permitted in the Aquatic environment when in conjunction with an ecological restoration or enhancement project. Otherwise, fill in the Aquatic environment is conditionally permitted and shall be consistent with the following:

(i) Fill waterward of the ordinary high water mark shall not contain organic materials or materials identified as solid waste pursuant to SCC 7.35.020(32). The source and content of fill materials to be used waterward of the ordinary high water mark shall be approved by the department prior to deposition; and

(ii) Fill waterward of the ordinary high water mark shall only be allowed when necessary to support:

(A) A water- dependent use with no feasible alternative to fill;

(B) A transportation facility of statewide significance, an essential public facility or utility, or a navigational structure with no feasible alternative to fill;

(C) The cleanup and disposal of contaminated sediments as part of an interagency environmental cleanup plan; or

(D) The creation or enhancement of public access.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.540 Flood protection measures.

(1) The following general regulations apply to flood protection measures within shorelines:

(a) Flood protection measures are subject to chapter 30.65 SCC and shall be planned, constructed and maintained in accordance with a county and state approved floodplain management plan, if applicable.

(b) New structural flood protection measures may be allowed if:

(i) A geotechnical report establishes that structural flood protection measures are necessary to protect existing primary structures, new or existing public utilities, roads or bridges, or designated farmlands, and that non-structural measures are not feasible; or

(ii) Necessary to facilitate a project whose sole purpose is restoration or enhancement of shoreline ecological functions.

(c) Except as allowed under SCC 30.67.540(1)(h) or 30.67.540(2)(d), removal of sand, gravel or sediments for flood management purposes is only allowed under the following conditions:

(i) The proposal is consistent with a current Snohomish County Flood Hazard Management Plan;

(ii) A geotechnical or engineering analysis demonstrates that the removal will result in the long-term reduction of flood hazards;

(iii) The activity does not result in a net loss of ecological functions or impair migration, spawning or rearing of anadromous fish; and

(iv) If proposed waterward of the ordinary high water mark, the activity is conducted in compliance

with the requirements for dredging and dredge spoil disposal in SCC 30.67.530.

(d) Flood protection measures shall not result in channelization of normal stream flows, interfere with natural hydraulic processes such as channel migration, or undermine existing structures or downstream stream banks.

(e) New flood control dikes shall be landward of any associated wetlands and their buffers, and where feasible, landward of the channel migration zone.

(f) New flood protection structures such as dikes and levees shall provide public access pursuant to SCC 30.67.330.

(g) Normal maintenance or repair of flood protection measures is allowed.

(h) Emergency flood protection measures are allowed subject to the provisions in SCC 30.44.280.

(i) Except as otherwise allowed in SCC 30.67.540(1)(b)(ii), new structural flood control measures are prohibited on estuarine shores, on point and channel bars and in salmon and trout spawning areas.

(2) In addition to the general regulations contained in SCC 30.67.540(1), the following shoreline environment designation-specific regulations for flood protection measures apply:

(a) Structural flood protection measures in conjunction with ecological restoration or enhancement projects are permitted in all shoreline environments except the Natural environment. Non-structural flood protection measures are permitted in all shoreline environments in conjunction with ecological restoration or enhancement projects.

(b) When not in conjunction with ecological restoration or enhancement projects, non-structural flood protection measures are permitted in all shoreline environments, except that non-structural flood protection measures in the Aquatic environment are conditionally permitted.

(c) When not in conjunction with ecological restoration or enhancement projects, and when a geotechnical report demonstrates that flood protection measures are necessary to protect existing primary structures, new or existing public utilities, roads or bridges, or designated farmlands, and that non-structural solutions would be inadequate to achieve the needed protection, structural flood protection measures are permitted in all shoreline environments, except that structural flood protection measures are prohibited in the Natural and Urban Conservancy environments and the Aquatic environment adjacent to Natural and Urban Conservancy environments, and except that structural flood protection measures are conditionally permitted in other Aquatic environments.

(d) Debris deposited by flood events within the previous 12-month period may be removed from designated farmlands in the Resource environment.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.545 Forestry.

(1) The following general regulations apply to forestry activities within shorelines:

(a) For timber harvest located within 200 feet landward of the ordinary high water mark in shorelines of statewide significance, harvest activities shall employ selective timber cutting so that no more than 30 percent of the merchantable timber may be harvested in any ten-year period. Exceptions to this standard or when in those limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective timber cutting ecologically detrimental, a conditional use permit shall be required.

(b) Forest management activities shall comply with the state's current forest practices rules and regulations (Title 222 WAC) and pesticides regulations (chapter 17.21 RCW).

(c) Development incidental to forestry activities, such as forestry roads, must comply with all local regulations and Title 222 WAC. Where there are conflicts, the provision resulting in the greatest protection for shoreline ecological functions shall apply.

(d) The following regulations apply to log storage in shoreline jurisdiction:

(i) All new log storage areas shall be on paved dry land.

(ii) Logs stored in water where such use has been established prior to July 27, 2012 shall comply with the following requirements:

(A) Log storage shall not be located where it could interfere with small craft navigation or normal public use of the waters of the state;

(B) Logs shall not be stored or rafted where grounding will occur;

(C) Free-fall dumping of logs into water is prohibited;

(D) Devices shall be used for placing logs in the water that will reduce bark separation and generation of wood debris;

(E) Bark and wood debris controls, collection, and disposal methods shall be used at log dumps, raft building areas and mill side handling zones;

(F) Logs shall not be stored in rapidly flowing waters or other areas where positive bark and debris controls would not be effective;

(G) Accumulations of bark and other debris on the land and docks around dump sites shall be kept out of the water; and

(H) Where water depths permit the floating of bundled logs, they shall be secured in bundles on land before being placed in the water. Bundles shall not be broken again except on land or at mill sites.

(2) In addition to the general regulations contained in SCC 30.67.545(1), timber harvest or removal is permitted in all shoreline environment designations when conducted in accordance with the requirements of chapter 76.09 RCW and Title 222 WAC, provided that:

(a) The thresholds established in SCC 30.67.545(1)(a) are not exceeded on shorelines of statewide significance, in which case the timber harvest or removal is conditionally permitted; or

(b) In cases where the land is likely to be converted to a non-forestry use, the department will place conditions on the Class IV-General forest practices permit to ensure that the timber harvest or removal is consistent with the following criteria:

(i) The management policies contained in the SMP for the shoreline environment designations where the timber harvest or removal will occur;

(ii) The shoreline use requirements in SCC 30.67.420 and .430;

(iii) The intended use, modification and vegetation management development standards in SCC 30.67, Part 500;

(iv) The standard for no net loss of shoreline ecological functions in SCC 30.67.320; and

(v) The provisions of the Shoreline Management Act and the SMP.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.550 Industry and ports.

Ports are centers for water-borne traffic and industrial and manufacturing firms.

(1) The following general regulations apply to industrial development and ports within shorelines:

(a) All industrial development and ports shall provide public access pursuant to SCC 30.67.330.

(b) Non-water dependent industrial development is permitted under the following circumstances:

(i) The proposed development is part of a mixed use project that includes water-oriented uses as the primary use of the site, and the industrial development is clearly incidental or secondary to the water-oriented uses;

(ii) Navigability is severely limited at the proposed site and the use provides public access and restoration of wetlands or fish and wildlife habitat; or

(iii) The proposed industrial development is located over 200 feet from the ordinary high water mark or is physically separated from the shoreline by another property or public right-of-way.

(c) The following regulations apply to port development in shoreline jurisdiction:

(i) Proposed port developments, expansions, alterations, or any phase thereof shall be consistent with, and shall be based upon, a comprehensive harbor improvement plan adopted by the county; and

(ii) Flexibility from the requirements of this chapter may be granted where the proposed port development will result in equal or better public access and restoration or enhancement of shoreline ecological functions than would be required under this chapter.

(2) In addition to the general regulations contained in SCC 30.67.550(1), the following shoreline environment designation-specific regulations for industrial development and ports apply:

(a) Industrial development and ports are permitted in the Urban, Rural Conservancy and Resource environments.

(b) Industrial development and ports are prohibited in the Urban Conservancy, Municipal Watershed Utility and Natural environments.

(c) Industrial development and ports are conditionally permitted in the Aquatic environment when the adjacent shoreland designation is Urban, Rural Conservancy or Resource.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.555 Institutional.

Institutional uses include those nonresidential uses that typically are found in all zones, including residential zones, such as health and social service facilities, community facilities for juveniles or seniors, schools, libraries, museums, government structures and facilities, and churches. Uses conducted within a single-family residential structure and which are secondary to the residential use of the structure such as a day care, elder care, home school or foster home are not considered institutional uses for the purposes of this chapter.

(1) Institutional developments shall comply with the standards for commercial development pursuant to SCC 30.67.525 unless conducted incidental to a residential use, in which case the residential requirements contained in SCC 30.67.570 apply.

(2) In addition to the general regulations contained in SCC 30.67.555(1), the following environment-specific regulations for institutional uses apply:

(a) Institutional uses are permitted in the Urban and Rural Conservancy environments.

(b) Institutional uses are conditionally permitted in the Resource environment.

(c) Institutional uses are prohibited in the Urban Conservancy, Municipal Watershed Utility and Natural environments.

(d) In the Aquatic shoreline environment designation, only those water-dependent portions of the use that require an over-water or in-stream location are conditionally permitted when the adjacent shoreline environment designation is Urban, Urban Conservancy, Rural Conservancy or Resource. All other institutional uses are prohibited.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.560 Mining.

Mining is the removal and primary processing of naturally occurring materials including sand, gravel, rock, soil, peat or precious metals for economic use. Mining activities also include in-water and in-channel dredging activities related to mineral extraction.

(1) The following general regulations apply to mining activities in shorelines:

(a) Mining activities are allowed in shoreline jurisdiction only when necessary as an integral part of the following project types:

(i) Ecological restoration or enhancement;

(ii) Flood hazard management, provided that:

(A) The project is recommended in a Snohomish County flood hazard management plan and is consistent with chapter SCC 30.65 SCC and SCC 30.67.540; and

(B) A geotechnical or engineering analysis demonstrates that the proposed mining will result in long-term flood hazard reduction benefits;

(iii) To alleviate an emergency situation as defined in SCC 30.91E.100 and subject to the following conditions:

(A) The mining activity is the minimum necessary to alleviate the emergency situation;

(B) The permit procedures for emergency modifications or construction in SCC 30.67.470 are satisfied; and

(C) When related to alleviation of a flood hazard emergency, the mining activity meets the standards in SCC 30.44.280;

(iv) Mineral extraction and use for forest practices, provided that:

(A) The mining activity is conducted more than 200 feet from the ordinary high water mark of shorelines of statewide significance; and

(B) the appropriate notifications, approvals or permits are obtained pursuant to chapter 76.09 RCW;

(v) Removal of mineral resources deposited above the ordinary high water mark by flood events onto designated agricultural lands under the county's comprehensive plan for the purpose of maintaining or restoring land for agricultural activities; or

(vi) Dredging allowed pursuant to SCC 30.67.530.

(b) Removal of mineral resources shall comply with the following standards:

(i) The mining activity shall not occur in critical saltwater habitat, primary association areas for critical species, or in salmonid spawning habitat except in conjunction with an approved habitat restoration or enhancement project;

(ii) Mining activities shall not disrupt natural hydrology or sedimentation processes including but not limited to littoral drift, accretion, feeder bluffs or other sediment transport;

(iii) Mining activities shall not result in channelization of normal stream flows, interfere with natural hydraulic processes such as channel migration, undermine existing structures or downstream stream banks, or increase risk of stream avulsion;

(iv) Mining activities shall not result in a net loss of shoreline ecological functions or impair migration of anadromous fish; and

(v) Mining activities waterward of the ordinary high water mark of a river, including bars and islands, shall not be permitted unless:

(A) Removal of specified quantities of sand and gravel or other materials at specific locations will not adversely affect the natural processes of gravel transportation for the river system as a whole;

(B) The mining and any associated permitted activities will not have significant adverse impacts on habitat for critical species or cause a net loss of ecological functions of the shoreline;

(C) The determinations made pursuant to SCC 30.67.560(1)(b)(v)(A) and (B) shall be made consistent with RCW 90.58.100(1) and WAC 173-26-201(2)(a). Such evaluation of impacts should be appropriately integrated with relevant critical area and environmental review requirements pursuant to chapters 30.61, 30.62A and 30.62B SCC; and

(D) In considering renewal, extension or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, the department shall require compliance with the SMP and chapter 30.31D SCC.

(c) Permit requirements for mining should be coordinated with the requirements of chapter 78.44 RCW and chapters 30.31D and 30.44 SCC.

(d) Mining activities which meet the definition of "dredging" in SCC 30.91D.445 shall comply with SCC 30.67.530.

(e) Mining within any channel migration zone that is within shoreline jurisdiction shall require a shoreline conditional use permit.

(f) Proposed subsequent use of mined property shall be consistent with the provisions of the shoreline environment designation in which the property is located and reclamation of disturbed shoreline areas shall restore all shoreline ecological functions adversely impacted by the mining activities.

(2) In addition to the general regulations contained in SCC 30.67.560(1), the following shoreline environment designation-specific regulations for mining apply:

(a) Mining activities allowed pursuant to SCC 30.67.560(1)(a) are conditionally permitted in all shoreline environments, except that mining activities related to forest practices as described in SCC 30.67.560(1)(a)(iv) are permitted in the Resource and Municipal Watershed Utility environments unless subject to a conditional use permit pursuant to SCC 30.67.560(1)(e).

(b) Except when allowed pursuant to SCC 30.67.560(1)(a), mining activities for the sole purpose of obtaining fill or commercial sale or processing of mineral resources are prohibited in all shoreline environments.

(c) Non-conforming mining activities are subject to the requirements in SCC 30.44.125.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.565 Recreation.

Recreation uses are those uses that provide facilities for athletic activities, hobbies or other entertainment that provides relaxation or enjoyment of leisure time as a primary use. Recreation uses include both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, association or individual. Commercial uses that are incidental to a recreation use such as concession stands or boat rental shall be considered part of the recreation use.

(1) The following general regulations apply to recreation in shorelines:

(a) Commercial recreational development shall comply with the requirements for commercial uses in SCC 30.67.525, in addition to the requirement of this section.

(b) Recreation facilities shall be designed to take maximum advantage of and enhance the natural character of the shoreline area.

(c) Motor vehicle use, including two- and three-wheeled vehicles, shall not be permitted on beaches, dunes, or wetlands and fish and wildlife habitat conservation areas except as necessary for official maintenance or the preservation of public health and safety.

(d) Non-water dependent uses are only allowed in the following circumstances:

(i) The proposed use is part of a mixed use project that includes water-dependent uses as the primary use of the site, and the non-water dependent uses are incidental or secondary to the water-dependent uses;

(ii) Navigability is severely limited at the proposed site and the use provides public access and restoration of wetlands or fish and wildlife habitat; or

(iii) The proposed site is physically separated from the shoreline by another property or public right-of-way.

(2) In addition to the general regulations contained in SCC 30.67.565(1), the following shoreline environment designation-specific regulations for recreation apply:

(a) Recreation uses are permitted in the Urban, Urban Conservancy and Rural Conservancy environments;

(b) Recreation uses are permitted in the Resource environment, except that golf courses, playing fields and other large areas devoted to athletic activities are prohibited within the Resource environment, except on lands designated “Recreational Lands” by the county’s comprehensive plan;

(c) Recreation uses are permitted in the Municipal Watershed Utility environment subject to provisions in the project license from the Federal Energy Regulatory Commission;

(d) Recreation uses are permitted in the Urban Conservancy, Natural, and Aquatic environments subject to the following conditions:

(i) Recreation uses are limited to passive or low-intensity recreation uses, such as trails and areas for public access to the water, hiking and walking, viewing platforms, picnic areas and hunting and fishing areas when such uses require minimal alteration to the shoreline, little clearing or grading and few shoreline modifications to conduct the activity;

(ii) Pedestrian and limited access bridges are allowed when necessary to facilitate public access;

(iii) Floating walkways or other similar over-water pedestrian structures facilitating access to observation points or viewing areas shall be permitted, provided they are constructed to minimize alteration of natural conditions and protect water quality; and

(iv) For artificial marine life habitats typically constructed for recreational diving:

(A) Habitats shall not interfere with surface navigation;

(B) Habitats shall be constructed of long-lasting non-polluting materials and anchored so as to remain in their original location even under adverse current or wave action; and

(C) Habitats may not be installed on publicly-owned submerged land without permission of the administering governmental agency.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.570 Residential.

Residential use includes single and multifamily dwellings and uses and other structures that are typically appurtenant or incidental to a residence. Residential uses also include those limited commercial and institutional uses that occur within or are incidental to a residence, such as bed and breakfast inns, guest houses, home occupations, family daycare, foster homes, retirement apartments, retirement housing and boarding houses.

(1) The following general regulations apply to residential uses in shorelines:

(a) Clustered development, with the open space area preserving and providing access to the water, is required for subdivisions or short subdivisions, except that alternative site designs may be considered by the department provided that the applicant demonstrates that the alternative site design will provide equivalent or better protection for shoreline ecological functions.

(b) Residential subdivisions, short subdivisions, or residential structures shall not be approved when structural flood protection or shoreline stabilization measures will be necessary to protect lots or subsequent development on the lots.

(c) All utility lines shall be located underground.

(d) Accessory structures that are not appurtenances must be proportional in size and purpose to the primary structure, and compatible with onsite and adjacent structures, uses and natural features.

(e) All residential subdivisions, short subdivisions, single family detached units, duplexes, townhouses or condominiums creating more than four parcels or dwelling units, and multi-family developments of more than four lots or dwelling units, shall be required to provide public access under SCC 30.67.330.

(f) Beach or water access using new stairways and trams is allowed, provided the applicant demonstrates that:

(i) Existing shared, public or community facilities are not adequate or available for use;

(ii) The possibility of a multiple-owner or multiple-user facility has been thoroughly investigated and is not feasible; and

(iii) The stairway or tram is designed and located such that:

(A) Subsequent shoreline modification, including the installation of shoreline stabilization, solely for the purpose of protecting the structure, is not necessary;

(B) Removal or modification of existing shoreline vegetation is the minimum necessary to construct the structure, and will be replaced with appropriate native species within the next growing season; and

(C) No fill or other modification water-ward of the ordinary high water mark is necessary to

construct or use the structure.

(g) Residential subdivisions and short subdivisions lying fully or partially within shoreline jurisdiction shall be limited to a maximum of ten percent total effective impervious surface area within the subdivision boundary.

(2) In addition to the general regulations contained in SCC 30.67.570(1), the following shoreline environment designation-specific regulations for residential uses apply:

(a) The following residential uses and appurtenant structures are permitted in the Urban environment: single family residential, mobile and manufactured homes, duplex, multifamily, townhouse, and mobile home parks.

(b) Urban Conservancy.

(i) The following residential uses are permitted: single family residential, mobile and manufactured homes;

(ii) Duplex and mobile home parks are conditionally permitted.

(c) Rural Conservancy.

(i) The following residential uses are permitted: single family residential, mobile and manufactured homes, and duplex;

(ii) Mobile home parks are conditionally permitted; and

(iii) Multifamily and townhouses are prohibited.

(d) Resource.

(i) The following residential uses are: single family residential, mobile and manufactured homes, and duplex;

(ii) Mobile home parks are conditionally permitted; and

(iii) Multifamily and townhouse are prohibited.

(e) All residential uses are prohibited in the Municipal Watershed Utility environment.

(f) Natural.

(i) The following residential uses are conditionally permitted: single family residential, mobile and manufactured homes;

(ii) All other residential uses; and

(iii) Alteration of the natural topographic features or flora of the site shall be restricted to that necessary for the placement of the residence and appurtenances. Additional grading or clearing, as for lawns, is prohibited.

(g) New over-water residences and floating homes are prohibited in the Aquatic environment. Houseboats used as a residence and live-aboard vessels may be permitted within marinas or in waters of the state subject to a lease or permission from the state Department of Natural Resources.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.575 Shoreline and bank stabilization.

Shoreline stabilization measures are used to reduce sedimentation and erosion.

(1) The following general regulations apply to shoreline and bank stabilization within shorelines:

(a) Normal maintenance or repair of existing shoreline stabilization structures is allowed.

(b) New, enlarged or replacement structural shoreline stabilization measures may only be used:

(i) To protect:

(A) Existing primary structures, utilities, roads and bridges;

(B) New utilities or public bridges and transportation structures allowed pursuant to 30.62B.330(3);

(C) Designated farmland on the county's comprehensive plan; and

(D) Projects where the sole purpose is to protect or restore shoreline ecological functions; and

(ii) When a geotechnical analysis conducted by a qualified engineer or geologist with experience evaluating and constructing nonstructural stabilization techniques demonstrates that:

(A) Nonstructural shoreline stabilization solutions are not feasible;

(B) Structural stabilization is necessary to provide protection from erosion caused by natural processes such as tidal action, currents, waves or channel migration and that the erosion is not caused by upland conditions, such as loss of vegetation and drainage; and

(C) The erosion rate exceeds that which would normally occur in a natural condition and that the structural stabilization measure would not interfere with hydrological and geomorphologic processes normally acting under a natural condition.

(c) Shoreline stabilization structures shall:

(i) Comply with the guidelines in the *Integrated Streambank Protection Guidelines* (Washington State Department of Fish and Wildlife, April 2003), or the alternative bank protection methods in *Alternative Bank Protection Methods for Puget Sound Shorelines* (Washington State Department of Ecology, May 2000, Publication #00-06-012);

(ii) Not alter natural hydraulic or sediment transport processes to the extent that downstream, downdrift or adjacent properties are damaged; and

(iii) Not cause a net loss of shoreline ecological functions. Mitigation is required for any adverse impacts to shoreline ecological functions including, but not limited to shoreline hydraulic processes such as littoral drift and channel migration, recruitment of beach materials from feeder bluffs and sediment transport.

(d) Construction of stabilization measures shall meet the following criteria:

(i) The size and quantity of material constituting the shoreline stabilization structure shall be the minimum necessary;

(ii) Beach materials shall not be used to backfill bulkheads, seawalls and other shoreline stabilization structures;

(iii) Construction materials shall not contain, or be treated or coated with toxic materials;

(iv) Shoreline stabilization structures shall not be used for the indirect purpose of creating land. When fill is required behind an already existing structure, it shall not extend water-ward of the ordinary high water mark unless otherwise permitted by this chapter;

(v) Structures shall be located landward of the ordinary high water mark, landward of the storm berm, and generally parallel to the natural shoreline except:

(A) On bluff or bank shorelines where no other armoring structures are adjacent, such structures shall be as close to the toe of the bank as possible;

(B) Where there are stabilization structures on adjacent properties, the proposed structure shall be tied in flush, except where adjoining structures extend water-ward of the ordinary high water mark;

(C) Replacement walls or bulkheads shall not encroach water-ward of the ordinary high water mark or water-ward of the existing structure unless the residence was occupied prior to January 1, 1992 [per RCW 90.58.100(6)]. In such cases, the replacement structure shall abut the existing shoreline stabilization structure and any adversely impacted shoreline ecological functions shall be mitigated. If critical saltwater habitats or shoreline ecological functions would be adversely impacted by leaving the existing structure, the structure shall be removed as part of the replacement measure; and

(D) Nonstructural shoreline stabilization measures that provide restoration of shoreline ecological functions may be allowed water-ward of the ordinary high water mark; and

(vi) Publicly financed or subsidized structures shall include provisions for public access as required under SCC 30.67.330.

(2) In addition to the general regulations in SCC 30.67.575(1), the following shoreline environment designation-specific regulations for shoreline and bank stabilization apply:

(a) Non-structural shoreline and bank stabilization measures are permitted in all shoreline environments except that non-structural flood protection measures in the Natural and Aquatic environments are conditionally permitted; and

(b) Structural shoreline and bank stabilization measures are permitted in all shoreline environments except Natural and adjacent Aquatic environments to protect ecological enhancement or restoration projects when non-structural protection measures are not feasible. When not in conjunction with an ecological enhancement or restoration project, structural shoreline and bank stabilization is conditionally permitted in all shoreline environments except Natural and Urban Conservancy environments and Aquatic environments adjacent to Natural and Urban Conservancy environments.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.580 Shoreline habitat restoration and enhancement.

The purpose of shoreline habitat restoration and enhancement projects is to improve ecological functions and processes necessary to maintain shoreline natural resources, protect public health and safety, and preserve beneficial uses of the shoreline.

(1) The following general regulations apply to shoreline habitat restoration and enhancement projects within shorelines:

(a) Shoreline habitat restoration or enhancement projects shall:

(i) Restore, enhance or create fish and wildlife habitat; or

(ii) Implement a recommended project from the shoreline restoration element.

(b) Shoreline habitat restoration or enhancement projects shall not adversely impact river currents, sediment processes, littoral drift, wetland or fish and wildlife habitat conservation areas.

(c) Beach enhancement shall be prohibited within spawning, nesting or breeding habitat or where littoral drift of the enhancement materials adversely affects adjacent spawning grounds or other fish and wildlife habitat conservation areas.

(d) Beach and stream enhancement shall not:

(i) Extend water-ward more than the minimum amount necessary to achieve the desired stabilization;

(ii) Result in steep contours that impede easy pedestrian passage or trap drifting sediments;

(iii) Be used solely to create new land area;

(iv) Disturb riparian vegetation or shallow water fish and wildlife habitat, unless such habitat is replaced within the earliest appropriate season by new habitat or native vegetation consistent with SCC 30.67.580(1)(h);

(v) Result in a beach differing in character from natural conditions historically found on the site or vicinity; or

(vi) Interfere with the normal public use of the navigable waters of the state.

(e) Lake and marine beach restoration or enhancement shall be consistent with the following:

(i) New materials added to a beach shall be of a size and composition as similar as possible to the existing natural materials, but large enough to withstand normal current, wake or wave action at the site;

(ii) The restored beach shall approximate the natural lake or marine shoreline width, height, bulk, profile, and vegetation community and structure;

(iii) Only short-term mechanical assistance may be used to accomplish planting;

(iv) Plantings must be maintained to achieve at least an 80 percent survival rate after two years of placement; and

(v) Gravel berms, drift sills and beach nourishment must be used when appropriate for the site.

(f) Stream restoration or enhancement shall be consistent with the following:

(i) Large woody debris placement, engineered log jams, bioengineering techniques, fish screens, self-regulating tide gates, removal of artificial structures and fish barriers, fishways, and stream channel improvements shall be included where appropriate;

(ii) Only short-term mechanical assistance may be used to accomplish planting;

(iii) Plantings must be maintained to achieve at least an 80 percent survival rate after two years of placement;

(iv) Size and composition of new materials added to a stream shall be as similar as possible to the existing natural materials, but large enough to withstand normal current, wake or wave action at the site; and

(v) Restoration or enhancement of the natural stream channel characteristics of length, width, gradient and sinuosity shall be included where appropriate.

(g) Stream restoration or enhancement shall not:

(i) Create barriers for juvenile or adult migrating fish;

(ii) Remove large woody material embedded in a bank or bed except in those unique circumstances where removal is necessary to successfully achieve implementation of the restoration or enhancement project;

(iii) Alter the natural stream more than the minimum amount necessary to achieve the desired restoration or enhancement;

(iv) Disturb riparian vegetation or fish and wildlife habitat unless such habitat is replaced within the earliest appropriate season by new habitat or riparian vegetation consistent with SCC 30.67.580(1)(h); or

(v) Create a hazard to navigation, public infrastructure, or primary structures.

(h) Restoration or enhancement of riparian vegetation shall:

(i) Replace disturbed vegetation with comparable plant species and diversity; or

(ii) Improve riparian ecological functions by increasing plant diversity and including plant species offering higher habitat values, better bank stabilization, improved water quality functions or nutrient exchange.

(2) Shoreline habitat restoration and enhancement is permitted in all shoreline environments. Shoreline modifications that are an integral and necessary component of shoreline habitat restoration and enhancement projects are allowed in all shoreline environment designations subject to the appropriate modification-specific shoreline regulations.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.585 Signs.

Signs are regulated pursuant to chapter 30.27 SCC and the provisions of this chapter. Where conflicts may exist, the provisions of this chapter shall apply:

(1) Billboards are prohibited in all shoreline environment designations.

(2) Animated signs are prohibited in all shoreline environment designations.

(3) Only signs identifying public facilities are allowed in the Urban Conservancy, Aquatic, Municipal Watershed Utility, and Natural shoreline environment designations.

(4) Freestanding signs shall only be allowed when an applicant demonstrates to the department that a building sign is not feasible. When a building sign is not feasible, a freestanding sign may be allowed when there is no significant degradation of a vista or viewpoint or impairment of the visual access to the water body from such vistas or viewpoints.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.590 Transportation, circulation and parking.

(1) The following general regulations apply to facilities and structures for transportation, circulation and parking within shorelines:

(a) New transportation facilities may be located within shoreline jurisdiction only when alternative locations are not feasible.

(b) Transportation facilities shall cross shoreline jurisdiction by the most direct route feasible, unless such a route would result in greater impacts on wetlands and fish and wildlife habitat conservation areas, agricultural activities, or channel migration than a less direct route.

(c) Transportation facilities shall be designed to allow the free flow of water, sediment and debris under them and to convey a 100-year flood without causing any rise in the flood profile above conditions at the time of permit application. All bridges must provide a minimum of three feet of clearance above the one hundred year flood level.

(d) Transportation facilities that cross over watercourses or wetlands shall utilize elevated, open pile or pier structures whenever feasible.

(e) Road crossings on fish-bearing streams shall be designed according to the guidelines set forth in *Fish Passage Design at Road Culverts* (Washington Department of Fish and Wildlife, March 3, 1999).

(f) Bridge approach fills shall not encroach in the floodway of the base flood (100-year frequency) of any river.

(g) When transportation facilities are designed to act as flood control structures, the proposal shall comply with the requirements of SCC 30.67.540.

(h) New and enlarged transportation facilities shall provide public access pursuant to SCC 30.67.330.

(i) Circulation system plans should include provisions for pedestrian, bicycle and public transportation where appropriate.

(j) Parking and loading facilities necessary to support an authorized shoreline use may be allowed in shoreline areas only when:

(i) The applicant can demonstrate that no other alternative location is feasible to serve the primary use of the site; or

(ii) The parking or loading facility is needed to accommodate public access pursuant to the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq.

(k) All of the following conditions shall be met when a parking facility is proposed in the shoreline jurisdiction:

(i) The facilities shall be located landward from the primary building or use being served, except when the parking facility is within or beneath the structure and adequately screened;

(ii) Shoreline stabilization measures will not be necessary to protect the facility;

(iii) The facility will not result in impacts to wetlands and fish and wildlife habitat conservation areas and their functions and values or the impacts can be mitigated in accordance with the requirements of chapter 30.62A SCC;

(iv) Upland parking facilities shall provide safe and convenient pedestrian circulation from the parking area to the shoreline;

(v) Loading spaces for development in the shoreline jurisdiction shall be located on the landward side of nonwater-dependent uses or activities; and

(vi) All facilities shall provide parking suitable to the expected usage of the facility in accordance with parking requirements in Title 30 SCC.

(2) In addition to the general regulations contained in SCC 30.67.590(1), the following shoreline environment designation-specific regulations for transportation, circulation and parking apply:

(a) Bridges, roads and parking facilities are permitted in the Urban, Rural Conservancy and Resource environments;

(b) Bridges, roads and parking facilities are conditionally permitted in the Urban Conservancy and Municipal Watershed Utility environments, except that roads and bridges constructed for forest practices in accordance with Title 222 WAC are permitted in the Municipal Watershed Utility environment.

(c) In the Natural environment:

(i) Bridges and roads are prohibited; and

(ii) Parking facilities are conditionally permitted.

(d) In the Aquatic environment:

(i) Bridges are conditionally permitted, provided they are permitted or conditionally permitted in the adjacent upland environment, except that bridges constructed for forest practices in accordance with Title 222

WAC are permitted in the Aquatic environment provided that the adjacent environment is not designated as Natural; and

(ii) Roads and parking facilities are prohibited.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.595 Utility facilities.

For the purposes of this chapter, utility facilities are structures used to produce or carry electric power, gas, sewage, water, storm water, oil and communications including, but not limited to telephone, personal wireless communications, radio and television.

(1) The following general regulations apply to utility facilities within shorelines:

(a) Utility facilities shall be located outside of shoreline jurisdiction whenever feasible. When located within shoreline jurisdiction, utility facilities shall result in no net loss of shoreline ecological functions;

(b) Utility facilities shall be designed and located as follows:

(i) Non-water dependent and non-water related above-ground generating facilities (except hydroelectric generating facilities), switching complexes, pumping stations, treatment plants, storage tanks, towers and substations shall be set back from the ordinary high water mark at least 200 feet;

(ii) Utility transmission facilities shall be located in existing rights-of-way whenever possible and cross shoreline jurisdiction by the most direct route feasible, unless an alternative route would result in less impact on shoreline ecological functions;

(iii)Utility facilities shall not parallel a water body unless located in an existing improved transportation or utility corridor, and provided that underground facilities do not adversely impact hyporheic exchange;

(iv)Utility transmission lines, pipes and wires entering or leaving a body of water, other than a river, shall be bored or buried below the surface of the water body's bed from the ordinary high water mark out to a minimum water depth of minus ten feet (-10 feet) below mean lower low water. Directional boring, instead of excavation or trenching, is required where feasible;

(v) Utility transmission lines, pipes and wires shall be bored under a river, stream or channel migration zone, or permanently affixed to a bridge or other existing above-ground structure, where feasible;

(vi)Aerial utility lines and vertical utility facilities shall make maximum use of topography to minimize visual impacts on the surrounding area;

(vii) New AM radio towers are prohibited. AM radio towers either constructed before October 13, 2010, or with complete applications for all permits and approvals required for construction before October 13, 2010, shall not be considered nonconforming uses and they may be repaired, replaced, and reconfigured as to the number and dimensions of towers so long as the repair, replacement, or reconfiguration occurs on the parcel where the tower was originally constructed or permitted and it does not increase the number of AM radio towers constructed on the parcel. The design of vertical utilities such as communication towers shall not obstruct or destroy scenic views of the water. This may be accomplished by design, orientation and location of the tower, height, camouflage of the tower, or other features consistent with utility technology;

(viii) Banks and dikes where transmission facilities enter or leave a body of water shall be returned to their pre-construction configuration, shall be thoroughly compacted and protected against erosion, and shall be maintained in a safe condition by the utility; and

(ix) Utility facilities shall not be located on feeder bluffs or in critical saltwater habitat unless no feasible alternative exists and all adverse impacts can be mitigated.

(2) In addition to the general regulations in SCC 30.67.595(1), the following shoreline environment designation-specific regulations apply to utility facilities:

(a) Urban.

(i) Except as provided in SCC 30.67.595(2)(a)(ii), utility facilities are permitted ; and.

(ii) Dams, power plants, and associated uses are prohibited in the Urban environment.

(b) Urban Conservancy.

(i) Transmission wires, pipes and supports are permitted when attached to a bridge or similar structure;

(ii) The following utility structures and facilities are conditionally permitted:

(A) Electromagnetic transmission and receiving facilities; and

(B) Transmission wires, pipes and supports, except as provided in SCC 30.65.595(2)(b)(i).

(iii) The following utility structures and facilities are prohibited:

(A) Dams, power plants and associated uses; and

(B) All other utility facilities not expressly identified in SCC 30.67.595(2)(b)(i) and (ii).

(c) Rural Conservancy.

(i) Transmission wires, pipes and supports are permitted; and

(ii) The following utility facilities are conditionally permitted:

(A) Electromagnetic transmission and receiving facilities;

(B) Dams, power plants and associated uses; and

(C) All other utility facilities not expressly identified in SCC 30.67.595(2)(c)(i).

(d) Resource and Municipal Watershed Utility.

(i) Transmission wires, pipes and supports are permitted; and

(ii) The following utility facilities are conditionally permitted:

(A) Electromagnetic transmission and receiving facilities;

(B) Dams, power plants and associated uses; and

(C) All other utility facilities not expressly identified in SCC 30.67.595(2)(d)(i).

(e) Natural.

(i) Transmission wires, pipes and supports when attached to a bridge or similar structure are permitted, otherwise such uses are conditionally permitted; and

(ii) Except as provided in SCC 30.67.595(e)(i), all other utility facilities are prohibited.

(f) Aquatic.

(i) Transmission wires, pipes and supports when attached to a bridge or similar structure are permitted, otherwise such uses are conditionally permitted.

(ii) Electromagnetic transmission and receiving facilities, including AM radio towers, are prohibited;

(iii) The following utility structures and facilities are conditionally permitted:

(A) Dams, power plants and associated uses; and

(B) All other utility facilities not expressly identified in SCC 30.67.595(2)(f)(i) and (ii).

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.67.599 Vegetation conservation and management.

The purpose of vegetation conservation and management is to protect and restore the shoreline ecological functions and ecosystem-wide processes performed by vegetation along shorelines. Vegetation conservation and management should also be undertaken to protect human safety and property, to increase the stability of river banks and coastal bluffs, to reduce the need for structural shoreline stabilization measures, to improve the visual and aesthetic qualities of the shoreline, to protect plant and animal species and their habitats, and to enhance shoreline uses.

(1) Vegetation conservation and management is subject to the requirements of chapters 30.62A and 30.62B SCC.

(2) The removal or modification of existing vegetation and the alteration of topography shall be the minimum necessary to accommodate an approved shoreline use or modification. Except as provided in SCC 30.67.599(3), disturbed areas shall be replanted with appropriate native species during the next growing season

subject to the requirements of SCC 30.62A.320(3). Once the requirements of SCC 30.62A.320(3) have been satisfied, any additional areas outside of the buffer and buffer mitigation area shall be replanted using a minimum area replacement ratio of 1:1. Additional replanting area or native plant species diversity improvements may be proposed by project applicants.

(3) Removal and control of noxious or invasive non-native plant species is permitted in all shoreline environments, provided that removal or control does not result in adverse impacts to water quality. If the removal of noxious or invasive non-native plants affects bank stability, replanting with native species using a minimum area replacement ratio of 1:1 is required. Vegetation management limited only to noxious or invasive non-native species is subject to the requirements of SCC 30.62A.010(2)(iv) and SCC 30.62A.510(3)(h).

(4) Landscaping required for development or uses within shoreline jurisdiction shall be designed to complement and enhance the view of the water over and across the site. Landscaping shall not be reduced or eliminated to achieve this provision, but shall be clustered to frame view corridors and shall use species conducive to the natural conditions of the shoreline environment.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

Chapter 30.70
GENERAL PROVISIONS

30.70.010 Purpose and applicability.

(1) The purpose of this subtitle is to establish procedures for processing project permit applications and for adopting and amending comprehensive plans and development regulations. These procedures are intended to promote land use decisions that further the goals and policies of the comprehensive plan.
(2) This subtitle is adopted pursuant to the Local Project Review Act, chapter 36.70B RCW, and the GMA.
(3) This subtitle applies to all project permit applications, unless specifically exempted, and to legislative decisions, code interpretations, and other decisions on applications as specifically set forth herein.
(4) State agencies shall comply with the provisions of this subtitle pursuant to RCW 36.70A.103.

(Added Amended Ord.02-064, December 9, 2002, Eff date February 1, 2003)

30.70.015 Exemptions.

The following actions are exempt from the requirements of this subtitle, except the consistency determination required by SCC 30.70.100:

(1) Street vacations under chapter 13.100 SCC;

(2) Approvals relating to the use of public areas and facilities under title 13 SCC;

(3) Building permits exempt from the State Environmental Policy Act (SEPA);

(4) Land disturbing activity permits exempt from SEPA; and

(5) All other construction, mechanical, and plumbing permits exempt from SEPA and related approvals, including certificates of occupancy.

(Added Amended Ord.02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.70.020 Pre-application meeting.

(1) A pre-application meeting is strongly encouraged for the following:
(a) Subdivisions;
(b) Planned residential developments;
(c) Rezones;
(d) Conditional use permits;
(e) Development activities and actions requiring project permits when critical areas are located on the subject property;
(f) Any application for which official site plan approval is required; and
(g) Shoreline substantial development, shoreline conditional use and shoreline variance permits.

(2) The purpose of a pre-application meeting is to provide the department with preliminary information regarding the development proposal and to provide the applicant with preliminary information about development requirements, environmental issues, procedural requirements, known community concerns, and other relevant matters prior to the filing of a formal application.
(3) Pre-application meetings provide preliminary information only and are not intended to result in final

actions or commitments by either the county or the applicant.

(4) The department shall prepare a pre-application submittal checklist that lists specific items or information requested for the meeting. When available, the applicant shall provide the information prior to the meeting.

(5) Within a reasonable time following a pre-application meeting, the department shall provide the applicant with a written summary of the issues discussed and specific instructions for submittal of a complete application, if any.

(Added Amended Ord.02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.70.030 Submittal requirements.

(1) The department shall establish and may revise written submittal requirements for each type of application or approval required by this title. The requirements shall be made available to the public in a checklist or other form that clearly describes the material that must be submitted for an application to be considered complete. Establishment of submittal requirements shall not be subject to the rulemaking process of chapter 30.82 SCC, but the department shall provide public notice of such changes 30 days prior to their effective date.

(2) Submittal requirements shall not be waived, except that the department may determine in writing that a particular requirement is not applicable upon a clear showing by the applicant that the requirement is not relevant to the proposed action and is not necessary to demonstrate compliance with applicable requirements.

(3) Additional materials may be required by the department as it determines necessary for review of the application.

(Added Amended Ord.02-064, December 9, 2002, Eff date February 1, 2003)

30.70.040 Completeness determination.

(1) The department shall determine whether a project permit application is complete or incomplete within 28 days after receiving an application. The determination shall be in writing and mailed, faxed, e-mailed, or delivered to the applicant or the applicant's representative within the required time period, except as set forth in SCC 30.70.040(2). When an application is determined incomplete, the determination shall state what is necessary to make the application complete.

(2) An application is complete for the purposes of this section if the department does not provide a written determination to the applicant within the required time period.

(3) A written determination of completeness shall, to the extent known by the department, identify other local, state, or federal agencies with jurisdiction. The department may include other information in the determination.

(4) A project permit application is complete for the purposes of this section when it meets the submittal requirements established by the department pursuant to SCC 30.70.030, including any requirements for environmental review pursuant to chapter 30.61 SCC. The county may require additional information or studies after a determination of completeness.

(5) If the department determines an application is incomplete and the applicant submits additional documents identified by the department as necessary for a complete application, the department shall notify the applicant within 14 days of the submittal that the application is complete or what additional information is necessary to make the application complete.

(Added Amended Ord.02-064, December 9, 2002, Eff date February 1, 2003)

30.70.045 Notice - general.

The notice requirements of this chapter ensure the county meets or exceeds the notice requirements pursuant to state law. When posted, mailed or published notice is required pursuant to this title, such notice shall be given as follows, unless otherwise specifically provided:

(1) When posting is required, the applicant shall post two or more signs which meet county standards in a conspicuous location on the property's frontage abutting public rights-of-way. If the property does not abut a public right-of-way, the signs shall be placed on the property at the point of access and on the public right-of-way at the easement or private road that accesses the property. Posting shall conform to the following requirements:

(a) As evidence of posting the applicant shall submit a verified statement containing the date and location of posting;

(b) If verification of posting is not returned to the department within 14 days of application, the department shall suspend processing of the application until such verification is received;

(c) Signs shall remain posted throughout the permit review process until all appeal periods have expired, and may be updated and used for other posted notices required by county code for the proposed project;

(d) Signs and instructions for posting shall be provided to the applicant by the department; and

(e) Signs shall be removed by the applicant no later than 14 days after all appeal periods have expired.

(2) When publication is required, the department shall publish one notice in the official county newspaper.

(3) When mailing is required, notice may be provided either on a letter/legal size publication or post card.

(4) When mailing is required, the department shall mail notice to the following persons or entities:

(a) Each taxpayer of record and each known site address within:

(i) 500 feet of any portion of the boundary of the subject property and contiguous property owned by the applicant;

(ii) 1,000 feet, if the subject property is categorized as rural, natural resource, residential 20,000 (R-20,000), or rural use; or

(iii) 1,500 feet for subdivision applications where each lot is 20 acres or larger, or 1/32nd of a section or larger;

(b) Any city or town whose municipal boundaries are within one mile of a proposed subdivision or short subdivision;

(c) The Washington State Department of Transportation for every proposed subdivision or short subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport; and

(d) Any other local, state, or federal agency or any person or organization as determined appropriate by the department.

(5) The county may provide additional public notice by notifying the news media and community organizations, by placing notices in neighborhood/community newspapers, appropriate regional, neighborhood, ethnic, or trade journals, or by publishing notice in agency newsletters or on the department or county web page.

(6) The department will recover the costs of notice required by this title from the applicant.

(Added Amended Ord.02-064, December 9, 2002, Eff date February 1, 2003; Ord. 06-093, Nov. 8, 2006, Eff date Nov. 26, 2006)

30.70.050 Notice of application - timing and method.

(1) The department shall provide notice of application within 10 days after a determination that the application is complete as specified in SCC Table 30.70.050(5). Required notice shall be given in accordance with SCC 30.70.045.

(2) A notice of application posted or published in the official county newspaper or provided by mail on a letter/legal size publication shall include the following information:

(a) Date of application, date of completeness determination, and date of notice of application;

(b) Project description, list of permits requested, assigned county file number, and county contact person;

(c) Any information or studies requested by the department;

(d) Any other required permits not included in the application, to the extent known by the department;

(e) Any existing environmental documents that evaluate the proposed project, including where they can be inspected;

(f) The date, time, place, and type of public hearing, if applicable and if scheduled at the time of the notice;

(g) When notice is for a rezone action or development in a performance standard zone, a statement indicating where the full text and/or map of the rezone action may be inspected;

(h) A statement of when the comment period ends and the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal procedures;

(i) If determined at the time of notice, those development regulations that will be used for project mitigation or to review consistency; and

(j) Any other information determined appropriate by the department.

(3) Mailed notice of application may be provided on a post card.

(4) A post card notice shall contain the following information:

(a) project description;

(b) project file number;

(c) project location;

(d) type of project;

(e) applicable comment dates and notice of where to submit comments;

(f) date the notice of application was published in the official county newspaper;

(g) website address providing access to project information; and

(h) a department contact

SCC Table 30.70.050(5)
Notice of Application Requirements

Application Type	Post	Publish	Mail
Administrative Conditional Use	X	X	X
Binding Site Plan	X	X	X
Building and land disturbing activity permits subject to SEPA	X	X	X
Code interpretation not related to a specific project		X	
Code interpretation related to a specific project	X	X	X
Final Subdivision	[see SCC 30.41A.600 - 30.41A.730]		
Flood Hazard Permit – except as provided in SCC 30.43C.020			X
Flood Hazard Variance	X	X	X
Freeway service zone official site plan in existing zone	X	X	X
Free-standing sign in FS and RFS zone	X	X	X
SEPA threshold determination and EIS adequacy associated with project permit	X	X	X
Shoreline variance, conditional use, or substantial development permit or permit rescission	X	X	X
Short subdivision and rural cluster short subdivision	X	X	X
Variance	X	X	X
Conditional use and major revision	X	X	X
Preliminary subdivision and rural cluster subdivision, and major revision	X	X	X
Planned Residential Development and major revision	X	X	X
Official site plan or preliminary plan approval in performance standard zones (BP, PCB, IP, FS, T, RB, CRC, RFS, and RI)	X	X	X
Rezone – site specific	X	X	X
Review or revocation of a permit or approval pursuant to SCC 30.71.027	X	X	X
Preapplication Concurrency Decision	X	X	X
Any non-listed Type 1 or Type 2 permit application except Boundary Line Adjustments pursuant to SCC 30.41E.020(1)(c)	X	X	X

(Added Amended Ord.02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 05-042, July 6, 2005, Eff date Aug. 8, 2005; Ord. 06-093, Nov. 8, 2006, Eff date Nov. 26, 2006; Amended Ord. 07-005, February 21, 2007, Eff date March 4, 2007; Amended by Ord. 08-136, Oct. 29, 2008, Eff date Nov. 24, 2008; Amended by Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.70.060 Notice of application - Public and agency comment period.

(1) The notice of application shall provide for a public and agency comment period of 21 days, except that for shoreline substantial development permits, shoreline conditional use permits, and shoreline variances, the comment period shall be 30 days. When notice is published, the comment period begins on the day following the date of publication in the official county newspaper.

(2) No decision on a Type 1 or Type 2 land use application shall be issued prior to the end of the public comment period set by the notice of application, except for a threshold determination of significance (DS) issued pursuant to chapter 30.61 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.70.065 Computing time periods for public comment and appeals.

In computing any time period required for public comment or appeal under this title, the time period shall commence the day after published notice is given for the commencement of the time period. The time period shall not end on a Saturday, Sunday, or legal holiday, and shall instead be carried forward to the next day that is not a Saturday, Sunday, or legal holiday. When published notice is not required, the time period required for public comment or appeal shall commence the day after the posting.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.70.070 Adequacy of mailed notice.

(1) Any mailed notice required by this subtitle shall be deemed adequate where a good-faith effort has been made by the county to identify and mail a notice to each taxpayer of record and known site address.

(2) Notices mailed to taxpayers of record and known site addresses shall be deemed received by those persons if named in an affidavit or declaration of mailing executed by the department. The failure of any person to actually receive the notice shall not invalidate any permit or approval.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.70.080 Combined notice.

(1) Public notice for project permit applications, SEPA documents, predecision hearings, and appeal hearings may be combined when practical, where such combined notice will expedite the permit review process, and where requirements of each individual notice are met by the combined notice.

(2) For projects requiring a predecision open record hearing and a SEPA threshold determination, the SEPA appeal notice shall provide that any appeal, should one be filed, will be heard at the predecision open record hearing. No additional notice of the SEPA appeal is required.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.70.090 Combined county and agency hearing.

(1) When requested by an applicant, the county shall allow a predecision hearing to be combined with a hearing that may be required by another local, state, regional, federal, or other agency for the same project. The 120-day timeline requirements of SCC 30.70.110 shall be waived by the applicant if necessary to combine the hearings. The combined hearing shall be conducted within the geographic boundary of the county.

(2) The hearing examiner shall have the discretion to determine the hearing procedure when county and

agency hearings are combined and there are conflicting hearing procedures. In all cases, appeals and hearings shall be combined in a manner which retains applicable county procedure and allows for hearing and/or appeal before the hearing examiner.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.70.100 Consistency determination.

(1) Pursuant to RCW 36.70B.040, the county shall review all project permit applications for consistency with applicable county development regulations or, in the absence of adopted development regulations, with the appropriate elements of the comprehensive plan or subarea plan adopted under chapter 36.70A RCW. In the consistency review, the county shall consider the following factors:

(a) The type of land use permitted;

(b) The level of development, such as units per acre or other measures of density;

(c) Infrastructure, including public facilities and services needed to serve the development; and

(d) The characteristics of the development, such as development standards.

(2) No specific or separate documentation of consistency is required, except that for projects receiving a written report or other documentation from the department, consistency shall be documented in the report. For projects not requiring a written report, consistency shall be indicated on the permit or decision.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.70.110 Processing timelines.

(1) Notice of final decision on a project permit application shall issue within 120 days from when the permit application is determined to be complete, unless otherwise provided by this section or state law.

(2) In determining the number of days that have elapsed after an application is complete, the following periods shall be excluded:

(a) Any period during which the county asks the applicant to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the county mails notification to the applicant of the need for additional information until the date the county determines whether the additional information satisfies the request for information, or 14 days after the applicant supplies the information to the county, whichever is earlier. If the information submitted by the applicant under this subsection is insufficient, the county shall mail notice to the applicant of the deficiencies and the provisions of this subsection shall apply as if a new request for information had been made;

(b) Any period during which an environmental impact statement is being prepared;

(c) A period, not to exceed 30 calendar days, during which a code interpretation is processing in conjunction with an underlying permit application pursuant to chapter 30.83 SCC.

(d) The period specified for administrative appeals of project permits;

(e) Any period during which processing of an application is suspended pursuant to SCC 30.70.045(1)(b);

(f) Any period during which an agreement is negotiated or design review is conducted for an urban center pursuant to SCC 30.34A.180(1) or (2); and

(g) Any period of time mutually agreed upon by the applicant and the county.

(3) The time periods established by this section shall not apply to a project permit application:

(a) That requires an amendment to the comprehensive plan or a development regulation in order to obtain approval;

(b) That is substantially revised by the applicant, in which case a new 120-day time period shall start from the date at which the revised project application is determined to be complete;

(c) That requires approval of a development agreement by the county council;

(d) When the applicant consents to an extension; or

(e) During any period necessary for reconsideration of a hearing examiner's decision.

(4) Subject to all other requirements of this section, notice of final decision on an application for a boundary line adjustment shall be issued within 45 days after the application is determined complete.

(5) The county shall notify the applicant in writing if a notice of final decision on the project has not been made within the time limits specified in this section. The notice shall include a statement of reasons why the time limits have not been met and an estimated date of issuance of a notice of final decision.

(6) Failure of the county to make a final decision within the timelines specified by this chapter shall not create liability for damages.

(7) Timelines for processing shoreline substantial development, shoreline conditional use and shoreline variance permits shall be in accordance with the provisions of this chapter unless otherwise specified in chapter 30.44 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Emergency Ord. 04-019, February 11, 2004, Eff date February 11, 2004; Amended by Amended Ord. 09-044, Aug. 12, 2009 (veto overridden Sept. 8, 2009), Eff date Sept. 18, 2009; Amended by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.70.120 Consolidated permit review.

(1) The department shall consolidate permit review for all project permit applications for the same proposal when each application is subject to a predecision public hearing and where all permit applications have been submitted concurrently.

(2) If the applicant requests consolidated permit processing for applications that do not meet the requirements of SCC 30.70.120(1), applications may be consolidated when the department finds that consolidation would result in more efficient review and processing. If one or more of the permit applications is subject to the 120-day review time period established in SCC 30.70.110, all consolidated permit applications shall be reviewed within the 120-day period, except as provided in SCC 30.70.120(3).

(3) When a project permit application subject to a timeline requirement established in SCC 30.70.110 is consolidated with a project permit application that is exempt from the timeline requirement under SCC 30.70.110(3), the timeline requirement shall not apply.

(4) A project permit application being reviewed under the consolidated process is subject to all requirements of permit application submittal, notice, processing, and approval that would otherwise apply if the permit were being processed as a separate application.

(5) A final decision on certain consolidated permit applications may be preliminary and contingent upon approval of other permits or actions considered in the consolidated permit process.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.70.130 Authority to impose conditions or deny application.

The county may require modifications to a project permit application and may impose conditions to ensure consistency as required by SCC 30.70.100 and compliance with applicable development regulations. A project permit application that does not comply with applicable development regulations or is determined inconsistent under SCC 30.70.100 shall be denied.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.70.135 Clerical Mistakes -- Authority to Correct.

Clerical mistakes and errors arising from oversight or omission in hearing examiner and council decisions and/or orders issued pursuant to this chapter may be corrected by the issuing body at any time either on its own initiative or on the motion of a party of record. A copy of each page affected by the correction, with the correction clearly identified, shall be mailed to all parties of record.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.70.140 Expiration and extension of application.

(1) An application shall expire one year after the last date that additional information is requested if the applicant has failed to provide the information, except that

(a) The department may grant one or more extensions pursuant to SCC 30.70.140(2) and (3) below;

(b) The department may set an expiration date of less than one year when the permit application is the result of a code enforcement action; and

(c) No application shall expire when under review by the department following submittal of a complete application or timely resubmittal of an application when all required information has been provided.

(2) The applicant may request an extension to a date certain prior to expiration of the application. The department may grant an extension request if the criteria of SCC 30.70.140(3) are met. If granted, the department shall set a reasonable expiration date that may be different from the date requested by the applicant.

(3) An applicant's extension request may only be granted when the following criteria are met:

(a) A written request for extension is submitted at least 14 days prior to the expiration date;

(b) The applicant demonstrates that circumstances beyond the control of the applicant prevent timely submittal of the requested information; and

(c) The applicant provides a reasonable schedule for submittal of the requested information.

(4) The department may extend an expiration date for an application with no written request from an applicant when additional time for county processing or scheduling of appointments is required, when the department needs information or responses from other agencies, or under other similar circumstances.

(5) A permit application approved for issuance pursuant to subtitle 30.5 SCC but not paid for and issued shall expire six months after the date it is approved for issuance.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.70.150 Reapplication after denial of project permit application.

The department shall not accept an application for substantially the same matter within one year from the date of the final county action denying the prior application, unless the denial was without prejudice.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.71
TYPE 1 PERMITS AND DECISIONS - ADMINISTRATIVE

30.71.010 Purpose and applicability.

This chapter describes decision-making and appeal procedures and applies to all Type 1 permits and decisions.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.71.020 Type 1 permits and decisions.

The following are processed as Type 1 administrative decisions:

(1) Administrative conditional use permit;
(2) Binding site plan approval;
(3) Boundary line adjustment, except as provided in 30.41E.020 SCC;
(4) Building and land disturbing activity permits subject to SEPA review pursuant to chapter 30.61 SCC, or subject to conditions imposed pursuant to chapter 30.32D;
(5) Free standing signs in the FS and RFS zones;
(6) Code interpretations;
(7) Flood hazard permit, except as provided in SCC 30.43C.020;
(8) Flood hazard variance;
(9) Freeway service zone official site plan (existing FS zone);
(10) Shoreline substantial development permit, shoreline conditional use, and shoreline variance, except when processed as a Type 2 decision pursuant to SCC 30.44.210;
(11) Short subdivision approval with no dedication of a new public road right-of-way;
(12) Variance;
(13) Single family detached units applications pursuant to chapter 30.41F SCC; and
(14) Administrative site plan pursuant to SCC 30.23A.100.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-005, February 21, 2007, Eff date March 4, 2007; Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007, Amended by Ord. 08-136, Oct. 29, 2008, Eff date Nov. 24, 2008; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Ord. 09-079, May 12, 2010, Eff date May 29, 2010; Amended by Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.71.025 Other decisions subject to Type 1 decision notice and appeal provisions.

Certain decisions not listed in SCC 30.71.020 and not otherwise subject to the provisions of this chapter may be subject to either the Type 1 notice or appeal provisions, or both, when specifically required by other provisions of this title.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.71.026 Vacation of permits and variances.

(1) Requests to vacate a permit or variance shall be made in writing to the department of planning and development services.
(2) The director shall determine if the conditions in 30.43A.108 or 30.43B.128 are present prior to

authorizing the vacation.

(3) Vacation of any permit or variance shall be documented by the filing of a notice of land use permit or variance vacation with the county auditor on a form provided by the department of planning and development services.

(Added Amended Ord. 05-022, May 11, 2005, Eff date May 28, 2005)

30.71.027 Review or revocation of certain permits or approvals.

(1) If the director determines that a permit or approval is in material violation of this title, the director may initiate proceedings before the hearing examiner to review or revoke the permit or approval, in whole or in part.

(2) The hearing examiner shall hold a hearing in accordance with SCC 30.71.100. The director shall provide notice in accordance with SCC 30.70.050.

(3) The hearing examiner, upon good cause shown, may direct the department issue a stop work order to temporarily stay the force and effect of all or any part of an issued permit or approval until the final decision of the hearing examiner is issued.

(4) Review or revocation of a shoreline substantial development, shoreline conditional use or shoreline variance permit shall be in accordance with the provisions of chapter 30.44 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.71.030 Type 1 process overview.

A Type 1 permit or decision is administratively made by the department. When a complete application is filed, the department provides notice of application, accepts written comments, and then issues a decision approving, approving with modifications or conditions, or denying the application. The department's decision is appealable to the hearing examiner, or, for a shoreline substantial development permit, shoreline conditional use permit, and shoreline variance, to the state shorelines hearings board. The hearing examiner's decision on appeal of a Type 1 application is the final county decision. Further appeal may be taken pursuant to a land use petition filed in superior court. For shoreline appeals, the state shorelines hearings board acts in place of the county hearing examiner.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Emergency Ord. 05-030, April 18, 2005, Eff date April 18, 2005)

30.71.040 Type 1 notice of decision.

(1) Written notice of a department decision on a Type 1 application shall be mailed to the applicant and all parties of record in the manner prescribed in SCC 30.70.045. The notice may include a written staff report if one has been prepared.

(2) The notice shall specify the appeal process and time period for filing an appeal.

(3) The county may provide additional public notice of a decision by notifying the news media and community organizations, placing notices in appropriate regional, neighborhood, ethnic, or trade journals or neighborhood/community newspapers, or by publishing notice in agency newsletters or on the county or department web page.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 03-068, July 9, 2003, Eff date July 28, 2003)

30.71.045 Effect of Type 1 decision.

The decision of the department shall be a final decision, but shall not authorize action until the expiration of the appeal period set forth in SCC 30.71.050, or if appealed, until the administrative appeal to the hearing examiner or state shorelines hearings board is final.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.71.050 Appeal of Type 1 decision.

(1) Who may appeal. Any aggrieved party of record may file an appeal of a Type 1 decision.

(2) Time and place to appeal. Appeals of a Type 1 decision, except as provided in SCC 30.71.050(3), shall be addressed to the hearing examiner and filed in writing with the department within 14 calendar days of the notice of the decision, except that appeals of a Type 1 decision issued concurrently with a SEPA threshold determination shall be filed within 21 days of the notice of the decision, if the SEPA decision is a determination of nonsignificance that is required to have a public comment period pursuant to SCC 30.44.250 and WAC 197-11-340.

(3) Shoreline appeals. Appeals of a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance shall be filed with the state shorelines hearings board pursuant to SCC 30.44.250 and RCW 90.58.180.

(4) Fees. Each appeal filed on a non-shoreline Type 1 decision shall be accompanied by a filing fee in the amount of $500.00; provided that the filing fee shall not be charged to a department of the county; and provided further that the filing fee shall be refunded in any case where an appeal is dismissed in whole without hearing pursuant to SCC 30.71.060.

(5) Form of appeal. A person appealing a Type 1 decision must file a written statement setting forth:

(a) Facts demonstrating that the person is aggrieved by the decision;

(b) A concise statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria. An appeal of a SEPA environmental document shall describe any alleged inadequacy in the threshold determination or environmental impact statement with respect to evaluation of a specific environmental element;

(c) The specific relief requested; and

(d) Any other information reasonably necessary to make a decision on appeal.

(6) Limitation on new appeal issues. No new substantive appeal issues may be raised or submitted after the close of the time period for filing of the original appeal. The hearing examiner, if procedural limitations allow, may allow an appellant not more than 15 days to perfect an otherwise timely filed appeal.

(7) Matters within the jurisdiction of the building code board of appeals. Matters within the jurisdiction of the building code board of appeals pursuant to SCC 30.50.020 shall not be subject to appeal pursuant to chapter 30.71 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-014, March 19, 2003, Eff date April 14, 2003; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.71.055 Effect of appeal of Type 1 decision.

Timely filing of an appeal shall stay the effect of the order, permit, decision, determination or other action being appealed until the appeal is finally disposed of by the hearing examiner or the state shorelines hearings board or

withdrawn. Failure to file a timely and complete appeal shall constitute waiver of all rights to an administrative appeal under county code.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.71.060 Dismissal of appeal of Type 1 decision.

The hearing examiner may summarily dismiss an appeal in whole or in part without hearing if the hearing examiner determines that the appeal is untimely, incomplete, without merit on its face, frivolous, beyond the scope of the hearing examiner's jurisdiction or brought merely to secure a delay. The hearing examiner may also summarily dismiss an appeal based on lack of standing, in response to a challenge raised by the department whose decision is being appealed or by the permit applicant, and after allowing the appellant a reasonable period in which to reply to the challenge. Except in extraordinary circumstances, summary dismissal orders shall be issued within 15 days following receipt of either an appeal or a request for dismissal, whichever is later.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.71.070 Notice of appeal of Type 1 decision.

(1) The department shall forward the appeal to the hearing examiner within three working days of its filing.
(2) The hearing examiner, within two working days of receipt of the appeal, shall send written notice of the appeal to the county department whose decision has been appealed; provided that such notice is not required when the department is the respondent.
(3) The hearing examiner, within three working days after receipt of the appeal, shall send written notice of the filing of the appeal by first class mail to the applicant, unless the applicant is the appellant.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.71.080 Notice of Type 1 open record appeal hearing.

(1) Notice of open record appeal hearings conducted pursuant to this chapter shall be provided at least 14 calendar days prior to the hearing and shall contain a description of the proposal and list of permits requested, the county file number and contact person, the date, time, and place for the hearing, and any other information determined appropriate by the department.
(2) Except where notice has already been given pursuant to the combined notice provisions of SCC 30.70.080(2), and except where notice has been provided by the department pursuant to subsections (3) and (4) below, the hearing examiner's office shall give notice of all open record appeal hearings by first class mail (unless otherwise required herein) to:
(a) The appellant;
(b) The appellant's agent/representative, if any;
(c) The department whose decision is being appealed (by interoffice mail);
(d) The applicant;
(e) Applicant's agent/representative, if any; and
(f) All parties of record.
(3) The department shall give notice of an open record appeal hearing for a decision made pursuant to chapter 30.41B SCC:
(a) In the same manner as required by SCC 30.72.030; and
(b) By first class mail to parties of record.

(4) The department shall give notice of an open record appeal hearing for a SEPA determination made pursuant to chapter 30.61 SCC by first class mail to:

(a) Parties of record;

(b) Agencies with jurisdiction as disclosed by documents in the appeal file; and

(c) All taxpayers of record and known site addresses within 500 feet of any boundaries of the property subject to the appeal; provided that the mailing radius shall be increased if necessary to correspond with any larger radius required for the notice of any discretionary permit or action associated with the determination under appeal.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.71.090 Report of department on appeal of Type 1 decision.

(1) The applicable department shall coordinate and assemble any available comments of other county departments and governmental agencies having an interest in the appeal, and shall prepare a report summarizing the Type 1 decision and responding to the issues raised in the appeal.

(2) At least seven calendar days prior to the scheduled open record appeal hearing, the applicable department shall transmit all development permit files on the action being appealed and the department's report to the hearing examiner, mail copies to the appellant, and make copies available for public inspection. Copies shall be provided to interested persons upon payment of reproduction costs as permitted by law.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.71.100 Type 1 appeal hearing procedure.

(1) The hearing examiner shall conduct one open record hearing before a final decision is issued unless the appeal is dismissed or withdrawn. If necessary, the hearing may be continued beyond one day.

(2) The hearing examiner shall consolidate multiple appeals of the same action.

(3) The open record appeal hearing and hearing examiner consideration of the appeal shall be limited solely to the issues identified by the appellant in the written appeal submitted pursuant to SCC 30.71.050(4).

(4) The appellant(s), the applicant, and the department whose decision is being appealed shall be parties to the appeal.

(5) At the open record appeal hearing, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence, except in the case of appeals under SCC 30.61.300.

(6) Each party to the appeal may participate in the appeal hearing and shall have the following rights, as limited by the hearing examiner rules of procedure:

(a) To call, examine, and cross-examine witnesses on any issue relevant to the appeal;

(b) To introduce documentary or physical evidence; and

(c) To present rebuttal evidence.

(7) Except in combined proceedings involving a Type 2 decision, interested persons, groups, associations, or others who have not appealed may participate only if called by one of the parties to the appeal to present relevant testimony.

(8) All testimony shall be taken under oath.

(9) An electronic transcript shall be made of the hearing.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.71.110 Hearing examiner's decision on Type 1 appeal.

(1) A final decision on appeal shall be issued within 15 calendar days of the conclusion of a hearing, but not later than 90 calendar days after the filing of a complete appeal, unless the appellant agrees in writing to extend the time period, or the time period has been extended by a request for reconsideration, or under some other authority.

(2) The hearing examiner may affirm, may reverse in whole or in part, or may modify the permit or decision being appealed, or may remand the application to the applicable department for further processing.

(3) If the application is remanded to the applicable department for further processing, the hearing examiner's decision shall not be considered a final decision except for purposes of applicable time limitations contained in SCC 30.71.110. The hearing examiner's decision shall specify procedures for responding to the order. If a new decision is issued by the department, a new appeal period shall commence in accordance with SCC 30.71.050.

(4) The appeal decision shall include findings based upon the record and conclusions therefrom which support the decision.

(5) The hearing examiner's decision shall include information on, and any applicable time limitations for, requesting reconsideration or for appealing the decision.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.71.115 Notice of the hearing examiner's decision on Type 1 appeal.

Notice of the hearing examiner's decision on a Type 1 appeal, which may be the decision itself, shall be provided by regular mail or inter-office mail, as appropriate, to parties of record.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.71.120 Reconsideration of hearing examiner decision on Type 1 appeal.

(1) Any party to the appeal may file a written petition for reconsideration with the hearing examiner within 10 calendar days following the date of the hearing examiner's written decision. The petitioner for reconsideration shall mail or otherwise provide a copy of the petition for reconsideration to all parties to the appeal on the date of filing. The timely filing of a petition for reconsideration shall stay the hearing examiner's decision until such time as the petition has been disposed of by the hearing examiner.

(2) The grounds for seeking reconsideration shall be limited to the following:

(a) The hearing examiner exceeded the hearing examiner's jurisdiction;

(b) The hearing examiner failed to follow the applicable procedure in reaching the hearing examiner's decision;

(c) The hearing examiner committed an error of law;

(d) The hearing examiner's findings, conclusions, and/or conditions are not supported by the record;

(e) New evidence which could not reasonably have been produced and which is material to the decision is discovered; or

(f) The applicant proposed changes to the application in response to deficiencies identified in the decision.

(3) The petition for reconsideration must:

(a) Contain the name, mailing address, and daytime telephone number of the petitioner or petitioner's representative, together with the signature of the petitioner or of the petitioner's representative;

(b) Identify the specific findings, conclusions, actions, and/or conditions for which reconsideration is requested;

(c) State the specific grounds upon which relief is requested;

(d) Describe the specific relief requested; and

(e) Where applicable, identify the specific nature of any newly discovered evidence or changes proposed.

(4) The petition for reconsideration shall be decided by the same hearing examiner who rendered the decision, if reasonably available. The hearing examiner shall provide notice of the decision on reconsideration

in accordance with SCC 30.71.115. Within 14 days, the hearing examiner shall:

(a) Deny the petition in writing;

(b) Grant the petition and issue an amended decision in accordance with the provisions of SCC 30.71.110 following reconsideration;

(c) Accept the petition and give notice to all parties to the appeal of the opportunity to submit written comment. Parties to the appeal shall have 10 calendar days from the date of such notice in which to submit written comments. The hearing examiner shall either issue a decision in accordance with the provisions of SCC 30.71.110 or issue an order within 15 days after the close of the comment period setting the matter for further hearing. If further hearing is ordered, the hearing examiner's office shall mail notice not less than 15 days prior to the hearing date to all parties of record; or

(d) Accept the petition and set the matter for further open record hearing to consider new evidence, proposed changes in the application, and/or the arguments of the parties. Notice of such further hearing shall be mailed by the hearing examiner's office not less than 15 days prior to the hearing date to all parties of record. The hearing examiner shall issue a decision following the further hearing in accordance with the provisions of SCC 30.71.110.

(5) A decision which has been subjected to the reconsideration process shall not again be subject to reconsideration; provided that a decision which has been revised on reconsideration from any form of denial to any form of approval with preconditions and/or conditions shall be subject to reconsideration.

(6) The hearing examiner may consolidate for action, in whole or in part, multiple petitions for reconsideration of the same decision where such consolidation would facilitate procedural efficiency.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.71.130 Appeal of hearing examiner's decision on Type 1 appeal.

(1) The hearing examiner's decision on a Type 1 appeal is the final decision of the county and may be appealed to superior court within 21 days of issuance of the decision in accordance with chapter 36.70C RCW.

(2) The cost of transcribing the record of proceeding, of copying photographs, video tapes and any oversized documents, and of staff time spent in copying and assembling the record and preparing the record for filing with the court shall be borne by the party filing the petition. If more than one party appeals the decision, the costs of preparing the record shall be borne equally among the appellants.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.72
TYPE 2 PERMITS AND DECISIONS - HEARING EXAMINER

30.72.010 Purpose and applicability.

This chapter describes decision-making and appeal procedures and applies to all Type 2 permits and decisions.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.72.020 Type 2 permits and decisions.

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.72.025 Type 2 process overview.

Type 2 decisions are made by the hearing examiner based on a report from the department and information received at an open record hearing. The hearing examiner's decision on a Type 2 application is a final decision subject to appeal to the county council, except for shoreline permits issued under chapter 30.44 SCC. Appeals of shoreline substantial development permits, shoreline conditional use permits, and shoreline variances shall comply with SCC 30.44.250.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Emergency Ordinance No. 05-030, April 18, 2005, Eff date April 18, 2005; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012))

30.72.030 Notice and timing of open record hearing.

(1) Notice of the open record public hearing on a Type 2 application shall be provided at least 15 days prior to the hearing date.
(2) In setting hearing dates, the department shall consider the time necessary for comment and appeal periods on any related SEPA decision and for the hearing examiner to conduct the hearing and issue a decision within the time period established in SCC 30.70.110.
(3) Notice of the public hearing shall contain a description of the proposal and list of permits requested, the

county file number and contact person, the date, time, and place for the hearing, and any other information determined to be appropriate by the department.

(4) Notice shall be provided by publishing, mailing, and posting in the manner prescribed by SCC 30.70.045.

(5) If the appeal period for a SEPA threshold determination has not expired when the notice of the hearing is provided, the notice shall state that any timely SEPA appeal shall be heard at the scheduled open record hearing.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.72.040 Report of department and transfer of file.

(1) Following expiration of required comment periods on the notice of application, and to complete project review, the department shall coordinate and assemble the reviews of other county departments and governmental agencies having an interest in the application. The department shall prepare a report describing how the application meets or fails to meet the applicable decision criteria. The report shall include recommended conditions, if appropriate, and a recommendation to the hearing examiner on the action to be taken on the application.

(2) The report shall be filed with the hearing examiner and made available for public review and copying at least seven days before the open record hearing.

(3) The department shall transfer the file to the hearing examiner's office concurrently with transmittal of the report.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.72.050 Open record hearing procedure on Type 2 application.

(1) The hearing examiner shall conduct an open record hearing on the Type 2 application.

(2) The department shall provide a summary of the report of the department and the contents of the project file.

(3) Any person may participate in the hearing and shall have the following rights, as limited by the hearing examiner rules of procedure:

(a) To call, examine, and cross-examine witnesses;

(b) To introduce documentary or physical evidence; and

(c) To present rebuttal evidence.

(4) All hearing testimony shall be taken under oath.

(5) An electronic transcript shall be made of the open record hearing.

(6) When an appeal of a Type 1 decision related to the Type 2 application has been filed, the open record hearing shall serve as both the appeal hearing and the predecision hearing.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.72.060 Hearing examiner's decision on Type 2 application.

(1) A decision on the Type 2 application shall be issued within 15 calendar days of the conclusion of a hearing, and not later than 120 days after a determination of completeness pursuant to SCC 30.70.110, unless the appellant agrees in writing to extend the time period or the time period has been extended under some other authority.

(2) If an appeal of a Type 1 administrative decision was heard at the open record predecision hearing, a final decision on the Type 1 appeal shall be issued concurrently with the Type 2 decision.

(3) The hearing examiner may grant, grant in part, return to the applicable department and applicant for modification, deny without prejudice, deny, or grant with such conditions or modifications as the hearing

examiner finds appropriate based on the applicable decision criteria.

(4) The decision shall include findings based upon the record and conclusions therefrom which support the decision.

(5) Reconsideration of the hearing examiner's decision may be requested only in accordance with SCC 30.72.065.

(6) The hearing examiner's decision shall include information on, and any applicable time limitations for, requesting reconsideration or for appealing the decision.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.72.062 Notice of hearing examiner's decision on Type 2 application.

Notice of the hearing examiner's decision, which may be the decision itself, shall be provided as follows:

(1) By regular mail or inter-office mail, as appropriate, to the applicant and other parties of record; and

(2) To the clerk of the council.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.72.065 Reconsideration of Type 2 decision.

(1) Any aggrieved party of record may file a written petition for reconsideration with the hearing examiner within 10 calendar days following the date of the hearing examiner's written decision. The petitioner for reconsideration shall mail or otherwise provide a copy of the petition for reconsideration to all parties of record on the date of filing. The timely filing of a petition for reconsideration shall stay the hearing examiner's decision until such time as the petition has been disposed of by the hearing examiner.

(2) The grounds for seeking reconsideration shall be limited to the following:

(a) The hearing examiner exceeded the hearing examiner's jurisdiction;

(b) The hearing examiner failed to follow the applicable procedure in reaching the hearing examiner's decision;

(c) The hearing examiner committed an error of law;

(d) The hearing examiner's findings, conclusions and/or conditions are not supported by the record;

(e) New evidence which could not reasonably have been produced and which is material to the decision is discovered; or

(f) The applicant proposed changes to the application in response to deficiencies identified in the decision.

(3) The petition for reconsideration must :

(a) Contain the name, mailing address, and daytime telephone number of the petitioner, or the petitioner's representative, together with the signature of the petitioner or of the petitioner's representative;

(b) Identify the specific findings, conclusions, actions, and/or conditions for which reconsideration is requested;

(c) State the specific grounds upon which relief is requested;

(d) Describe the specific relief requested; and

(e) Where applicable, identify the specific nature of any newly discovered evidence or changes proposed.

(4) The petition for reconsideration shall be decided by the same hearing examiner who rendered the decision, if reasonably available. The hearing examiner shall provide notice of the decision on reconsideration in accordance with SCC 30.72.062. Within 14 days the hearing examiner shall:

(a) Deny the petition in writing;

(b) Grant the petition and issue an amended decision in accordance with the provisions of SCC 30.72.060 following reconsideration;

(c) Accept the petition and give notice to all parties of record of the opportunity to submit written comment. Parties of record shall have 10 calendar days from the date of such notice in which to submit written comments.

The hearing examiner shall either issue a decision in accordance with the provisions of SCC 30.72.060 or issue an order within 15 days after the close of the comment period setting the matter for further hearing. If further hearing is ordered, the hearing examiner's office shall mail notice not less than 15 days prior to the hearing date to all parties of record; or

(d) Accept the petition and set the matter for further open record hearing to consider new evidence, proposed changes in the application and/or the arguments of the parties. Notice of such further hearing shall be mailed by the hearing examiner's office not less than 15 days prior to the hearing date to all parties of record. The hearing examiner shall issue a decision following the further hearing in accordance with the provisions of SCC 30.72.060.

(5) A decision which has been subjected to the reconsideration process shall not again be subject to reconsideration; provided that a decision which has been revised on reconsideration from any form of denial to any form of approval with preconditions and/or conditions shall be subject to reconsideration.

(6) The hearing examiner may consolidate for action, in whole or in part, multiple petitions for reconsideration of the same decision where such consolidation would facilitate procedural efficiency.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.72.070 Appeal of Type 2 decision.

(1) All Type 2 hearing examiner decisions may be appealed to the county council except for shoreline substantial development permits and permit rescissions, shoreline conditional use permits, and shoreline variances, which may be appealed to the state shorelines hearings board pursuant to SCC 30.44.250 and RCW 90.58.180.

(2) An appeal to the county council may be filed by any aggrieved party of record. Where the reconsideration process of SCC 30.72.065 has been invoked, no appeal may be filed until the reconsideration petition has been disposed of by the hearing examiner. An aggrieved party need not file a petition for reconsideration but may file an appeal directly to the county council. If a petition for reconsideration is filed, issues subsequently raised by that party on appeal to the county council shall be limited to those issues raised in the petition for reconsideration.

(3) Any aggrieved party of record may appeal a decision on reconsideration.

(4) Appeals shall be addressed to the county council and shall be filed in writing with the department within 14 days following the date of the hearing examiner's decision.

(5) A filing fee of $500 shall be submitted with each appeal filed; provided that the fee shall not be charged to a department of the county. The filing fee shall be refunded in any case where an appeal is summarily dismissed in whole without hearing under SCC 30.72.075.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-014, March 19, 2003, Eff date April 14, 2003; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012))

30.72.075 Summary dismissal of a Type 2 appeal.

(1) The council may summarily dismiss an appeal in whole or in part without hearing if it determines that the appeal is untimely, incomplete, without merit on its face, frivolous, beyond the scope of the council's jurisdiction, or brought merely to secure a delay. The council may also summarily dismiss an appeal based on lack of standing after allowing the appellant a reasonable period in which to reply to the challenge.

(2) Except in extraordinary circumstances, summary dismissal orders shall be issued within 15 days following receipt of either a complete appeal or a request for issuance of such an order, whichever is later.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.72.080 Requirements for filing a Type 2 appeal.

(1) An appeal must be in writing and contain the following:

(a) A detailed statement of the grounds for appeal and the facts upon which the appeal is based, including references to specific hearing examiner findings or conclusions, and to exhibits or oral testimony in the record;

(b) Argument in support of the appeal; and

(c) The name, mailing address, and daytime telephone number of each appellant, or each appellant's representative, together with the signature of at least one of the appellants or of the appellants' representative.

(2) The grounds for filing an appeal shall be limited to the following:

(a) The decision exceeded the hearing examiner's jurisdiction;

(b) The hearing examiner failed to follow the applicable procedure in reaching the decision;

(c) The hearing examiner committed an error of law; or

(d) The hearing examiner's findings, conclusions, and/or conditions are not supported by substantial evidence in the record.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.72.085 Effect of appeal.

Timely filing of an appeal shall stay the effective date of the hearing examiner's decision until such time as the appeal is decided by the council or withdrawn.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.72.090 Consolidation of multiple appeals.

The council shall consolidate multiple appeals of the same action.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.72.100 Notice of Type 2 appeal.

(1) Within seven calendar days following the close of the appeal period and upon receipt of a timely filed and complete appeal, the council clerk will mail notice of the appeal and of the date, time, and place of the closed record appeal hearing to all parties of record.

(2) The dates for filing written arguments with the council shall be included in the hearing notice as follows:

(a) Parties of record may file written arguments with the council until 5:00 p.m. on the fourteenth day following the date of the hearing notice mailed pursuant to SCC 30.72.100(1); and

(b) An appellant may file written rebuttal arguments with the council until 5:00 p.m. on the twenty-first day following the date of the hearing notice mailed pursuant to SCC 30.72.100(1).

(3) The hearing notice shall be sent for publication in the official county newspaper the same day the notice of appeal is sent to parties of record.

(4) Within five days of mailing of the hearing notice pursuant to SCC 30.72.100(1), the applicant shall conspicuously post notice of the hearing on the signs in accordance with of SCC 30.70.045.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.72.110 Type 2 closed record appeal hearing.

(1) An appeal before the county council shall be conducted as a closed record appeal. The hearing shall be limited to the record from the hearing examiner and all written argument timely filed with the council. New evidence shall not be allowed unless specifically requested by the council and consistent with the limitation of subsection (2) below.

(2) Appeal issues shall be limited to those expressly raised in the written appeal. No new appeal issues may be raised or argued after the close of the time period for filing the appeal.

(3) Parties of record may file written argument according to the dates set forth in the notice of the appeal hearing.

(4) Any party of record may present oral argument at the hearing.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.72.120 County council decision on Type 2 appeal.

(1) The council's decision shall be issued in writing and entered into the record of the proceedings. The decision of the county council shall set forth findings and conclusions that support the council decision and may adopt any or all of the findings or conclusions of the hearing examiner.

(2) The council may affirm the decision of the hearing examiner, reverse in whole or in part, or may remand the matter to the hearing examiner in accordance with the council's findings and conclusions.

(3) The council clerk shall mail copies of the decision to all parties of record within 15 calendar days after the conclusion of the hearing, but not later than 60 calendar days from the last day of the applicable appeal period, unless the applicant agrees to extend the time period or the time period is extended under some other authority.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.72.125 Effect of remand.

(1) The effect of remand on the decision of the hearing examiner shall be specified in the county council's decision. A decision by the hearing examiner in response to the remand order shall be issued in the same manner as the original decision.

(2) A remand is not a final decision on the appeal, but shall serve as a decision for purposes of applicable time limitations contained in SCC 30.72.120(3). Issuance of the decision by the hearing examiner in response to the remand order shall commence a new appeal period pursuant to SCC 30.72.070. Issues on appeal shall be limited to the issues remanded to the hearing examiner.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.72.130 Effect and appeal of final council decision on Type 2 appeal.

(1) The county council's decision on a Type 2 appeal is the final decision of the county except where a matter has been remanded to the hearing examiner. A final council decision may be appealed to superior court within 21 days of issuance of the decision in accordance with chapter 36.70C RCW.

(2) The cost of transcribing the record of proceeding, of copying photographs, video tapes and any oversized documents, and of staff time spent in copying and assembling the record and preparing the return for filing with the court shall be borne by the party filing the petition. If more than one party appeals the decision, the costs of preparing the record shall be borne equally among the appellants.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.72.140 Vacation of permits or approvals.

(1) Requests to vacate a permit shall be made in writing to the department of planning and development services.

(2) The director shall determine if the conditions in 30.42C.208 are present prior to authorizing the vacation.

(3) Vacation of any permit shall be documented by the filing of a notice of land use permit vacation with the county auditor on a form provided by the department of planning and development services.

(Added Amended Ord. 05-022, May 11, 2005, Eff date May 28, 2005)

30.72.150 Review or revocation of certain permits or approvals.

(1) If the director determines that a permit or approval is in material violation of this title, the director may initiate proceedings before the hearing examiner to review or revoke the permit or approval, in whole or in part.

(2) The hearing examiner shall hold a hearing in accordance with SCC 30.71.100. The director shall provide notice in accordance with SCC 30.70.050.

(3) The hearing examiner, upon good cause shown, may direct the department to issue a stop work order to temporarily stay the force and effect of all or any part of an issued permit or approval until the final decision of the hearing examiner is issued.

(Added Amended Ord. 05-022, May 11, 2005, Eff date May 28, 2005)

Chapter 30.73
TYPE 3 DECISIONS - LEGISLATIVE

30.73.010 Purpose and applicability.

(1) The purpose of this chapter is to set forth procedures for adoption or amendment of the comprehensive plan and development regulations pursuant to the Growth Management Act, chapter 36.70A RCW, and the Shoreline Management Program (SMP) pursuant to the Shoreline Management Act, chapter 90.58 RCW.

(2) This chapter is intended to supplement, and not to limit, existing county authority and procedures for adopting legislation. Nothing in this chapter shall be construed to limit the legislative authority of the county council to consider and adopt amendments and revisions to the comprehensive plan and development regulations, except as expressly provided in this chapter.

(3) The provisions of this chapter apply to all Type 3 legislative decisions which include and are limited to adoption or amendment of the comprehensive plan, the SMP, county-initiated rezones to implement the comprehensive plan, docketing proposals submitted pursuant to chapter 30.74 SCC, and new GMA development regulations or amendment of existing development regulations.

(4) This chapter shall not apply to amendments to the initiative, mini-initiative, or referendum process provided for in Article 5 of the county charter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012))

30.73.020 Overview of Type 3 legislative process.

(1) Adoption or amendment of the comprehensive plan and development regulations is a legislative decision, rather than a project permit decision. The legislative process includes a public hearing before the county council and may include a public hearing before the planning commission. It is designed to solicit a broad range of public input at all levels.

(2) Appeal of a Type 3 decision is made to the growth management hearings board in accordance with RCW 36.70A.290, except as otherwise provided by law.

(3) Council legislative action on other matters is governed by the county charter and other applicable law, and is not subject to this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.73.030 Initiation of Type 3 legislative actions.

Type 3 legislative actions may be initiated by:

(1) The county council;

(2) The planning commission; or

(3) The county executive.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.73.040 Planning commission hearing on Type 3 proposal.

(1) The planning commission shall hold at least one public hearing to consider a Type 3 proposal, except as provided in this section.

(2) Planning commission review is not required for the following:

(a) Emergency legislation authorized by RCW 36.70A.130(2)(b) or SCC 30.73.090;

(b) Procedural legislation, including legislation affecting the planning commission;

(c) Legislation to implement any state legislation other than the Growth Management Act;

(d) Legislation to adopt amendments or revisions to the comprehensive plan for the purpose of resolving an appeal of the comprehensive plan filed with the growth management hearings board or a court; and

(e) Legislation enacted in response to a growth management hearings board decision pursuant to RCW 36.70A.300 declaring all or part of the comprehensive plan or a development regulation invalid; and

(f) Setting of the final docket pursuant to SCC 30.74.050.

(3) If a Type 3 proposal is referred to the planning commission by the county council, the planning commission shall hold a public hearing within 90 days of the date council refers the proposal to the planning commission, unless:

(a) The county council specifies a different schedule when it refers the proposal to the planning commission;

(b) The proposal is subject to the environmental review procedures of chapter 43.21C RCW and it is determined to have probable significant adverse environmental impacts, in which case the planning commission shall hold a public hearing within 60 days of the completion of the draft environmental impact statement or draft supplemental environmental impact statement prepared under chapter 43.21C RCW; or

(c) The proposal would amend the comprehensive plan, in which case the planning commission shall hold a public hearing within one year of the date council refers the proposal to the planning commission or on the same date as the next planning commission hearing to consider docketing proposals submitted pursuant to chapter 30.74 SCC, whichever comes first.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Ord. 08-132, Oct. 22, 2008, Eff date Nov. 16, 2008)

30.73.045 Report of department.

(1) The department responsible for implementing a Type 3 proposal shall prepare a report summarizing the proposal, which shall include findings and recommendations. The report shall include information provided by other county departments, as determined necessary by the department preparing the report, and shall include information regarding the SEPA review process.

(2) At least 10 calendar days prior to the scheduled public hearing, the preparing department shall transmit the report to the planning commission, and make it available for public inspection. Copies shall be provided upon payment of reproduction costs.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.73.050 Notice of planning commission hearing Type 3 proposal.

(1) The planning commission shall set a public hearing and the department shall provide notice for Type 3 actions at least 10 days before the hearing as follows:

(a) For text changes to either the comprehensive plan or to development regulations implementing the comprehensive plan:

i. by one publication in the official county newspaper; and

ii. on the official county website

(b) For area wide changes to the comprehensive plan future land use map designation or area wide rezones:

(i) by one publication in the official county newspaper;

(ii) on the official county website; and

(iii) by mail to each taxpayer of record and known site address within the area proposed for the Type 3 action and to each taxpayer of record and known site address within 500 feet of any boundary of the area;

provided that notice of the hearing shall be mailed to all taxpayers of record and known site addresses within 1,000 feet of said boundaries when the existing zoning of the parcel subject to the Type 3 action is Resource, Rural, R-20,000, or Rural Use.

(c) For site-specific docketing proposals submitted pursuant to chapter 30.74 or for county initiated site-specific rezones:

(i) by one publication in the official county newspaper;

(ii) on the official county website;

(iii) by conspicuously posting one or more signs at the site. Such posting shall be evidenced by a verified statement regarding the date and location of posting; and

(iv) by mail to each taxpayer of record and known site address within the area proposed for the Type 3 action and to each taxpayer of record and known site address within 500 feet of any boundary of the area; provided, that notice shall be mailed to each taxpayer of record and known site address within 1,000 feet of the boundary of the area when the area proposed for the Type 3 action is outside an urban growth area

(d) The department may prescribe additional methods for providing notice and for obtaining public participation.

(2) Notice required by this section shall contain the following information:

(a) a description of the proposal;

(b) the assigned county file number and contact person;

(c) The date, time, and place of the public hearing and how an interested party may submit comments on the proposal;

(d) either the physical or web locations, or both, where the full text of the proposed amendment and relevant documents or studies may be reviewed; and

(e) Any other information determined appropriate by the department.

(3) Notwithstanding the foregoing, in adopting legislation in response to a growth management hearings board decision declaring part or all of a comprehensive plan or development regulation invalid, the county will provide for such public participation as is appropriate and effective under the circumstances presented by the board's order.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ordinance No. 12-056, Aug. 22, 2012, Eff date Nov. 20, 2012)

30.73.060 Planning commission action on Type 3 proposal.

(1) At the conclusion of the public hearing, the planning commission shall make a written recommendation and shall transmit the recommendation to the county council, except as provided in SCC 30.73.060(4).

(2) The planning commission may recommend that the council adopt, amend and adopt, or decline to adopt the Type 3 proposal.

(3) The planning commission recommendation shall be by the affirmative vote of not less than a majority of the total members of the commission.

(4) A planning commission recommendation is not required for a Type 3 proposal initiated and abandoned by the planning commission.

(5) If the planning commission does not adopt and transmit a recommendation to the county council within 45 days following the deadline for a planning commission hearing as specified in SCC 30.73.040(3), council may consider the proposal without a planning commission recommendation as provided in SCC 30.73.070.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Ord. 08-132, Oct. 22, 2008, Eff date Nov. 16, 2008)

30.73.070 Council consideration of Type 3 proposal.

(1) The council is not required to take action on a Type 3 proposal. If the council wishes to consider action on a Type 3 proposal, the council shall hold at least one public hearing.

(2) The council shall set the date of the public hearing and the clerk of the council shall provide notice in the same manner as set forth in SCC 30.73.050(1)(a), provided that mailed notice of the public hearing shall also be provided to those parties that submitted written comments or provided oral testimony during the department's review or planning commission hearing.

(3) The council may, in its discretion, direct the clerk to use additional methods for providing notice and obtaining public participation.

(4) At its public hearing, the council may concurrently consider additional proposals relating to the same subject matter, whether or not considered by the planning commission, in accordance with RCW 36.70A.035(2).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 12-056, Aug. 22, 2012, Eff date Nov. 20, 2012)

30.73.080 Council action on Type 3 proposal.

(1) At the conclusion of the public hearing, the council may take one of the following actions, or take no action:

(a) Adopt;

(b) Amend and adopt;

(c) Decline to adopt;

(d) Remand in whole or in part to the planning commission for further consideration;

(e) Adopt such other proposals or modifications of such proposals as were considered by the council at its own hearing; or

(f) Take any other action permitted by law.

(2) Any ordinance adopting a Type 3 proposal may include findings and conclusions to support the council's decision.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.73.081 Amendments to Shoreline Management Program.

(1) Amendments to the Shoreline Management Program (SMP) shall comply with SCC 30.67.110.

(2) After county council adoption, amendments to the SMP will not become effective until approved by the state Department of Ecology pursuant to RCW 90.58.090.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.73.083 GMA Schedule for Review of Plans and Regulations

This section establishes a schedule for the county to review and revise comprehensive plans and development regulations with public participation pursuant to the Growth Management Act, chapter 36.70A RCW:

(1) On or before December 1, 2004, and every seven years thereafter, the county will review and evaluate the GMA comprehensive plan and development regulations for compliance with GMA; and

(2) At least every ten years from adoption of the original GMA Comprehensive Plan (June 21, 1995), the county will review its designated urban growth areas and the densities permitted within both the incorporated and unincorporated portions of each urban growth area for accommodation of growth projections to occur in the county for the succeeding twenty-year period; and

(3) No more than once per year, updates, proposed amendments, or revisions to the comprehensive plan

may be considered by the council as part of the yearly docket process established in chapter 30.74 SCC except for amendments authorized by SCC 30.73.085.

(Added Amended Ord. 04-094, November 17, 2004, Eff Date December 10, 2004)

30.73.085 Limitation on comprehensive plan amendments.

(1) The comprehensive plan may be amended no more frequently than once each year, except that it may be amended more frequently under the following circumstances:

(a) The initial adoption of a subarea plan;

(b) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(c) Amendment of the capital facilities element of the comprehensive plan that occurs concurrently with adoption or amendment of the county budget;

(d) An emergency exists within the meaning of RCW 36.70A.130(2)(b);

(e) To resolve an appeal filed with a growth management hearings board or with the court; or

(f) Amendment is required by state or federal law.

(2) Except as authorized by SCC 30.73.085(1), the council will consider whether to amend the comprehensive plan no more frequently than once per year, and will consider amendments proposed pursuant to chapter 30.74 SCC according to the process and schedule established in chapter 30.74 SCC. The department shall coordinate county agency and planning commission review of proposed amendments, including amendments proposed pursuant to chapter 30.74 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-022, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.73.090 Adoption of Type 3 proposal as an emergency action.

(1) The council may adopt a Type 3 action as an emergency action under RCW 36.70A.130(2)(b) or 36.70A.390. All other provisions of this chapter shall not apply to the adoption of a Type 3 action as an emergency action.

(2) Except as provided in SCC 30.73.090(3), the council may adopt a Type 3 action by emergency action only after holding at least one public hearing following public notice as described in SCC 30.73.090(4).

(3) The council may adopt a Type 3 action that is a moratorium, interim zoning map, interim zoning ordinance, or interim official control by emergency action without holding a public hearing prior to taking such action if the council holds a public hearing following public notice as described in SCC 30.73.090(4) within 60 days of adoption and otherwise complies with RCW 36.70A.390.

(4) Public notice of the time, date, place, and general purpose of the public hearing on a Type 3 emergency action under this section shall be provided as follows:

(a) Notice shall be given by one publication, at least 10 days before the hearing in the official county newspaper; and

(b) The county council may, at its discretion, utilize additional methods for providing notice.

(5) An ordinance adopted under this section shall include a statement of the need for emergency action.

(6) This section shall not be construed to limit the council's authority to enact an emergency ordinance pursuant to the county charter, except as expressly provided herein.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.73.100 Appeal of a Type 3 decision.

A Type 3 action of the council is a final decision, but may be reviewable by filing a petition for review with the growth management hearings board in accordance with RCW 36.70A.290, except as otherwise provided by law.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.73.110 Compliance with this chapter.

Errors in exact compliance with this chapter shall not render a Type 3 decision invalid if the spirit of the public participation provisions of this chapter is observed.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.74
GROWTH MANAGEMENT ACT PUBLIC PARTICIPATION PROGRAM DOCKETING

30.74.010 Purpose and applicability.

(1) The purpose of this chapter is to establish procedures for persons to propose amendments and revisions to the comprehensive plan and implementing development regulations adopted under the Growth Management Act (GMA) and the Shoreline Management Act (SMA).

(2) Any person may propose amendments to the comprehensive plan and implementing development regulations adopted under the GMA and the SMA. This chapter applies to proposed amendments to:

(a) The goals, objectives, policies, and implementation measures of the comprehensive plan;

(b) The future land use map;

(c) The urban growth area boundaries;

(d) The transportation element;

(e) The capital facilities element;

(f) The county park plan;

(g) Subarea plans;

(h) The Shoreline Management Program as specified in SCC 30.67.110;

(i) Any part of the Snohomish County Code adopted to meet the requirements of the GMA and the SMA; and

(j) The zoning map if concurrent with a requested future land use map amendment.

(3) This chapter is intended to supplement, and not to limit or replace, existing county authority and procedures for adoption of legislation, including, but not limited to, the county charter and chapter 30.73 SCC. Nothing in this chapter shall be constructed to limit the legislative authority of the county to consider and adopt amendments and revisions to the comprehensive plan and development regulations.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.74.015 Annual Docket Process

(1) The department shall give initial consideration to proposed amendments every year according to the procedures and criteria in SCC 30.74.030 and SCC 30.74.040.

(2) The county council shall determine which amendments should be processed further according to the procedures in SCC 30.74.050 and the following schedule:

(a) In the first year and fifth year following a ten-year update of the comprehensive plan as required by RCW 36.70A.130(3)(a), the county council shall determine which amendments should be processed further on a docket of minor amendments.

(b) In the second year and sixth year following a ten-year update of the comprehensive plan as required by RCW 36.70A.130(3)(a), the county council shall determine which amendments should be processed further on a docket that may include major and minor amendments.

(c) In the eighth year following a ten-year update of the comprehensive plan as required by RCW 36.70A.130(3)(a), the county council shall determine which amendments should be processed further concurrently with the next ten-year update and may include major and minor amendments.

(3) The county council has the legislative discretion to place a proposed amendment on the final docket for further consideration or to direct that the proposed amendment not be processed further.

(4) The department shall process the final docket of proposed amendments according to the procedures and the criteria in SCC 30.74.060.

(Added Amended Ord. 04-094, November 17, 2004, Eff Date December 10, 2004; Amended by Amended Ord. 10-022, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.74.020 Submittal requirements.

(1) Any person proposing amendments to the comprehensive plan or development regulations under this chapter must submit the following to the department:

(a) A description of the proposed amendment including proposed map or text changes;

(b) The location of the property that is the subject of amendment on an assessor map dated and signed by the applicant, if the proposal is for a future land use map amendment;

(c) A legal description and a notarized signature of one or more owners, if a rezone is requested by owners concurrent with a requested future land use map amendment;

(d) An explanation of why the amendment is being proposed;

(e) An explanation of how the proposed amendment is consistent with the GMA, the countywide planning policies, and the goals and objectives of the comprehensive plan;

(f) If applicable, an explanation of why existing comprehensive plan language should be added, modified, or deleted; and

(g) A SEPA checklist.

(2) If a proposal includes an expansion of an Urban Growth Area that would result in a net increase in residential or employment land capacity and the most recent Buildable Lands Report indicates that no additional land capacity of that type is needed in that Urban Growth Area, the proposal must also include removal of land from that Urban Growth Area so that the land capacity is not increased. The properties proposed for removal from the Urban Growth Area must be contiguous with the Urban Growth Area boundary and be rural in character with rural densities.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-022, Sept. 8, 2010, Eff date Oct. 3, 2010; Amended by Amended Ord. 11-050, Sept. 28, 2011, Eff date Oct. 16, 2011)

*Code Reviser Note: Amendments to SCC 30.74.020 were adopted by the County Council in Amended Ordinance No. 11-050 but not all amendments were incorporated into the ordinance in underline/strikeout format.

(2) If a proposal includes an expansion of an Urban Growth Area that would result in a net increase in residential or employment land capacity and the most recent Buildable Lands Report indicates that no additional ((~~residential~~)) land capacity <u>of that type</u> is needed in that Urban Growth Area, the proposal must also include removal of land from that Urban Growth Area so that the ((~~residential~~) land capacity is not increased. The properties proposed for removal from the Urban Growth Area must be contiguous with the Urban Growth Area boundary and be rural in character with rural densities.

The correct material is included pursuant to SCC 1.02.020(2)(g).

30.74.030 Initial review and evaluation.

(1) The department shall conduct an initial review and evaluation of proposed amendments and assess the extent of review that would be required under the State Environmental Policy Act (SEPA). The initial review and evaluation shall include any review by other county departments deemed necessary by the department, and

shall be made in writing. The department shall recommend to the county council that an amendment be further processed only if all of the following criteria are met, except as provided in SCC 30.74.040:

(a) The proposed amendment is consistent with the countywide planning policies, the multicounty planning policies, the GMA, and other applicable state and federal laws;

(b) Any proposed change in the designation of agricultural lands, forest lands, and mineral resource lands is consistent with the designation criteria of the GMA and the comprehensive plan;

(c) If the proposed amendment has been reviewed by the planning commission or county council as part of a previous proposal, circumstances related to the current proposal have significantly changed and support a plan or regulation change at this time; and

(d) If the next docket cycle to be set is limited to minor amendments by SCC 30.74.015(2)(a), the proposal satisfies all of the following conditions:

(i) The time required to analyze environmental impacts of the proposed amendment is available within the time frame for processing minor amendments;

(ii) The time required for additional analysis to determine the need for additional capital improvements and revenues to maintain level of service, when applicable to the proposal, is available within the time frame for processing minor amendments;

(iii) The time required for processing any required additional amendments not anticipated by the proponent is available within the time frame for processing minor amendments;

(iv) The proposed amendment does not alter the urban growth area boundary;

(v) The proposed amendment does not make or require substantial changes to comprehensive plan policy language; and

(vi) The proposed amendment does not change land capacity to an extent that would require compensating changes in other areas in order to maintain consistency with policies and growth allocations established at the county and regional level.

(2) If the department finds that a proposal does not meet initial evaluation criteria, the department will, if appropriate, make recommendations to the applicant of the proposal regarding possible modifications to the proposal in order to meet criteria.

(3) Any person may resubmit a proposal to the department at any time, subject to the timelines contained in this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-022, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.74.040 Initial review of rezone requests.

The department shall recommend to the county council that a rezone be further processed only if all the following criteria are met:

(1) The rezone request is for an implementing zone consistent with a concurrent proposed amendment to the future land use map that meets the criteria of SCC 30.74.030;

(2) Public facilities and services necessary for development of the site, as defined in applicable capital facilities plans, are available or programmed to be provided consistent with the comprehensive plan and development regulations as determined by applicable service providers; and

(3) Site plan approval would not be required concurrent with the rezone under chapters 30.31A, 30.31B, or 30.31F SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.74.050 Council setting of final docket.

(1) On or before the last business day of March of each year the department shall prepare its recommendation on each of the amendments proposed for consideration under SCC 30.74.030, and forward the recommendations to the county council.

(2) The county council will review the recommendations according to the schedule established in SCC 30.74.015(2) and determine in a public hearing which of the proposed amendments should be further processed as minor amendments, which should be processed as major amendments, and which amendments should not be processed further.

(3) Notice of the council hearing shall be given as required by SCC 30.73.070. The applicant shall be responsible for the costs associated with printing, publishing, and mailing of notice for any public hearing required for the applicant's docket proposal by chapter 30.73 SCC.

(4) The proposed amendments approved for further processing by the council shall be known as the final docket.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 06-077, Oct. 2, 2006, Eff date Oct. 14, 2006; Amended by Amended Ord. 10-022, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.74.060 Processing of final docket.

(1) The department shall distribute the final docket to any state or local agency which is required by law to review and evaluate proposed amendments and revisions to the comprehensive plan and implementing development regulations. The department shall also conduct any review required by SEPA of the proposed amendments and revisions listed on the final docket.

(2) The department will process the final docket in accordance with chapter 30.73 SCC, except as provided to the contrary in this section. The department shall prepare a report including a recommendation on each proposed amendment and forward the report to the planning commission. The department will recommend approval if all the following criteria are met:

(a) The proposed amendment and any related proposals on the current final docket maintain consistency with other plan elements or development regulations;

(b) All applicable elements of the comprehensive plan, including but not limited to the capital plan and the transportation element, support the proposed amendment;

(c) The proposed amendment more closely meets the goals, objectives and policies of the comprehensive plan than the relevant existing plan or code provision;

(d) The proposed amendment is consistent with the countywide planning policies;

(e) The proposed amendment complies with the GMA; and

(f) New information is available that was not considered at the time the relevant comprehensive plan or development regulation was adopted that changes underlying assumptions and supports the proposed amendment.

(3) Unless otherwise directed by the county council, any county department that conducts review and evaluation of the proposed amendments, including any necessary environmental review pursuant to SEPA, shall complete its evaluation prior to action by the planning commission on the proposed amendments, except that a final or final supplemental environmental impact statement must be completed no later than seven days prior to final action by the county council.

(4) For final dockets that are limited to minor proposals by SCC 30.74.015(2)(a), the department and the planning commission shall complete their processing of the final docket and transmit final recommendations to the county council within twelve months of the date the county council sets the final docket, except as provided by SCC 30.74.060(6).

(5) For final dockets that may include major or minor proposals under SCC 30.74.015(2)(b), the department and the planning commission shall complete their processing of the final docket and transmit final recommendations to the county council within twenty-four months of the date the county council sets the final docket, except as provided by SCC 30.74.060(6).

(6) If the department determines that a proposed amendment on the final docket requires additional time for processing, the department shall seek direction from the county council on whether to shift that proposed amendment to a future batch or whether to keep it in its current batch and delay final action on the entire batch.

(7) Consistent with SCC 30.73.070(1), the county council is not required to take action on any proposed amendment on the final docket. The options available to the county council include, but are not limited to:

(a) Removing the proposed amendment from the final docket by motion;
(b) Not introducing an ordinance to approve the proposed amendment;
(c) Delaying consideration of the proposed amendment to a future docket; or
(d) Otherwise not taking action on the proposed amendment.

(8) If the county council removes a proposed amendment from the final docket by motion under SCC 30.74.060(7)(a), it shall refund to the applicant the unspent portion of the money the applicant paid to the county for SEPA environmental review and studies in connection with the proposed amendment being on the final docket.

(9) If the county council does not take action on a proposed amendment within one year of the planning commission hearing on that proposed amendment, the proposed amendment shall be removed from the final docket and not processed further.

(10) The applicant shall be responsible for the cost of printing, publishing, and mailing of any SEPA notification required for the applicant's final docket proposal by chapter 30.61 SCC.

(11) The applicant shall be responsible for the cost of printing, publishing, and mailing of notice for any public hearing required for the applicant's final docket proposal by chapter 30.73 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 10-022, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.74.070 Cost of environmental studies.

Any person with a proposal on the final docket shall pay the cost of environmental review and studies under SEPA for proposed amendments with probable significant adverse environmental impacts that have not been previously analyzed, as required under chapter 30.61 SCC. The person may contribute to the cost of other studies required by existing plan policies or development regulations in order to facilitate the preparation of these studies in a timely manner. The person may, at his or her own expense and to the extent determined appropriate by the responsible official, provide additional studies or other information.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.74.080 Timing for submittal of proposals.

(1) The department will accept proposals for amendments at any time; however, proposals received after the last business day of October of each year will be processed in the next initial review and evaluation cycle.

(2) The department may establish administrative procedures necessary to administer this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Ord. 06-077, Oct. 4, 2006, Eff date Oct. 14, 2006; Amended by Amended Ord. 10-022, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.74.090 Violation not grounds for invalidation.

Violation of this chapter shall not constitute grounds for invalidation of any comprehensive plan amendment, implementing development regulation, or other legislation.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.75
DEVELOPMENT AGREEMENTS

30.75.010 Purpose and applicability.

(1) The purpose of this chapter is to set forth the decision-making and appeal procedures for development agreement applications. In adopting these provisions, the county acknowledges the benefits of providing certainty regarding applicable development standards, uses, and/or mitigation for major projects or long-term, phased proposals.

(2) This chapter applies to development agreement applications made pursuant to RCW 36.70B.170 - 36.70B.210 and this chapter. These provisions do not apply to or affect the validity of any contract rezone, concomitant agreement, annexation agreement or other agreement in existence on or before the effective date of this chapter, or adopted under separate authority, even though such agreements may also relate to development standards, mitigation, and other regulatory requirements.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.75.020 Procedure: development agreements.

(1) This section shall not apply to the review of development agreements for projects to site, construct, operate or expand essential public facilities. For those facilities, the development agreement shall be presented to the county council for approval upon the adoption of an ordinance meeting the requirements of 30.75.100. Procedures for the review of permits applicable to such facilities shall be specified in the development agreement.

(2) Development agreements shall be reviewed in the manner and following the procedures established in chapters 30.70 and 30.72 SCC, except as follows:

(a) The hearing examiner's decision, as set forth in SCC 30.72.060, shall be a recommendation to the county council instead of a decision, provided that any decision on a Type 1 appeal of a SEPA threshold determination shall be a final decision;

(b) Each hearing examiner recommendation shall include a proposed ordinance for council consideration that would adopt the hearing examiner's recommendation as a final decision;

(c) A party of record may request review of the hearing examiner's recommendation by the county council using the same process as required for appeal of a Type 2 decision; and

(d) If no party of record requests review of the hearing examiner's recommendation, the department shall forward the recommendation to the county council for a closed record hearing, allowing for a presentation to the council by the applicant and the department regarding the recommendation and the proposed ordinance.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Emerg. Ord. 05-126, Dec. 7, 2005; Eff date Dec. 7, 2005)

30.75.100 Decision criteria.

The county council may adopt a development agreement upon passage of an ordinance with findings that:

(1) The proposed agreement is compatible with the goals and policies of the comprehensive plan;

(2) The proposed agreement is consistent with applicable development regulations, unless modified pursuant to SCC 30.75.130;

(3) The proposed agreement provides for adequate mitigation of adverse environmental impacts; provided that if the development is not defined at a project level, the agreement shall provide a process for evaluating and

appropriately mitigating such impacts in the future; and

(4) The proposed agreement reserves authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Emerg. Ord. 05-126, Dec. 7, 2005, Eff date Dec. 7, 2005)

30.75.130 Development Regulations Applicable to Essential Public Facilities

The county council may approve a development agreement that creates exemptions or modifications to the requirements of Title 30 SCC in order to allow for the siting, development or expansion of an essential public facility.

(Added Emerg. Ord. 05-126, Dec. 7, 2005, Eff date Dec. 7, 2005)

30.75.200 Recording required.

A development agreement shall be recorded with the real property records of the county auditor and shall be binding during its term on the parties and their successors, including any city that assumes jurisdiction through incorporation or annexation of the area covered by the development agreement.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.75.210 Modification of development agreement.

Modification of an approved development agreement shall require processing as a new development agreement, except that a development agreement may provide a range of modifications that may be approved by the department.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.75.300 Appeal of development agreement.

(1) A development agreement shall be subject to appeal in superior court in accordance with the provisions of the land use petition act, chapter 36.70C RCW.

(2) The cost of transcribing the record of proceedings, of copying photographs, video tapes, and any oversized documents, and of staff time spent in copying and assembling the record and preparing the record for filing with the court shall be borne by the party filing the petition. If more than one party appeals the decision, the costs of preparing the record shall be borne equally among the appellants.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.76
LOW-INCOME HOUSING - PRIORITY PERMIT PROCESSING

30.76.010 Purpose and applicability.

The purpose of this chapter is to give priority to eligible low-income housing projects in the permit review process. Public housing authorities and nonprofit housing organizations shall be eligible to receive priority permit processing in accordance with this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.76.020 Projects eligible for priority permit processing.

(1) The following types of projects requiring a building permit or a land use approval and a building permit shall be eligible for priority permit processing:

(a) Low-income housing projects in which 100 percent of units are low-income housing;

(b) Projects in which 100 percent of units are low-income housing which provide housing and/or pad space for displaced mobile home owner households whose gross income (when adjusted for household size) is at or below 80 percent of the area median as adjusted annually by the U.S. Department of Housing and Urban Development;

(c) Projects in which 100 percent of units are low-income housing which provide publicly subsidized lease/purchase housing to households whose gross income (when adjusted for household size) is at or below 80 percent of the area median as adjusted annually by the U.S. Department of Housing and Urban Development;

(d) Mixed-use residential projects in which at least 50 percent of the buildings' floor space or at least 50 percent of the total number of units, whichever produces the greater number of units for low-income households, is devoted to providing low-income housing; and (e) Mixed-income subdivisions or projects in which at least 50 percent of the total number of housing units are devoted to providing low-income housing.

(2) For all projects meeting the eligibility criteria of subsection (1), the housing expense for low-income renter households shall be no greater than 30 percent of the target population household's gross income and the housing expense for low-income first-time home buyer households shall be no greater than 30 percent of the respective home buyer household's gross income.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.76.030 Permits subject to priority processing.

(1) Eligible applicants may apply for priority permit processing for all department and department of public works' permits, approvals, and reviews necessary for completion of the eligible project.

(2) Priority permit processing does not include any public hearing, hearing examiner or county council processes associated with any of the permits, approvals, or reviews.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.76.040 Application for certificate of eligibility.

(1) Applications for a certificate of eligibility shall be submitted on a form provided by the department. The department shall review the application in accordance with this chapter and determine whether the proposed low-income housing project is eligible for priority permit processing.

(2) If determined eligible, the applicant shall execute a low-income housing preservation agreement, in a

form provided with the department and consistent with SCC 30.76.050, unless the director determines the agreement is unnecessary because the eligible project is subject to other local, state, or federal requirements that accomplish the purposes of the agreement.

(3) Following execution of the agreement, the director shall issue a certificate of eligibility which will authorize and require departments to provide priority permit processing.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.76.050 Low-income housing preservation agreements.

(1) Low-income housing preservation agreements submitted in accordance with SCC 30.76.040 shall require that deed restrictions be recorded against the property upon which the proposed low-income housing project is to be built which require that the property be retained as low-income housing for a period of not less than 15 consecutive years beginning on the day the preservation agreement is executed by the director. The agreement shall also include a provision by which the applicant agrees that the initial value to the applicant of the priority permit processing benefit provided by the county is at least one percent of the estimated value of the improvements for which permits are sought, as determined by the director. A low-income housing preservation agreement shall be accompanied by deeds of trust or other securities that secure the county's interest in the agreement. A preservation agreement shall be executed by the director pursuant to SCC 30.76.040(2) only after the director determines the county's interest in the agreement is adequately secured.

(2) A low-income housing preservation agreement shall include provisions addressing default and termination which require, in the event of default or premature termination of an agreement, that the owner pay the county an amount as liquidated damages which equals the initial value to the applicant of the priority permit processing benefit multiplied by the percentage increase or decrease in the shelter component of the Seattle-Tacoma area consumer price index for urban workers (CPI-U) as compiled by the U.S. Bureau of Labor Statistics for the years and fractions thereof from the date of execution of the agreement through the date of recording of a notice of termination.

(3) Any and all liquidated damages received by the county shall be paid into the housing trust fund established by chapter 4.68 SCC in order to fund replacement low-income housing.

(4) In the event an agreement is terminated prior to the expiration of its term either due to default or mutual agreement, a notice of termination shall be filed of record by the director only after liquidated damages owed to the county, if any, have been paid. The notice of termination shall remove the encumbrance of the agreement from the property upon which the low-income housing project is situated.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.76.060 Priority permit processing procedure.

All applicable departments shall review and process permits for which certificates of eligibility have been issued in the most expeditious manner allowable under state law and county ordinance. Priority permit processing shall begin on the next working day following receipt by the department of a certificate of eligibility. Applicable departments shall process the permit applications ahead of all permit applications not accompanied by a certificate of eligibility. Whenever possible, applications for multiple permits for a single low-income housing project shall be processed on a concurrently.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.81
ADMINISTRATION

30.81.010 Administrative authority.

The director shall have the authority to make and issue orders, rules, requirements, permits, interpretations, decisions, or determinations as necessary in the administration and enforcement of the provisions of this title. Where this title provides that the department of public works or the parks and recreation department controls the decision or review process, the respective director shall have all such equivalent authority to administer and enforce the applicable provisions of this title.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.81.020 Obligations of property owner, occupant, and applicant.

(1) It is the intent of this title to place the obligation of complying with the requirements of this title and all applicable laws and regulations upon the owner, and jointly and severally upon the occupant of the land and buildings within its scope.

(2) It is the responsibility of an applicant to provide accurate and complete information and plans to comply with the requirements of this title and all applicable laws and regulations. The county is not responsible for the accuracy of information or plans provided to the county for review or approval.

(3) The department, or any other county department reviewing an application, may inspect any development activity to enforce the provisions of this title. By submitting an application to the county, the applicant consents to entry upon the site by the county during regular business hours for the purpose of making reasonable inspection to verify information provided by the applicant and to verify that work is being performed in accordance with the approved plans and permits and the requirements of this title. Consent to entry extends from the date of application to the date of final action by the County.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.81.030 County liability.

(1) Nothing in this title shall be construed to impose any duty upon the county or any of its officers or employees so as to subject them to liability for damages in a civil action, including but not be limited to the following:

(a) Any liability for any duty not otherwise imposed by law to protect individuals from personal injuries or property damage;

(b) Any liability for any actions, errors, or omissions of any person subject to the requirements of chapters 30.32B and 30.32A SCC; and

(c) Any liability whatsoever for damages resulting from fire or explosion or faulty storage, handling, or disposal of materials, in any manner whatsoever.

(2) The granting of a permit for any development or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the county, or any official or employee thereof, of the practicality or safety of any structure or use proposed and shall create no liability upon, or cause of action against, the county, official, or employee for any damage that may result thereto.

(3) The county, under the provisions of this title, does not guarantee that reviews and/or inspections will detect all hazards, design defects, or code violations.

(4) The act of the county issuing permits and conducting inspections shall in no way be deemed to be a waiver of governmental immunity. Inspection and licensing is performed pursuant to the police power of the

county.

(5) Administration of this title shall not be construed to impose or create a basis for any liability on the part of the county, its appointed and elected officials, officers, agents, or employees, nor shall this chapter be construed to create any special relationship with or otherwise protect any specific person or class of persons.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.81.040 Procedural provisions of Title 30 will control.

In the event of conflict between the procedural provisions of Title 30 SCC and any applicable provisions of chapter 2.02 SCC, the provisions of Title 30 SCC shall control.

(Added Ord. 02-098, Dec 9, 2002, Eff date Feb. 1, 2003)

Chapter 30.82
RULEMAKING

30.82.010 Rulemaking.

(1) Rules as authorized by this chapter are intended to provide detail or specificity for existing code sections or requirements. This chapter does not authorize or support the creation or enactment of new regulations through the rulemaking process.

(2) This chapter shall not apply to:

(a) Policies and procedures involving matters of internal administration or management of county departments;

(b) Code interpretations; or

(c) Submittal requirements.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.82.020 Format of rules.

Each rule shall contain:

(1) The name of the department issuing the rule;

(2) The subject or title of the rule;

(3) Reference, to the provision of this title, law, or ordinance upon which the rule is based;

(4) The content of the rule; and

(5) The date the rule becomes effective.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.82.030 Notice of proposed rule.

(1) Prior to approval, amendment or repeal of any rule, the applicable director shall give at least 21 days notice of a proposed rulemaking action by filing a notice with the clerk of the Snohomish County Council, posting a copy of the proposed rule at the information counter of the department, giving public notice by one publication in the official county newspaper , and by such other means as the director may deem appropriate.

(2) Notice shall include:

(a) Reference to the authority under which the rule is proposed;

(b) A summary of the proposed rule, including a description of the subjects and issues involved; and

(c) Where to obtain a copy of the proposed rule and how to submit written comments.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.82.040 Approval of rule and public notice.

(1) After reviewing and considering the comments submitted in response to the notice of proposed rulemaking, the applicable director may approve the proposed rule or rule amendment with or without changes, or repeal an existing rule.

(2) The director shall provide notice of adoption of the proposed rule, rule amendment, or repeal of the rule by filing a notice of final action with the clerk of the county council, giving public notice in the official county newspaper, and sending copies to any person who submitted written comments on the proposed rule.

(3) The decision of the applicable director on matters relating to adoption of administrative rules shall be final and not subject to review.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.82.050 Emergency rule.

Any proposed rule or amendment to a rule may be adopted as an emergency rule and the director may dispense with the requirements of notice and public comment on the proposed action, if the director finds that adoption of a new or amended rule is necessary for the immediate preservation of public health, safety, or general welfare, and that observance of the 21-day minimum comment period would be contrary to the public interest. The director's finding and a brief statement of the reasons for the finding shall be incorporated in the emergency rule as filed with the clerk of the Snohomish County Council. An emergency rule may not remain in effect longer than 120 days after filing without first being subject to the notice and approval procedures of SCC 30.82.030 and 30.82.040.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.82.060 Effect of rule.

(1) A rule approved under SCC 30.82.040 shall become effective upon filing notice of final action on the rule with the clerk of the county council, or after filing if a later date is specified in the rule.
(2) A rule issued in accordance with the provisions of this chapter shall have the same effect and shall be enforceable as a provision of this title.
(3) A rule shall remain in effect until amended or repealed in writing by the director pursuant to this chapter.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.82.065 County council review of rules.

(1) A rule approved under SCC 30.82.040 shall be reviewed by the council upon request by an interested person when such request is submitted in writing to the department no later than 120 days after rule approval.
(2) Council review shall determine whether the adopted rule is consistent with the scope of the department's rule making authority as specified in SCC 30.82.010(1).
(3) After reviewing the rule, the council may, upon motion, direct the department to retain, amend or repeal the rule.
(4) The person requesting review and the department shall be notified of the date, time and place of council review at least 14 days prior to council review.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.82.070 Pre-existing policies, procedures, and rules.

The applicable director shall review existing policies, procedures, and rules and determine which constitute rules pursuant to this chapter. All policies, procedures, and rules in effect on the effective date of this title which the director within 60 days thereafter files with the clerk of the county council and posts on the departmental website shall remain in effect until amended or repealed; provided that all such policies, procedures, and rules shall no later than December 31, 2004 be repromulgated through the rulemaking procedures of this title except policies, procedures, and rules related to critical area regulations. The pre-existing policies, procedures, and rules related to critical area regulations shall be repromulgated within six (6)

months after any critical area regulations amended in accordance with the Growth Management Act mandated 7-Year compliance review of the Comprehensive Plan or within six (6) months following the date that any subsequent related appeals are settled, whichever is later..

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 04-069, July 28, 2004, Eff date August 22, 2004)

30.82.080 Public inspection of rules.

The department shall maintain copies of all rules, and a current index, which shall be made available upon request for public inspection and copying.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.83
CODE INTERPRETATIONS

30.83.010 Code interpretations.

(1) This chapter is intended to provide a process for administrative interpretation of the provisions of this title. Code interpretations:

(a) Clarify ambiguous provisions of the code applied to a specific project;

(b) Determine nonconforming rights;

(c) Determine whether a use is allowed in a particular zone; and

(d) Interpret the meaning of terms.

(2) This chapter applies to written interpretations of this title. This chapter does not apply to:

(a) Interpretations relating to the Fire Code, chapter 30.53A, which are made by the fire marshal pursuant to section 101.4 of the Fire Code; and

(b) Interpretations relating to the construction codes, chapters 30.52A - 30.52G SCC, which are made by the building official or fire marshal pursuant to SCC 30.50.020(2).

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.83.020 Request for code interpretation.

(1) Any person may submit a written request for a code interpretation to the director, or the director may issue a code interpretation on the director's own initiative.
(2) At a minimum, a request for a code interpretation shall include:
(a) The provision of this title for which an interpretation is requested;
(b) Why an interpretation of the provision is necessary; and
(c) Any reason or material in support of a proposed interpretation.
(3) A filing fee in accordance with SCC 30.86.610 shall accompany each request for an interpretation.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.83.030 Interpretation procedure.

(1) The applicable director for making the interpretation is determined pursuant to SCC 30.81.010.
(2) A request for a code interpretation shall be treated as a Type 1 decision, providing public notice and an opportunity to comment before making an administrative decision pursuant to SCC 30.70.050.
(3) The director shall mail a written response to any person filing a request for a code interpretation within 14 days of receiving the request. The response shall indicate when the interpretation is expected to be issued.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Ord. 08-136, Oct. 29, 2008, Eff date Nov. 24, 2008)

30.83.040 Code interpretations specific to a project.

(1) Only an applicant for a project may request an interpretation relating to a specific project. At the time of making the request, the applicant shall elect to have the request processed as a separate Type 1 application or in conjunction with the underlying application. If processed in conjunction with the underlying application, the applicant shall waive the processing timeline of SCC 30.70.110 for the time necessary to process the code interpretation, not to exceed 60 days.

(2) Persons other than the applicant may not request a project-related interpretation pursuant to this chapter, but may submit comments as a party of record.

(a) If the project that is the subject of the code interpretation is a Type 1 application, the underlying permit must be appealed to challenge the department's interpretation of the code.

(b) If the project that is the subject of the code interpretation is a Type 2 application, the challenge to the department's interpretation of the code may be raised at the open record hearing.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Ord. 08-136, Oct. 29, 2008, Eff date Nov. 24, 2008)

30.83.050 Code interpretation - decision of the director.

(1) Only one interpretation per issue shall be rendered by the director. In the event an interpretation is requested on an issue previously addressed, the director shall provide a copy of the previous interpretation to satisfy the request.

(2) An interpretation issued pursuant to this chapter shall have the same effect and be enforceable as a provision of this title.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Ord. 08-136, Oct. 29, 2008, Eff date Nov. 24, 2008)

30.83.060 Appeal.

In any appeal of a code interpretation, the interpretation of the director shall be given substantial weight.

(Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Ord. 08-136, Oct. 29, 2008, Eff date Nov. 24, 2008)

Chapter 30.84
SECURITY DEVICES

30.84.010 Purpose and applicability.

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

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

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

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

(Added Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.84.015 Types of security devices.

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

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

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

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

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

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

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

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

(a) Unless otherwise provided in this title the amount of the performance monitoring security guaranteeing workmanship and materials shall be 20 percent of the actual documented in place construction costs of the mitigation that the department determines to be a fair representation of the cost of the mitigation.

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

(Added Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.84.020 Security devices- general provisions.

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

(a) Bond;

(b) Letter of credit;

(c) Assignment of funds or account; or

(d) Other form of security device as may be specifically approved by the director of finance.

(2) All security devices shall provide for:

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

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

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

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

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

(Added Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.84.030 Extension of security device.

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

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

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

(Added Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.84.050 Notice of noncompliance and forfeiture of proceeds.

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

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

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

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

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

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

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

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

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

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

(Added Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.84.060 Emergency work by the county.

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

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

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

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

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

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

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

(Added Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.84.070 Release of security device.

(1) A performance security shall be released when:

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

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

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

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

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

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

(Added Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.84.080 Reimbursement of costs.

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

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

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

(Added Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.84.105 Delayed construction – Performance security.

(1) The director, with the concurrence of the county engineer, may approve the delayed construction of certain public improvements, including landscaping, in a subdivision, short subdivision, commercial or multifamily development, when all of the following are met:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Added Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.84.110 Right of Way.

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

(Added Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.84.120 Drainage.

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

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

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

(Added Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.84.130 Land Disturbing Acitivity.

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

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

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

(Added Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.84.140 Critical Area Mitigation.

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

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

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

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

(Added Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.84.150 General Landscaping.

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

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

(Added Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

Chapter 30.85
ENFORCEMENT PROCEDURES

30.85.010 Purpose.

The purpose of the enforcement procedures found in this chapter is to establish an efficient system to enforce the land use and development codes of Snohomish County for the benefit of the public health, safety and welfare, and the environment. To achieve this purpose, this chapter provides procedures for:

(1) Efficient notice and opportunities to correct violations;
(2) Progressive monetary penalties proportionate to the violations;
(3) Contesting a citation or appealing a notice of violation;
(4) Collecting civil penalties; and
(5) Abatement and remediation of violations.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.020 Applicability.

This chapter applies to violations of any provision of titles 13 and 30 SCC, chapter 10.01 SCC, and other Snohomish County Code provisions within the administrative jurisdiction of the Department of Planning and Development Services or the Department of Public Works. Violations include but are not limited to:

(1) Failure to obtain required permits or authorizations within the administrative jurisdiction of the applicable department;

(2) Failure to comply with the terms or conditions of a permit or authorization issued by the applicable department;

(3) Failure to comply with any county code provision within the administrative jurisdiction of the applicable department;

(4) Failure to comply with rules or regulations adopted pursuant to the administrative authority of the applicable department;

(5) Removal without authorization or defacing any sign, notice or order posted pursuant to the administrative authority of the applicable department; and

(6) Failure to comply with a stop work or emergency order issued under this chapter.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.030 Remedies not exclusive.

The remedies set forth in this chapter are not exclusive, and do not limit or restrict the authority of the county from remedying or abating violations in any manner authorized by law.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.040 Public nuisance.

(1) Violations of title 30 SCC, chapter 10.01 SCC, and chapter 13.01 SCC are determined to be detrimental to the public health, safety and welfare and are public nuisances.

(2) Whenever the applicable director determines that any condition creates a present or imminent hazard, or is likely to create a hazard to the public safety, health or welfare, to the environment, or to public or private property, the director may declare such condition a public nuisance.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.050 Initiation of enforcement action.

(1) Whenever a director has reason to believe a violation has occurred, the director may initiate any of the following enforcement actions against the person(s) responsible for the violation:

(a) Issuance of a citation;

(b) Issuance of a notice of violation;

(c) Issuance of a stop work order;

(d) Issuance of an emergency order; and/or,

(e) Referral of the matter to the prosecuting attorney for enforcement.

(2) In all cases the property owner shall be named as a responsible party in an enforcement action.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.060 Types of code enforcement action.

(1) The following options provide a progressive strategy for achieving code compliance and are designed to protect life, health, safety and the public welfare.

(a) A warning notice issued under to SCC 30.85.080;

(b) A citation issued under SCC 30.85.090;

(c) A notice of violation issued under SCC 30.85.150;

(d) A stop work order issued under SCC 30.85.230; and

(e) An emergency order issued under SCC 30.85.240.

(2) A citation and a notice of violation are intended for different types of violations and shall not be issued for the same violation.

(3) A violation may be referred to the prosecuting attorney for filing a misdemeanor complaint against the person(s).

(4) The county may seek legal or equitable relief at any time to enjoin any acts or practices that violate county code, or abate any condition that constitutes a nuisance.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.070 Right of entry.

(1) Any entry made to private property for the purpose of inspection for code violations pursuant to this chapter shall conform with constitutional and statutory constraints of entry, and the holdings of relevant court cases regarding entry. The director is authorized to enter upon any property for the purpose of administering this chapter provided that the director shall make entry only if such entry is consistent with the constitutions and laws of the United States and the state of Washington. If so required by the constitutions and the laws of the United States or the state of Washington, the director shall apply to a court of competent jurisdiction for a search warrant authorizing access to such property for such purpose. The court may upon such application issue the search warrant for the purpose requested.

(2) If the director has probable cause to believe that conditions on the property create an immediate hazard to person or property, the director may enter the property immediately for the purpose of investigating the emergency conditions and initiating corrective action.

(3) Right of entry to enforce the fire code, chapter 30.53A SCC, shall be subject to the provisions of SCC 30.53A.148 and 30.53A.150.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.080 Warning notice.

(1) Before initiating an enforcement action, the director may provide a warning notice to the person(s) responsible. The person(s) named in the warning notice may be given the opportunity to correct the violation(s), within the time specified in the warning notice.

(2) A warning notice shall be written in a form determined by the department and include the following information:

(a) The tax parcel number of the property where the violation(s) occurred or is located and, when available, the street address;

(b) A statement describing the violation(s), with specific references to applicable code section(s);

(c) The date by which the violation(s) must be corrected to avoid initiation of an enforcement action;

(d) A statement of the potential consequences of failure to complete corrective action including the imposition of fines or monetary penalties, if applicable; and

(e) Code enforcement contact information and instructions for the responsible person(s) to respond.

(3) The warning notice may include suggested corrective actions to cure, abate or stop the violation(s). (Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.090 Citation.

(1) Violations of the following provisions of Snohomish County Code shall be subject to the citation and/or criminal provisions set forth in this chapter:

(a) Junkyard conditions in urban zones (SCC 30.22.100 or SCC 30.65.285);

(b) Recreational vehicle occupancy (SCC 30.22.100, 30.22.110, 30.22.120 or 30.22.130(19)(b) and (c) or SCC 30.65.285);

(c) Tree retention (SCC 30.25.016(1)

(d) Illegal signs (chapter 30.27 SCC);

(e) Noise standards (chapter 10.01 SCC, except public disturbance noises as defined by SCC 10.01.040);

(f) Fence height (SCC 30.52A.148(1)(c) or SCC 30.23.100(3));

(g) Erosion control measures and best management practices (chapter 30.63A SCC);

(h) Overcrowding beyond building capacity or blocking means of egress (SCC 30.53A.382);

(i) Obstruction of fire apparatus access roads (SCC 30.53A.512);

(j) Means of egress (SCC 30.53A.010, Section 1028 IFC);

(k) Burn permit (SCC 30.53A.298);

(l) Stop work order (SCC 30.85.230); and

(m) Emergency order (SCC 30.85.240).

(2) Issuance of the citation is a final determination and a fine will be assessed in accordance with SCC Table 30.85.130.

(3) Payment of a fine assessed under the citation shall not relieve the person(s) named in the citation of any obligation to cure, abate or stop the violation(s).

(4) A citation may be modified or withdrawn by the department at any time it was issued in error.

(5) Each day a person violates or fails to comply with a provision of this section may be considered a separate violation for which a citation may be issued, including the period pending a contested hearing.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008; Amended by Amended Ord. 08-101, Mar. 25, 2009, Eff date April 21, 2009)

30.85.100 Citation procedure.

(1) Whenever a citation for a violation listed in SCC 30.85.090 is issued, the director may issue the citation to the owner(s) of the property and/or other person(s) responsible for the violation.

(2) The citation shall be on a form determined by the department and contain the following:

(a) The name(s) and address(es) of the person(s) responsible for the violation(s).

(b) The tax parcel number of the property where the violation occurred or is located and the street address, when available;

(c) A separate statement of each standard or requirement violated pursuant to SCC 30.85.090;

(d) The date of the violation(s);

(e) The applicable fine imposed in accordance with the schedule in SCC Table 30.85.130 and the date by which payment of the fine is due;

(f) A statement that the person(s) named in the citation must respond to the citation within 14 days after service;

(g) A statement that the citation represents a determination that a violation has been committed by the person(s) named in the citation and that the determination shall be final unless contested as provided in this chapter; and

(h) A certified statement of the code enforcement officer or inspector issuing the citation, authorized by RCW 9A.72.085, setting forth facts supporting issuance of the citation.

(3) The citation may include a statement of suggested corrective action(s).

(4) The citation shall state that payment of the fine does not relieve the person found in violation of the responsibility for curing, abating or stopping the violation.

(5) A citation may be amended at any time in order to correct clerical errors or to cite additional authority for a stated violation.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.110 Response to a citation.

(1) Person(s) shall respond to a citation within 14 calendar days from the date of service by one of the following means:

(a) Paying the fine specified in the citation, in which case the record shall show a finding that the person cited committed the violation. Payment of the fine(s) does not relieve the person named in the citation of the responsibility for curing, abating or stopping the violation.

(b) Requesting a reduction of fines in writing and explaining the circumstances surrounding the commission of the violation. Conditions for reduction of fines must be in accordance with SCC 30.85.140. A request for reduction of fines shall include an address and contact information for the person cited and making said request.

(c) Requesting a contested hearing in writing specifying the reason why the cited violation did not occur or why the person cited is not responsible for the violation, and providing a mailing address to which notice of such hearing may be sent. The grounds for contesting a citation are set forth in SCC 30.85.120.

(2) Responses to a citation shall include the citation number and shall be delivered by mail or by hand to the office of the Snohomish County Department of Planning and Development Services, attention Code Enforcement. If mailed, the date of postmark shall serve as the date received for purposes of this chapter.

(3) If a person fails to respond to a citation within 14 days of service, the director shall note that the person cited failed to respond to the citation within the designated appeal period and is deemed to have committed the violation identified in the citation. Notation of the failure to respond shall constitute a final decision under SCC 30.85.260.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.120 Contested citation hearing.

(1) When the department receives a written statement contesting a citation, the statement shall be transmitted to the hearing examiner within three business days.

(a) The contested citation statement may be dismissed if the hearing examiner determines it is untimely, incomplete, frivolous, or beyond the hearing examiner's jurisdiction. A summary dismissal order shall be issued within 15 days following receipt of the contested citation by the hearing examiner.

(b) The hearing examiner shall conduct a hearing of the contested citation within 45 days of the date that the hearing examiner received the request for the hearing.

(c) The hearing examiner shall notify the person contesting the citation and the department in writing of the time, place and date of the hearing at least 15 days prior to the date of the hearing.

(2) The applicable county department has the burden of proof by a preponderance of the evidence to prove:

(a) The person named on the citation is the responsible party for causing the violation or is the property owner; and

(b) The violation listed on the citation occurred.

(3) The public hearing shall be an open record hearing conducted in accordance with the Snohomish County Hearing Examiner Rules of Procedure, except as modified by this chapter.

(4) Each person participating in an open record hearing shall be allowed to:

(a) Call, examine and cross examine witnesses (subject to reasonable limitation by the examiner in accordance with the examiner's adopted rules of procedure) on any matter relevant to the issues of the hearing;

(b) Introduce documentary and physical evidence;

(c) Rebut evidence; and

(d) Represent him/herself or to be represented by anyone of his choice who is lawfully permitted to do so.

(5) The citation containing the certified statement or declaration authorized by RCW 9A.72.085 submitted by the department and any attached documentation shall be prima facie evidence that a violation occurred and that the person(s) cited are responsible. The citation containing the certified statement or declaration of the code enforcement officer or inspector authorized under RCW 9A.72.085, and any other evidence accompanying the file shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under RCW 9A.72.085 shall also be admissible without further evidentiary foundation.

(6) The hearing examiner shall consider the evidence and testimony presented at the hearing and, based on this information, shall reverse or affirm the citation in whole or in part. The decision shall be issued within 15 days with an optional right of reconsideration. Appeals may be made by filing a land use petition in superior court within 21 days of issuance of the decision as provided in chapter 36.70C RCW.

(7) The decision of the hearing examiner shall constitute a final decision and order under SCC 30.85.260.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 2008)

30.85.125 Failure to appear for a contested citation hearing.

Failure to appear for a requested hearing will result in a decision being entered finding that the person cited committed the violation stated in the citation and assessing the fines specified in the citation. For good cause shown and upon terms the hearing examiner finds just, the hearing examiner may set aside a decision entered upon a failure to appear.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.130 Fines for citations.

Table 30.85.130 Fines for Citations

	FIRST VIOLATION		REPEAT VIOLATION [2]		MULTIPLE REPEAT VIOLATIONS [2]	
CODE PROVISION	**Non-commercial[1]**	**Commercial**	**Non-commercial[1]**	**Commercial**	**Non-commercial[1]**	**Commercial**
Junkyard conditions in Urban Zone SCC 30.22.100 or SCC 30.65.285	$150	$250	$300	$500	$500	$700
RV occupancy SCC 30.22.100, 30.22.110, 30.22.120, 30.22.130(19)(b)&(c) or SCC 30.65.285	$150	$250	$300	$500	$500	$700
Tree Retention (per tree)[3] SCC 30.25.016(1)	$5,000	$5,000	$5,000	$5,000	$5,000	$5,000
Non-permitted sign Chapter 30.27 SCC	$150	$250	$300	$500	$500	$700
Noise prevention Chapter 10.01 SCC	$150	$250	$300	$500	$500	$700
Fence height SCC 30.52A.148(1)(c), or SCC 30.23.100(3)	$150	$250	$300	$500	$500	$700
Erosion control measures Chapter 30.63A SCC	$150	$250	$300	$500	$500	$700
Overcrowding building or egress SCC 30.53A.382	NA	$250	NA	$500	$500	$700
Obstruction of fire access roads SCC 30.53A.512	$150	$250	$300	$500	$500	$700
Means of egress SCC 30.53A.010; Section 1028 IFC	NA	$250	NA	$500	$500	$700
Burn permit SCC 30.53A.298	$150	$250	$300	$500	$500	$700
Stop work order SCC 30.85.230	$300	$500	$600	$1,000	$1,000	$1,500
Emergency order SCC 30.85.240	$450	$750	$500	$1,500	$700	$2,100

[1] See SCC 30.85.135 as definition

[2] Pursuant to SCC 30.85.280.

[3] *If the trees removed constitute no more than the lesser of 5 significant trees or 5% of the total number of significant trees on the site the fine shall be $1,000 per tree.**

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

*Code Reviser Note: The text shown in 30.85.130 footnote 3 above, in italic font, was added by Amended Ord. 08-101 but was not shown with addition marks.

30.85.135 Non-commercial violation, definition.

A non-commercial citation or violation is one in which the person(s) responsible for the citation or violation is (are) engaged in the development, management, or use of the property solely for residential purposes for the benefit of the person(s) responsible or his or her family.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.140 Mitigation of fines.

(1) The director may reduce fines assessed pursuant to SCC 30.85.130 if the violation is corrected within the 14-day period set forth in SCC 30.85.110, and the correction is verified by the department. A reduction shall be in writing and state the date on which the violation was corrected.

(2) For reduction or waiver of fines, the person(s) named shall have the burden of proof that the violation has been corrected and the date of correction, including verification by the department.

(3) Any reduction shall be based on an evaluation of individual circumstances, including, but not limited to the severity of the violation, repeat violations as defined in 30.85.280, the public interest being protected, and the responsiveness of the person(s) responsible to correct, cure, abate or stop the violation.
(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.150 Notice of violation.

(1) All violations of Snohomish County Code, except as otherwise provided in SCC 30.85.090, shall be subject to a notice of violation.

(2) A notice of violation represents a determination by the department that a violation has been committed and monetary penalties shall be assessed pursuant to SCC 30.85.170. If the person served with a notice of violation fails to respond to it by the compliance date, the director shall note that the person failed to respond to the notice of violation within the designated appeal period and is deemed to have committed the violation identified in the notice of violation. Notation of the failure to respond shall constitute a final decision under SCC 30.85.260.

(3) The notice of violation may list corrective actions suggested to remedy the violation.

(4) Payment of a monetary penalty assessed under a notice of violation shall not relieve the person(s) named in the notice of violation of the obligation to correct, cure, abate or stop the violation(s).

(5) The notice of violation is a final determination and the person(s) named in the notice of violation shall correct the violation by the date stated in the notice of violation, unless the notice of violation is appealed.

(6) A notice of violation may be withdrawn by the department at any time if it is determined that it was issued in error.

(7) A notice of violation may be amended at any time in order to correct clerical errors or to cite additional authority for a stated violation.

(8) When an administrative or judicial appeal is pending, additional notices of violation may be issued at the same location.

(9) The director may extend the time for compliance issued in a notice of violation upon finding that substantial progress toward compliance has been made. After penalties have begun to accrue, an extension of a

notice of violation may be granted by the director, based upon the efforts of the violator to achieve compliance. Such an extension allows the director to stay the accrual of additional penalties until the new compliance date stated in the extension notice. Penalties that have already accrued prior to the extension shall not be waived, but may be reduced under SCC 30.85.180. An extension of time may be revoked by the director upon a finding that the conditions at the time the extension was granted have changed, or the person(s) responsible are not performing corrective actions required in the notice of violation. If the extension of the compliance date is revoked, a new compliance date shall be set, which may be the date of revocation.
(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008; Amended by Amended Ord. 12-018, Eff date May 2, 2012, May 21, 2012)

30.85.160 Notice of violation - effective date and content.

(1) A notice of violation shall be effective on the date served.

(2) A notice of violation shall be made on a form determined by the department and shall contain the following:

(a) The name and address of the person(s) responsible for the violation;

(b) The tax parcel number of the property where the violation occurred or is located and, when available, the street address;

(c) A statement of each standard or requirement violated, with a concise description of the violation(s);

(d) The date the violation was observed and the compliance date;

(e) The amount of any monetary penalty assessed or that will accrue pursuant to SCC 30.85.170;

(f) A statement of the appeal process pursuant to SCC 30.85.190;

(g) A statement that failure to file a timely and complete appeal shall constitute a waiver of all rights to appeal the notice of violation;

(h) A statement that a lien for any monetary penalty imposed or the cost of abatement, or both, may be claimed by Snohomish County; and

(i) The signature of the code enforcement officer or inspector issuing the notice of violation.
(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.170 Monetary penalties for notice of violation.

(1) Table 30.85.170 shall be used to determine the monetary penalties assessed for each violation identified in the notice of violation :

Table 30.85.170
Monetary Penalties for Notices of Violation

Type of Violation	Non-commercial violations[1]		Commercial violations
Day 1 to Day 20	$500	Day 1 to Day 14	$1,500
Day 21 to Day 40	Add $1,500 (=$2,000)	Day 15 to Day 29	Add $1,500 (=$3,000)
Day 41 to Day 60	Add $2,000 (=$4,000)	Day 30 to Day 44	Add $3,000 (=$6,000)
Day 61 to Day 80	Add $2,500 (=$6,500)	Day 45 to Day 59	Add $5,000 (=$11,000)
Day 81 to Day 100	Add $3,500 (=$10,000)	Day 60 to Day 74	Add $6,000 (=$17,000)
		Day 75	Add $8,000 (=$25,000)

[1] See SCC 30.85.135 definition.

(2) Monetary penalties for both non-commercial and commercial notice of violations shall be assessed and accrue from the compliance date in the notice of violation or its written extension.

(3) Monetary penalties for repeat violations shall be assessed and accrue from the date of issuance of the notice of violation.

(4) If a notice of violation is stayed pending an appeal, the monetary penalties will accrue as of the date of the decision of the hearing examiner (adjusted for the time stayed pending the appeal), or the compliance date of compliance if the date of compliance hasn't passed prior to the decision of the hearing examiner.

(5) The total monetary penalties for non-commercial violations shall not exceed $10,000 per violation, except as provided for in SCC 30.85.170(7).

(6) The total monetary penalties for commercial violations shall not exceed $25,000 per each violation, except as provided for in SCC 30.85.170(7)(a) and (b).

(7) The following violations shall be subject to enhanced monetary penalties:

(a) Violations that occur in a critical area or a critical area buffer as defined in chapters 30.62, 30.62A, 30.62B, 30.62C and 30.65 SCC shall be subject to triple monetary penalties; and

(b) Repeat violations in accordance with SCC 30.85.280 shall be subject to double monetary penalties.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.180 Reduction of monetary penalties.

(1) The director may reduce monetary penalties assessed in SCC 30.85.170 if the violation is corrected and the correction is verified by the department.

(2) For reduction of monetary penalties, the person(s) named in the notice of violation shall have the burden of proof that the violation has been corrected and the date of correction, including verification by the department.

(3) Monetary penalties shall not be reduced in the case of a repeat violator or repeat violation as defined in SCC 30.85.280.

(4) The director may base the decision to reduce a monetary penalty on an evaluation of individual circumstances, including, but not limited to, the severity of the violation, the public interest being protected, and the cooperation of the person responsible for the violation. The person(s) named in the notice of violation must submit a written request for reduction of monetary penalties that includes an explanation of the circumstances surrounding the commission of the violation and acts taken to correct the violation. Such requests should include the code enforcement case number and be addressed to the department's code enforcement division.

(5) Nothing in this section shall obligate the director to reduce any monetary penalties.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.85.190 Appeal of a notice of violation.

(1) Upon service of a notice of violation, the person(s) named in the notice of violation shall have 14 calendar days to file an appeal, except when appealing a violation of the county shoreline management program. When the violation falls within a shoreline area, an appeal to a notice of violation of the county shoreline management program must be filed 30 days from the date of service pursuant to chapter 30.44 SCC and RCW 90.58.210(4).

(2) An appeal of a notice of violation must be in writing and contain the following:

(a) A detailed statement of the grounds for appeal, including the facts or evidence upon which the appeal is based. The statement shall include at least one of the following:

(i) The person named in the notice of violation, is not responsible for causing the violation and is not the property owner; or

(ii) The cited violation did not occur.

(b) The name, mailing address, and daytime telephone number of each appellant, or each appellant's representative, together with the signature of at least one of the appellants or of the appellants' representative.

(c) A complete copy of the notice of violation.

(3) The appeal submittal and fee shall be delivered by U.S. mail or by hand to the office of the Snohomish County Department of Planning and Development Services, attention Code Enforcement. If mailed, the date of postmark shall serve as the date received for purposes of this chapter.

(4) Enforcement of a notice of violation and any penalty accruing shall be stayed pending an appeal as provided in SCC 30.85.240, unless the violation will cause immediate and irreparable harm as determined by the director.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008; Amended by Amended Ord. 12-007, Mar. 21, 2012, Eff date April 5, 2012)

30.85.200 Notice of violation appeal hearing procedures.

(1) When the department receives an appeal of a notice of violation pursuant to SCC 30.85.190, the department shall transmit the request and a copy of the file to the hearing examiner within three business days.

(2) The hearing examiner shall review the appeal document and may summarily dismiss the appeal if the filing is untimely, incomplete, frivolous, or beyond the hearing examiner's jurisdiction. In such event, a summary dismissal order shall be issued by the hearing examiner within 15 days following receipt of the appeal.

(3) If the appeal is not summarily dismissed the hearing examiner shall hold an open record hearing on the notice of violation within 60 days after the date on which the hearing examiner received the notice of appeal. All testimony at the open record hearing shall be taken under oath.

(a) The hearing examiner shall notify the parties in writing of the time, place and date of the hearing at least 30 days prior to the date of the hearing, unless the parties stipulate to a shorter time period.

(b) Failure of the appellant to appear at the requested hearing may result in an order being entered finding that the persons(s) named in the notice of violation committed the violation as stated and assessing monetary penalties in accordance with SCC 30.85.170. For good cause shown, and upon terms the hearing examiner finds just, the hearing examiner may set aside an order entered upon a failure to appear.

(4) In order to facilitate and expedite fair and equitable hearings, the hearing examiner may adopt rules of procedure that supplement the requirements set forth in this chapter 30.85; provided that in the event of any conflict between the requirements of the chapter and any rules of procedure adopted by the hearing examiner, the requirements of this chapter shall control.

(5) Each person participating in an open record hearing shall be allowed to:

(a) Call, examine and cross-examine witnesses (subject to reasonable limitation by the examiner in accordance with the examiner's adopted rules of procedure) on any matter relevant to the issues of the hearing;

(b) Introduce documentary and physical evidence;

(c) Rebut evidence; and

(d) Represent him/herself or to be represented by anyone of his choice who is lawfully permitted to do so.

(6) The county has the burden of proof by a preponderance of the evidence that the appellant(s) committed the violation.

(7) Each party participating in an open record hearing for appeal of a notice of violation shall submit a copy of its written materials to the hearing examiner and to each of the other parties appearing in the appeal pursuant to the following schedule:

(a) No later than three weeks prior to the date of the scheduled open record hearing, the appellant(s) shall submit:

(i) an original or copy of each substantive document the party desires to enter as an exhibit in the appeal record, including but not limited to, any and all scientific or technical documents, reports, studies, analyses, photographs, maps, diagrams, or other similar materials;

(ii) a list of all exhibits submitted; and

(iii) a list of witnesses.

(b) No later than one week prior to the date of the scheduled open record hearing, the respondent(s) shall submit:

(i) an original or copy of each substantive document the party desires to enter as an exhibit in the appeal record, including, but not limited to, any and all scientific or technical documents, reports, studies, analyses, photographs, maps, diagrams, or other similar materials;

(ii) a list of all exhibits submitted; and

(iii) a list of witnesses.

(c) Parties have a duty to supplement at the earliest possible opportunity their submittals made under SCC 30.85.200(7) whenever a party discovers that all or any part of the material submitted was incorrect or inaccurate when submitted, or that all or any part of the material submitted is no longer correct or accurate even though it was correct and accurate at the time of submittal.

(d) Written materials not disclosed through the exhibit pre-filing process may not be entered as evidence or presented orally at the open record hearing except by agreement of the other part(y/ies) to the appeal or at the hearing examiner's discretion for good cause shown.

(8) Optional prehearing briefing process:

(a) A prehearing briefing process may be conducted:

(i) by agreement of the parties to the appeal;

(ii) at the hearing examiner's discretion upon request of one or more of the parties to the appeal; or

(iii) upon the hearing examiner's own initiative.

(b) The purpose of a prehearing briefing is to facilitate a full and fair hearing on the merits in cases that may involve complex or confusing factual issues or legal arguments. Accordingly, in determining whether to require a prehearing briefing, the hearing examiner shall consider the number and complexity of issues, and any other relevant facts and circumstances.

(c) If a prehearing briefing process is employed in an appeal, such process shall include submittal of an initial brief by the appellant(s), and an optional reply brief by the appellant(s). Response briefs may be filed by all other parties to the appeal. The Department may choose to treat one of its briefs as the departmental report required by SCC 2.02.130.

(d) Prehearing briefs shall be submitted pursuant to the following schedule, unless a different schedule is established by the hearing examiner and agreed to by the parties:

(i) the initial brief(s) will be due three weeks before the hearing;

(ii) the response brief(s) will be due one week before the hearing; and

(iii) the reply brief(s) will be due not less than two business days before the hearing.

(9) The hearing examiner shall consider the evidence and testimony presented at the hearing and, based on this information, shall issue a written decision reversing or affirming the notice of violation, in whole or in part, and addressing the amount of monetary penalties, if any, to be imposed on the appellant(s). The final decision shall be issued within 15 days of the conclusion of the open record hearing with an optional right of reconsideration pursuant to SCC 30.85.210. An appeal of a decision may be made by filing a land use petition in superior court as provided in chapter 36.70C RCW.

(10) The decision of the hearing examiner shall constitute a final decision and order in accordance with SCC 30.85.260.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.210 Notice of violation optional reconsideration procedures.

(1) Any party to the appeal of a notice of violation may submit a written petition for reconsideration to the hearing examiner within 10 calendar days following the date of the hearing examiner's written decision. The party seeking reconsideration shall mail or otherwise provide a copy of the petition for reconsideration to all parties to the appeal on the date of filing. Enforcement of a hearing examiner decision and order and any penalty accruing thereunder shall be stayed during the pendency of a petition for reconsideration.

(2) The grounds for seeking reconsideration shall be limited to the following:

(a) The hearing examiner exceeded the hearing examiner's jurisdiction;

(b) The hearing examiner failed to follow the applicable procedure in reaching the hearing examiner's decision;

(c) The hearing examiner committed an error of law;

(d) The hearing examiner's findings, conclusions, and/or other elements of the decision, are not supported by the record; and/or

(e) New evidence which could not reasonably have been discovered prior to the hearing and which is material to the decision has been discovered.

(3) The petition for reconsideration shall:

(a) Contain the name, mailing address, and daytime telephone number of the party seeking reconsideration or their representative, together with the signature of the party seeking reconsideration or their representative;

(b) Identify the specific findings, conclusions, and/or other elements of the decision for which reconsideration is requested;

(c) State the specific grounds upon which relief is requested; and

(d) Describe the specific relief requested.

(4) The petition for reconsideration shall be decided by the same hearing examiner who rendered the decision, if such person is reasonably available.

(5) The hearing examiner shall provide written notice of the request for reconsideration to all parties to the appeal within five days after receiving said petition.

(6) Within 15 days after the date on which the hearing examiner received the request for reconsideration, the hearing examiner shall issue a written decision (i) denying the petition for reconsideration, (ii) granting the petition for reconsideration in whole or in part, or (iii) requesting additional information, comments and/or or oral argument from the parties prior to rendering a decision on the petition for reconsideration.

(7) A decision which has been subjected to the reconsideration process shall not again be subject to reconsideration.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.220 Extension of compliance date.

After the hearing examiner has issued a final order specifying a compliance deadline, an appellant may request a revision of the hearing examiner’s decision to request additional time beyond the hearing examiner’s specified deadline to correct a violation if the following are met:

(1) The request must be received at least 15 days prior to the compliance date.

(2) The request for extending the time for correction of the violation shall include

(a) Evidence of substantial progress toward compliance; and

(b) Evidence that correction of the violation was commenced promptly, but full compliance was prevented by a condition or circumstance beyond the control of the appellant.

The director will review the request for additional time and forward it, along with any comments, to the hearing examiner for issuance of a hearing examiner decision granting or denying the request for extension of the deadline to correct the violation.
(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.230 Stop work order.

(1) Whenever a director finds any work being performed in a manner in violation of the provisions of the code or in a dangerous or unsafe manner, the director may issue a stop work order.

(2) A stop work order shall be on a form determined by the director and state the reason(s) for the order and the conditions under which the cited work will be permitted to resume.

(3) A stop work order shall be delivered to the owner of the property involved, or to the owner's agent, or to the person doing the work.

(4) Upon issuance of a stop work order, the cited work shall immediately cease.

(5) It shall be unlawful for any person to continue any work after being served with a stop work order. Violation of a stop work order shall be subject to the fines set forth in SCC 30.85.130.

(6) Violation of a stop work order may be subject to criminal prosecution or any other remedies at law.
(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.240 Emergency order.

(1) Whenever a director becomes aware of a condition or activity that endangers public or private property, creates an immediate hazard, creates a violation of critical areas provisions or surface water protection, or threatens the health and safety of the occupants of any premises or members of the public, the director may issue an emergency order.

(2) The emergency order shall state the reason for the order and the conditions that must be remedied.

(3) Upon issuance of an emergency order, the cited activity shall cease and any unsafe or dangerous condition shall be immediately remedied.

(4) The person(s) named in the emergency order may appeal the order within 14 calendar days from the date of issuance of the order in accordance with SCC 30.85.190. An appeal of an emergency order shall not stay the requirement to immediately take action to remedy any dangerous or unsafe conditions.

(5) Violation of an emergency order may be subject to criminal prosecution.
(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.250 Method of service.

(1) A warning notice, citation, or a notice of violation shall be served upon the responsible person(s) by one or both of the following methods:

(a) Personal service on the person(s) named, or by leaving a copy of the warning notice, citation, or notice of violation at that person's usual abode with a person of suitable age and discretion who resides there.

(b) Service by mailing 2 copies, postage prepaid, one by ordinary first class mail and the other by certified mail to the person(s) last known address, at the address of the violation, or at the address of the place of business of the person(s) responsible.

(c) Service by mail shall be presumed effective upon the third business day following the day upon which the warning notice, citation, or notice of violation was placed in the mail.

(2) In all cases, the property owner may be named as a party to the violation, and notice shall be mailed to the address shown on the tax records of the county.

(3) If the whereabouts of the person(s) named is unknown, service shall be made by posting and/or publishing the notice in accordance with the following:

(a) Posted notices shall be conspicuously placed on the property where the violation is occurring; and/or

(b) When publication is utilized, the department shall publish one notice in the official county newspaper.

(4) A stop work order shall be served by posting in a conspicuous place on the property where the violation is occurring and by personal service or certified mail return receipt requested. The stop work order shall be effective on the date that it is posted.

(5) An emergency order shall be served by posting in a conspicuous place on the property where the violation is occurring and by personal service or certified mail return receipt requested. The emergency order shall be effective on the date that it is posted.

(6) Adequacy of mailed notice:

(a) Any mailed notice required by this chapter shall be deemed adequate where a good-faith effort has been made by the department to identify and mail a notice to each property owner and taxpayer of record and known site address. The taxpayer's address as show on the tax records of the county shall be deemed to be the proper address for the purpose of mailing such notice to the owner of the property where the violation occurred.

(b) Notices mailed to property owners, taxpayers of record and known site addresses shall be deemed received by those persons if named in an affidavit or declaration of mailing executed by the department.

(c) The failure of any person to actually receive the warning notice, citation, or notice shall not invalidate any code enforcement action.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.260 Final order for enforcement.

(1) A final order constitutes a final determination that a violation has occurred, the person(s) cited is responsible for the violation, and administrative options to contest the decision are exhausted.

(2) If after any order duly issued by the director or hearing examiner becomes final, and the person, firm, or corporation to whom the order is directed does not obey the order, including refusal to pay fines or monetary penalties assessed under such order, the county may:

(a) Cause such person, firm, or corporation to be prosecuted under the provisions of this chapter;

(b) Institute appropriate action to collect fines or monetary penalties assessed in accordance with provisions of this chapter;

(c) Abate the violation in accordance with provisions of this chapter and state law;

(d) File a certificate of noncompliance in the Snohomish County Auditor's office in accordance with provisions of this chapter; or

(e) Pursue other reasonable remedies as allowed by law.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.270 Collection of fines and monetary penalties.

(1) The county may, at its option, assign the collection of fines or monetary penalties to a collection agency or commence a civil action in any court of competent jurisdiction to collect costs and expenses of enforcement, costs of abatement incurred by the county to obtain compliance pursuant to this chapter and/or to collect any fines or penalties that have been assessed.

(2) The county, pursuant to chapter 19.16 RCW and at its option, may use a collection agency for the purpose of collecting penalties assessed in accordance with this chapter. The county shall add a reasonable fee to the outstanding debt for the collection agency fee incurred or to be incurred as a result of the use of the

collection agency. No debt may be assigned to a collection agency until at least 30 days have elapsed from the time that the county attempts to notify the person responsible for the debt and that the debt may be assigned to a collection agency for collection of an unpaid debt.

(3) The county may convert the hearing examiner order or final order into a judgment.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.280 Repeat violations.

Repeat violations or a repeat violator are defined as follows:

(1) The same or similar violation, as determined by the director, occurring on the same property within a 24 consecutive month time period.

(2) The same person(s) committing the same violation or similar violation, as determined by the director, on a different property in Snohomish County within a 24 consecutive month time period.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.290 Certificate of noncompliance.

(1) The certificate of noncompliance is a notice recorded on the title of real property. The purpose of the certificate is to give notice to interested parties of outstanding code violations.

(2) The director may record a certificate of noncompliance when:

(a) A notice of violation has become a final order under SCC 30.85.260.

(b) The notice recorded on the title of real property includes a statement of how the certificate of noncompliance can be removed from the title of the property when the violation(s) have been corrected.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.300 Suspension of permits.

(1) The director may temporarily suspend any permit for:

(a) Failure to comply with the requirements of this title or other applicable provision of the county code related to the permit; or

(b) Failure to comply with any notice of violation issued pursuant to this chapter.

(2) The permit suspension shall be subject to the notice of violation provisions of this chapter, and the suspension shall be effective upon service of the notice of violation. The person(s) named on the notice of violation may appeal the suspension as provided by this chapter.

(3) Notwithstanding any other provision of this chapter, whenever the director finds that a violation of this title or any other applicable provision of the county code has created or is creating a dangerous condition or other condition which constitutes an immediate hazard, the director may, without service of a written notice and order, suspend and terminate activities under the permit immediately.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.310 Revocation of permits.

(1) The applicable director may permanently revoke any permit issued pursuant to subtitle 30.5 SCC or chapter 30.63B SCC for:

(a) Failure to comply with the requirements of this title or any other applicable provision of the county code related to the permit;

(b) Failure to comply with any notice of violation issued pursuant to this chapter; or

(c) Discovery that a permit was issued in error or on the basis of incorrect information supplied to the county.

(2) The permit revocation shall be carried out through the notice of violation provisions of this chapter and the revocation shall be effective upon service of the notice of violation. The person(s) responsible may appeal such revocation as provided by this chapter.

(3) This section does not apply to review, rescission or revocation of permit approvals processed pursuant to SCC 30.71.025.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.320 Abatement.

(1) In addition to any other judicial or administrative remedy provided by this chapter or by law, the county may seek to abate any condition that constitutes a public nuisance as defined in SCC 30.85.040.

(2) Each successive owner of property who neglects to abate a continuing nuisance caused by a former owner upon or in the use of that property is liable for abatement procedures in the same manner as the owner at the time the nuisance was created.

(3) The county shall carry out abatement procedures in accordance with chapter 7.48 RCW.

(4) The cost of abatement, including administrative costs incurred as a result of the abatement, may be levied as a special assessment on the land or premises on which the nuisance is situated. This assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes, pursuant to RCW 36.32.120(10).

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.330 Liens - generally.

(1) The county shall have a lien for any civil penalty imposed or for the cost of any abatement work done pursuant to this chapter, or both, against the real property on which the civil penalty was imposed or any of the abatement work was performed.

(2) The civil penalty and the cost of abatement are also joint and several personal obligations of all persons in violation. The applicable director or the prosecuting attorney on behalf of Snohomish County may collect the civil penalty and the abatement work costs by use of all appropriate civil legal remedies.

(3) Any lien imposed by the county under this chapter shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens, except for state and county taxes, with which it shall be on a parity.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.340 Liens - filing and recording.

(1) The applicable director shall cause a claim for lien to be filed for record in the auditor's office within 90 days from the date the civil penalty is due or within 90 days from the date of completion of the abatement work performed pursuant to this chapter.

(2) The claim of lien shall contain the following:

(a) The authority for imposing a civil penalty or proceeding to abate the violation, or both;

(b) A brief description of the civil penalty imposed or the abatement work done, or both, including the violations charged and the duration thereof. If abatement work was done, the dates the work was commenced and completed and the name of the persons or organizations who performed the work, shall be included;

(c) A legal description of the property to be charged with the lien;

(d) The name of the known or reputed owner, and, if not known, the fact shall be alleged; and

(e) The amount, including lawful and reasonable costs, for which the lien is claimed.

(3) The applicable director shall sign and verify the claim.

(4) The claim of lien may be amended in case of action brought to foreclose the lien, by order of the court, as long as the interests of third parties are not detrimentally affected by amendment.

(5) The auditor shall record and index the claims described in this chapter.

(6) No lien created by this chapter binds the property subject to the lien for a period longer than three years after the claim has been filed unless an action is commenced in the proper court within that time to enforce the lien.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.350 Liens - foreclosure.

(1) The lien provided by this chapter may be foreclosed and enforced by a civil action in a court having jurisdiction.

(2) All persons who have legally filed claims of liens against the same property prior to commencement of the action shall be joined as parties, either plaintiff or defendant.

(3) Dismissal of an action to foreclose a lien at the instance of a plaintiff shall not prejudice another party to the suit who claims a lien.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.360 Duty not creating liability.

No provision or term used in this chapter is intended to impose any duty upon the county or any of its officers or employees which would subject them to damages in a civil action.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.85.370 Misdemeanor.

(1) As an alternative, or in addition to any other legal, equitable or administrative remedy provided in this chapter or by law or other regulation, any person who willfully or knowingly violates any provision of the land use codes of Snohomish County or aids or abets such violation shall be guilty of a misdemeanor. Upon conviction, such person(s) shall be punished in the manner provided for in RCW 9A.20.021, as it now exists or is hereafter amended, for violations of state law.

(2) In addition to incurring civil liability in accordance with the provisions of this chapter, any person found to be in violation of the county shoreline master program is also guilty of a misdemeanor subject to penalties pursuant to RCW 90.58.220.

(Added by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

Chapter 30.86
FEES

30.86.010 Fees established.

This chapter establishes fees required to be paid by the applicant to compensate the county for the cost of administering title 30 SCC. Where any such fee is required to be paid, it shall be paid in accordance with the provisions and tables set forth herein. Such fees are in addition to any other fees required by law.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.86.011 Fee payment and dispute resolution.

Fees are due and payable at the time services are requested unless otherwise specified in this chapter or state law. Any dispute involving fees shall be resolved by the director. A written request to resolve a fee dispute shall be submited within 30 days of the fee payment. For the purpose of computing elapsed calendar days, the day after the fee payment date shall be counted as day one. The director shall issue a written determination within 30 days of receipt of the request. The director's decision shall be final. Permit review shall be stayed during the pendency of the dispute resolution.

(Added Amended Ord. 08-122, Nov. 10, 2008, Eff date Jan. 1, 2009)

30.86.015 Fee refunds.

(1) Fee refund requests shall be submitted in writing to the department. A request shall reference the applicable project file number, the specific reason for the request and the amount of refund requested.

(2) The date of the refund request shall be the date the written refund request is received by the department. For the purpose of computing elapsed calendar days, the day after the date of application or deadline date as appropriate shall be counted as day one.

(3) When authorized, refunds shall be made within 60-days of the refund request.

(4) Fee refunds shall not include the following:

(a) Base fees;

(b) Fees expended to satisfy public notice requirements;

(c) State Building Code Council surcharges.

(5) The director may authorize the following refunds:

(a) 100 percent of fees collected by error of the department;

(b) Fee refunds for permit applications or services requested before the commencement of services or 60-days, whichever occurs first;

(c) Fees collected for the DOT and Health Department;

(d) SEPA environmental impact statement (EIS) refunds pursuant to SCC 30.86.500(6)(c); and

(e) Appeal related refunds pursuant to SCC 30.71.050(4), SCC 30.72.070(5) and SCC 30.86.610(1).

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-122, Nov. 10, 2008, Eff date Jan. 1, 2009)

30.86.030 Technology surcharge.

(1) A technology surcharge is required for the cost of developing and implementing technology necessary to efficiently administer development and permit review by the department and to provide service improvements in permitting processes. The technology surcharge shall be paid in addition to any other fees required by law.

(2) A technology surcharge of three percent of required fees, is required to be paid by the applicant on all PDS fee transactions required by chapters 13.01 and 30.86 SCC, except impact mitigation fees and fees collected on behalf of cities pursuant to SCC 30.86.530, SCC 30.86.540, SCC 30.86.550 and SCC 30.86.620.

(Added Amended Ord. 08-122, Nov. 10, 2008, Eff date Jan. 1, 2009)

30.86.100 Subdivision fees.

Table 30.86.100 - SUBDIVISION FEES

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

PRE-APPLICATION CONFERENCE FEE)	$480
PRELIMINARY SUBDIVISION FILING FEE (1), (2)	
Base fee	$4,680
Plus $ per lot	$132
Plus $ per acre	$78
Total maximum fee	$21,600
SUBDIVISION MODIFICATIONS	$1,200
REVISIONS TO APPROVED PRELIMINARY SUBDIVISIONS	
Minor revision-administrative	$312
Major revision-public hearing	$1,248
CONSTRUCTION PLAN CHECK FEE (3)	
Per lot (5)	$192
Per tract or non-building lot	$192

ROAD INSPECTION FEE	
Per lot [4]	$192
Per tract or non-building lot	$192
FINAL SUBDIVISION FEES	
Filing fee	$2,400
Document check and sign installation fee	$264/lot and unit cost/sign required
ROAD SECURITY DEVICE ADMINISTRATION FEE [5]	
Performance security option [6]	$24.50/Lot
Maintenance security [7]	$31.00/Lot
"MARKUP CORRECTIONS FEE [8]	$240
SUBDIVISION ALTERATION	**PLACEHOLDER POSITION**
MODEL HOME FEES [9]	
Base fee	$360
Plus $ per subdivision NOTE: For reference notes, see table following SCC 30.86.110.	120
PRELIMINARY SUBDIVISION EXTENSION[10]	**$500**

Reference notes for subdivision and short subdivision fee tables:

(1) A preliminary filing fee consists of the sum of a base fee, a per lot fee, a per acre fee, and a supplemental fee if applicable.

(2) When a preliminary subdivision application is considered in conjunction with a rezone for the same property, the total preliminary subdivision fee shall be reduced by 25 percent. If a preliminary subdivision application is considered in conjunction with a planned residential development , with or without a rezone, the total preliminary subdivision fee shall be reduced by 50 percent. The sum of the above fees shall be limited to $1,680.

(3) Collected when the preliminary subdivision applicant submits the construction plan.

(4) When three or more contiguous lots are to be developed with a single townhouse building (zero lot line construction), then a plan check fee of $192.00 per building will be charged and the plan check or inspection fee will not be based on the number of lots.

(5) Paid by the applicant to cover the costs of administering security devices as provided by chapter 30.84 SCC.

(6) This fee applies if the developer elects to carry out minimum improvements using the provisions of SCC 30.41A.410(1)(b). before requesting final approval, and is in addition to subsequent subdivision road inspection fees.

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

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

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

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord.07-108, Nov. 19, 2007, Eff date July 1, 2008; Amended by Amended Ord. 09-018, June 3, 2009, Eff date June 25, 2009; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.86.110 Short subdivision fees.

Table 30.86.110 - SHORT SUBDIVISION FEES

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

PRE-APPLICATION CONFERENCE FEE)	$480
PRELIMINARY SHORT SUBDIVISION FILING FEES (1)	
Base fee	$1,560
Plus $ per acre	$78
Plus $ per lot	$78
SHORT SUBDIVISION MODIFICATION APPLICATION	$960
PLAN/DOCUMENT RESUBMITTAL FEE (2)	$240

SHORT SUBDIVISION REVISIONS AFTER PRELIMINARY APPROVAL	$312
SHORT SUBDIVISION FINAL APPROVAL	$600
SHORT SUBDIVISION FINAL DOCUMENT CHECK	$1,800
RECORDING OF FINAL SHORT SUBDIVISION	$30
ALTERATIONS TO RECORDED SHORT SUBDIVISIONS	$420
PRELIMINARY SHORT SUBDIVISION EXTENSION(3)	$500

Reference notes:

(1) A preliminary filing fee consists of the sum of a base fee, a per lot fee, a per acre fee, and a supplemental fee if applicable.

(2) This fee applies to the resubmittal of short subdivision plans and documents after a second review for which the applicant did not include corrections noted by the department, or the applicant made revisions, which necessitate additional review and comments.

(3) This fee applies to preliminary short subdivision approval extensions pursuant to SCC 30.41B.300.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 07-108, Nov. 19, 2007, Eff date July 1, 2008; Amended by Amended Ord. 09-018, June 3, 2009, Eff date June 25, 2009)

30.86.115 Administrative site plan fees for single family detached units

Table 30.86.115
ADMINISTRATIVE SITE PLAN FEES FOR SINGLE FAMILY DETACHED UNITS

OTHER FEES: All necessary fees for single family detached units approval/recording are not listed here. Examples of fees by the department include: (1) critical areas review; (2) drainage review, etc. Examples of fees not collected by the department include: (1) Applicable private well and septic system approvals (Snohomish Health District) and (2) recording fees (auditor).

	FEES
PRE-APPLICATION CONFERENCE	$480
ADMINISTRATIVE SITE PLAN	
Application fee	$1,440
Minor revision request (1)	$780

Reference notes:

(1) Subsequent to initial approval of the administrative site plan.

(Added Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007; Amended by Amended Ord. 07-108, Nov. 19, 2007, Eff date July 1, 2008)

30.86.120 Rural cluster subdivision fees.

Rural cluster subdivisions and short subdivisions shall pay fees as set forth in SCC 30.86.100 and 30.86.110.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.86.130 Binding site plan fees.

Table 30.86.130 - BINDING SITE PLAN FEES

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

PRE-APPLICATION CONFERENCE FEE	$480
APPLICATION FEE	$1,800
EXCEPTIONS	
Based on a previously approved site plan	$420
SURVEY INFORMATION REVIEW FEE [2]	$1,200
Binding site plan application with concurrent land development application [1]	$0
Resubmittal fee [4]	$240
REVISION FEES	
Prior to BSP approval [4]	$420
Approved BSP (before or after recording)	$420
Recorded BSP and record of survey [5]	$420

Reference notes:

(1) A "concurrent land development applicationis another land development application using a master permit application, commercial building permit application, or other land development application which includes a site plan approval, submitted simultaneously with a BSP application.

(2) This fee is paid upon submittal of a proposed record of survey, or upon submission of a major revision to a proposed or existing record of survey and will include the review of any right-of-way establishment or dedication offered or required. Copies of a recorded subdivision or a record of survey which show the proposed binding site plan area and are in conformance with RCW 58.09.090(1)(d)(iv) shall not be subject to the survey information review fee, unless a right-of-way establishment or dedication is offered or required.

(3) This fee applies when an applicant resubmits a record of survey after the department has performed two reviews of the record of survey and (a) the record of survey fails to include corrections required by the department on "markup" plans, drawings, or other documents generated during a prior review; or (b) the applicant makes a minor revision or addition to the record of survey.

(4) Revisions to binding site plans being reviewed concurrently with another land development application shall be exempt from this fee.

(5) Survey information resubmittal review fees of SCC 30.86.130 shall also apply.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 07-108, Nov. 19, 2007, Eff date July 1, 2008)

30.86.135 TDR Fees

Table 30.86.135 - TDR Fees

Activity	**Fees**
Processing and review of application for TDR certificates and issuance of TDR certificate letter of intent pursuant to SCC 30.35A.050(1)(a) [(1)]	$600
Issuance of TDR certificates pursuant to SCC 30.35A.050(1)(a) [(1)]	$150
Review of conservation easement pursuant to SCC 30.35A.060(3) [(1)]	$250
Review of deed of transferable development rights pursuant to SCC 30.35A.070(3) [(1)]	$150
Site Inspection pursuant to SCC 30.35A.050(1)(b))	$250

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005; Ord. 07-137, Dec. 12, 2007, Eff date Dec. 28, 2007)

*Code Reviser Note: Reference Note [(1)] in SCC 30.86.135, adopted by Ord. 07-137 on Dec. 12, 2007, was repealed effective December 31, 2008.

30.86.140 Boundary line adjustment fees.

APPLICATION FEE	$600 plus $78 per lot for each lot over 2 lots

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 07-108, Nov. 19, 2007, Eff date July 1, 2008; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.86.145 Landscape and tree plan review and inspection fee.

(1) A plan review fee in the amount of $400 shall be submitted to the department for any landscape plan, tree plan, or combination landscape and tree plan at the time of application for any permit or approval requiring a landscaping or tree plan.

(2) A landscape modification review fee of $200 shall be paid to the department at the time of application for a landscape modification.

(3) A landscape site inspection fee of $150 shall be paid to the department at or before permit issuance. An additional fee of $50 shall be paid prior to any re-inspection of required site landscaping.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.86.200 Rezone fees.

Table 30.86.200 - REZONE FEES

	FEES[1], [2]
PRE-APPLICATION CONFERENCE	
Application fee	$480
FINAL PLAN FILING FEE (fractions rounded to the next highest acre) Chapter 30.31A.SCC BP, IP, PCB Zones $50/acre	
OFFICIAL SITE PLAN [3]	
Application fee	$1,440
Minor revision request (administrative)[4]	$780
Major revision request (public hearing)[4]	$1,248

REZONE TYPE	*Rezone Area Acreage*					
	0-<3	3-<10	10-<30	30-<200	200-<500	500+
COMMERCIAL (All Commercial Zones)						
Base fee	$5,400	$5,940	$7,740	$15,840	$24,840	$33,840
Plus $ per acre	$960	$720	$480	$120	$60	$36
INDUSTRIAL (All Industrial Zones)						
Base fee	$7,200	$7,740	$9,540	$17,640	$35,640	$58,140
Plus $ per acre	$1,080	$840	$600	$240	$120	$60
MULTIPLE FAMILY RESIDENTIAL (LDMR & MR Zones)						
Base fee	$5,400	$5,670	$6,570	$11,970	$38,970	$47,970
Plus $ per acre	$720	$600	$480	$240	$60	$36
ALL OTHER RESIDENTIAL, AGRICULTURE, RECREATION & MC Zones						
Base fee	$1,140	$1,170	$2,070	$3,420	$5,220	$9,720
Plus $ per acre	$360	$240	$120	$60	$48	$36

Reference notes:

(1) The rezone fee amount is based on the highest intensity use requested being applied to the gross acreage noted on the application, and is equal to the sum of all applicable parts. Application fees for public agencies shall be the same as for nongovernmental applicants.

(2) A base fee shall be increased by 25 percent when an official site plan is required or offered for rezone approval.

(3) This fee is only applicable for official site plan approvals when no zoning change is requested.

(4) Subsequent to initial approval of the official site plan.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 07-108, Nov. 19, 2007, Eff date July 1, 2008; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.86.205 PRD Fees

Table 30.86.205 - PRD FEES

PLANNED RESIDENTIAL DEVELOPMENT (PRD)[1]						
	PRD Area Acreage					
	0-<3	3-<10	10-<30	30-<200	200-<500	500+
Base fee	$5,688	$6,816	$8,532	$11,100	$16,740	$23,784
Plus $ per acre	$780	$373	$180	$90	$60	$48
Plus $ per unit	$60	$60	$48	$48	$30	$30
(1) For PRDs, when an underlying rezone is requested on the same property. (i.e.: R-9,600 to PRD-MR), the total rezone/PRD application fee shall be the rezone fee (MR) reduced by 25 percent, plus the applicable PRD fee. PRD applications without underlying zone changes (i.e.: R-9,600 to PRD-9,600) are subject to the PRD fees only.						

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 07-108, Nov. 19, 2007, Eff date July 1, 2008; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.86.210 Conditional use permit fees.

Table 30.86.210 - CONDITIONAL USE PERMIT (CU) FEES

PRE-APPLICATION CONFERENCE FEE [1,]	$480
STANDARD CU PERMIT [1]	$3,300
LANDFILL CU PERMIT	
Base fee	$2,160
Plus $ per acre	$60
Total maximum fee	$4,800
MINERAL EXTRACTION/PROCESSING CU PERMIT	
Base fee	$2,160
Plus $ per acre	$120
Total maximum fee	$7,200

SANITARY LANDFILL CU PERMIT	
Base fee	$2,160
Plus $ per acre	$120
Total maximum fee	$7,200
OFFICIAL SITE PLAN REVISIONS	
Minor revision request [(1)]	$312
Major revision request [(1)]	$1,248

Reference notes:

(1) Mobile home parks are required to have a conditional use permit pursuant to SCC 30.42E.020 and are subject to the fees set forth in this table.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 07-108, Nov. 19, 2007, Eff date July 1, 2008)

30.86.220 Administrative conditional use permit fees.

Table 30.86.220 - ADMINISTRATIVE CONDITIONAL USE PERMIT (ACU) FEES[(1)]

PRE-APPLICATION CONFERENCE FEE	$480
ADMINISTRATIVE CONDITIONAL USE (ACU) PERMIT, Except: ACU for Expansion of a nonconforming use as provided below	$180
ACU FOR EXPANSION OF A NONCONFORMING USE	
Base fee	$1,200
Plus $ per acre	$60
Total maximum fee for expansion of a nonconforming use	$3,600
TIME EXTENSION REQUEST	$120
MINOR REVISION REQUEST	$240
MAJOR REVISION REQUEST	$960
***TEMPORARY WOODWASTE RECYCLING PERMIT**	$600

***TEMPORARY WOODWASTE STORAGE PERMIT**	$600
ANNUAL RENEWAL FEE FOR ANY TEMPORARY USE	$48

Reference note:

(1) Administrative conditional use permit fees for playing fields on designated recreational land in accordance with SCC 30.28.076 and chapter 30.33B shall be set at $0.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-004, March 15, 2006, Eff date April 4, 2006; Amended by Amended Ord. 07-108, Nov. 19, 2007, Eff date July 1, 2008; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.86.225 Special Use Permit (SU) Fees

PRE-APPLICATION CONFERENCE FEE	$480
STANDARD SU-PERMIT	$3,300

(Added Amended Ord. 05-040, July 6, 2005, Eff date Aug. 8, 2005; Amended by Amended Ord. 07-108, Nov. 19, 2007, Eff date July 1, 2008)

30.86.230 Variance fees.

Table 30.86.230 -VARIANCE FEES

PRE APPLICATION CONFERENCE FEE	$480
STANDARD VARIANCE	$1,200
SINGLE FAMILY RESIDENCE REQUEST FOR A SINGLE REVISION TO A DIMENSIONAL REQUIREMENT	$600
TIME EXTENSION REQUEST	$120
MINOR REVISION REQUEST	$312
MAJOR REVISION REQUEST	$1,248

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 07-108, Nov. 19, 2007, Eff date July 1, 2008)

30.86.300 Special flood hazard areas permit fees.

Table 30.86.300 - SPECIAL FLOOD HAZARD AREA PERMIT FEES

FLOOD HAZARD AREA PERMIT	$300
FLOOD HAZARD AREA VARIANCE	See Table 30.86.230
PRE-APPLICATION CONFERENCE FEE	$400
FLOOD HAZARD AREA PERMIT FOR PLAYING FIELDS ON DESIGNATED RECREATIONAL LAND IN ACCORDANCE WITH SCC 30.28.076 AND CHAPTER 30.33B SCC	$0
FLOOD HAZARD AREA DETERMINATION	$200
Reference note:	

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-004, March 15, 2006, Eff date April 4, 2006; Amended by Amended Ord. 07-108, Nov. 19, 2007, Eff date July 1, 2008)

30.86.310 Shoreline Permit Fees

Shoreline variance	$1,440
Shoreline single family residence variance	$800
Shoreline substantial development permit or shoreline conditional use permit:	
Up to $10,000	$780
$10,001 to $100,000	$1,560
$101,001 to $500,000	$4,680
$500,001 to $1,000,000	$6,240
More than $1,000,000	$7,800
Shoreline *permit public** hearing (if required)	$1,248[(1)]
Shoreline permit exemptions	$540[(2)]
Shoreline fees for playing fields on designated recreational land in accordance with SCC 30.28.076 and chapter 30.33B SCC	$0

Shoreline permit extension Shoreline permit revisions	$280 $420
Reference Notes: (1) The additional fee shall be paid prior to scheduling the proposed permit for public hearing. (2)Watershed restoration projects that meet the definition in RCW 89.08.460 are not subject to this fee.	

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-004, March 15, 2006, Eff date April 4, 2006; Amended by Amended Ord. 07-108, Nov. 19, 2007, Eff date July 1, 2008; Amended byAmended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

*Code Reviser Note: The text shown in 30.86.310 above, in *italic* font, was added by Amended Ord. 12-025 but the words "permit public" were not shown with addition marks. This material is included pursuant to SCC 1.02.020(2)(g).

30.86.400 Uniform Building Code fees.

(1) **Occupancies defined**. Fees established in SCC 30.86.400 shall be assessed based on whether an occupancy type is commercial or residential. SCC Table 30.86.400(3) defines the occupancy groups in these two occupancy types.

(2) **Outstanding fees.** Any outstanding fees or portions of fees shall be added to the required fee(s) of any future plan review or permit prior to application acceptance or permit issuance. Any fee shall not relieve the applicant from a duty to obtain permits for moving buildings upon roads and/or highways from the appropriate authorities. The permit fee for construction of a new foundation, enlargement, or remodeling of the move-in building shall be in addition to the pre-move fee. The fee for any factory built structure as approved by the Washington State Department of Labor and Industries is specified in SCC 30.86.440 under mobile homes.

(3) **Commercial and residential occupancies defined.**

Table 30.86.400(3) - COMMERCIAL AND RESIDENTIAL OCCUPANCIES DEFINED

OCCUPANCY TYPES	OCCUPANCY GROUPS
COMMERCIAL	A , I , R , E , H , F , M , S, B, and U
RESIDENTIAL	R-3, U

(4) **Commercial pre-application review**.(1)

Table 30.86.400(4) - COMMERCIAL PRE-APPLICATION REVIEW

REVIEW FEE [2]	$400
SITE REVIEW (at applicants request)	$100
ADDED SERVICES REQUEST	$60/hour
REVIEW FEE FOR PLAYING FIELDS ON DESIGNATED RECREATIONAL LAND IN ACCORDANCE WITH SCC 30.28.076 AND CHAPTER 30.33B SCC	$0/hour

Reference notes:

(1) Prior to making application for a commercial building permit, an applicant may request pre-application review to learn about submittal requirements. The department will provide a written outline of requirements, and may include identification of site-specific issues when known, depending on the detail and scope of the submitted materials.

(2) Includes a conference with only a senior planner in attendance, and does not include review of detailed construction plans and specifications.

(5) **Base permit fees.**[1]

Table 30.86.400(5) - BASE PERMIT FEES

COMMERCIAL	$250
COMMERCIAL PLUMBING	$125
COMMERCIAL MECHANICAL	$125
COMMERCIAL MECHANICAL AND PLUMBING (not in conjunction with a commercial building permit)	$125
MECHANICAL, PLUMBING, OR MECHANICAL, AND PLUMBING	$80
RESIDENTIAL	$80
COMMERCIAL REVIEW FEE FOR PLAYING FIELDS ON DESIGNATED RECREATIONAL LAND IN ACCORDANCE WITH SCC 30.28.076 AND CHAPTER 30.33B SCC	$0

Reference notes:

(1) Base fees shall compensate the department for preliminary application screening and the establishment and administration of the permit application file.

(6) **Plan review fees.**[1]

Table 30.86.400(6) - PLAN REVIEW FEES

PLAN, DRAWING, OR DOCUMENT BEING REVIEWED	
• R-3 and U Occupancies for residential purposes	65% of building permit fee
• A, I, R-1, R-2, R-4, E, H, F, M, S, U and B Occupancies	85% of building permit fee
EXCEPTIONS	
Successive construction [2] [3]	
• R-3, U-1 and U-3 Occupancies	20% of building permit fee
• R-1 Occupancies	45% of building permit fee
The plan review fee shall be supplemented for A, I, R-1, R-2, R-4, E, H, F, M, S, U and B Occupancies as follows:	
• Commercial permit application for 1 or more buildings or additions requiring site review	$640
• Commercial permit application for 1 or more buildings or additions with a previously approved official site plan	$500
• Tenant improvements not requiring site plan review	$100
ADDITIONAL REVIEW [4]	$200 or 25% of the plan review fee, whichever is less.
PLAN REVIEW FEE FOR PLAYING FIELDS ON DESIGNATED RECREATIONAL LAND IN ACCORDANCE WITH SCC 30.28.076 AND CHAPTER 30.33B SCC	$0.

Reference notes:

(1) Plan review fees shall compensate the department for the plan review necessary to determine compliance with the adopted construction codes and other county regulations.

(2) A plan review fee for successive construction will be assessed where more than one building or structure is proposed to be constructed in accordance with a single basic plan for

the following classifications of buildings and structures:

(a) Group R occupancies.

(b) Garages, carports, storage buildings, agricultural buildings, and similar structures for private use.

(3) Procedures for approval of basic plans for successive construction shall be established by the director.

(4) This fee is charged whenever an applicant re-submits documents failing to make county-required corrections noted on "markup" plans, drawings, or such other documents during plan review; or whenever as a result of changes, additions, or revisions to previously approved plans, drawings or such other documents, a subsequent plan review is required.

(7) **Building permit fees.**[1]

Table 30.86.400(7) - BUILDING PERMIT FEES

TOTAL BUILDING/STRUCTURAL VALUATION [2]	**PERMIT FEE** [3][4]
$1-$500	$23.50
$501-$2,000	$23.50 for the first $500 plus $3.05 for each additional $100 or fraction thereof, including $2,000
$2001-$25,000	$69.25 for the first $2,000 plus $14.00 for each additional $1,000 or fraction thereof, including $25,000
$25,001-$50,000	$391.25 for the first $25,000 plus $10.10 for each additional $1,000 or fraction thereof, including $50,000
$50,001-$100,000	$643.75 for the first $50,000 plus $7.00 for each additional $1,000 or fraction thereof, including $100.000
$100,001-$500,000	$993.75 for the first $100,000 plus $5.60 for each additional $1,000 or fraction thereof, including $500,000

$500,001-$1,000,000	$3,233.75 for the first $500,000 plus $4.75 for each additional $1,000 or fraction thereof, including $1,000,000
Over $1,000,000	$5,608.75 for the first $1,000,000 plus $3.15 for each additional $1,000 or fraction thereof.
FIRE SPRINKLER SYSTEM PLAN REVIEW	100% of valuation plus $1.50/square foot
BUILDING/STRUCTURAL PERMITS INCLUDING REQUIRED FIRE SPRINKLER SYSTEM PLANS	100% of valuation plus $1.50/square foot

Reference notes:

(1) Permit fees shall compensate the department for inspections necessary to determine compliance with the adopted construction codes, other county regulations, and the approved plan. The fee table shall be applied separately to each building within a project and used for the calculation of all plan review and permit fees, except those for which a separate permit fee is required to be paid in accordance with title 30 SCC.

(2) The department shall use the building valuation multipliers provided in the most current building valuation data (BVD) published by the International Code Council that is in effect on January 1 of the year in which the permit is applied for by the applicant.

(3) Permit fees for playing fields on designated recreational land in accordance with SCC 30.28.076 and chapter 30.33B SCC shall be set at $0, regardless of valuation. All buildings on the site shall be permitted on one permit.

(4) For new construction of Group R-3 occupancies, a fee of 11 percent of the building permit fee shall apply for mechanical and plumbing inspections. (See SCC 30.86.410 and 30.86.420)

(8) **Certificates of occupancy/changes of use fees.**

Table 30.86.400(8) - CERTIFICATES OF OCCUPANCY/CHANGE OF USE FEES

CERTIFICATE OF OCCUPANCY	
Home occupation in detached accessory structures	$100
Temporary or final, when applicant requests phased issuance for each structure or structures	$100
COMMERCIAL BUILDING CHANGE OF USE OR OCCUPANCY (1)	
Under 10,000 square feet	$250
Over 10,000 square feet	$500
Reference note:	

(1) This fee shall be deducted from the permit fee if a permit is required.

(9) **Special inspections and investigation fees.**

Table 30.86.400(9) - SPECIAL INSPECTIONS AND INVESTIGATION FEES

BUILDING AND MOBILE HOME PRE-MOVE INSPECTIONS	
Snohomish County inspection	$60/hour-2 hour min
Outside Snohomish County inspection for move to Snohomish County	$120 plus County's standard mileage rate/mile
INSPECTIONS OUTSIDE NORMAL COUNTY BUSINESS HOURS	$60/hour-2 hour min
INSPECTIONS FOR WHICH NO FEE IS OTHERWISE INDICATED	$60/hour -2 hour min
REINSPECTION FEE (1)	$60
INVESTIGATION PENALTY (2)	100% of permit fee

Reference notes:

(1) A fee assessed for work requiring an inspection or re-inspection when said work is not complete at the last inspection or re-inspection. No further inspection or re-inspection of the work will be performed until the required fees have been paid.

(2) A penalty charged for work requiring a permit, which is commenced without first obtaining said permit. This penalty shall be collected regardless of whether a permit is subsequently issued or not.

(10) **Miscellaneous review and permit fees.** (1)

TABLE 30.86.400(10) - MISCELLANEOUS REVIEW AND PERMIT FEES

PRE-APPLICATION SITE REVIEW ($200 to be applied towards site review/permit fees at time of application)	$250

ACCESSORY BUILDINGS LESS THAN 1000 SQUARE FEET	50% of site review fee
BUILDING ADDITIONS	50% of site review fee
CONVERSION OPTION HARVEST PLAN REVIEW	$300
Sites larger than 10 acres	$5/acre
COMPLETION PERMIT	$50
CONDOMINIUM CONVERSION PERMIT (per unit)	$50
DECK PERMIT	$50
DEMOLITION PERMIT	$50
DOCK PERMIT	$50
FIREPLACE PERMIT	$50
SWIMMING POOL PERMIT	$50
TEMPORARY BUILDING PERMIT	$50
TITLE ELIMINATION	$30
LOT STATUS DETERMINATION	$120 per tax parcel researched. No fee if submitted with a subdivision or building permit application
PRE-APPLICATION DESIGN REVIEW	$2,500
ROOFING PERMIT [2]	
11 to 25 squares	$37
More than 25 squares	$55
SITE REVIEW FOR NEW BUILDINGS OR ADDITIONS [3]	$100
SUCCESSIVE CONSTRUCTION SET-UP FEE	$200

Reference notes:

(1) These fees are charged in addition to building/structural plan and permit fees.

(2) No permit is required for use of 10 squares or less of roofing material.

(3) If permits are sought for more than one lot within the same subdivision and the subdivision has been recorded within the previous year, and all the permit applications are submitted at the same time, the first lot's site review fee shall be for the full amount and the site review fee for each of the other lots shall be one-half the full fee amount.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 03-142, Nov. 19, 2003, Eff date: Sections 1, 3 and 8 on Dec. 1, 2003; Section 2 on Jan. 1, 2004, Sections 4 through 7 on Jan. 1, 2005); Amended Ord. 04-116, November 23, 2004, Eff date Dec. 17, 2004 (amended the effective date of Sections 4 through 7 of Amended Ord. 03-142 to Jan. 1, 2006; Ord. 05-106, November 21, 2005, Eff date Dec. 18, 2005 (amended the effective date of Sections 4 through 7 of Amended Ord. 03-142 to September 30, 2007); Amended Ord. 06-004, March 15, 2006, Eff date April 4, 2006; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 07-108, Nov. 19, 2007, Eff date July 1, 2008; Amended by Amended Ord. 08-122, Nov. 10, 2008, Eff date Jan. 1, 2009; Amended by Amended Ord. 11-030, Aug. 3, 2011, Eff date Aug. 18, 2011; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.86.410 Mechanical permit fees.

TABLE 30.86.410 - MECHANICAL PERMIT FEES

MECHANICAL INSPECTION FEES FOR CONSTRUCTION OF NEW GROUP R- 3 OCCUPANCIES (ONE-AND TWO-FAMILY RESIDENTIAL).	For new construction of Group R-3 occupancies, 11 percent of the building permit fee shall apply for mechanical and plumbing inspections.
GAS-PIPING SYSTEM	$5 per outlet
VENTILATION FAN OR SYSTEM - installed, which is not a portion of any heating or air conditioning system authorized by permit	$5
AIR-HANDLING UNIT - install, and including ducts attached thereto	$15 each
APPLIANCE VENT TO THE OUTSIDE - install or relocate, and not included in an appliance permit	$15
BOILER, COMPRESSOR, OR ABSORPTION SYSTEM - install or relocate[1]	$15

DOMESTIC OR INDUSTRIAL-TYPE INCINERATOR - install or relocate	$15
FLOOR FURNACE - install or relocate, including exhaust vent, suspended heater, recessed wall heater, or floor-mounted unit heater	$15
FURNACE OR BURNER - forced air or gravity-type: install or relocate, including ducts and vents attached	$15
HOOD - install, which is served by mechanical exhaust, including the ducts for such hood	$15
INSTALLED APPLIANCE, or PIECE OF EQUIPMENT Regulated by this code, but not classed in other appliance categories, or for which no other fee is listed in this code	$15
SOLID FUEL BURNING APPLIANCE - install, relocate, replace	$25 each
TANK - above-ground, underground, or LPG in a residential application (2)	
125-250 gallon capacity	$25 each
over 250 gallon capacity	$50 each

Reference notes:

(1) This fee shall not apply to an air-handling unit, which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler, or absorption unit for which a permit is required elsewhere in this code.

(2) No permit is required for tanks with less than a 125-gallon capacity.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-122, Nov. 10, 2008, Eff date Jan. 1, 2009)

30.86.420 Plumbing permit fees.

TABLE 30.86.420 - PLUMBING FEES

PLUMBING INSPECTION FEES FOR THE CONSTRUCTION OF NEW GROUP R-3 OCCUPANCIES (ONE-AND TWO-FAMILY RESIDENTIAL).	For new construction of Group R-3 occupancies, 11 percent of the building permit fee shall apply for mechanical and plumbing inspections.
FOR FACTORY-BUILT MODULAR STRUCTURES (the fee will be assessed for each fixture built into the structure by the manufacturer)	$3.50
FOR EACH:	
➢ Backflow protective devices,	$7
➢ Industrial waste pre-treatment interceptor, including its trap and vent,	$7
➢ Installation, alteration, or repair of water piping,	$7
➢ Plumbing fixture,	$7
➢ Rainwater systems-per drain (inside building) repair or alteration of drainage or vent piping,	$7
➢ Set of fixtures on one trap, (including water, drainage, piping)	$7
➢ Trap,	$7
➢ Water heater or vent,	$7
➢ Water treating equipment.	$7
FOR EACH BUILDING SEWER AND EACH TRAILER PARK SEWER	$15

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 08-122, Nov. 10, 2008, Eff date Jan. 1, 2009)

30.86.430 Fire code fees.

Table 30.86.430 - FIRE CODE FEES

ANNUAL FIRE INSPECTION FEE [1]			
Building size in square feet	**FEE**		
	B, M, R (Less than 20 Units), U Occupancies (Group 1)	A, E, R (More than 20 Units) Occupancies (Group 2)	F, H, I, S Occupancies (Group 3)
0-1,000	$45	$75	$95
1,001-2,500	$65	$105	$165
2,501-5,000	$95	$155	$245
5,001-7,500	$115	$185	$285
7,501-10,000	$125	$195	$300
10,001-12,500	$145	$230	$315
12,501-15,000	$165	$275	$330
15,001-17,500	$175	$295	$345
17,501-20,000	$190	$310	$365
20,001-30,000	$215	$350	$375
30,001-40,000	$230	$375	$385
40,001-50,000	$245	$400	$400
50,001-60,000	$260	$425	$425
60,001-70,000	$275	$450	$450

70,001-100,000	$300	$475	$475
100,001-150,000	$350	$500	$500
150,001-200,000	$400	$525	$525
OVER 200,000	$450	$550	$550

REINSPECTION FEES	
For uncorrected violations at time of re-inspection	$60

FIRE PLAN REVIEW AND PERMIT FEES	
Riser system	$50 each
Fuel storage tank	$50 each
Alarm system	$50 each

SPECIAL EVENT PERMIT		
Special Event Type	Number of Partipants	Fees
Private	50 or more	$430
Public	50-99	$430
Public	100 or more	$490

PYROTECHNIC FIREWORKS	
Retail fireworks	$100
Wholesale fireworks	$100

OPEN BURNING PERMITS	
Residential	$30
Residential Annual Renewal	$15

Land Clearing	$300

Reference note:

(1) These fees shall be charged for all inspections required by chapter 30.53A SCC based upon the square footage area of inspected premises and the residential or building code classification associated with the primary use of the premises.

Added Amended Ord. 04-064, Dec. 9, 2002, Eff date February 1, 2003; Amended Ord 04-030, May 5, 2004, Eff date June 19, 2004; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011; Amended by Amended Ord 12-018, May 2, 2012, Eff date May 21, 2012)

30.86.440 Mobile home/commercial coach permit fees. See also chapter 30.54A SCC.

Table 30.86.440 - MOBILE HOME/COMMERCIAL COACH PERMIT FEES

MOBILE HOMES	
On a lot outside of an approved mobile home park	$240 each
Within an approved mobile home park	$160 each
Temporary placement during construction of permanent single-family residence on same site [1]	$100 each
Temporary dwelling (relative-per SCC 30.22.130(18))	$200 each
Plus annual renewal fee	$40
INVESTIGATIVE FEE (per SCC 30.54A.020)	100% of permit fee
COMMERCIAL COACH	$360 plus a plan review fee for each
INVESTIGATIVE FEE (per SCC 30.54A.020)	100% of permit fee

Reference note:

(1) The building permit for the permanent single family residence must be valid and active while the mobile home is on site.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.86.450 Sign fees.

Table 30.86.450 - SIGN FEES [1][2]

WALL SIGN	$50
POLE, MONUMENT OR ROOF SIGN	$100
BILLBOARD	$150

Reference notes:

(1) A permit is not required for signs four square feet or less in area.
(2) A SEPA threshold determination may be required.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.86.500 SEPA (environmental review) fees.

Table 30.86.500 - SEPA FEES[1]

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

3 to 5 acres	$840
6 to 10 acres	$1,020
11 to 20 acres	$1,200
21 to 100 acres	$1,440
Greater than 100 acres	$1,680
Industrial (project actions requiring industrial zoning):	
0 to 2 acres	$720
3 to 5 acres	$960
6 to 10 acres	$1,200
11 to 20 acres	$1,440
21 to 100 acres	$1,800
Greater than 100 acres	$2,400
Threshold determinations (TD) for all other project actions not specifically listed	$600
Staff review of special studies submitted to supplement the environmental checklist	$72/Hour
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS) [3], [6]	
Review fee for school, park, and road mitigation	$180
County professional staff time spent in making the determination beyond the scope of initial review of mitigation	$72/Hour
ENVIRONMENTAL IMPACT STATEMENT [5] [6]	
WITHDRAWAL OF DETERMINATION OF NONSIGNIFICANCE (DNS) OR DETERMINATION OF SIGNIFICANCE (DS) AND NEW TD [4] [6]	Fee equal to original fee for environmental checklist review
Reference notes: (1) These fees, which are in addition to any other fees provided for by law, shall be charged when	

Snohomish County is the lead agency for a non-county proposal.

(2) The fee shall be collected prior to undertaking the threshold determination. Time periods provided in SCC 30.61.060 for making a threshold determination shall not begin to run until fee payment occurs.

(3) For every mitigated threshold determination considered as provided by SCC 30.61.120 and WAC 197-11-350, one, or a combination of the following fees, shall be paid by the applicant. If after 30 days of the date an applicant receives "Notice of Payment Due" by certified mail, the required fees remain unpaid, the county shall discontinue action on the proposal, including postponement of scheduled hearings, until the fees are paid. Such fees are in addition to the initial threshold determination fees above.

(4) This fee shall be charged for the additional environmental review conducted when a determination of significance is withdrawn and a new threshold determination is made for the same proposal. The fee shall be paid prior to issuance of the new threshold determination.

(5)(a) The following EIS preparation and distribution costs shall be borne by the applicant or proponent:

(i) Actual cost of the time spent by regular county professional, technical, and clerical employees required for the preparation and distribution of the applicant's impact statement. The costs shall be accounted for properly. No costs shall be charged for processing of the application which would be incurred with or without the requirement for an EIS or which are covered by the regular application fee;

(ii) Additional costs, if any, for experts not employed by the county, texts, printing, advertising, and for any other actual costs required for the preparation and distribution of the EIS; and

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

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

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

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-004, March 15, 2006, Eff date April 4, 2006; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 07-108, Nov. 19, 2007, Eff date July 1, 2008; Amended by Amended Ord. 10-025, June 9, 2010, eff date Sept. 30, 2010; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.86.510 Drainage and land disturbing activity fees.

(1) This section establishes drainage and land disturbing activity fees that apply when drainage or land disturbing activity review is a required component of a permit application or is a condition of a land use approval. Such fees are in addition to any other fees required by law. Construction applications referenced in

this code section include applications for grading permits submitted prior to September 30, 2010, and building, right-of-way and land disturbing activity permit applications.

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

(3) Drainage and land disturbing activity fees shall be based upon the fee table in effect at the time of payment.

(4) For complete applications submitted to the department on or after September 30, 2010, the applicable drainage and land disturbing activity fees in SCC Table 30.86.510(2)(A) and (B) shall be paid as follows:

(a) For applications that require preliminary land use approval or for which site plan approval is required or requested prior to the submittal of construction applications, the following percentages of the fees shall be paid as follows:

(i) Fifty percent of the fees shall be paid upon submittal of the initial application(s) for land use or site plan approval;

(ii) Twenty-five percent of the fees shall be paid upon submittal of the construction application(s); and

(iii) Twenty-five percent of the fees shall be paid prior to permit issuance;

(b) For all other applications, except single-family residential building permit applications, 75 percent of the fees shall be paid upon submittal of the construction application(s) and 25 percent of the fees shall be paid prior to permit issuance; and

(c) For single-family residential building permit applications, 50 percent of the fees shall be paid upon submittal of the construction application(s) and 50 percent of the fees shall be paid prior to permit issuance.

(5) When inspection services are requested for complete construction applications submitted to the department before September 30, 2010, and for which permits or approvals are issued on or after September 30, 2010, the following percentages of the applicable fees in SCC Table 30.86.510(2)(A) shall be paid as follows:

(a) Fifty percent of the fees shall be paid prior to single-family residential building permit issuance when the permit application included the submittal of a stormwater site plan or stormwater pollution prevention plan; and

(b) Twenty-five percent of the fees shall be paid prior to permit issuance for all applications, except as provided above in subsection (5)(a).

Table 30.86.510(2)

FEES FOR DRAINAGE AND LAND DISTURBING ACTIVITIES

(A) FEE LEVELS FOR PLAN REVIEW AND INSPECTION[1]	DRAINAGE (new, replaced, or new plus replaced impervious surface in square feet)		GRADING (cut or fill in cubic yards, whichever is greater)	FEE
Level 1(a): Drainage only	1 – 1,999			$ 375
Level 1(b): Grading only			1 – 500	$ 350
Level 1(a)+(b): Drainage and Grading	1 – 1,999	**and**	1 – 500	$ 725
Level 2	2,000 – 4,999	**and**	0 – 500	$ 1,575
Level 3	5,000 – 9,999	**and/or**	501 – 4,999	$ 2,450
Level 4	10,000 – 39,999	**and/or**	5,000 – 14,999	$ 4,800
Level 5	40,000 – 99,999	**and/or**	15,000 – 69,999	$ 12,700
Level 6	100,000 **or more**	**and/or**	70, 000 **or more**	$ 34,700

(B) FEE LEVELS FOR PLAN REVIEW AND INSPECTION[1]	CLEARING[2]	FEE
Level 1	1 – 6,999 sq. ft.	$ 750
Level 2	7,000 sq. ft. or more	$ 1,650
Level 3: Conversion only	Converts three-quarters of an acre (32,670 sq. ft.) or more of native vegetation to lawn/landscaped areas, or converts 2.5 acres (108,900 sq. ft.) or more of native vegetation to pasture.	$ 2,800

(C) FEES FOR ACTIVITIES NOT OTHERWISE LISTED:	
Pre-application site review	$ 250
Subsequent plan review[3]	$ 350
Field revisions[4]	$ 350
Modification, waiver, or reconsideration issued pursuant to SCC 30.63A.830 through 30.63A.842	See SCC 30.86.515
Investigation penalty[7]	100% of the applicable drainage and land disturbing activity fee
Renewal of a land disturbing activity application or permit[5]	$400 plus a percentage of the original application or permit fee equal to the percentage of approved or permitted activity to be completed
Dike or levee construction or reconstruction grading plan review and inspection fee when implementing a Snohomish County approved floodplain management plan	$ 60 per hour
Drainage plan review for mining operations[6]	$ 156 per acre

Monitoring associated with drainage plan review for mining operations	$ 141 per hour
Consultation pursuant to SCC 30.63B.030(2) or 30.63B.100(2) (a) Land Use (b) Engineering (a)+(b) Land Use and Engineering Combination	 (a) $ 850 (b) $ 975 (a)+(b) $ 1,655
(D) SECURITY DEVICE ADMINISTRATION FEES:	
Performance Security	$ 19.50 per subdivision or short subdivision lot or $0.005 per square foot of impervious area for all other permits
Maintenance Security	$ 15.00 per subdivision or short subdivision lot or $0.003 per square foot of impervious area for all other permits

REFERENCE NOTES:

(1) Drainage and land disturbing activity reviews associated with projects administered by Snohomish Conservation District shall not be subject to plan review and inspection fees.

(2) Fee includes drainage plan review and inspection for clearing activity only. When clearing is combined with other land disturbing activities in SCC Table 30.86.510(2)(A), fee levels 1 – 6 for drainage and/or grading plan review and inspection also apply.

(3) These fees apply on third and subsequent plan review submittals when an applicant fails to submit required corrections noted on "markup" plans, drawings, or other required submittal documents.

(4) These fees apply whenever an applicant proposes changes, additions, or revisions to previously approved plans, drawings, or other required submittal documents.

(5) Requests for renewals of land disturbing activity approvals or permits must include a written statement of the percentage of approved or permitted activity that remains to be completed. Applicants may provide this written statement for all level 1 projects. The engineer of record must provide the written statement for all other projects.

(6) Acreage for drainage plan review for mining operations is based on mined area. Mined area includes all area disturbed in conjunction with the mining operation which shall include, but is not limited to, areas cleared, stock piles, drainage facilities, access roads, utilities, mitigation areas, and all other activity which disturbs the land. Fees for phased mine developments and mining site restoration plans of phased mine developments shall be calculated separately for each phase of mining based upon the area for each phase.

(7) Any person who commences any land disturbing activity before obtaining the necessary permits shall be subject to an investigation penalty in addition to the required permit fees.

(Added Amended Ord. 10-025, Apr., 29, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-073, Sept. 22, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.86.515 Stormwater modification, waiver and reconsideration request fees.

This section establishes fees for a modification, waiver or reconsideration request, submitted pursuant to SCC 30.63A.830 through 30.63A.842 and modifications requested pursuant to SCC 30.63C.060(4). These fees are established by the county to compensate the department for the costs of administering this title. Such fees are in addition to any other fees required by law.

Table 30.86.515 –

STORMWATER MODIFICATION, WAIVER AND RECONSIDERATION FEES

STORMWATER MODIFICATION, WAIVER AND RECONSIDERATION FEES:	
Stormwater modification requests pursuant to SCC 30.63A.830 and modifications requested pursuant to SCC 30.63C.060(4)	$ 1,350
Stormwater waiver requests pursuant to SCC 30.63A.840	$ 3,600
Reconsideration of a stormwater modification or waiver decision pursuant to SCC 30.63A.835 or 30.63A.842	$ 630

(Added Amended Ord. 10-025, Apr., 29, 2010, Eff date Sept. 30, 2010)

30.86.525 Critical area regulation fees

Table 30.86.525 - CRITICAL AREAS REVIEW FEES

(1) This section establishes the fees required for all critical areas review, evaluations, delineations, categorization, inspections, and monitoring conducted by the county in order to compensate the department for the costs of review and services provided by the department.

(2) Fees include first and second reviews. Third and subsequent reviews shall require additional fees as listed below.

(3) Fees for work not covered in other fees shall be charged hourly.

(4) Such fees are in addition to any other fees required by law.

Table 30.86.525(5)

Activity	Fees
Third and subsequent reviews	50% of original fee
Additional work not covered by the fees listed below	$96/hour
SHORT SUBDIVISIONS	
Critical Area Site Evaluation	$180
Critical Area Review	$300
SINGLE FAMILY RESIENTIAL (SFR) DWELLINGS DUPLEXES, AND ACCESSORY STRUCTURES, AND COMMERCIAL STRUCTURES 8,000 SQUARE FEET OR LESS	
Review of complete professional critical area study and/or habitat management plan submitted at the time of application	$250

Delineation and categorizing services provided for erosion and landslide hazard areas only	$450
Delineation and categorizing services provided for streams and wetlands with or without erosion and landslide hazards	$1,600
Delineation, categorizing and habitat management plan services provided for endangered or threatened critical species	$1,600
ALL OTHER PERMITS [(1)]	
Critical area study (CAS) review pursuant to SCC 30.62.340, 30.62A.140, 30.62B.140 and/or 30.62C.140	$720
Habitat management plan (HMP) review pursuant to SCC 30.62.110 or 30.62A.460	$720
Wetland Certification	$2,000
MITIGATION PERFORMANCE - Monitoring, inspection, and administration of the performance security required for mitigation planting pursuant to SCC 30.62.070 or 30.62A.150	$96/hour
SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS) [(2) (3)]	SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS) (2) (3)
Review fee for wetland and related critical areas mitigation	$720
Review fee for wetland and related critical areas mitigation for an individual single family residence	$150
GRADING - review of earthwork proposed within critical areas	$250 for 500 cubic yards of grading or less
PETITION FOR SPECIES AND HABITAT OF LOCAL IMPORTANCE - Submittal and review of nomination petition pursuant to 30.62A.470(2)	$1000
Critical area review fees for playing fields on designated recreational land in accordance with SCC 30.28.076 and chapter 30.33B SCC	$0

Reference notes:

(1) Fees for review of permits not listed separately in this table, including, but not limited to the following permits: shoreline, conditional use, subdivision, official site plan with rezone, PRD with rezone, and commercial.

(2) For every mitigated threshold determination considered as provided by SCC 30.61.120 and WAC 197-11-350, one, or a combination of the following fees, shall be paid by the applicant. If after 30 days of the date an applicant receives "Notice of Payment Due" by certified mail, the required fees remain unpaid, the county shall discontinue action on the proposal, including postponement of scheduled hearings, until the fees are paid. Such fees are in addition to the initial threshold determination fees above.

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

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 06-004, March 15, 2006, Eff date April 4, 2006; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 07-108, Nov. 19, 2007, Eff date July 1, 2008; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.86.530 Park and recreation impact mitigation fees.

Fees associated with park and recreation impact mitigation are shown on SCC Table 30.66A.040, Mitigation fee schedule. Mitigation options are more fully described in SCC 30.66A.030 through 30.66A.070.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.86.540 Road impact mitigation fees.

Fees associated with road impact mitigation are found on SCC Table 30.66B.330 Road system capacity-impact fees. Mitigation options are more fully described in chapter 30.66B SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.86.550 School impact mitigation fees.

Fees associated with school impact mitigation are found on SCC Table 30.66C.100. Mitigation options are more fully described in SCC 30.66C.045 and 30.66C.100 through 30.66C.200

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.86.600 Permit decision appeal fees.

Table 30.86.600 - APPEAL FEES

PERMIT TYPE	**APPEAL FEE**
TYPE 1-NON-SHORELINE [1]	$500
TYPE 2[1]	$500

Reference note:

(1) (1) This filing fee shall not be charged to a department of the county; provided that the filing fee shall be refunded in any case where an appeal is dismissed in whole without hearing pursuant to SCC 30.71.060 or 30.72.075.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. 08-122, Nov. 10, 2008, Eff date Jan. 1, 2009)

30.86.610 Code interpretation fees (Type 1).

Table 30.86.610 - CODE INTERPRETATION FEES (Type 1).

APPLICATION FEE	$250

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.86.620 City or Town's Fees.

Pursuant to the terms of an executed interlocal agreement, the department may request and collect fees on behalf of the city or town, which are voluntarily paid by an applicant for the city's or town's cost of review of an urban center development, submitted under chapter 30.34A SCC) located in a city's or town's associated urban growth area. The department will forward these fees to the city or town within 60 days.

(Added Amended Ord. 03-017, April 2, 2003, Eff Date April 25, 2003; Amended by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.86.700 Docketed comprehensive plan amendments to the Snohomish County GMA Comprehensive Plan Future Land Use Map.

Table 30.86.700 DOCKETED COMPREHENSIVE PLAN MAP AMENDMENT FEES

Pre-Application	$0
Initial Review	$1,555
Final Review	$2,275
SEPA Review	See SCC 30.74.070

(Added by Amended Ord. 07-108, Nov. 19, 2007, Eff date July 1, 2008)

30.86.710 Engineering, Design and Development Standards (EDDS) deviations.

Table 30.86.710-

ENGINEERING, DESIGN AND DEVELOPMENT STANDARDS (EDDS) DEVIATION FEES

Activity	Fee
Application for deviation from Engineering, Design and Development Standards (EDDS)[1]	$1,350
(1) Modifications and waivers of chapter 5 of the EDDS are authorized under SCC 30.63A.170. The fee for a modification or waiver is established in SCC 30.86.515. Deviations from chapter 5 of the EDDS are not authorized.	

(Added by Amended Ord. 07-108, Nov. 19, 2007, Eff date July 1, 2008; Amended by Amended Ord. 10-025, June 9, 2010, Eff date Sept. 30, 2010)

30.86.800 Urban center development fees.

A fee consistent with the Rezoning Fees for commercial zones (SCC 30.86.200) and any other applicable fees required by code (i.e., drainage, landscaping review, traffic concurrency, and subdivision or binding site plan, etc.) must be paid upon submittal.

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

Chapter 30.90
GENERAL PROVISIONS

30.90.010 Applicability.

Except where specifically defined herein, all words used in this title shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "shall" is always mandatory, the word "may" denotes a use of discretion in making a decision. Words used in the masculine gender include the feminine, and the feminine the masculine.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.90.020 Construction codes definitions.

In the application of the construction codes set forth in Subtitle 30.5 SCC, where any conflicting definition exists for the same term in chapter 30.91 SCC and subtitle 30.5 SCC including any of the adopted construction codes, the definition from subtitle 30.5 SCC shall control.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.90.030 Amendment of definitions chapters by subsection.

The definitions in Subtitle 30.9 SCC are organized in 26 chapters, "91Athrough "91Zwith each definition assigned to an individual section number.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

30.90.040 Multiple Definitions of Same Term.

Some chapters within this unified development code (UDC) provide a specific or narrower definition of particular terms than is used throughout the rest of the code. In these instances, the term is listed twice or more in the definitions chapters that follow, with a notation describing where (in which UDC chapter) to apply each definition.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

Chapter 30.91A
"A" DEFINITIONS

30.91A.005 Accretion.

“Accretion” means the gradual extension of land by natural forces, as in the addition of sand to a beach by ocean currents, or the extension of a floodplain through the deposition of sediments by repeated flooding. Included are such shore forms as barrier beaches, points, spits and hooks.

This definition applies only to “Shoreline” regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91A.015 Airpark.

“Airpark” means a private Stage 1 Utility Airport, including adjacent and extended taxiways, and all adjacent and surrounding properties that have the right to use the taxiways or use access roadways adjacent to the taxiways.
(Added by Amended Ord. 10-008, March 24, 2010, Eff date April 11, 2010)

30.91A.020 Acceptable agriculture practices.

"Acceptable agriculture practices" means agricultural activities undertaken in conformity with all applicable laws and rules, including farm water quality management plans developed in accordance with standards and specifications of the U.S. Department of Agriculture/Soil Conservation Service authorized in the compliance agreement among the Washington State Department of Ecology, the Snohomish conservation district, and the Washington State Conservation Commission relative to agricultural water quality management and approved by the Snohomish conservation district.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.030 Accessible route of travel.

"Accessible route of travel" means a facility designed for primary or exclusive use by pedestrians and located outside of the public right-of-way or a private road.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.040 Accessory apartment-attached.

"Accessory apartment-attached" means a dwelling unit that is in the same structure as, under the same ownership as, and subordinate to an owner-occupied single-family dwelling unit. An attached accessory apartment is intended for use as a complete, independent living facility, and does not substantially alter the single-family character, and appearance of the structure or its conformity with the character of the neighborhood. An attached accessory apartment must include facilities for living, sleeping, eating, cooking, and sanitation for not more than one family in accordance with the state and local law.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.050 Accessory apartment-detached.

"Accessory apartment-detached" means a dwelling unit other than a mobile home, which is located on the same lot and under the same ownership as, and subordinate to, an owner-occupied single-family dwelling unit, except that a mobile home may be allowed as a detached accessory apartment on lots ten acres or larger located outside of a UGA when the accessory apartment remains subordinate to the existing owner occupied home and meets the requirements of chapter 30.28 SCC. A detached accessory apartment is intended for use as a complete, independent living facility, and does not substantially alter the single-family character. and appearance of the structure or its conformity with the character of the neighborhood. A detached accessory apartment must include facilities for living, sleeping, eating, cooking, and sanitation for not more than one family in accordance with the state and local law.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Ord. 04-021, Mar. 31, 2004, Eff date Apr. 23, 2004;Ord. 06-138, December 13, 2006, Eff date Jan. 5, 2007)

30.91A.060 Access panhandle.

"Access panhandle" means a strip of land designed to provide access to the lot, tract or parcel being less in width than the minimum lot width allowed under the applicable zoning.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.070 Access permit.

"Access permit" means a permit issued by the state department of transportation allowing traffic ingress and egress to and from a state highway.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.075 Active fault.

"Active fault" means a fault determined to be active by the building official upon review of properly substantiated data from federal or state agencies such as the most recent mapping of active faults by the United Stated Geological Survey and/or geotechnical reports or other properly substantiated documentation provided by a registered design professional.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.91A.080 Adequacy recommendation.

"Adequacy recommendation" means a finding made by the director pursuant to SCC 30.33C.080 that public facilities necessary to support development within a specified geographic area in an UGA plan are funded or otherwise committed for construction within the time periods specified by this chapter.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.085 Administrative conditional use.

"Administrative conditional use" means a use allowed in a zone after review by the department and with approval of permit conditions as necessary to make the use compatible with other permitted uses in the same vicinity and zone.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.090 Agricultural activities.

"Agricultural activities" means a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets, noise, odors, fumes, operation of machinery and irrigation pumps, movement of water, including, but not limited to, use of current county ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers, conditioners, and plant protection products; employment and use of labor; roadway movement of equipment and livestock; protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways, and similar features and maintenance of streambanks and watercourses; and conversion from one agricultural activity to another.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.092 Agricultural activities.

"Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91A.095 Agricultural composting.

"Agricultural composting" means on farm composting of agricultural waste resulting from the production of farm or agricultural products, including but not limited to, wastes from the raising or growing of plants or animals, manure and animal bedding, and feedstock that contributes to the microbial degradation of organic agricultural wastes and the production of a nuisance-free finished product. Natural materials from land clearing activity are permitted feed stocks. Feed stocks used in agricultural composting shall not include wood pieces or particles containing paint, laminates, bonding agents or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate. Agricultural composting feedstock shall also not include construction, remodeling, repair, or demolition wastes.

(Added by Amended Ord. 12-040, July 11, 2012, Eff date July 28, 2012)

30.91A.097 Agricultural equipment and facilities.

"Agricultural equipment and facilities" includes, but is not limited to: (i) The following used in agricultural operations: equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock,

and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91A.100 Agricultural land.

"Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.102 Agricultural land.

"Agricultural land" means those specific land areas on which agriculture activities are conducted as of the date of adoption of the Shoreline Management Program (SMP) June 6, 2012) as evidenced by aerial photography or other documentation. After the effective date of the SMP, land converted to agricultural use is subject to compliance with the requirements of the SMP.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91A.105 Agricultural products.

"Agricultural products" means cultivated or raised plant, animal, or marine life that has been harvested for consumption, including, but not limited to: feed and forage; floriculture and nursery products; grains, herbs and roots; fruits, nuts, vegetables and melons; honey; eggs; dairy; cattle, pigs, sheep and poultry; marine life; and fiber for clothing and building material.

(Added Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

30.91A.107 Agricultural products.

"Agricultural products" include but are not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91A.110 Agriculture.

"Agriculture" means tilling of the soil, the raising of crops, horticulture, viticulture, small livestock, poultry, pasturing, grazing, dairying, and/or animal husbandry including all uses customarily incidental thereto. Agriculture includes farming and farm activities, as defined under "farm" herein.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

30.91A.120 Airport.

"Airport" means any area of land or water designed and set aside for the landing and taking-off of aircraft and utilized or to be utilized in the interest of the public for such purpose.

This definition applies only to "Landing field zone" regulations in chapter 30.31C SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.124 Airport, stage 1 utility.

"Airport, stage 1 utility" means an airport not for commercial use and only for the use of small private planes. The airport shall be designed and operated in conformance with applicable FAA standards.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.130 Airport hazard.

"Airport hazard" means any structure or tree or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

This definition applies only to "Landing field zone" regulations in chapter 30.31C SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.140 Airport hazard area.

"Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this chapter.

This definition applies only to "Landing field zone" regulations in chapter 30.31C SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.150 Alley.

“Alley” means a private access way for the use of vehicles and/or pedestrians which affords a secondary means of access to public or private property, courtyard, park or a common parking area; provided, however an alley may serve as the primary vehicular access to dwelling units if the alley meets the minimum requirements for fire access (20 feet in width) and if the alley does not serve as the primary pedestrian access to the dwelling units. An alley emphasizes vehicle access over pedestrian access.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007)

30.91A.152 Ambient air.

"Ambient air" refers to the surrounding air or outdoor air. Generally, ambient air refers to air outside and surrounding an odor emission source location.
This definition applies only to "Odor prevention" regulations in chapter 30.28 SCC

(Added Amended Ord. 06-074, November 8, 2006, Eff date November 26, 2006)

30.91A.160 Amusement facility.

"Amusement facility" means commercial establishments, such as theaters, dance halls, bowling alleys, skating rinks, miniature golf courses, arcades, waterslides, and other similar uses, which provides recreation either indoors or in a confined, intensively utilized outdoor area.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.170 Anadromous fish.

"Anadromous fish" means fish, such as salmon and sea-run trout, that live part or the majority of their lives in salt water but return to fresh water to spawn.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.172 Animal feeding operations.

"Animal feeding operations" means either of the following:

(1) "Animal feeding operation (AFO)" is a lot or facility (other than an aquatic animal production facility) where the following conditions are met: animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

(2) "Concentrated animal feeding operation (CAFO)" is defined in the CAFO regulation as an AFO that is defined as a Large CAFO or as a Medium CAFO in the regulations, or that is designated as a CAFO by the permitting authority. Two or more AFOs under common ownership are considered to be a single AFO for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes. [40 CFR 122.23(b)(2)].

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91A.180 Animal run.

"Animal run" means any fenced area commonly associated with a commercial or private kennel, providing limited exercise area for adult cats and/or dogs which is accessible from the housing (not a dwelling unit) customarily provided for such animals.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.190 Antenna, commercial.

"Antenna, commercial" means a wire or structure used for the purpose of transmitting and/or receiving signals generated on bands other than the citizens and amateur radio bands.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.200 Antenna, private.

"Antenna, private" means a wire or structure used for the purpose of transmitting and/or receiving on the amateur and citizens band, or for receiving VHF, UHF, AM and FM radio and television transmissions.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.210 Antique.

"Antique" means any article that because of its age, rarity or historical significance has a monetary value greater than the original value; PROVIDED That, for the purpose of this code, the term "antique" shall not include automobiles.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.220 Applicant.

"Applicant" means the person who has applied for or is requesting a permit, license or approval from Snohomish county.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.240 Approach area.

"Approach area" is that part of an airport hazard area, as designated on the zoning map, along each side of the extended centerline of a runway and lying below the normal glide path of aircraft approaching the runway to land.
This definition applies only to "Landing field zone" regulations in chapter 30.31C SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.250 Appurtenance.

"Appurtenance" means development necessarily connected to the use and enjoyment of a single-family residence and located landward of the perimeter of a wetland and landward of the ordinary high water mark. Normal appurtenances include a garage; deck; driveway; utilities solely servicing the subject single-family residence; fences; and grading which does not exceed 250 cubic yards (except to construct a conventional drainfield).

This definition applies only to "Shoreline" regulations in chapter 30.44 and 30.67 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91A.255 Aquaculture.

"Aquaculture" means the culture, harvesting or farming of food fish, shellfish, or other aquatic plants and animals. Commercial activities include the hatching, cultivating, planting, feeding, raising, harvesting, and processing of aquatic plants and animals and the maintenance and construction of necessary equipment, buildings and growing areas. Cultivation methods include but are not limited to fish pens, fish hatcheries, shellfish rafts, racks and long lines, seaweed floats and nets and the culture of clams and oysters on tidelands and subtidal areas. Non-commercial activities include harvesting for subsistence, recreational and personal consumption, and research and restoration activities. Aquaculture does not include the harvest of wild geoduck associated with the state managed wild stock geoduck fishery.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91A.260 Aquifer.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.262 Arborist, qualified.

"Qualified Arborist" means any person with appropriate education and experience who practices or offers to practice arboreal services in either a public or private capacity, and who has been certified by the International Society of Arborists, the American Landscape Contractors of America or equivalent organization and certification program. Arboreal services include, but are not limited to, proper tree nutrition and fertilization, installation and establishment of trees and plants, tree biology, tree, soil and water relations, cabling, bracing and lightning protection, identification and selection of trees, safety and climbing, pruning, and diagnosis, treatment or removal of damaged, diseased and hazardous trees.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.91A.265 Archeological resource or resources.

"Archeological resource or resources" means all sites, objects, structures, artifacts, implements, and locations of prehistoric or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and habitation sites, including rock shelters and caves, artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material connected with history.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.266 Archeological site.

"Archeological site" means a geographic locality in Washington, including but not limited to, submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects." (RCW 27.53.030(3)) An archaeological object "comprises the physical evidence of an indigenous and

subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products." (RCW 27.53.030(3)).

(Added Amended Ord. 06-037, December 13, 2006, Eff date Jan. 5, 2007)

30.91A.270 Arterial.

"Arterial" means a transportation facility designated as an arterial in an UGA plan or the comprehensive plan.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.280 Arterial unit.

"Arterial unit" means a road, or portion of a road or a system of roads, consistent with the level-of-service methodology adopted in the county comprehensive plan and consistent with the criteria established by the director of public works, for the purpose of making concurrency determinations.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.290 Arterial unit in arrears.

"Arterial unit in arrears" means any arterial unit operating, or forecast to operate within six years, below the adopted level-of-service standard contained in SCC 30.66B.100, unless a financial commitment is in place to complete improvements or implement strategies that are forecast to remedy the deficiency within six years. Determinations that arterial units are in arrears will specify one or more weekday peak hours (a.m. peak and/or p.m. peak) and travel directions of level of service deficiency.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.305 Associated wetlands.

"Associated wetlands" means those wetlands which are in proximity to and either influence or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91A.305 Auto court or shared court.

"Auto court" or "shared court" means an access way designed to accommodate vehicles, pedestrians, and bicycles within the same circulation space. A sidewalk area may include a sidewalk separate from paved vehicle areas or be surfaced with paving blocks, bricks or other ornamental pavers to clearly indicate that the entire street is intended for pedestrians as well as vehicles. An auto or shared court may also include traffic calming measures to ensure safe co-existence of pedestrians, vehicles, and bicycles.

(Added Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007)

30.91A.310 Automobile repair, major.

"Automobile repair, major" means the storage and repair of trucks and automobiles, including body and fender works and painting. The term does not encompass the business of wrecking automobiles or impound car lots when conducted outside of a structure.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.320 Automobile repair, minor.

"Automobile repair, minor" means general motor repair and replacement of parts to passenger cars and trucks not exceeding one and one-half tons capacity but not including collision repair or auto painting.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.330 Automobile wrecking.

"Automobile wrecking" means any dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.340 Automobile wrecking yard.

"Automobile wrecking yard" means any premises devoted to automobile wrecking.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.350 Average assessed value.

"Average assessed value" means the average assessed value by dwelling unit type of all residential units constructed within a district.

This definition applies only to "School impact mitigation" regulations in chapter 30.66C SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91A.360 Average household size.

"Average household size" means an estimate, based on Puget Sound regional council figures for Snohomish county, of the average number of persons expected to live in a dwelling unit within a single or multiple family subdivision or development.

This definition applies only to "Park and Recreation Impact Mitigation" regulations in chapter 30.66A SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

Chapter 30.91B
"B" DEFINITIONS

30.91B.010 Background water quality.

"Background water quality" means the concentrations of chemical, physical, biological, or radiological constituents, or other characteristics in or of groundwater at a particular point in time and upgradient of an activity that have not been affected by that activity.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.015 Bakery, farm.

"Bakery, farm" means a building or portion of a building on a farm site used to prepare baked goods for consumption or sale on or off the farm site, provided that at least one ingredient is grown in Snohomish County or the Puget Sound Fresh region.

(Added Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

30.91B.020 Base flood.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.030 Basement.

"Basement" means a floor level partly or wholly underground and having at least one-half of its height, measured from its floor to its finished ceiling below the average adjoining grade.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.035 Basement.

"Basement" means any area of a building having its floor subgrade (below ground level) on all sides.
This definition applies only to the "Flood hazard" regulations in chapters 30.43C, 30.43D, and 30.65 SCC.

(Added Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005)

30.91B.037 Beach.

“Beach” means the zone of unconsolidated material that is moved by waves, wind, and tidal currents, extending landward to the coastline.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91B.039 Beach restoration.

“Beach restoration” means the process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills, and other non-intrusive means as applicable.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91B.038 Beach feeding.

“Beach feeding” means the process of replenishing a beach by delivery of materials dredged or excavated elsewhere.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91B.040 Bed and breakfast guesthouse.

"Bed and breakfast guesthouse" means a facility in which one kitchen, a shared dining area, and not more than a total of three guest rooms are available within a single family residence and as many as three outbuildings, providing short-term lodging for paying guests.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.050 Bed and breakfast inn.

"Bed and breakfast inn" means a facility in which one kitchen, a shared dining area, and not more than a total of six guest rooms are available within a single family residence and as many as three outbuildings providing short-term lodging for paying guests.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.060 Bedrock.

"Bedrock" means in-place solid rock.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.070 Bench.

"Bench" means a relatively level step excavated into earth material on which fill is to be placed.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.080 Best management practices or BMPs.

"Best management practices or "BMPs" means the schedules of activities, prohibitions of practices, maintenance procedures, structural practices or managerial practices, that when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

This definition applies only to chapters 30.63A, 30.63B and 30.63C SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91B.090 Best management practices.

"Best management practices" means physical, structural, or managerial practices which have gained general acceptance by professionals in the appropriate field to minimize and mitigate adverse impacts to the functions and values of critical areas.

This definition applies only to "Critical area" regulations in chapters 30.62A, 30.62B, and 30.62C SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91B.110 Billboard.

"Billboard" means a sign or structure designed for advertising purposes which is not related to things principally located, produced, or existing on the same property as the billboard.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.120 Binding site plan.

"Binding site plan" means an accurate drawing to scale which meets the requirements of chapter 30.41D SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.130 Biofiltration.

"Biofiltration" means the process of reducing pollutant concentrations in water by filtering through biological materials.

This definition applies only to Drainage regulations in chapter 30.63 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.132 Biosolids.

"Biosolids" means the nutrient-rich organic material produced by treating wastewater solids. After processing and treatment, they can be beneficially recycled as a fertilizer and soil amendment.

(Added Amended Ord. 06-074, November 8, 2006, Eff date November 26, 2006)

30.91B.140 Boarding house.

"Boarding house" means a building, other than a hotel, where lodging or lodging and meals are provided for compensation to nontransient persons.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.150 Boat launch facility.

"Boat launch facility" means any basic site improvement, such as paving, buildings, structures, docks, wharfs, ramps, rafts, piling or moles installed for the servicing, maintenance, storing and moving of boats into bodies of water; PROVIDED That such facilities are not restricted to the private use of a residence to which such facility is an accessory use.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.160 Boathouse.

"Boathouse" means a structure specifically designed or used for storage of boats.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.165 Boat ramp.

“Boat ramp” means graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91B.175 Bollard.

"Bollard" means a rigid post, permanent or removable, used as a traffic control device to limit vehicle access. Bollards are usually installed in a line with sufficient space between them to allow permitted access, such as bicycles and pedestrians, but not motor vehicles. Removable bollards are used when access may be required for special-purpose vehicles but not general traffic.

(Added Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007)

30.91B.180 Boundary line adjustment (BLA).

"Boundary line adjustment (BLA)" means the adjustment of boundary lines between two abutting lots, tracts or parcels, which creates no additional lot, tract, parcel, or site and which results in no lot, tract, parcel, or site that contains insufficient area and dimension to meet minimum requirements for width and area, except as provided in SCC 30.41E.100(8).

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.185 Breakwater.

“Breakwater” means an offshore structure parallel to shore, sometimes shore-connected, that provides protection from waves.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91B.190 Buffer.

"Buffer" means an area adjacent to a critical area consisting of naturally occurring or re-established vegetation and having a width adequate to protect the critical area.

This definition applies only to Critical area regulations in chapters 30.62A and 30.62B SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91B.200 Building.

"Building" means any structure having a roof supported by columns or walls designed for housing or shelter of persons, animals, or property of any kind. When separated by dividing walls without opening, each divided portion is considered a separate building.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.210 Building area.

"Building area" means the maximum horizontal projected area of all buildings on a lot, excluding open steps and buttresses, terraces, cornices and other ornamental features projecting from the walls of the building, not otherwise supported by the ground.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.220 Building area, gross.

"Building area, gross" ("Gross building area") means the total square feet of floor space in a building, including selling areas, offices and stock rooms of a commercial building.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.230 Building front.

"Building front" means that side of the main building facing the front lot line.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.240 Building height.

"Building height" means the vertical distance between two points of reference as determined in SCC 30.23.050, the shoreline management program and the Snohomish County construction codes.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91B.250 Building line.

"Building line" means a horizontal line that coincides with the building front.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91B.260 Bulkhead.

“Bulkhead” means a solid or open pile wall erected generally parallel to and near the ordinary high water mark for the purposes of protecting adjacent uplands from waves or current action. [See SCC 30.91N.097 for the definition of “normal protective bulkhead.”]

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

Chapter 30.91C
"C" DEFINITIONS

30.91C.005 Caliper.

“Caliper" means the standard for trunk diameter measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured at DBH (Diameter at Breast Height), which is defined as four feet, six inches (4.5 feet) above the grade around the base of the tree trunk.

(Added by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.91C.010 Capacity improvements.

"Capacity improvements" means any improvements that increase the vehicle and/or people moving capacity of the road system.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.020 Capital Facilities.

"Capital Facilities" means public structures, improvements, pieces of equipment or other major assets, including land, that have a useful life of at least 10 years. Capital facilities are provided by and for public purposes and services.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.030 Capital facilities plan.

"Capital facilities plan" means a plan adopted pursuant to RCW 36.70A.070(3).

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.040 Caretaker's quarters.

"Caretaker's quarters" means a structure used or designed as a dwelling for a person or persons employed on the premises.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.050 Carport.

"Carport" means a structure which is used to cover or protect motor vehicles, recreational vehicles, or boats owned or operated by the occupants of the main building.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.060 Cat, adult.

"Cat, adult" means any cat six months of age or older.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.063 Certificate of appropriateness.

"Certificate of appropriateness" means that certificate issued by the Snohomish County Historic Preservation Commission after review of the proposed changes to a local register property or to a property certified as contributing to a Snohomish County historic district.

(Added Amended Ord. 06-037, December 13, 2006, Eff date Jan. 5, 2007)

30.91C.064 Certification of historic structure.

"Certification of historic structure" is the process by which a determination is made that a structure within an historic district contributes to the significance of the historic district

(Added Amended Ord. 06-037, December 13, 2006, Eff date Jan. 5, 2007).

30.91C.065 Certified development rights.

"Certified development rights" means transferable development rights which have been certified pursuant to SCC 30.35A.050, as reflected by properly issued TDR certificates. The term applies solely to the TDR program, as codified at chapter 30.35A SCC, and does not imply a right to building permits or other development approvals.

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005)

30.91C.066 Certified Erosion and Sediment Control Lead or CESCL

"Certified Erosion and Sediment Control Lead" or "CESCL" means an individual who has current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Department of Ecology (see BMP C160 in volume II, chapter 4 of the Drainage Manual). A CESCL is knowledgeable in the principles and practices of erosion and sediment control. The CESCL must have the skills to assess site conditions and construction activities that could impact the quality of stormwater and the effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges.
(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91C.067 Channel migration zones (CMZ).

"Channel migration zones (CMZ)" means the land adjacent to the current river channel that is at high risk of occupation by the channel within the next 100 years. All areas separated from the active channel by a legally existing artificial structure(s) that is publicly maintained and likely to restrain channel migration, including transportation facilities, built above or constructed to remain intact through the one hundred-year flood, shall not be considered to be in the channel migration zone. Areas behind natural or manmade features which limit channel migration that allow fish passage shall not be included in the channel migration zone.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91C.070 Chief or Chief of the Bureau of Fire Prevention.

"Chief " or "Chief of the Bureau of Fire Prevention" means the Snohomish county fire marshal.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.080 Chief of Police or Police Department.

"Chief of Police or Police Department" means the Snohomish county sheriff or Snohomish county sheriff's office.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.090 Civil engineer.

"Civil engineer" means a professional engineer licensed by the state of Washington to practice in the field of civil engineering.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.100 Civil engineering.

"Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.110 Cleaning establishment.

"Cleaning establishment" means a business or other facility for the cleaning, dying, or pressing of clothes or other fabrics. This term shall include laundries, laundromats, and dry cleaners.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.112 Clearing.

"Clearing" means the destruction or surface removal of vegetation by cutting, pruning, limbing, topping, relocating, manually or mechanically, application of herbicides or pesticides or other chemical methods, or any application of hazardous or toxic substance that has the effect of destroying or removing the vegetation.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 10-026, Apr. 29, 2010, Eff date Sept. 30, 2010)

30.91C.120 Club.

"Club" means an association of persons organized for a social, recreational, educational, literary, political, or charitable purpose.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.130 Clubhouse.

"Clubhouse" means the structure or premises occupied by a club.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.131 Co-location.

"Co-location" means the use of a personal wireless service telecommunications service facility or site or other structure by more than one personal wireless telecommunications services provider.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.91C.132 Commercial development.

“Commercial development” means structures or sites whose primary function is to support the exchange of money for goods or services, including but not limited to wholesale or retail trade, business activities or services and business parks. Excluded from this definition are home occupations, industrial development and utilities.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91C.135 Commercial coach.

"Commercial Coach" means a structure transportable in one or more sections that is built on permanent chassis and designed to be used for commercial purposes with or without a permanent foundation when connected to the required outlets and may include plumbing, heating, air-conditioning, and electrical systems. A commercial coach shall not be used as a single family dwelling.

This definition applies only to the building code regulations in chapter 30.52A SCC.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012)

30.91C.140 Commercial coach.

"Commercial coach" means a structure transportable in one or more sections that is built on permanent chassis and designed to be used for commercial purposes with or without a permanent foundation when connected to the required outlets and may include plumbing, heating, air-conditioning, and electrical systems contained therein. A commercial coach shall not be used as a single family dwelling.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.150 Commercial forest.

"Commercial forest" means all lands designated commercial forest or commercial forest-forest transition area by the comprehensive plan.

30.91C.160 Commercial occupancy.

"Commercial occupancy" See Uniform Fire Code SCC 30.53A.100.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.170 Commercial use.

"Commercial use" means a use providing goods, merchandise or services for compensation.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.185 Common plan of development or sale.

“Common plan of development or sale” means a site where multiple separate and distinct construction activities are taking place at different times on different schedules, but are being performed as part of a single plan. Examples include, but are not limited to: 1) Phased projects and projects with multiple phases or lots, even if the separate phases or lots will be constructed under separate contracts or by separate owners (e.g., a development where lots are sold to separate builders); 2) A development plan that may be phased over multiple years, but is still under a consistent plan for long-term development; and 3) Projects in a contiguous area that may be unrelated but are under the same contract, such as construction of a building extension and a new parking lot at the same facility. If a project is part of a common plan of development or sale, the disturbed area of the entire plan shall be used in determining permit requirements.
(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91C.190 Community.

"Community" means one of 17 geographic areas defined in the comprehensive park and recreation plan which encompasses one or more census tracts and is used for calculating facility impacts and mitigation costs.

This definition applies only to "Park and recreation impact mitigation" regulations in chapter 30.66A SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.200 Community club.

"Community club" means the structure or premises occupied by a club consisting of an association of individuals (not for profit) residing in a clearly defined area or district, having its principal objective the advancement of their community, social, civic or quasi-municipal interests.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.205 Community facilities for juveniles.

"Community facilities for juveniles" are essential public facilities and are defined under RCW 72.05.020(1) as group care facilities that provide transitional residential housing for juveniles under the care of the Department of Social and Health Services as part of a rehabilitative process to reintegrate institutionalized youth back to the community. Community facilities for juveniles may be operated by the Department of Social and Health Services (DSHS), or a private or public entity under contract with DSHS.

(Added Amended Ord. 05-040, July 6, 2005, Eff date Aug. 8, 2005)

30.91C.210 Compaction.

"Compaction" means the densification of a fill by mechanical means.

This definition applies only to "Land disturbing activities" regulations in chapter 30.63B SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.91C.220 Comprehensive park and recreation plan.

"Comprehensive park and recreation plan" means the planning document which includes park and recreation land and facility inventory, park and recreation facility demand, and policy and guidance on developing park and recreation facilities for Snohomish county.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.230 Comprehensive plan.

"Comprehensive plan" means a generalized coordinated land use policy statement adopted by the county pursuant to the Growth Management Act (chapter 36.70A RCW) and as thereafter amended. See SCC 30.10.060 for a list of ordinances comprising the comprehensive plan.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 05-069, December 2, 2005, Eff date Feb. 1, 2006)

30.91C.240 Conditional use.

"Conditional use" means a use allowed in a zone only after review by the hearing examiner and with approval of permit conditions as necessary to make the use compatible with other permitted uses in the same vicinity and zone.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.250 Condominium.

"Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners. A condominium is not effected until a declaration of condominium, and a survey map and plans respectively, have been recorded pursuant to chapters 64.32 and/or 64.34 RCW.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.260 Condominium survey map and plans.

"Condominium survey map and plans" means the survey map and plans that create a condominium by setting forth the information required by chapters 64.32 and/or 64.35 RCW as applicable, and are recorded in conjunction with a declaration of condominium.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.262 Connected village.

"Connected village" means the internal and external connections of the center emphasizing walking, bicycling and traveling by bus.

(Added Amended Ord. 05-087, December 21, 2005, Eff date Feb. 1, 2006)

30.91C.265 Construction codes.

"Construction codes" means those construction codes adopted in subtitle 30.5 SCC that serve to protect the health, safety and welfare of the occupants or users of buildings and structures and that provide the minimum performance standards and requirements for construction materials, consistent with nationally accepted standards of engineering, fire and life safety.

(Added Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.91C.270 Construction contracting.

"Construction contracting" means a use where a person or company that does plumbing, electrical, structural, finish, landscaping or other construction work, has offices and stores or maintains construction equipment or supplies.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.280 Construction plans.

"Construction plans" means project drawings subject to county review and approval prior to construction that show the location, character and dimensions of the proposed work such as layouts, profiles, cross-sections, details, methods and general notes.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.290 Contaminant.

"Contaminant" means a substance which, when distributed in the soil, renders the groundwater unpotable.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.298 Converted pervious surfaces.

“Converted pervious surfaces” means surfaces that are easily penetrable and have been converted from native vegetation to pasture or lawn or other landscaped areas.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91C.300 Conveyance system.

"Conveyance system" means a system of drainage facilities, natural, or artificial which collects, contains and conducts the flow of storm water runoff. The elements of a natural conveyance system include, but are not limited to, swales, wetlands, drainage courses, streams, and rivers. The elements of an artificial conveyance system include, but are not limited to, gutters, ditches, pipes, constructed open channels and detention facilities.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.305 Cottage housing.

(Added Amended Ord. 05-087, December 21, 2005, Eff date Feb. 1, 2006; Renumbered to 30.91D.495 – Amended Ord. 08-101, Jan. 21, 2009, Eff April 21, 2009)

30.91C.310 Country club.

"Country club" means the structure or premises occupied by a club the purpose of which is social activities, golf, and any other recreation.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.320 County Engineer.

"County Engineer" means the public works director or his designee who has authority as pursuant to county code and RCW 36.75.050 and chapter 36.80 RCW and who establishes, plans, designs, constructs, improves, repairs and maintains all county roads. The county engineer also performs the duties of the traffic engineer and all engineering functions related to solid waste disposal, surface water management, flood control and river improvement and water quality control as delegated to the department of public works by county code. With the concurrence of the director of planning and development services, the public works director or the engineer may delegate any portion of the authority vested in the public works director or department, or the engineer under this title relating to development permit processing to the department of planning and development services, if the public works director or engineer determines, in his or her discretion, that the delegation will improve delivery of services in the development permitting process or serve the public health, safety, and welfare. In delegating such authority, the director or engineer may reserve the right of final decision.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Ord. 05-116, Nov. 21, 2005, Eff date Dec. 18, 2005)

30.91C.325 County register or local register.

"County register” or “local register" means the Snohomish County Register of Historic Places created by chapter 30.32D SCC.

(Added Amended Ord. 06-037, December 13, 2006, Eff date Jan. 5, 2007)

30.91C.330 County road engineer.

"County road engineer". See "County engineer".

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.340 Critical area.

"Critical area" means the following areas:

(1) Wetlands;
(2) Areas with a critical recharging effect on aquifers used for potable water, including:
  (a) Sole source aquifers,

(b) Group A well head protection areas, and
(c) Critical aquifer recharge areas;
(3) Fish and wildlife habitat conservation areas, including:
(a) Streams,
(b) Lakes,
(c) Marine waters, and
(d) Primary association areas for critical species;
(4) Frequently flooded areas; and
(5) Geologically hazardous areas, including:
(a) Erosion hazard areas,
(b) Landslide hazard areas,
(c) Seismic hazard areas,
(d) Mine hazard areas,
(e) Volcanic hazard areas, and
(f) Tsunami hazard areas.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Emergency Ord. 04-024, March 10, 2004, Eff date March 10, 2004; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91C.342 Critical area protection areas.

"Critical area protection areas" means areas designated, pursuant to chapter 30.62A SCC, on a critical area site plan with restrictions to protect the functions and values of critical areas and their buffers.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91C.360 Critical facility.

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

This definition applies only to "Flood hazard" regulations in chapters 30.43C, 30.43D and 30.65 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91C.362 Critical saltwater habitats.

"Critical saltwater habitats" include all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance; subsistence, commercial and recreational shellfish beds; mudflats and intertidal habitats with vascular plants, and areas with which priority species have a primary association.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91C.370 Critical species.

"Critical species" means all species listed by the state or federal government as endangered or threatened and species of local importance, and also includes: Larch Mountain salamander, Common loon, Peregrine falcon, Olympic mudminnow, Pygmy whitefish, and Gray whale.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91C.380 Cul-de-sac.

"Cul-de-sac" means a road closed at one end, where the closed end is a circular or near circular shape providing a permanent turnaround.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

Chapter 30.91D
"D" DEFINITIONS

30.91D.010 DBH (diameter at breast height).

"DBH (diameter at breast height)" means the diameter of a tree four and one-half feet above the ground.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.020 DPW.

"DPW" means the department of public works**.**

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.022 Dangerous waste.

"Dangerous waste" means any discarded, useless, unwanted, or abandoned non-radioactive substances, including but not limited to certain pesticides or any residues or containers of such substances, which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes: (a) have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, tertogenic, or carcinogenic properties; or (b) are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

This definition applies only to "Critical aquifer recharge areas" regulations in chapter 30.62C SCC.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91D.030 Day.

"Day" means calendar day unless otherwise specified; PROVIDED, That any time period ending on a nonworking day shall be extended to the next regular working day.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.040 Day care.

"Day care" means any type of group day care programs licensed by the state of Washington for the care of children during part of a 24-hour day, including nurseries for children of working parents, nursery schools for children under minimum age for education in public schools, and programs covering after school care for school children. The definition shall also include programs providing similar services in a group setting during normal working hours to adults, including senior citizens and the disabled.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004)

30.91D.050 Day care center.

"Day care center" means either a facility other than an occupied dwelling unit which receives persons for day care or an occupied dwelling unit which receives 13 or more persons for day care. In the event a facility houses children, senior citizens and/or the disabled, the total number of persons received shall be used to determine the number of persons served.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003;Amended Ord 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004)

30.91D.060 Declaration of condominium.

"Declaration of condominium" means the document that creates a condominium by setting forth the information required by chapters 64.32 and/or 64.34 RCW as applicable, and is recorded in conjunction with a condominium survey map and plans.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.070 Dedication.

"Dedication" means conveyance of land to a public agency for general public purposes by deed some other instrument of conveyance, or by dedication on a plat, short plat, or binding site plan and record of survey.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.080 Deferred interest loan.

"Deferred interest loan" means a non-amortized debt instrument carried by a low-income owner-occupant which requires payment of interest of both principal and interest only upon the sale of the subject property or default of the loan agreement.

This definition applies only to "Priority permit processing" regulations in chapter 30.76 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.090 Demolition or construction debris.

"Demolition or construction debris" means a type of solid waste, largely inert, resulting from the demolition, razing, or construction of buildings, roads or other man-made structures. Examples of such debris include concrete, brick, wood, masonry, composition roofing and roofing paper. The following are not considered to be demolition and construction debris for the purposes of this section: white goods, such as refrigerators, stoves, and automatic washing machines; plastics; electrical devices, including batteries; plaster (i.e., sheet rock or plaster board); asbestos wastes; or any other material, other than wood, that is likely to produce gases or a leachate during the decomposition process.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.100 Density fringe area.

"Density fringe area" means that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers in which floodway areas cannot reasonably be established and in which development is regulated by maximum development density criteria.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.110 Department.

"Department" means the Snohomish county department of planning and development services unless the context clearly requires otherwise.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.120 Department, acting (Acting department).

"Department, acting" ("Acting department") means a department with jurisdiction which has received an application for a license, or which is the initiator of a proposed action.

This definition applies only to "SEPA" regulations in chapter 30.61 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.130 Department, lead (Lead department).

"Department, lead" ("Lead department") means the department designated by chapter 30.61 SCC to undertake lead agency responsibility where Snohomish county is the lead agency.

This definition applies only to "SEPA" regulations in chapter 30.61 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.140 Department with jurisdiction.

"Department with jurisdiction" means any department from which a nonexempt license is required for a proposal or any part thereof, or which has primary administrative responsibility for processing an application for such a license, or which has primary administrative responsibility for processing an application for a grant or loan for a proposal, or which is proposing or initiating any governmental action of a project or non-project nature.

This definition applies only to "SEPA" regulations in chapter 30.61 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.150 Designated storage area.

"Designated storage area" is that portion of a woodwaste storage or woodwaste recycling facility site referred to in chapter 30.22 and 30.28 SCC which is used solely for the storage of woodwaste and/or recycled materials.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.160 Design storm.

"Design storm" means a rainfall event of a size approved by the director, used for the purpose of sizing and designing drainage facilities, stated in terms of a recurrence interval and a time period over which the rainfall amount is measured or analyzed (i.e., a 2-year, 24-hour storm).

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.170 Detention.

"Detention" means the temporary storage of storm water runoff to control peak discharge rates and allow settling of storm water sediment.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.180 Detention facility.

"Detention facility" means an open or closed drainage facility, such as a pond or tank, that temporarily stores stormwater runoff and releases it at a slower rate than it is collected by the drainage facility. The facility includes the flow control structure, the inlet and outlet pipes, and all maintenance access points.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.200 Development.

"Development" means all residential subdivisions and short subdivisions, single family condominium and multifamily residential development, including multifamily rezones which require binding site plans, planned residential developments, mobile home parks, condominiums, and all multifamily structures which require building permits and are subject to but does not include permits for attached or detached accessory apartments, or remodeling or renovation permits which do not result in additional dwelling units.

This definition applies only to "Park and recreation impact mitigation" regulations in chapter 30.66A SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 04-016, Feb. 23, 2005, Eff date March 11, 2005)

30.91D.210 Development.

"Development" means all subdivisions, short subdivisions, conditional or special use permits, binding site plan approvals, planned residential developments, rezones accompanied by an official site plan and other applications requiring land use permits or approvals by Snohomish County and building permits except for single-family dwellings, attached or detached accessory apartments, or duplex conversions. Development shall also include all such applications that are proposed in other counties or incorporated areas that will impact Snohomish County's public road system.

This definition applies only to "Road impact mitigation" regulations in chapters 30.24 and 30.66B SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.220 Development.

"Development" means any residential construction or expansion of a building, structure or use of land, or any other change in use of a building, structure, or land that creates additional dwelling units.

This definition applies only to "School impact mitigation" regulations in chapter 30.66C SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Ord. 04-140, Jan. 12, 2005, Eff date Jan. 29, 2005)

30.91D.230 Development.

"Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this title.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91D.240 Development activity.

"Development activity" means any construction, development, earth movement, clearing, or other site disturbance which either requires a permit, approval or authorization from the county or is proposed by a public agency.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.250 Development in special flood hazard areas.

"Development in special flood hazard areas" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, dams, walls, wharves, embankments, levees, dikes, piles, bridges, improved roads, abutments, projections, channel rectifications, conduits, culverts, wires, fences, rocks, gravel, refuse deposits, mining, dredging, filling, grading, paving, excavation or drilling, and works as defined in this subtitle.

This definition applies only to "Flood hazard" regulations in chapter 30.43C, 30.43D, and 30.65 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.260 Development phasing overlay or DPO.

"Development phasing overlay or DPO" means a zoning overlay that is applied to a zoning classification within an UGA, pursuant to direction in an UGA plan, that requires urban development to be delayed until a commitment is in place to fund and construct public facilities necessary to support development.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.270 Direct traffic impact.

"Direct traffic impact" means any new vehicular trip added by new development to the road system.

This definition applies only to "Road Impact Mitigation" regulations in chapter 30.66B SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.280 Director.

"Director" means the director of the department of planning and development services or his or her designee, unless otherwise indicated as the department of public works, or the department of parks and recreation, whichever has jurisdiction to administer a provision of this title.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.285 Disabled.

"Disabled" means qualified persons with a disability as that term is defined by the federal Fair Housing Act Amendments, 42 USC Section 12131(2), 42 USC 3602(h) and (i) and 42 USC Section 12210(b)(1) and (2). The term includes persons with a handicap as that term is defined by applicable federal and state law as the same exists or is hereafter amended. A handicap is:

(1) a physical or mental impairment which substantially limits one or more of a person's major life activities;

(2) a record of having such an impairment; or

(3) being regarded as having such an impairment.

The term disabled includes alcoholics and recovering drug addicts but does not include those who currently and illegally use controlled substances.

(Added Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004)

30.91D.287 Discharge.

“Discharge” means runoff leaving new development or redevelopment via overland flow, conveyance systems or infiltration facilities. The runoff is measured in terms of hydraulic rate of flow, specifically fluid flow. Fluid flow is determined by a volume of fluid passing a point per unit of time, which is commonly expressed in cubic feet per second, cubic meters per second, gallons per minute, gallons per day, or millions of gallons per day.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91D.290 Displaced mobile home owner.

"Displaced mobile home owner" means the owner of a mobile home who has been displaced due to closure of the mobile home park in which he or she resided, or who has received notice that the mobile home park in which the owner resides will be closed within one year.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.300 DNS (Determination of nonsignificance)

"DNS" ("Determination of nonsignificance") means the written decision by the responsible official of the lead agency that a proposal is not likely to have a significant adverse environmental impact, and therefore an EIS is not required. See WAC 197-11-734.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.310 Dock.

"Dock" means any facility for the moorage of boats, including but not limited to piers, wharves, and quays.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.320 Dog, adult.

"Dog, adult" (Adult dog) means any dog six months of age or older.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.325 Downdrift

“Downdrift” means the direction of movement of beach materials.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91D.330 Downstream analysis.

"Downstream analysis" means an analysis of potential drainage impacts and drainage facilities downstream of the subject property.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.340 DPW.

"DPW" means the department of public works.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.350 Drainage.

"Drainage" means the collection, conveyance, containment, or discharge of storm water runoff.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.360 Drainage basin.

"Drainage basin" means a geographic and hydrologic area of a watershed or drainage catchment area.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.370 Drainage facility.

"Drainage facility" means “stormwater facility.” See SCC 30.91S.596.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91D.380 Drainage impacts.

"Drainage impacts" means the adverse impacts from changes to existing water quantity, rate or quality; water storage, retention and detention capacity, or water conveyance ability caused by a development activity; and may include, but are not limited to, flooding, erosion, sedimentation, scouring, bank sloughing, groundwater discharges to aquifer recharge areas, and adverse impacts to wetlands, fish and wildlife habitat conservation areas and geologically hazardous areas.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91D.400 Drainage manual or Snohomish County drainage manual.

"Drainage manual" or "Snohomish County drainage manual" means the drainage manual adopted by the director of public works pursuant to SCC 30.63A.110. The Drainage Manual provides detail and specificity regarding the requirements of chapters 7.53, 30.63A, 30.63B and 30.63C SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91D.410 Drainage plan.

"Drainage plan" means a targeted drainage plan, or a full drainage plan which meets the submittal requirements set forth by the department.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.440 Drainage study.

"Drainage study" means a special study which analyzes one or more potential drainage impacts of a proposed development activity, and proposes mitigation.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.445 Dredging.

“Dredging” means the removal of earth, sand, sludge or other materials from below the ordinary high water mark of a stream, river, lake, bay or other waterbody. However, the creation of temporary depressions or contour alterations on tidelands or bedlands through the use of aquaculture harvesting equipment approved by the Washington State Department of Fish and Wildlife shall not be construed to be dredging.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91D.448 Drift cell.

“Drift cell” means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms created by such drift.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91D.449 Drift sills.

“Drift sills” means small groins which hold sediments in place without blocking longshore drift.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91D.450 Drip line.

"Drip line" means an imaginary ground line around a tree that defines the limits of the tree canopy.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.455 Drive aisle.

"Drive aisle" means internal vehicle circulation system of private access ways for the passage of vehicles which may include fire lanes, auto courts, and roads that are owned in common by the property owners of a development that are not located in an access easement, tract or right-of-way. For the purpose of building setbacks, drive aisles shall be treated as a private road.

(Added Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.91D.460 Driveway.

"Driveway" means the area for the passage of vehicles to a parking area or structure on a lot. A driveway begins at the property line or edge of an access easement or drive aisle and extends into the site. A residential driveway shall not serve more than one detached single-family or one duplex structure.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.91D.464 Driveway, common.

“Driveway, common” (Common driveway) means a driveway that provides a single common vehicle access for up to four dwellings.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.91D.465 Driveway, shared.

"Driveway, shared" ("Shared driveway") means a driveway that provides a single common vehicle access for two lots.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.91D.470 DS (Determination of significance).

"DS" ("Determination of significance") means the written decision by the responsible official of the lead agency that a proposal is likely to have a significant adverse environmental impact, and therefore an EIS is required. See WAC 197-11-736.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.480 Duplex.

"Duplex" means a residential structure containing two dwelling units that have a contiguous wall, which structure is located on one lot. The term does not include a mobile home, or a structure containing an attached or detached accessory apartment.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.490 Dwelling.

"Dwelling" means a structure designed or used as a residence.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.495 Dwelling, cottage housing.

“Dwelling, Cottage housing” (“Cottage Housing Dwelling”) means a single family detached dwelling unit constructed in groups of four to twelve units located on a commonly owned piece of property with each unit no larger than 1,200 square feet. The units are built around common open space, with minimal private yards. Units do not have individual garages; parking is located in separate areas or in structures on the periphery of the site in order to minimize space taken up by driveways.

(Added Amended Ord. 05-087, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.91D.500 Dwelling, multiple family.

"Dwelling, multiple family" ("Multiple family dwelling") means a dwelling containing three or more dwelling units, but excluding townhouses and mobile homes.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.510 Dwelling, single family.

"Dwelling, single family" ("Single family dwelling") means a dwelling containing one dwelling unit, or the dwelling unit and an attached or detached accessory apartment. This term shall also include factory built housing constructed pursuant to the standards delineated in RCW 43.22.455, as amended, and rules and regulations promulgated pursuant thereto.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.515 Dwelling, single family attached.

"Dwelling, single family attached" ("Single family attached dwelling") means a single-family dwelling unit constructed in a group of two attached units in which each unit extends from foundation to roof and with open space on at least two sides and which is developed as a zero lot line development. This term does not include duplex.

(Added by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.91D.520 Dwelling, temporary.

"Dwelling, temporary" ("Temporary dwelling") means a dwelling unit which has not been permanently attached to the ground by placement on a permanent foundation, removal of wheels or other means, has no permanent utility connections, and for which a permit has been obtained pursuant to chapter 30.43A SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91D.525 Dwelling, townhouse.

"Dwelling, Townhouse" ("Townhouse") means a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and has open space on at least two sides. The term includes a townhouse constructed as a zero lot line development and a townhouse on a single lot.

(Added by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.91D.530 Dwelling unit.

"Dwelling unit" means one or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes and having not more than one kitchen.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

Chapter 30.91E
"E" DEFINITIONS

30.91E.010 Early notice.

"Early notice" means notice to an applicant stating that issuance of a determination of significance is likely for the applicant's proposal.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91E.020 Earth material.

"Earth material" means any rock, natural soil or fill or any combination thereof.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91E.030 Easement.

"Easement" is a right granted by a property owner to specifically named parties or to the public for the use of certain land for specified purposes. Where appropriate to the context, "easement" may also refer to the land covered by the grant. This may include access, pedestrian paths, bicycle paths, utility easements, drainage, native growth protection areas, resource protection areas, critical area protection areas, or open space.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91E.040 Easement, exclusive (Exclusive easement).

"Easement, exclusive" ("Exclusive easement") means an easement which provides access to one tract or lot. The lot encumbered by the exclusive easement shall not be included as a second user of the easement.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91E.050 Easement, utilities (Utilities easement).

"Easement, utilities" ("Utilities easement") is an easement which may be used by a public or private utility, including, but not limited to, electricity, water, natural gas, sewer, telephone and television cable, for the construction, operation, maintenance, alteration and repair of their respective facilities.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91E.060 EDDS.

"EDDS" means the latest edition of the "**Engineering Design and Development Standards**" adopted by the Department of Public Works pursuant to Title 13.SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91E.070 Effective impervious surface.

"Effective impervious surface" means the portion of impervious surface producing runoff upon which runoff cannot infiltrate and that is connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces on residential development sites are considered ineffective if the runoff is dispersed through at least 100 feet of native vegetation in accordance with BMP T5.30 in volume V, chapter 5 of the Drainage Manual.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91E.075 EIA.

"EIA" means the Electronic Industries Association.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.91E.080 EIS.

"EIS" means environmental impact statement as defined in WAC 197-11-738.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91E.081 Electric vehicle.

“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle.

(Added by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011)

30.91E.082 Electric vehicle battery charging station.

“Electric vehicle battery charging station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(Added by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011)

30.91E.083 Electric vehicle battery exchange station.

“Electric vehicle battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.

(Added by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011)

30.91E.084 Electric vehicle charging station charging level.

"Electric vehicle charging station charging level" means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. Levels 1, 2, and 3 are the most common EV charging levels, and include the following:

A. Level 1 is considered slow charging.
B. Level 2 is considered medium charging.
C. Level 3 is considered fast or rapid charging. Level 3 is also known as "DC Fast."

(Added by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011)

30.91E.085 Electric vehicle charging station – public.

"Electric vehicle charging station – public" means an electric vehicle charging station that is 1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or 2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

(Added by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011)

30.91E.086 Electric vehicle charging station – restricted.

"Electric vehicle charging station – restricted" means an electric vehicle charging station that is 1) privately owned and restricted access (e.g., single-family home, employee parking, church) or 2) publicly owned and has restricted access (e.g., church, school, fleet parking with no access to the general public).

(Added by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011)

30.91E.087 Electric vehicle infrastructure.

"Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(Added by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011)

30.91E.088 Electric vehicle parking space.

"Electric vehicle parking space" means any marked parking space that identifies the use to be for the parking of an electric vehicle.

(Added by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011)

30.91E.089 Electric vehicle rapid charging station.

"Electric vehicle rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540. Also known as a Level 3 or DC Fast electric vehicle rapid charging station.

(Added by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011)

30.91E.090 Eligible applicant.

"Eligible applicant" means a public housing authority organized pursuant to chapter 35.82 RCW, a public development authority organized pursuant to RCW 35.21.730, or nonprofit housing organization which has a controlling ownership interest in a low-income housing project.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91E.100 Emergency.

"Emergency" means a situation of a serious nature which has developed suddenly, constitutes an imminent threat, and demands immediate action to protect property from damage by the elements or to protect members of the public from a serious and imminent threat to health or safety.

This definition applies only to "Shoreline" regulations in chapters 30. 44 and 30.67 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91E.102 Emergency repair.

"Emergency repair" means work necessary to prevent destruction or disrepair to real property immediately threatened or damaged by fire, flood, earthquake, vandalism or other disaster.

This definition applies only to "Historic preservation" regulations in chapter 30.32D SCC.

(Added Amended Ord. 06-037, December 13, 2006, Eff date Jan. 5, 2007)

30.91E.110 Engineering geologist.

"Engineering geologist" means a geologist experienced and knowledgeable in engineering geology.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91E.120 Engineering geology.

"Engineering geology" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91E.125 Enhancement.

“Enhancement” means alteration of an existing shoreline habitat to improve or increase its ecological characteristics and processes without degrading other existing functions. Enhancements are to be distinguished from resource creation or restoration projects.

This definition applies only to “Shoreline” regulations in chapters 30.44 and 30.67 SCC and Wetlands and Fish and wildlife habitat conservation areas regulations in chapter 30.62A SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91E.130 Equestrian center.

"Equestrian center" means a facility where more than 24 horses are used for rentals, riding lessons, rodeos, shows, or training, where training may include horses not boarded on-site.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91E.140 Equestrian center, mini.

"Equestrian center, mini" ("Mini-equestrian center") means a facility where 24 or fewer horses are used for rentals, riding lessons, rodeos, shows, or training, where training may include horses not boarded on-site.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91E.150 Erosion.

"Erosion" means the removal and loss of soil by the action of water, ice, or wind.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91E.158 Erosion hazard.

“Erosion hazard” means the soils classified by the Natural Resource Conservation Service (NRCS) of Snohomish County based on soil type, permeability, underlying geology and slope. The actual soil on site shall be used to determine whether an erosion hazard area exists. When there is more than one type of soil on the site, the soil that has the greater erosion hazard shall be utilized to determine whether there is high, medium or low erosion potential on-site.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91E.160 Erosion hazard areas.

"Erosion hazard areas" means:

(1) Areas containing soils which are at high risk from water erosion according to the mapped description units of the United States Department of Agriculture Natural Resources Conservation Service (NRCS), formerly the Soil Conservation Service, National Soil Classification System,

(2) Channel migration zones; and

(3) The shorelines of water bodies subject to wind and wave erosion.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91E.180 Establishment.

"Establishment" means the creation of public roads or right-of-way by the procedures contained in chapter 13.90 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91E.190 Estimated school facility construction cost.

"Estimated school facility construction cost" means the planned costs of new schools or the actual construction costs of schools of the same grade span recently constructed by the district, including on site and off-site improvement costs. If the district does not have this cost information available, construction costs of school facilities of the same or similar grade span within another district are acceptable.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91E.210 Et seq.

"Et seq." means and those pages or sections that follow.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91E.220 Excavation.

"Excavation" means the mechanical removal of earth material.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91E.230 Excavation.

"Excavation" means the mining or quarrying or other mechanical removal of sand, gravel, bedrock or precious metals including underground shaft operations, but excluding:

(1) Land disturbing activity for building construction where such construction is authorized by a valid building permit; or

(2) Tilling of soil for agricultural purposes; or

(3) Any excavation:

(a) Which does not alter a drainage course, and

(b) Which has less than two feet of mean average depth, or which does not create a cut slope greater than five feet in height and steeper than one and one-half horizontal to one vertical, and

(c) Located in an MR, LDMR, R-7200, R-8400, R-9600, R-12,500 or WFB zone, where the cubic yardage excavated from contiguous land under common ownership shall never exceed 500 cubic yards, and

(d) Located in any zone other than those listed in the preceding subsection, where the cubic yardage excavated from contiguous land under common ownership shall never exceed 2,000 cubic yards. The distinction between zones which is provided in this and the preceding subsections shall be observed notwithstanding cross-referencing between zones which may be found elsewhere in this title.

This definition applies only to chapters 30.22, 30.23, 30.25, 30.31D, 30.32C, 30.63B and 30.64 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.91E.240 Existing site conditions.

"Existing site conditions" means conditions that exist on site prior to commencement of any proposed development activity, and for redevelopment means a forested condition.

This definition applies only to "Drainage" regulations in chapter 30.63A SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91E.250 Explosives.

"Explosives" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. The term includes all items contained in the explosives list provided for in 26 CFR 181.23 and published annually in the Federal Register; PROVIDED That, for the purposes of this title, small arms ammunitions, small arms ammunitions primers, smokeless powder not exceeding 50 pounds, and black powder not exceeding five pounds shall not be defined as explosives.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

Chapter 30.91F
"F" DEFINITIONS

30.91F.005 FAA.

"FAA" means the Federal Aviation Administration.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.91F.010 Fabrication shop.

"Fabrication shop" means an establishment for the fabricating of goods. The term shall include welding, cabinet, machine, and other similar shops.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.020 Facility design capacity, school (School facility design capacity).

"Facility design capacity, school" ("School facility design capacity") means the number of students each school type is designed to accommodate, based on the district's standard of service as determined by the district.

This definition applies only to "School impact fees and mitigation" regulations in chapter 30.66C SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.030 Facility improvement.

"Facility improvement" means the provision by a developer of park and recreation facilities on public land, as approved by the director.

This definition applies only to "Park and recreation facility impact mitigation in chapter 30.66A SCC.

30.91F.040 Facility requirement.

"Facility requirement" means the amount of park and recreation facilities required to meet the park and recreation demand of a subdivision's or development's population regardless of the existing level of service in the community.

This definition applies only to "Park and recreation facility impact mitigation" regulations in chapter 30.66A SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.050 Facility requirement cost.

"Facility requirement cost" means the facility requirement as stated in the comprehensive park and recreation plan and updated on the basis of construction averages for similar park or recreation facilities.

This definition applies only to "Park and recreation facility impact mitigation" regulations in chapter 30.66A SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.060 Factory-built structure.

"Factory-built structure" means a mobile home, commercial coach or structure composed of parts joined together in some definite manner that is entirely or substantially prefabricated or assembled at a factory or a place other than the building site.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.065 Fair market value.

“Fair market value” means the open market bid price for conducting work, using equipment and facilities, and purchase of goods, services and materials necessary for development. This normally is the cost of hiring a contractor to undertake the development from start to finish, including pre-development costs, the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of a development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91F.070 Fallout shelter.

"Fallout shelter" means a structure or portion of a structure designed to provide protection to human life from nuclear fallout, air raids, storms or other emergencies.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.080 Family.

"Family" means one or more persons related by blood, marriage, or adoption, or a group of not more than six persons (excluding servants), not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit. The term "family" shall also include consensual living arrangements of any number of disabled persons living in a family-like setting which are protected by the provisions of the Federal Fair Housing Act and the Washington Housing Policy Act, RCW 36.70.990 and 36.70A.410.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004)

30.91F.100 Family day care home.

"Family day care home" means an occupied dwelling unit in which the full-time occupant provides day care for persons other than from his/her own family and the family of close relatives. Such care in a family day care home is limited to 12 or fewer persons, including children living in the home or children and other close relatives cared for in the home. The numerical limitation for the facility shall be determined by totaling the number of children and adults being cared for within the home.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004)

30.91F.120 Farm.

"Farm" means the land and agricultural buildings and structures used for or capable of being used for raising, harvesting or distribution of agricultural products, including the promotion, sale, packaging and distribution of agricultural products wholly or partly from the farm site, or within Snohomish County or the Puget Sound Fresh region. Examples of such uses include: agricultural product packaging; u-pick operations; farm stands; farmer's markets; farm product processing; pumpkin patches; corn and other mazes; farm animal displays; holiday tree sales; a farm bakery or kitchen; cider press operations; related on-farm activities and events directly supporting agriculture; and seasonal, incidental or subordinate uses to the principal farm use, such as craft, antique or holiday bazaars. "Farm" also includes the activities and uses arising from or incidental to agriculture, including but not limited to the uses set forth in this definition. An individual farm use on a farm site shall have its maximum square footage measured separately, one use to another.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

30.91F.125 Farm building cluster.

"Farm building cluster" means that sub-area of a farm site that has the majority of the agricultural structures located on it, with the structures being located within close functional proximity to each other.

(Added Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

30.91F.130 Farmhouse.

"Farmhouse" means a single-family dwelling, including modular and mobile homes, constructed to building code standards placed on permanent concrete foundations, locating on a farm site where resulting agricultural products are not produced for the primary consumption or use by the occupants and the farm owner.

This definition applies only to chapters "Flood hazard" regulations 30.43D, and 30.65 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005)

30.91F.140 Farmland.

"Farmland" means all lands designated riverway commercial, upland commercial or local commercial farmland by the Snohomish County comprehensive plan.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.145 Farmland enterprise.

"Farmland enterprise" means a small business that is clearly incidental and subordinate to agricultural uses that has no necessary and direct relationship to agricultural use, but that does not adversely impact farming activities or remove farmland from production.

(Added Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

30.91F.150 Farm product.

"Farm product" means those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, dairy and dairy products, poultry and poultry products, livestock, including breeding, grazing, and recreational equine use, fruits, vegetables, flowers, seeds, grasses, trees, freshwater fish and fish products, apiaries, equine and other similar products, or any other products which incorporates the use of food, feed, fiber, or fur.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.152 Farm product packaging.

"Farm product packaging" means the wrapping or the placement into containers or receptacles of agricultural products for the purpose of storage, transport, or sale. It does not include the alteration or modification of the product through the addition of foreign ingredients or components, except that the addition of elements necessary for the long-term storage or stability of the product shall be included, provided that this addition does not alter the agricultural product from its original constitution or state. Examples of "farm product packaging" include but are not limited to bagging lettuce and placing milk in cartons.

(Added Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

30.91F.156 Farm product unit.

"Farm product unit" means a single type, species, or variety of farm product available for purchase, regardless of the quantity, even if the product is not displayed in a single location.

(Added Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

30.91F.160 Farm product processing.

"Farm product processing" means the alteration or modification, for the purpose of storage, transport, or sale, of an agricultural product produced on a farm site through the addition of other ingredients or components, provided that the initial agricultural product shall be the principal ingredient or component. The addition of elements necessary for the long-term storage or stability of the product shall not be considered farm product processing, provided that this addition does not alter the agricultural product from its original constitution or state. Farm product processing includes the production of wine. Farm product processing shall not include the operation of a stockyard or slaughter house.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

30.91F.165 Farm site.

"Farm site" means the land and structures used, or capable of being used, for the raising, harvesting or distribution of agricultural products, without regard to whether such lands and structures are contiguous, adjacent, or non-adjacent, provided that such property or properties are under a single ownership, lease agreement, or management agreement.

(Added Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

30.91F.170 Farm stand.

"Farm stand" means a temporary or permanent structure used for the display and sale of agricultural products, except that any retail nursery operations shall meet Snohomish County requirements of SCC 30.22.130(52). A farm stand shall not be a farmers market as defined in section SCC 30.91F.184.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

30.91F.175 Farm support business.

"Farm support business" means a business operated on a farm site and related to or supportive of agricultural activities. Examples of farm support businesses include but are not limited to blacksmithing, farriers, farm implement sales and repair, and feed and fertilizer sales.

(Added Amended Ord. 04-074, July 28, 2004, Eff Date Aug. 23, 2004; Amended by Amended Ord. 12-040, July 11, 2012, Eff date July 28, 2012))

30.91F.180 Farm worker dwelling.

"Farm worker dwelling" means a dwelling for farm workers integral to the farm operation.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.184 Farmers market.

"Farmers market" means a site or facility owned or operated by a farmers' cooperative or similar agreement for the growers and producers of agricultural products to display and sell agricultural products.

(Added Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

30.91F.185 FCC.

"FCC" means the Federal Communications Commission.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.91F.186 Farmers market site.

"Farmers market site" means a portion of a farm site for a farmers market operation, to be depicted on a site plan and not to exceed five acres.

(Added Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

30.91F.190 FDC.

"FDC" means fire department connection.
This definition applies only to chapter 30.53A SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.195 Feasible.

“Feasible” means actions that meet all of the following conditions:

(a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

(b) The action provides a reasonable likelihood of achieving its intended purpose; and

(c) The action does not physically preclude achieving the project's primary intended use.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91F.196 Feeder bluff.

“Feeder bluff” means any bluff or cliff experiencing periodic erosion from waves, sliding or slumping, whose eroded earth, sand or gravel material is naturally transported (littoral drift) via a driftway to an accretion shoreform. These natural sources of beach material are limited and vital for the long term stability of driftways and accretion shoreforms.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91F.200 Fence.

"Fence" means a structure of any material or combination of materials erected to enclose, screen, or separate areas of land, but does not include retaining walls.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.210 Fill.

"Fill" means a deposit of earth material placed by mechanical means.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.220 Fill.

"Fill" means any material, such as earth, clay, sand, concrete, rubble, wood chips, bark or waste of any kind which is placed, stored or dumped upon the surface of the ground resulting in an increase in the natural surface elevation.

This definition applies only to "Flood hazard" regulations in chapter 30.43C, 30.43D, and 30.65 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.222 Fill.

“Fill" means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands or on shorelands, in a manner that raises the elevation, alters topography or creates dry land.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91F.225 Final Stabilization.

"Final Stabilization" means the completion of all land disturbing activities at a site and the establishment of a permanent vegetative cover or equivalent permanent stabilization measures (such as pavement, riprap, gabions or geotextiles) to prevent erosion.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91F.230 Financial institutions.

"Financial institutions" means businesses dealing with financial transactions, including banks, savings and loan institutions, mutual savings banks or their branches, and mortgage or finance companies or their branches.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.240 Fire department.

"Fire department" means the office of the county fire marshal.

This definition applies only to "Uniform fire code" regulations in chapter 30.53A SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.250 Fire department or fire district.

"Fire department or fire district" means the entity responsible for fire protection within its jurisdictional boundaries.

This definition applies only to SCC 30.53A.300 - 30.53A.370.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.260 Fire flow.

"Fire flow" means the rate of water delivery needed for the sole purpose of fighting fires. The fire flow volume shall be in addition to the requirements of the water system for domestic demand, and a 20 psi residual pressure should be maintained throughout the system under combined maximum demand flow conditions.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.270 Fire hydrant.

"Fire hydrant" means a mechanical device which is self-draining, frost free, and is constructed to provide the required fire flow for the area serviced.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.280 Fire hydrant, private (private fire hydrant).

"Fire hydrant, private" ("private fire hydrant") means a fire hydrant which is situated and maintained so as to provide water for fire fighting purposes with restrictions as to its use or accessibility by the public.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.290 Fire hydrant, public (public fire hydrant).

"Fire hydrant, public" ("public fire hydrant") means a fire hydrant which is permanently appropriated for public use.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.300 Fire lane.

"Fire lane" (" Fire apparatus access road") means any road or driving surface whether public or private that is used to meet the access requirement of the currently adopted edition of the uniform fire code.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.310 First-time home buyer.

"First-time home buyer" means:

(1) a household whose owner-occupants have not had an ownership interest in a principal residence at any time during the three-year period ending on the date of purchase of a low-income housing unit; or

(2) a person who has held an ownership interest in a principal residence at any time during the three-year period ending on the date of purchase of a low-income housing unit, and during that three-year period has been either divorced, legally separated, or widowed, or has taken up residence in a dwelling other than the principal residence in order to avoid actual or threatened domestic violence.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.322 Fish and wildlife habitat.

"Fish and wildlife habitat" means habitat for aquatic and riparian dependent fish and wildlife, habitat for state or federal threatened and endangered species, and species and habitats of local importance. Habitat includes space or conditions for reproduction, resting, hiding, migration, and food production and delivery.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91F.330 Fish farm.

"Fish farm" means land and buildings devoted to the raising of fish for commercial purposes.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.340 Five (5) acres.

"Five (5) acres" means 200,000 square feet or 1/128th of a section of land when described as a fraction of a section.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.350 Fix-it shop.

"Fix-it shop" means an establishment for the repair of small domestic appliances such as radios, televisions, toasters, cameras, and small machinery. The term shall also include locksmith services.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.355 Floating home.

“Floating home” means a structure designed primarily as a permanently based structure and not as a vessel and is typically characterized by permanent utilities, a semi-permanent anchorage/moorage design, and the lack of adequate self-propulsion to operate as a vessel.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91F.360 Flood or flooding.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of runoff of surface waters from any source.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.370 Flood hazard area, special.

"Flood hazard area, special" ("Special flood hazard area") means the land in the flood plain that is subject to a one percent or greater chance of flooding in any given year. (See figure 30.91F.410 for illustration)

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.380 Flood hazard permit.

"Flood hazard permit" means written approval applied for and obtained in accordance with such rules and regulations as are established under this title.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.390 Flood insurance rate map (FIRM).

"Flood insurance rate map" (FIRM) means the official map on which the federal insurance administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.400 Flood insurance study.

"Flood insurance study" means the official report provided by the federal insurance administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.402 Flood protection measures.

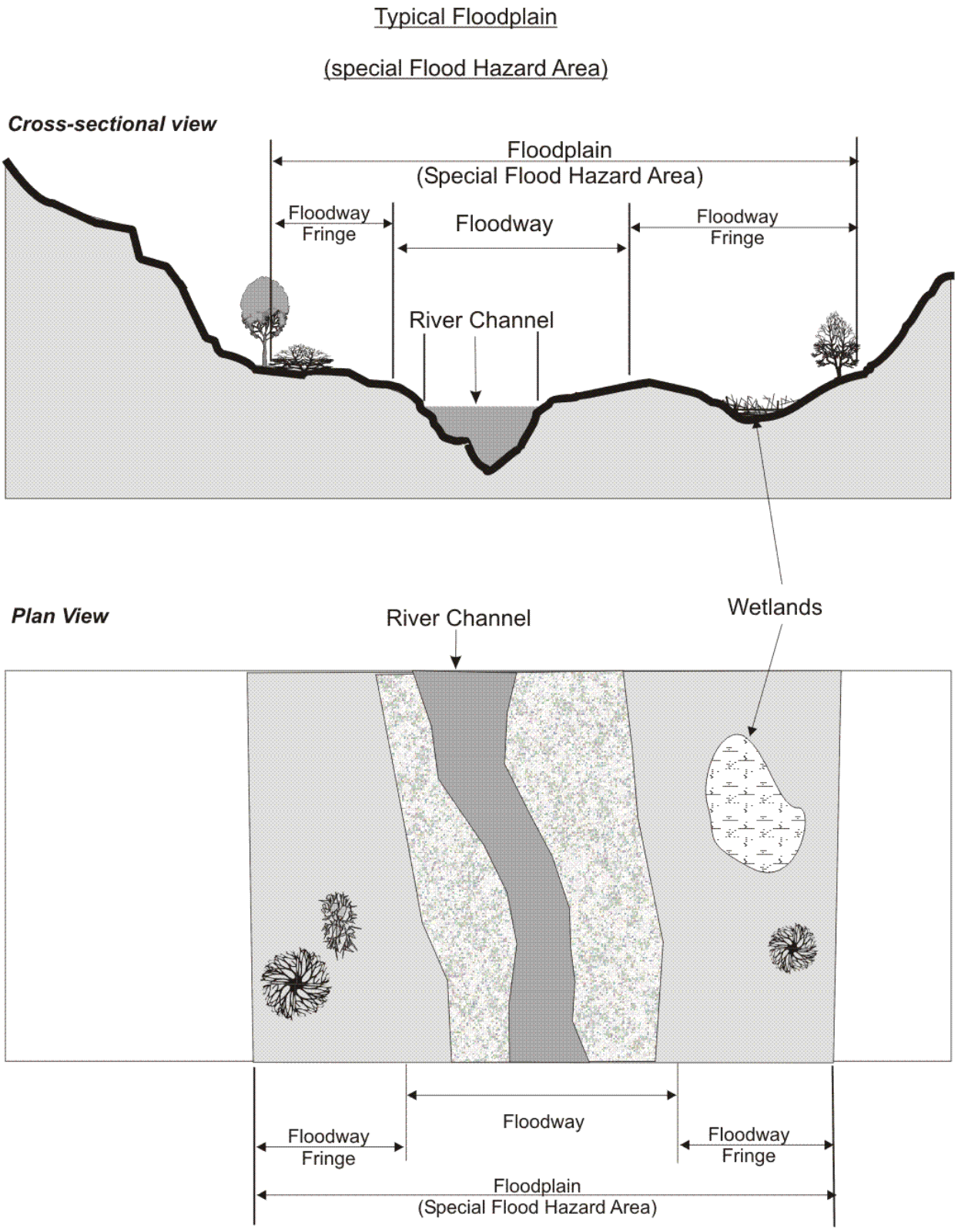
"Flood protection measures" See "Shoreline and bank stabilization and flood protection measures"

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91F.410 Floodplain.

"Floodplain" means a land area adjoining a river, stream, watercourse, ocean, bay, or lake which is likely to be flooded. The extent of the floodplain may vary with the frequency of flooding being considered. The floodplain typically consists of the floodway and the floodway fringe. (See figure 30.91F.410 for illustration)

Figure 30.91F.410 - Floodplain



(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.415 Floodplain.

“Floodplain” means the 100-year floodplain based upon flood ordinance regulation maps.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91F.420 Floodproofing.

"Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damages to lands, water and sanitary facilities, structures and contents of buildings.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.430 Floodway.

"Floodway" means the regular channel of a river, stream, or other watercourse, plus the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (See figure 30.91F.410 for illustration) .

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.435 Floodway.

"Floodway" means the area, as identified in a master program, that either: (i) has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025,June 6, 2012, Eff date July 27, 2012)

30.91F.440 Floodway fringe.

"Floodway fringe" means that portion of a floodplain which is inundated by floodwaters but is not within a defined floodway. Floodway fringes serve as temporary storage areas for floodwaters. (See figure 30.91F.410 for illustration)

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.445 Floor area ratio.

"Floor Area Ratio" means the total building square footage (building area), measured to the inside face of exterior walls, excluding areas below finished grade, space dedicated to parking, mechanical spaces, elevator and stair shafts, lobbies and commons spaces including atriums and space used for any bonus features, divided by the site size square footage (site area).

Floor Area Ratio = (Building area)/(Site area)

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.91F.450 Forested area.

"Forested area" means a treed area which functions for natural stormwater infiltration purposes or which over a specified time will be restored to function for natural stormwater infiltration purposes, as a mature forest characterized by an undisturbed understory, as evaluated by the project selection committee for individual projects selected for the reduced drainage discharge demonstration program.

This definition applies only to "Reduced drainage discharge demonstration program" regulations found in chapter 30.67 SCC.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.460 Forest land (Forest land).

"Forest land" ("Forest land") means any land designated as commercial forest or local forest pursuant to RCW 36.70A.070 (1) by the comprehensive plan.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.470 Forest management activities.

"Forest management activities" means the growing and harvesting of trees, including all forest practices associated with continued management of forest lands for forest products and excluding those practices associated with the conversion of forest land to a non-forest use unless such lands are reforested to acceptable stocking levels as defined by WAC 222-34. Sludge utilization shall not be considered a forest management activity under this chapter. For purposes of this definition, the meaning of forest practices and forest lands shall be as defined in chapter 76.09 RCW.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.480 Forestry.

"Forestry" means the commercial growth, management and harvesting of trees.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.490 Forest transition area.

"Forest transition area" means all lands designated commercial forest - forest transition area in the comprehensive plan.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.500 Foster home.

"Foster home" means a social service facility, licensed by the state as a full-time foster family, which regularly provides care on a 24-hour basis to one or more, but not more than six, foster children under the age of 18 years, or to not more than three expectant mothers in the family dwelling of the persons under whose direct care and supervision the child or expectant mother is placed.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.510 Frontage improvements.

"Frontage improvements" means improvements to roadways abutting a development and tapers thereto required as a result of a development. Generally, frontage improvements in the urban area shall consist of appropriate base materials, maximum of one lane of paved road section (up to 12 feet), bus pullouts and waiting areas where necessary, bicycle lanes and bicycle paths where applicable, storm drainage improvements, curb, gutter, sidewalk, Frontage improvements in the rural area shall consist of appropriate base materials, one lane of paved road section (up to 12 feet), up to an eight foot paved shoulder, bus pullouts and waiting areas where necessary, bicycle lanes and bicycle paths where applicable, and required storm drainage improvements.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.520 Fuel yard.

"Fuel yard" means a facility for the storage or sale of coal, firewood, or other fuels in bulk quantities.

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003)

30.91F.522 Full stormwater site plan.

“Full stormwater site plan” means a comprehensive report containing all of the technical information and analysis necessary for the evaluation of a proposed new development or redevelopment project’s compliance with the county’s stormwater regulations and which includes a narrative, drainage reports, plans, designs and calculations prepared by a professional engineer licensed in Washington State to comply with stormwater management minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605).

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

Chapter 30.91G
"G" DEFINITIONS

30.91G.010 Garage, detached private accessory.

"Garage, detached private accessory" ("Detached private accessory garage") means a building designed or used primarily for shelter or storage of vehicles or boats, but not airplanes, located on the same building site as a single-family or duplex residence. This definition shall also include carports used primarily for the storage of vehicles or boats, but not airplanes. Where any vehicles or boats are equipped for operation, repaired or kept for remuneration, hire or sale, the term "private garage" does not apply. The term garage shall not include agricultural buildings.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-057, Aug. 2, 2006, Eff date Aug. 14, 2006)

30.91G.015 Garage, detached private non-accessory.

"Garage, detached private non-accessory" ("Detached private non-accessory garage") means a stand-alone building designed or used primarily for the shelter or storage of vehicles or boats, but not airplanes, that is not accessory to a single-family or duplex residence on the same building site. Where any vehicles or boats are equipped for operation, repaired or kept for remuneration, hire or sale, the term "private garage" does not apply. This term shall not include agricultural buildings.

(Added Amended Ord. 06-057, Aug. 2, 2006, Eff date Aug. 14, 2006)

30.91G.020 Geologic hazard areas (Geologically hazardous areas).

"Geologic hazard areas" ("Geologically hazardous areas") means areas that because of their susceptibility to erosion, sliding, earthquake, or other geologic events, may not be suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns. Geologically hazardous areas include erosion hazard areas, landslide hazard areas, seismic hazard areas and mine hazard areas as defined in this chapter.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91G.030 Geologist.

"Geologist" means a person who has received a degree in geology from an accredited college or university, or a person who has equivalent educational training and substantial experience as a practicing geologist.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91G.040 Geotechnical engineer.

"Geotechnical engineer" means a licensed civil engineer experienced and knowledgeable in the theory of soil mechanics, geology and geotechnical engineering.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91G.050 Geotechnical engineering.

"Geotechnical engineering" means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works projects. "Geotechnical engineering" also means the application of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing thereof.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91G.060 Governmental facilities.

"Governmental facilities" means a facility owned and operated by an agency of the federal, state, or local government.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91G.070 Grade.

"Grade" means the elevation of the ground surface.

(1) "Existing grade" means the elevation of the ground surface prior to development activity.

(2) "Rough grade" means the stage at which the elevation of the ground surface approximately conforms to the approved plan.

(3) "Finish grade" means the final elevation of the ground surface which conforms to the approved land disturbing activity site plan.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 10-023, June 9, 2010, Eff Sept. 30, 2010)

30.91G.075 Grading.

"Grading" means an excavation or fill or a combination thereof.

(Added Amended Ord. 07-085, Sept. 5, 2007, Eff date Sept. 21, 2007; Amended by Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.91G.076 Grading.

“Grading” means the movement or redistribution of the soil, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91G.080 Greenhouse.

"Greenhouse" means a structure designed and used to create an artificial climate for the growing of plants.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91G.085 Groin.

“Groin” means a barrier type structure extending from the backshore or stream bank into a water body for the purpose of the protection of a shoreline and adjacent upland by influencing the movement of water or deposition of materials.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91G.090 Grooming parlor.

"Grooming parlor" means any establishment where animals are bathed, clipped, or combed for compensation.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91G.100 Groundwater.

"Groundwater" means the portion of water contained in interconnected pores or fractures in a saturated zone or stratum located beneath the surface of the earth or below a surface water body.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91G.110 Groundwater management.

"Groundwater management" means the management and coordination of groundwater regulations, strategies, policies and technical information for the protection and use of groundwater resources.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91G.120 Groundwater sensitivity.

"Groundwater sensitivity" means a measure of the ease with which groundwater enters and moves through both the unsaturated and saturated zones; it is a characteristic of the aquifer and overlying material and hydrologic conditions, and is independent of the chemical characteristics of the contaminant and its sources.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91G.125 Group A public water supply system.

"Group A public water supply system" means a water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving at least twenty-five year-round (i.e., more than one hundred eighty days per year) residents. Examples of a community water system might include a municipality, subdivision, mobile home park, apartment complex, college with dormitories, nursing home, or prison.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91G.130 Guest house.

"Guest house" means a structure with not more than two bedrooms having no kitchen, and which shall be used or designed for use primarily by guests or servants for sleeping quarters only.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91G.140 Gymnasium.

"Gymnasium" means a building designed or used for various indoor sports activities, and for conducting programs of physical education or fitness.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

Chapter 30.91H
"H" DEFINITIONS

30.91H.010 Habitat enhancement.

"Habitat enhancement" means the manipulation of the physical, chemical, or biological characteristics of a wetland or fish and wildlife habitat conservation area to heighten, intensify or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or preservation of wildlife habitat.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91H.020 Hammerhead.

"Hammerhead" means a street temporarily closed at one end, the ultimate purpose of which is to provide an extension of the street to adjacent property. The end of this temporary dead-end street must be further characterized by an extension of the street width to be used for turning of motor vehicles.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.030 Hardware store.

"Hardware store" means a retail store for the sale of tools, paints, and other small building equipment and supplies. This term shall not include the sale or storage of lumber, drywall, roofing, or other similar building materials.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.040 Hazardous tree.

"Hazardous tree" means a tree which poses an imminent danger of falling on structures, or which constitutes an airport hazard.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.050 Hazardous waste.

"Hazardous waste" means hazardous waste as defined in chapter 70.105 RCW.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.060 Hazardous waste storage.

"Hazardous waste storage" means the holding of hazardous waste for a temporary period. Any manner of management of hazardous waste constituting disposal or abandonment is not considered storage for a temporary period. Any hazardous waste stored for a temporary period shall be scheduled for future treatment and disposal within a reasonable time period as regulated by chapter 173-303 WAC as now written or hereafter amended. Accumulation of hazardous waste by a generator on the site of generation is not storage as long as the generator complies with the applicable requirements of chapter 173-303 WAC as now written or hereafter amended.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.070 Hazardous waste treatment.

"Hazardous waste treatment" means the physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes for material resource recovery, amenable for storage, or reduced in volume, as regulated by chapter 173-303 WAC as now written or hereafter amended.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.080 Hazardous waste treatment and storage facility, offsite.

"Hazardous waste treatment and storage facility, offsite" means treatment and storage facilities which treat and store hazardous wastes generated on properties other than those on which the offsite facilities are located as regulated by chapter 173-303 WAC as now written or hereafter amended.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.090 Hazardous waste treatment and storage facility, onsite.

"Hazardous waste treatment and storage facility, onsite" means treatment and storage facilities which treat and store hazardous wastes generated onsite as defined in WAC 173-303-040 as now written or hereafter amended.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.095 Health and social service facilities - Levels I, II and III.

"Health and social service facilities - Levels I, II and III" means:

(1) Level I Health and Social Service Facility (Level I HSSF). A Level I HSSF means a use which occupies a residential structure used by the disabled as a residence along with their family members and caregivers. By way of illustration and not limitation, this definition shall include:

(a) Group homes for the disabled and consensual living arrangements equivalent to a familial setting which are protected by state or federal law as residential uses;

(b) Adult family homes, licensed pursuant to chapter 70.128 RCW;

(c) Foster homes licensed pursuant to chapter 74.15 RCW for the placement of youth, disabled or expectant mothers in a residential setting, including but not limited to foster family homes, community group care facilities and crisis residential centers; and

(d) Any other residential facilities for the disabled which must be accommodated in a single family zone pursuant to RCW 36.70.990 or 36.70A.410.

(2) Level II Health and Social Service Facility (Level II HSSF). A Level II HSSF means a use which is licensed or regulated by the state to provide emergency medical treatment on a 24-hour per day basis or which houses persons in an institutional setting that provides chronic care or medical service on regular recurring basis to its residents and which includes, but are not limited to a:

(a) Hospital (including acute alcoholism/drug, psychiatric and state mental hospitals);

(b) Nursing home;

(c) Private adult treatment home;

(d) Mental health facility, adult and child residential;

(e) Soldiers' home and veterans' home;

(f) Large institutional boarding home for the care of senior citizens and the disabled sometimes known as assisted living facilities or continuous care retirement communities with emphasis on assisted living that may

also include independent living and congregate care;

(g) State residential school for hearing and visually impaired;

(h) Alcoholism and drug residential treatment facility;

(i) Child birthing center/facility; and

(j) Hospice.

(3) Level III Health and Social Service Facility (Level III HSSF). A Level III HSSF means a use, including commercial enterprises and charitable institutions, which provides social, medical, counseling or other forms of treatment in a clinical setting or on an outpatient basis. Shelters providing services to the homeless or other transients shall be included in this category. Level III HSSF includes, but are not limited to an:

(a) Ambulatory surgical center;

(b) Blood bank;

(c) Medical claims processing facility;

(d) Counseling, psychological and psychiatric treatment clinics in an office setting;

(e) Eye bank;

(f) Renal disease center and kidney dialysis treatment center;

(g) Home health care agency;

(h) Medical laboratory;

(i) Occupational and physical therapy facility;

(j) Rehabilitation facility; and

(k) Homeless and transient shelter.

(4) The terms used herein are based upon categories established by the State of Washington through its various licensing agencies. As the director interprets the provisions of this title pursuant to chapter 30.83 SCC, or classifies unlisted uses pursuant to SCC 30.22.040, the director shall use and/or analogize to the applicable licensing categories and definitions developed by the state of Washington and agencies such as the Department of Social and Health Services in order to determine whether or not any particular use falls within the categories established for health and social service facilities.

(5) The term "Health and social services facilities - Level I, II and III" shall not include:

(a) Correctional facilities, including but not limited, to prisons and jails when proposed as a governmental facility pursuant to this title;

(b) Community facilities as defined in RCW 72.05.020; and

(c) secure community transition facilities proposed under the authority of, and consistent with the provisions of chapter 71.09 RCW.

(6) Nothing herein is intended to preclude the housing of children in the custody of the state within health and social service facilities, levels I, II, and III as defined in this section, provided that such facility is not a community facility as defined in RCW 72.05.020.

(Added Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004)

30.91H.100 Hearing examiner.

"Hearing examiner" means the office of Snohomish County hearing examiner created by chapter 2.02 SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.110 Highway capacity manual.

"Highway capacity manual" means the most current edition of the Highway Capacity Manual (HCM) as published by the Transportation Research Board, National Research Council, including amendments thereto.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.115 Historic district.

"Historic district" means historic property consisting of multiple buildings, structures, sites or objects located in proximity to one another and related in historic period or theme.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.116 Historic preservation commission.

"Historic preservation commission" means the Snohomish County Historic Preservation Commission created by chapter 2.96 SCC.

(Added Amended Ord. 06-037, December 13, 2006, Eff date Jan. 5, 2007)

30.91H.117 Historic property.

"Historic property" means real property together with any improvements, except property listed in a register primarily for objects buried below ground, which is listed in the local register, certified by the United States Secretary of the Interior as provided in 16 U.S.C. 470, or listed in the National Register of Historic Places.

(Added Amended Ord. 06-037, December 13, 2006, Eff date Jan. 5, 2007)

30.91H.120 Home improvement center.

"Home improvement center" means a retail store for the sale of tools, paint, lawn care supplies, and other similar equipment and supplies. This term shall include the sale of lumber, drywall, roofing, and other similar building materials where storage of the same utilizes less than 50 percent of the display and storage area.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.130 Home occupation.

"Home occupation" means an occupation conducted within a dwelling unit by a member or members of a family residing therein under the conditions outlined in SCC 30.22.130(11). A home occupation may also be conducted within a residential accessory building and/or an attached garage within certain rural and resource zones in accordance with SCC 30.22.130(64) or (84).

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.140 Homeowners' association or association.

"Homeowners' association" or "association" means a corporation, unincorporated association, or other legal entity, each member of which is an owner of residential real property located within the associations jurisdiction, as described in the governing documents, and by virtue of membership or ownership of property is obligated to pay real property taxes, insurance premiums, maintenance costs, or for improvement of real property other than that which is owned by the member. "Homeowners' association" does not mean an association created under chapters 64.32 or 64.34 RCW.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.150 Homestead parcel.

"Homestead parcel" means a parcel of land within an agricultural area, having reduced lot area and lot width requirements established for recognition of an existing non-farm residential use.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.160 Hospital.

"Hospital" means an institution specializing in providing persons clinical, temporary and emergency services of a medical psychiatric, psychological or surgical nature.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003Amended Ord. 04-010, Mar. 3, 2004, Eff date Mar. 15, 2004)

30.91H.170 Hotel.

"Hotel" means a commercial establishment offering lodging to travelers and sometimes to permanent residents, and often having public restaurants meetings rooms, or stores.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.175 Houseboat.

“Houseboat” means a vessel used for living quarters but licensed and designed substantially as a mobile structure by means of detachable utilities or facilities, anchoring, and the presence of self-propulsion to operate as a vessel.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91H.180 Household.

"Household" means all persons who occupy a housing unit that is intended as separate living quarters and having direct access from the outside of the building or through a common hall. The occupants may be a single family, one person living alone, two or more families living together, or any group of related or unrelated persons who share living arrangements.

This definition applies only to "Temporary housing demonstration program" regulations in chapter 30.34C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.190 Housing cooperative.

"Housing cooperative" means a form of ownership in which owners purchase shares in a corporation holding title to a building. In return for the shares, owners must receive a proprietary lease entitling them to occupy a specific area (unit) of the building.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.200 Housing diversity.

"Housing diversity" means a wide variety of housing types within a project such as single-family detached housing, attached housing, multifamily housing, accessory housing, mixed-use housing, and rental and ownership opportunities such as condominiums, co-ops, and cottage housing.

*This definition applies only to "Tempor*ary housing demonstration program" regulations in chapter 30.34C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.210 Housing, low-income (Low-income housing).

"Housing, low-income" ("Low-income housing") means rental or ownership housing opportunities having gross housing costs which do not exceed 30% of the gross income of a household with a gross income equal to or less than 80% of area median income as adjusted annually by the US Department of Housing and Urban Development.

This definition applies only to Temporary Housing Demonstration Program regulations found in chapter 30.34C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.220 Housing, low income.

"Housing, low income" means:

(1) rental housing occupied or to be occupied by households whose gross income when adjusted for size is at or below 50 percent of the area median at occupancy and rises after occupancy to no greater than 80 percent of the area median as annually adjusted by the U.S. Department of Housing and Urban Development and whose housing expense (rent and utility cost) is no greater than 30 percent of the target population household's gross income; and

(2) owner-occupied housing which is purchased and can be financed under standard underwriting practices by first-time home buyer households whose income when adjusted for size is at or below 80 percent of the area median as annually adjusted by the U.S. Department of Housing and Urban Development, who make a three percent down payment and whose housing expense is no greater than 30 percent of the household's gross income. Housing expense for owners includes house purchase loan principal and interest (except for deferred interest loans), real property taxes, homeowner's insurance and, if applicable, homeowner association costs.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.230 Housing, mixed-income (Mixed-income housing).

"Housing, mixed-income" ("Mixed-income housing") means concentrated rental or ownership housing opportunities within a project for families or individuals having a wide range of household

This definition applies only to "Temporary housing demonstration program" regulations in chapter 30.34C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.240 Housing, moderate-income.

"Housing, moderate-income" ("Moderate-income housing") means rental or ownership housing opportunities having gross housing costs which do not exceed 30 percent of the gross income of a household with a gross income between 81 and 95 percent of area median income as adjusted annually by the US Department of Housing and Urban Development.

This definition applies only to "Temporary housing demonstration program" regulations in chapter 30.34C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.242 Hydrogen sulfide (H_2S).

"Hydrogen sulfide (H_2S)" means a colorless gas with a rotten egg odor often produced by the decay of plant or animal material. Most hydrogen sulfide in the air comes from natural sources such as decaying organic matter, seaweed on the beach or stagnant water in bogs. It is released from sewage sludge, liquid manure, sulfur hot springs, natural gas, and synthetic fuels.

(Added Amended Ord. 06-074, November 8, 2006, Eff date November 26, 2006)

30.91H.250 Hydrogeology.

"Hydrogeology" means the study of groundwater--its origin, occurrence, movement and quality.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.260 Hydrograph.

"Hydrograph" means a graph of runoff rate, inflow rate or discharge rate showing variation past a specific location, over time.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91H.280 Hyporheic zone.

"Hyporheic zone" means the saturated zone under and adjacent to a river or stream, comprising substrate with the interstices filled with water.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

Chapter 30.91I
"I" DEFINITIONS

30.91I.010 Impervious surface.

"Impervious surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle as compared to infiltration under natural conditions prior to development. A hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow that was present under natural conditions, prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, graveled areas and roads, packed earthen materials, surfaces covered by oil, macadam, asphalt treated base material (ATB), bituminous surface treatment (BST), chip seal, seal coat or emulsified asphalt and cutback asphalt cement, and other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention and detention facilities shall not be considered impervious surfaces for purposes of determining whether the thresholds for applying minimum stormwater management requirements are exceeded pursuant to chapter 30.63A SCC. However, open, uncovered retention and detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91I.012 Improved road right-of-way.

"Improved road right-of-way" means that portion of the road right-of-way that was altered to construct the road. This includes the road prism, shoulders, sidewalks, cut and fill slopes, and necessary ditches and vegetation management areas.

This definition applies only to "Wetlands and fish and wildlife habitat" regulations in chapter 30.62A SCC.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91I.020 Inadequate road condition.

"Inadequate road condition" means any road condition, whether existing on the road system or created by a new development's access or impact on the road system, which jeopardizes the safety of road users, including non-automotive users, as determined by the county engineer.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91I.030 Incidental use.

"Incidental use" means a use which occurs as a result of, or in connection with, a permitted use, conditional use, or administrative conditional use. The incidental use must be secondary or minor in nature, but associated with, the permitted use, conditional use, or administrative conditional use.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91I.035 Industrial development.

“Industrial development” means structures or sites used for the primary purposes of manufacturing, assembly, processing or storage of products or equipment. Industrial uses include those non-agricultural activities which are permitted or conditionally permitted, including administrative conditional use permits, in the following zones or combination of zones as defined in SCC 30.21.025:

(1) Uses allowed only in one or more of the Urban industrial zones;

(2) Uses allowed only in one or more of the Urban industrial zones and in General Commercial;

(3) Uses allowed exclusively in Rural Industrial (RI), or in RI and any other rural or resource zone except R-5, except that the following uses which are allowed in RI and in R-5 shall be included as industrial uses:

(a) Uses related to the processing or storage of forest, woodwaste or mineral products or equipment; and

(b) Explosives storage.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91I.040 Infiltration.

"Infiltration" means the hydrologic process of storm water runoff soaking into the subsoil, commonly referred to as percolation.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91I.050 Inoperable vehicle.

"Inoperable vehicle" means a motor vehicle or the remains or remnant parts of a motor vehicle which is mechanically inoperative and cannot be made operative without the addition of vital parts or mechanisms, including, but not limited to, wheels, tires, motor and transmission, or the application of a substantial amount of labor.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91I.050 Innovative neighborhood design.

"Innovative neighborhood design" means creative approaches to: housing design, mix, placement, and ownership; site planning; utilities; public amenities; street layout; streetscapes; alleys; commercial applications; recreational opportunities; open space; access to public services, transit, natural resources, and scenic areas; or other development options.

This definition applies only to "Temporary housing demonstration program" regulations in chapter 30.34C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91I.060 Innovative site design.

"Innovative site design" means development techniques for residential housing using creative approaches to site design, habitat and tree retention, significant reduction of impervious surfaces, changes in traditional site features such as roads and drainage structures in favor of natural habitat features which result in zero or near-zero drainage discharge from the site after development.

This definition applies only to reduced drainage discharge housing demonstration program regulations in chapter 30.34B SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91I.070 Interest rate.

"Interest rate" means the current interest rate as stated in the Bond Buyer Twenty Bond General Obligation Bond Index.

This definition applies only to "School impact mitigation" regulations in chapter 30.66C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91I.080 Invasive weeds.

"Invasive weeds" means a plant that is

(1) Non-native (or alien) to Snohomish County and
(2) Is known to aggressively displace or cause harm to native plants or ecosystems.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91I.085 In-water structure.

“In-water structure” means a structure located waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment or the diversion, obstruction, or modification of water flow.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

Chapter 30.91J
"J" DEFINITIONS

30.91J.005 Jetty.

“Jetty” means a structure projecting out into the sea at the mouth of a river for the purpose of protecting a navigation channel or a harbor, or to influence water currents.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91J.010 Junk.

"Junk" means any solid, nonorganic, nonputrescible solid waste including, but not limited to waste, discarded or salvaged materials, and inoperable vehicles.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91J.020 Junkyard.

"Junkyard" means more than 50 cubic feet of junk when located in an urban growth area, or the use of more than 300 square feet of area of any lot where junk is bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking yards, and places or yards devoted to the storage of inoperable vehicles, salvaged house wrecking and structural steel materials and equipment. A junkyard does not include such uses when conducted entirely within an enclosed building, nor pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition or the processing of used, discarded or salvaged materials as part of a manufacturing operation.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

Chapter 30.91K
"K" DEFINITIONS

30.91K.010 Kennel, commercial (commercial kennel).

"Kennel, commercial" ("commercial kennel") means a place where (a) four or more adult dogs, cats or combination thereof are kept whether or not for compensation, including facilities known and operated as animal shelters and boarding facilities, (b) the occupant of the property keeps and owns more than 10 and not more than 25 adult dogs, or (c) dogs are sold, but not including small animal hospitals where pets are kept for treatment only, pet shops, private kennels, or zoological parks.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91K.020 Kennel, private-breeding" (private-breeding kennel).

"Kennel, private-breeding" ("private-breeding kennel") means a place at or adjoining a private residence where four but not more than 10 adult dogs of which at least one has not been neutered or spayed, owned by the persons residing on said property, are bred or kept for the purpose of hunting, training, for field work, obedience trials, and other competition or for the enjoyment of the species. Dogs under the age of six months shall not be included for purposes of determining the total number of dogs within the private kennel.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91K.030 Kennel, private-non-breeding (private-non-breeding kennel).

"Kennel, private-non-breeding" ("private-non-breeding kennel") means a place at or adjoining a private residence where four but not more than 10 adult dogs of which all have been neutered or spayed, owned by the persons residing on said property, are kept for the purpose of hunting, training, for field work, obedience trials, and other competition or for the enjoyment of the species. Dogs under the age of six months shall not be included for purposes of determining the total number of dogs within the private kennel.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91K.050 Kitchen.

"Kitchen" means any room or area used, intended, or designed to be used for the cooking or preparation of food which contains any two of the following: a kitchen type sink, refrigerator, range, or 220 H2 outlet.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91K.055 Kitchen, farm.

"Kitchen, farm" means a room or area on a farm site used, intended to be used, or designated to be used for the cooking or preparation of food for distribution, sale and consumption of agricultural products at least a portion of which are produced or grown on the farm site, or within Snohomish County or the Puget Sound Fresh region, provided it contains any two of the following: a kitchen-type sink, refrigerator, range, or 220 H2 outlet.

(Added Amended Ord. 04-074, July 28, 2004, Eff date Aug. 23, 2004)

Chapter 30.91L
"L" DEFINITIONS

30.91L.010 Lake.

"Lake" means a body of freshwater that:

(1) Occurs in a depression of land or expanded part of a stream, including reservoirs;
(2) Is greater than 6.6 feet (2 meters) in depth at the deepest point at ordinary low water;
(3) Has less than 30% coverage by trees, shrubs, or persistent emergent vegetation; and.
(4) Has an ocean-derived salinity of less than 0.5 parts per thousand (ppt).

A lake is bounded by the ordinary high water mark, or, where a stream enters the lake, the extension of the elevation of the lake's ordinary high water mark within the stream. Lakes formed by a dam on a stream or river are bounded by a contour approximating the normal spillway elevation or normal pool elevation.

Lakes do not include artificial water bodies including, but not limited to, lakes constructed for irrigation or detention, wastewater treatment facilities, farm ponds, recreational or fishing ponds or other landscape ponds, unless they contain naturally occurring salmonids. Naturally occurring means that the salmonids have migrated into the lake via a connection to another water body containing salmonids and are not artificially introduced into the lake.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91L.020 Land cost per acre.

"Land cost per acre" means the estimated average land acquisition cost per acre (in current dollars) based on recent site acquisition costs, comparisons of comparable site acquisition costs in other districts, or the average assessed value per acre of properties comparable to school sites located within the district.

This definition applies only to "School impact fees and mitigation" regulations in chapter 30.66C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91L.025 Land disturbing activity.

“Land disturbing activity” means any activity that will result in movement of earth or a change in the existing soil cover or the existing soil topography (both vegetative and non-vegetative), including the creation and/or replacement of impervious surfaces. Land disturbing activities include, but are not limited to, clearing and grading. Land disturbing activities do not include agricultural plowing and tilling exempt from stormwater regulations pursuant to SCC 30.63A.200. Compaction that is associated with stabilization of structures and road construction also is a land disturbing activity. Vegetation and drainage facility maintenance practices are not land disturbing activities, provided that the maintenance is performed according to standards adopted by Snohomish County.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91L.030 Landslide.

"Landslide" means down slope movement of a mass of soil, rock, snow or ice including, but not limited to, rock falls, slumps, mud flows, debris flows, torrents, earth flows and snow avalanches.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91L.040 Landslide hazard areas.

"Landslide hazard areas" means areas potentially subject to mass earth movement based on a combination of geologic, topographic, and hydrologic factors, with a vertical height of 10 feet or more. These include the following:

(1) Areas of historic landslides as evidenced by landslide deposits, avalanche tracks, and areas susceptible to basal undercutting by streams, rivers or waves;

(2) Areas with slopes steeper than 33 percent which intersect geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock, and which contain springs or ground water seeps;

(3) Areas located in a canyon or an active alluvial fan, susceptible to inundation by debris flows or catastrophic flooding.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91L.045 Large Truck.

"Large Truck" means a truck or a truck-trailer unit with more than two axles.

(Added Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.91L.050 Lath house.

"Lath house" means a structure made chiefly of laths or slats spaced so as to reduce excessive sunlight while permitting moderate air circulation and used for growing plants that require some shade and protection from strong winds.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91L.055 Levee.

“Levee” means a large dike or embankment, often having an access road along the top, which is designed as part of a system to protect land from floods.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91L.060 Level of service.

"Level of service" means a qualitative measure describing operational conditions within a traffic stream, and the perception thereof by road users. Level-of-service standards may be evaluated in terms such as speed and travel time, traffic volumes, freedom to maneuver, traffic interruptions, comfort, convenience, geographic accessibility, and safety. For the purposes of chapter 30.66B SCC, level-of-service will be measured only on arterial units.

This definition applies only to Road Impact Mitigation regulations found in chapter 30.66B SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 05-092, December 21, 2005, Eff date Feb. 1, 2006)

30.91L.070 Level of service, park and recreation.

"Level of service, park and recreation" is the existing size or number of parks and recreation facilities in each community divided by the size or number of facilities which should be located in the community based on state survey data, as stated in the comprehensive park and recreation plan. The level of service has been calculated for each of 31 park and recreation activities by community, by region, and on a countywide basis.

This definition applies only to "Park and recreation facility impact mitigation" regulations in chapter 30.66A SCC

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91L.080 Licensed practitioners.

"Licensed practitioners" means those persons possessing a license earned as a result of passing an examination administered by a state or national board of examiners, commission, or professional association. The term also includes necessary support staff for the above-defined individuals.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91L.085 Littoral drift.

“Littoral drift” means the transport of mud, sand or gravel materials parallel to the shoreline in the nearshore zone by waves and currents.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91L.090 Livestock auction facility.

"Livestock auction facility" means any place, establishment or facility commonly known as a public livestock market (or livestock auction market or livestock sales ring), yards selling on commission, or the like, conducted or operated for compensation or profit as a public livestock market, consisting of pens or other enclosures, and their appurtenances in which livestock is received, held, sold, kept for sale or shipment.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91L.100 Loading space.

"Loading space" means an area required to be maintained on certain business, commercial and industrial lots, in addition to regular yard requirements, used for the loading and unloading of trucks and other vehicles.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91L.108 Local register or county register.

"Local register" or "county register" means the Snohomish County Register of Historic Places created by chapter 30.32D SCC

(Added Amended Ord. 06-037, December 13, 2006, Eff date Jan. 5, 2007).

30.91L.110 Locksmith.

"Locksmith" means an establishment that makes and repairs locks and keys.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91L.120 Lot.

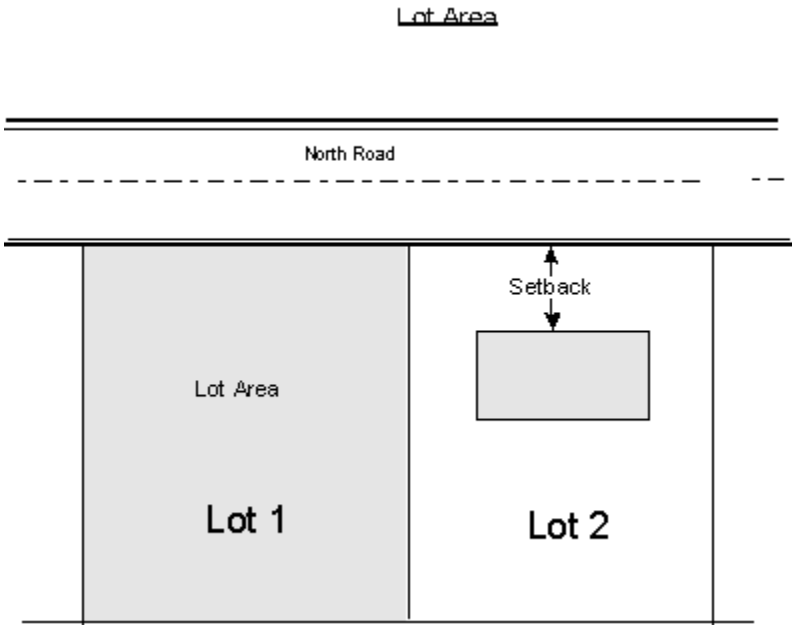
"Lot" means a tract or parcel of land created in its present configuration by subdivision, short subdivision, or large tract segregation (recorded and/or approved by the County), a segregation exempt from subdivision requirements, or transfer of ownership prior to September 12, 1972. To be considered a "lot," each tract or parcel must be of sufficient area and dimension to meet minimum zoning requirements that were in effect at the time the tract or parcel was created, and must meet the access requirements of this title. The term shall not include descriptions, divisions, parcels, easements, exceptions, or reservations created solely to describe access, road, railroad, or utility right of way purposes or drainage courses, resolve an encroachment problem, or describe survey gaps, parcels divided by non-navigable water courses, mortgage deed or other financial contract releases, and tax title parcels.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 11-058, Jan. 25, 2012, Eff date Feb. 16, 2012)

30.91L.130 Lot area.

"Lot area" means the total horizontal area within the lot lines of a lot.

Figure 30.91L.130 - Lot area

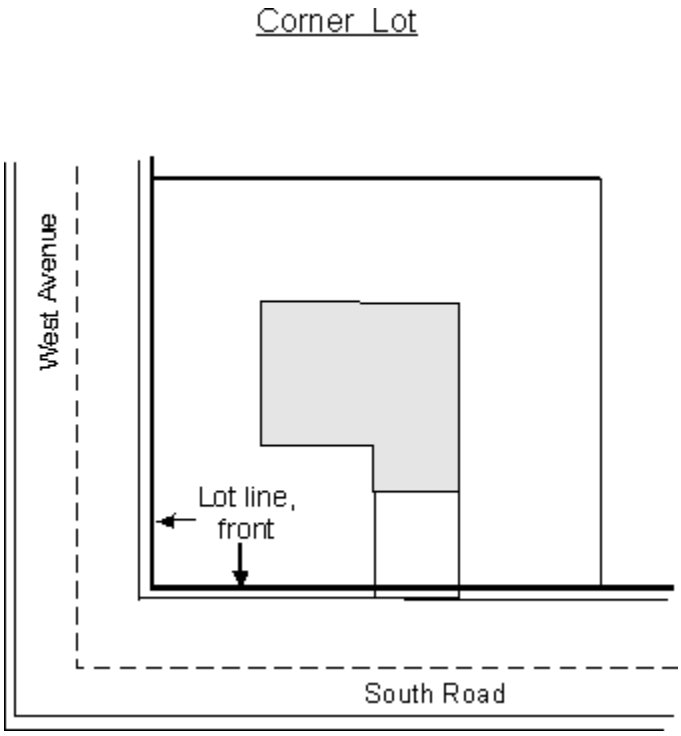


(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91L.140 Lot, corner (Corner lot).

"Lot, corner" ("Corner lot") means a lot situated at the intersection of two or more streets or roads or private roads, or bounded on two or more adjacent sides by street or road or private road lot lines. The angle of intersection of such lot lines shall not exceed 135 degrees. **(**See Figure 30.91L.140 for illustration.) Corner lots do not have rear lot lines.

Figure 30.91L.140 - Lot, corner

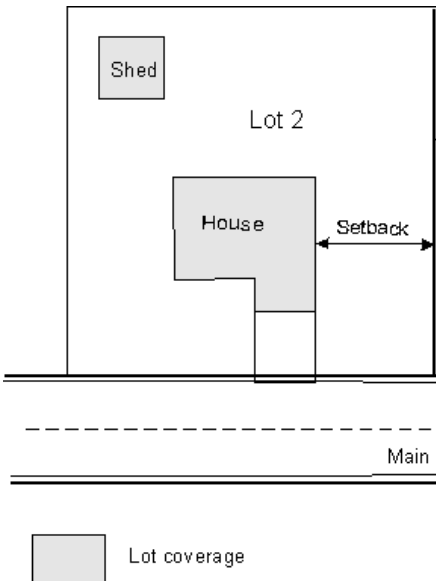


(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.91L.150 Lot coverage (Lot coverage).

"Lot coverage" means that portion of the total area of a lot that is covered by buildings. See Figure 30.91L.150 for illustration.

Figure 30.91L.150- Lot Coverage



(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.91L.160 Lot footprint.

"Lot footprint" means the fixed location of the area within the boundaries of a lot prior to any adjustment of boundary lines.

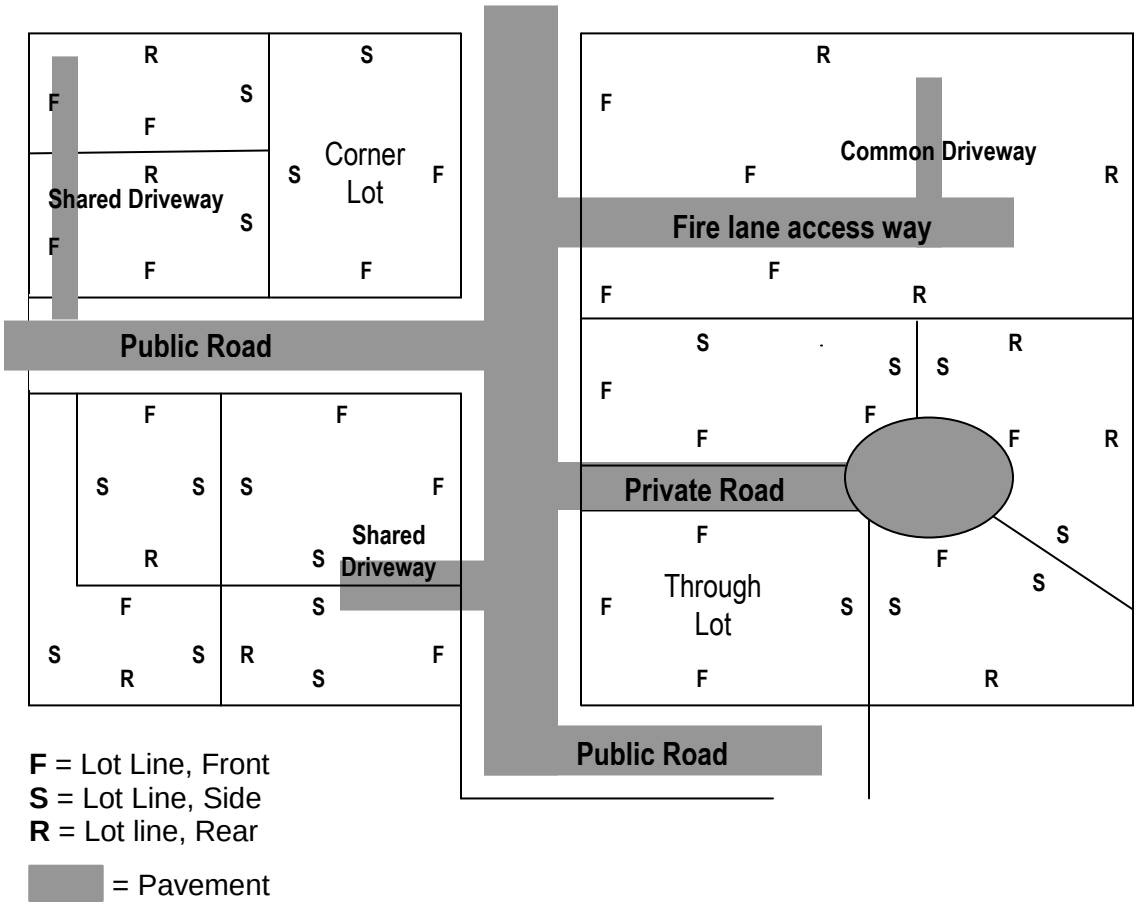
This definition applies only to "Boundary line adjustment" regulations in chapter 30.41E SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91L.170 Lot line, front (Front lot line).

"Lot line, front" ("Front lot line") means the lot line separating the lot from the street, or private road, or drive aisles, excluding alleys. Corner lots have front lot lines along each street, or private road or drive aisle. (See Figure 30.91L.170 for illustration.)

Figure 30.91L.170 – Lot Lines, Front, Rear and Side



(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009; Amended by Amended Ord. 10-072, Sept. 8, 2010, Eff date Oct. 3, 2010)

30.91L.180 Lot line, real (Rear lot line).

"Lot line, rear" ("Rear lot line") means a lot line which is opposite and most distant from the front lot line. In the case of a triangular, or gore-shaped lot, it means a line 20 feet in length within the lot parallel to and at the maximum distance from the front lot line. When a lot bordering a body of water, stream, river extends into the body of water, stream, or river beyond the ordinary high water mark, the rear lot line shall be considered to be the ordinary high water mark. (See figure 30.91L.150(A) for illustration)

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91L.190 Lot line, side (Side lot line).

"Lot line, side" ("Side lot line") means any lot line not a front or rear lot line. (See figure 30.91L.150(A) for illustration)

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91L.195 Lot, substandard (Substandard lot).

“Substandard lot” means a lot that was lawfully established and met the lot area and lot width requirements of the Snohomish County Code when it was established but does not conform to the lot area and width required to create a new lot in the zone in which it is currently located.

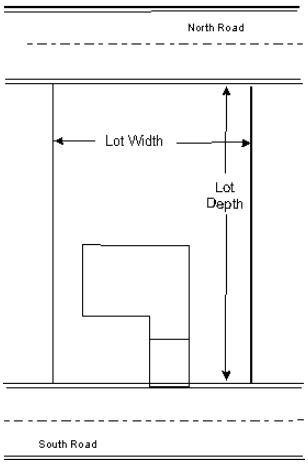
(Added by Amended Ord. 11-058, Jan. 25, 2012, Eff date Feb. 16, 2012)

30.91L.200 Lot, through (Through lot).

"Lot, through" ("Through lot") means a lot having frontage on two parallel or approximately parallel streets or private roads that do not intersect at the lot line. (See Figure 30.91L.200 for illustration.)

Figure 30.91L.200 - Through Lot

Through Lot

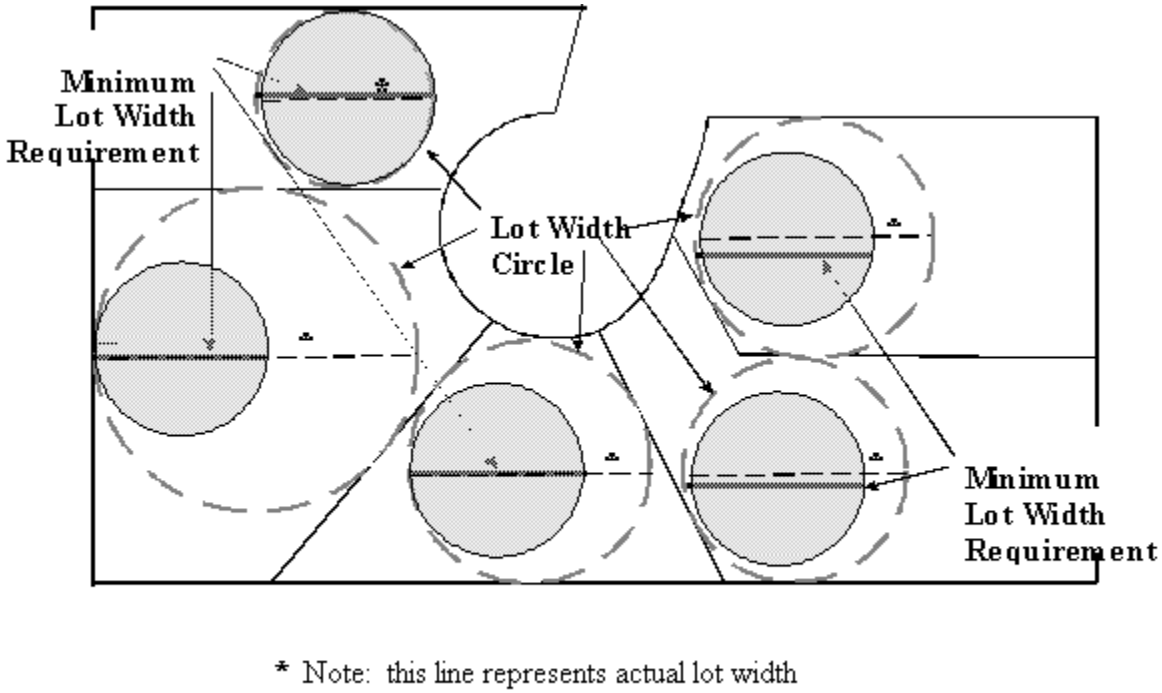


(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.91L.210 Lot width.

"Lot width" means the distance between the side lines of a lot. Lot width shall be determined by the diameter of the largest circle that can be drawn within the boundaries of a lot. The diameter of the circle must be equal to or greater than the minimum lot width requirement of the underlying zone. (See figures 30.91L.210 for illustration)

Figure 30.91L.210 - Lot Width



(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91L.215 Low impact development or “LID”.

"Low impact development" or “LID” is a stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic function.

(Added Amended Ord. 05-101, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91L.220 Lowest floor.

"Lowest floor" means the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor only when such enclosure is built consistent with the applicable non-elevation design requirements of SCC 30.65.120(2)(b).

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91L.230 Lumber yard.

"Lumber yard" means an establishment devoted to the sale of lumber, drywall, roofing, and similar building materials.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

Chapter 30.91M
"M" DEFINITIONS

30.91M.010 Maintenance.

"Maintenance" includes those usual acts to prevent or repair a decline, lapse, or cessation from a lawfully established condition and to restore a facility to a state comparable to its original condition within a reasonable period after decay or partial destruction. This does not include expansion in physical dimension, capacity or use.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.011 Maintenance.

"Maintenance" means activities conducted on currently serviceable structures, facilities and equipment that involve no expansion or use beyond that previously existing and result in no significant adverse hydrologic impact. It includes those usual activities taken to prevent a decline, lapse or cessation in the use of structures and systems. Those usual activities may include replacement of dysfunctional facilities, including cases where any permit requires replacing an existing structure with a different type structure, as long as the functioning characteristics of the original structure are not changed. Maintenance does not include an expansion in physical dimension, capacity or use.

This definition applies to chapters 30.63A, 30.63B and 30.63C SCC.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91M.012 Maintenance or repair, normal.

"Maintenance or repair, normal" of existing structures or developments, including damage by accident, fire or elements. See "Normal maintenance or repair."

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91M.020 Major transit corridor.

"Major transit corridor" means an arterial street with existing bus stops and sidewalks served by more than one bi-directional bus route with high frequency local service of at least 25 trips per day and all-day regional bus service.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.024 Manufacturing.

"Manufacturing" means to produce, assemble or create products.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.026 Manufacturing, all other forms not specifically listed.

"Manufacturing, all other forms not specifically listed" means a use which uses manufacturing workers, as described under the Dictionary of Occupational Titles, published by the US Department of Labor, to produce,

assemble or create products and which the director finds consistent with generally accepted practices and performance standards for the industrial zone where the use proposed, and which do not include any manufacturing use otherwise specifically listed.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.028 Manufacturing, heavy.

"Manufacturing, heavy" means the distillation of wood, coal, bones, or the manufacture of their by-products; manufacture of fertilizer; extraction of animal or fish fat or oil; forge, foundry, blast furnace or melting of ore; manufacturing of acid, animal black/black bone, cement or lime, chlorine, creosote, fertilizer, glue or gelatin, potash, pulp; rendering of fat, tallow and lard, rolling or blooming mills; tannery; or tar distillation and manufacturing; or similar uses unless such uses are otherwise specifically listed in SCC 30.22.100.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.028B Marina.

“Marina” means a water-dependent use that consists of a system of piers, buoys or floats to provide moorage for ten or more boats.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91M.029 Marine waters.

"Marine waters" means non-wetland salt water bodies of the state regulated under chapter 90.58 RCW where average surface water salinity is equal to or greater than 0.5 parts per thousand (ppt).

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91M.030 Master development plan.

"Master development plan" means a plan used to define land uses on county-owned property that has been adopted by the county council after a public review process. A master development plan must define exterior property ownership boundaries and areas for existing and proposed development by land use categories. Examples of a master development plan include the "Paine Field Master Development Plan" and "A Master Plan Update-Evergreen State Fair."

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.060 MDNS (Mitigated DNS).

"MDNS" ("Mitigated DNS") means a DNS that includes mitigation measures. See WAC 197-11-76.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.070 Medical clinic.

"Medical clinic" means a building designed for the licensed medical, osteopathic, dental, psychiatric, or chiropractic services for the treatment of outpatients only.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.080 Metal working shop.

"Metal working shop" means a small-scale commercial establishment that sells metal articles produced by skilled manual work on the premises. This term shall include establishments that produce knives, horseshoes, hand tools and similar metal articles. The term shall not include welding shops, fabrication shops, forge and foundry uses, and general manufacturing uses.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.090 Mine hazard areas.

"Mine hazard areas" means areas underlain by or affected by underground mine workings such as tunnels, air shafts and those areas adjacent to steep slopes produced by open pit mining or quarrying, but excluding any areas where the mine workings have been properly stabilized and closed and made safe consistent with all applicable federal, state and local laws.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.095 Mineral operations.

"Mineral operations" shall mean activities related to mining including but not limited to extraction, excavation, washing, crushing, stock piling, blasting, processing, transporting and recycling of minerals.

(Added Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.91M.100 Mineral resource land, designated (Designated mineral resource land).

"Mineral resource land, designated" ("Designated mineral resource land") means any land designated with the Mineral Resource Overlay (MRO) by the GMA comprehensive plan.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Ord. 07-090, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.91M.110 Mini self-storage.

"Mini self-storage" means a building or portion thereof segregated into small storage cubicles used exclusively for the dead storage of excess property. Such term shall not include the conduct of business activities other than rental of storage units of the premises nor outside storage of property. Cubicle rental documents shall be required and shall set forth use restrictions imposed by governmental laws and ordinances.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.120 Mitigation.

"Mitigation" means:

(1) Avoiding the impact altogether by not taking a certain action or parts of an action;

(2) Minimizing impact by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(3) Rectifying the impact by repairing, rehabilitating or restoring the affected environment;

(4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(5) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; or

(6) Monitoring the impact and taking appropriate corrective measures.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.130 Mitigation requirement or impact mitigation requirement.

"Mitigation requirement" or "impact mitigation requirement" means the adjusted facility requirement cost calculated for a subdivision or development, adjusted for the park and recreation level of service, minus any credit given for facility improvement or land dedication.

This definition applies only to "Park and recreation impact mitigation" regulations in chapter 30.66A SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.135 Mixed use.

"Mixed Use" means residential and non-residential uses located within the same building.

This definition applies only to SCC 30.34A.030.
(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.91M.140 Mobile home.

"Mobile home" means a single family dwelling constructed in accordance with the requirements prescribed under RCW 43.22.340, as amended, or Federal Department of Housing and Urban Development standards, promulgated under the National Mobile Home Construction and Safety Standards Act of 1974, as amended, and all rules and regulations promulgated thereto or, if constructed prior to July 1, 1968, meets the requirements of chapter 30.54A SCC, and which is designed for transportation after fabrication on public streets and highways on its own chassis and wheels, and which, when erected on site, is designed to be permanently connected to required utilities.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.150 Mobile home.

"Mobile home" means a manufactured home that is a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on

site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained within it. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. This term includes all structures which meet the above requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to 24 C.F.R. § 3282.13 and complies with the standards set forth in 24 C.F.R. § 3280.

This definition applies only to the building code in chapter 30.52A SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.91M.160 Mobile home park.

"Mobile home park" means land under single ownership or control designed for the temporary or permanent parking of three or more mobile homes used for human habitation where the minimum lot area for each mobile home site is less than the requirements of this title for a single family home and/or where an individual septic tank is not provided for each mobile home. "Mobile home park" also includes a contiguous parcel of ground under single ownership or control where the density of mobile homes is over three per acre. "Mobile home park" also includes manufactured home parks. “Mobile home park” does not include land designed for the display or sale of mobile homes.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 09-096, Oct. 14, 2009, Eff date Nov. 9, 2009)

30.91M.165 Mobile home park.

"Mobile home park" means land under single ownership or control designed for the temporary or permanent parking of two or more mobile homes used for human habitation where the minimum lot area for each mobile home site is less than the requirements of this title for a single family home and/or where an individual septic tank is not provided for each mobile home. "Mobile home park" also includes a contiguous parcel of ground under single ownership or control where the density of mobile homes is over three per acre. "Mobile home park" does not include land designed for the display or sale of mobile homes.
This definition applies only to the "Flood hazard" regulations in chapters 30.43C, 30.43D, and 30.65 SCC.

(Added Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005)

30.91M.170 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.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.180 Model home.

"Model home" means a dwelling permitted in an approved preliminary plat prior to final plat recording in accordance with chapter 30.41A SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.190 Model house/sales office.

"Model house/sales office" means a house in a residential development which is used as a display or office in order to sell other houses in the development.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.195 Mooring buoy.

“Mooring buoy” means a floating object anchored to the bottom of a water body to which vessels may be tied.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91M.200 Motel.

"Motel" means a hotel designed for motorists, typically having rooms adjacent to an outside parking area.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91M.203 Motocross racetrack.

"Motocross racetrack" means the entire area of a parcel of land and approved perimeter buffer areas posted or designated for use in accordance with applicable county code. A motocross racetrack use is a permitted and managed racetrack for commercial use that accommodates motorcycles, or off-road vehicles and serves more than an immediate family living on the site. A motocross racetrack use may include parking (including RV parking), information kiosks, loading/unloading ramps, viewing areas, campgrounds, picnic areas and shelters, refuse collection areas, restroom facilities, signage, lighting, caretaker or manager’s house, administrative/concession structures that do not exceed 900 square feet, maintenance storage areas, and incidental accessory features such as fencing, phone booths, water fountains, portable sanitation facilities, and admission/ticket booths.

(Added Amended Ord. 06-137, December 13, 2006, Eff date Jan. 1, 2007)

30.91M.205 Motocross competitive event.

“Motocross competitive event" means any competition at a motocross racetrack, advertised in advance through written notice to organized clubs and associations, or published in local newspapers, sponsored by recognized clubs or associations, and conducted at a pre-determined time and place.

(Added Amended Ord. 06-137, December 13, 2006, Eff date Jan. 1, 2007)

30.91M.225 Municipal separate storm sewer system.

“Municipal separate storm sewer system” means all separate storm sewers that are defined as “large,” “medium” or “small” municipal separate storm sewer systems pursuant to 40 CFR § 122.26(b)(18).

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

Chapter 30.91N
"N" DEFINITIONS

30.91N.010 Native growth protection area (NGPA).

"Native growth protection area (NGPA)" means an area which is to be left permanently undisturbed in a substantially natural state and in which no clearing, grading, filling, building construction or placement, or road construction of any kind is allowed except the following:

(1) Crossings for underground utility lines and drainage discharge swales which utilize the shortest alignment possible and for which no alignment that would avoid such a crossing is feasible;
(2) Removal of hazardous trees by the property owner;
(3) Fences, only if the critical area and its buffer are not detrimentally affected;
(4) Other uses and development activity as allowed; and
(5) In rural cluster subdivisions approved pursuant to chapter 30.41C SCC, buffer plantings as required by SCC 30.41C.075 and passive recreational uses limited to nonmotorized trails, exercise pathways, and wildlife viewing areas.

For critical areas, this definition applies only to critical areas designated under the critical area regulations before adoption of the 2007 Critical Areas Regulations Update in chapters 30.62A, 30.62B and 30.62C. See "Critical area protection areas."

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91N.011 Native vegetation

“Native vegetation” means plants which are indigenous to the Puget Sound region, not including noxious weeds, introduced species or exotic plants.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91N.012 Native vegetation.

“Native vegetation” means vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. Examples include, but are not limited to, trees such as douglas fir, western hemlock, western red cedar, alder, big leaf maple and vine maple, shrubs such as willow, elderberry, salmonberry and salal, and herbaceous plants such as sword ferns, foam flower and fireweed.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91N.013 Native Vegetation Retention Area" (NVRA).

"Native Vegetation Retention Area" (NVRA) means an encumbered portion of a site protecting existing trees and vegetation used to satisfy landscape screening requirements on a project. The NVRA may not extend property lines unless the adjoining property is included within the boundaries of the initial permit.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.91N.020 Natural resource area.

"Natural resource area" means that portion of natural resource lands designated local commercial farmland, upland commercial farmland, riverway commercial farmland, local forest, commercial forest and commercial forest--forest transition area pursuant to the comprehensive plan General Policy Plan.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91N.030 Natural resource lands.

"Natural resource lands" means lands useful for agriculture, forestry or mineral extraction or lands which have long-term commercial significance for these land uses.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91N.035 Net density.

"Net density" means the density of residential development excluding roads, critical areas and required buffers, drainage detention/retention areas, biofiltration swales, and areas required for public use.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91N.040 New construction.

"New construction" means structures for which the start of construction commenced on or after March 15, 1984.

This definition applies only to "Flood hazard" regulations in chapters 30.43C, 30.43D, and 30.65 SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91N.044 New development.

“New development” means the following land disturbing activities: Class IV - general forest practices; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivisions, short subdivisions, residential condomuniums, single-family detached units (SFDU), residential condominiums, planned residential developments (PRD) and binding site plans. Projects meeting the definition of redevelopment shall not be considered new development.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91N.050 Nonconforming structure.

"Nonconforming structure" means a structure which was lawful when established which does not now conform to the setback, height, lot coverage, or open space requirements of the zone in which it is located.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91N.060 Nonconforming structure.

"Nonconforming structure" means a structure which was lawful when established which does not now conform to the elevation and/or flood-proofing requirements of chapters 30.43C, 30.43D, and 30.65 SCC.

This definition applies only to "Flood hazard" regulations in chapters 30.43C, 30.43D, and 30.65 SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91N.070 Nonconforming use.

"Nonconforming use" means a use of land or a structure which was lawful when established and which does not now conform to the use regulations of the zone in which it is located.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91N.080 Nonconforming use.

"Nonconforming use" means a use of land or a structure which was lawful when established and which does not now conform to the use regulations of the floodway, floodway fringe, and density fringe areas.

This definition applies only to "Flood hazard" regulations in chapters 30.43C, 30.43D, and 30.65 SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91N.090 Nonprofit housing organization.

"Nonprofit housing organization" means a not-for-profit corporation registered as such with the secretary of state for the state of Washington which has been determined by the Internal Revenue Service as meeting the section 501(c)(3) requirements of the Internal Revenue Code and which is not controlled by a for-profit entity and which has a demonstrated record of housing development experience.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91N.092 Non-riparian.

"Non-riparian" means areas that are not within the riparian area of a stream, lake or marine water.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91M.095 Normal maintenance or repair.

"Normal maintenance or repair" of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects the environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location, and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

This definition applies only to "Shorelines" regulations in chapters 30.44 and 30.67 SCC and "Critical areas" regulations in chapters 30.62A, 30.62B and 30.62C SCC.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91N.097 Normal protective bulkhead.

"Normal protective bulkhead" means a bulkhead, of a scope or scale common to single family residences, constructed at or near the ordinary high water mark, the sole purpose of which is to protect an existing single family residence from damage due to erosion caused by waves or current action, and not for the purpose of creating new land.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91N.100 Nuisance.

"Nuisance" is defined as unlawfully doing an act or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, or offends decency; unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or which in any way renders other persons insecure in life or in the use of property.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91N.102 Nuisance odor.

"Nuisance odor" means detectable smells perceived by persons so as to interfere with the comfortable enjoyment of life or property.
This definition applies only to "Odor prevention" regulations in chapter 30.28 SCC.

(Added Amended Ord. 06-074, November 8, 2006, Eff date November 26, 2006)

30.91N.110 Nuisance, public (Public nuisance).

"Nuisance, public" ("Public nuisance") a nuisance which affects equally the rights of an entire community or neighborhood, although the extent of the damage may be unequal.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91N.120 Nursery.

"Nursery" means an area where trees, shrubs or plants are grown for transplanting, for use as stocks for budding and grafting, or for sale.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

Chapter 30.91O
"O" DEFINITIONS

30.91O.005 Off-road vehicle (ORV) use area, private.

"Off-road vehicle (ORV) use area, private" means the entire area of a parcel of land and approved buffer areas posted or designated for use in accordance with rules adopted by a managing authority. ORV use areas are planned, permitted and managed specialized recreational areas that serve more than an immediate family living on the site. An ORV use area may include trailheads, parking, information kiosks, loading/unloading ramps, dispersed trail system, trail courses, campgrounds, picnic areas and shelters, refuse collection areas, restroom facilities, signage, lighting, caretaker or managers house, administrative/concession structures that do not exceed 900 square feet, maintenance storage areas, and incidental accessory features such as fencing, phone booths and water fountains.

(Added Amended Ord. 05-146, Jan. 18, 2006, Eff date Feb. 12, 2006)

30.91O.006 Off-road vehicle trail.

"Off-road vehicle trail" means a corridor designated and maintained for recreational travel by off-road vehicles. Such trails are not normally suitable for travel by conventional two-wheel drive vehicles and are posted or designated by the managing authority of the property to permit ORV travel.

(Added Amended Ord. 05-146, Jan. 18, 2006, Eff date Feb. 12, 2006)

30.91O.007 Off-road vehicle.

"Off-road vehicle" means any self-propelled motor driven vehicle not used primarily for transporting persons or property upon public highways not required to be licensed under RCW 46.16.010. “Off-road vehicle” shall not include special construction vehicles. Such vehicles generally include, but are not limited to any motorized vehicle used for recreational travel on trails and non-highway roads or for recreation cross-country travel including two, three, or four-wheel vehicles, motorcycles, four-wheel drive vehicles, and dune buggies. Snowmobiles shall not be included in this definition.

(Added Amended Ord. 05-146, Jan. 18, 2006, Eff date Feb. 12, 2006)

30.91O.010 Offsite road improvement.

"Offsite road improvement" means improvement, except a frontage improvement, to an existing or proposed county road outside the boundaries of a development, which improvement is required or recommended in accordance with this title.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91O.020 Ordinance.

"Ordinance" means the ordinance, resolution, or other procedure used by the county to adopt regulatory requirements.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91O.030 Ordinary highwater mark.

"Ordinary highwater mark" on all lakes, streams and tidal waters is the mark that will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, with respect to vegetation. The following criteria clarify this mark on tidal waters, lakes, and streams:

(1) Tidal waters.

(a) in high energy environments where the action of waves or currents is sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the line of vegetation. Where there is no vegetative cover for less than one hundred feet parallel to the shoreline, the ordinary high water mark is the average tidal elevation of the adjacent lines of vegetation. Where the ordinary high water mark cannot be found, it is the elevation of mean higher high tide.

(b) in low energy saltwater environments where the action of waves and currents is not sufficient to prevent vegetation establishment below mean higher high tide, the ordinary high water mark is coincident with the landward limit of hydrophytic salt tolerant vegetation. "Salt tolerant vegetation" means vegetation which is tolerant of interstitial soil salinities greater than or equal to 0.5 parts per thousand (ppt);

(c) In low energy freshwater environments where the action of the water is not sufficient to prevent vegetation establishment below the mean higher high tide, use the mean higher high tide elevation or one or more the following indicators: landward limits of drift logs or other drift deposits, presence of hydrophytic plants, presence of hydric soils, soil surface changes from algae, or sediment deposition areas to areas where the soils show no sign of depositional processes from water;

(2) Lakes. Where the ordinary high water mark cannot be found, it shall be the line of mean high water;

(3) Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91O.035 Ordinary repair and maintenance.

"Ordinary repair and maintenance" means work for which a permit issued by Snohomish County is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, the real property or structure appurtenances and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay, or damage.

This definition applies only to "Historic preservation" regulations in chapter 30.32D SCC.

(Added Amended Ord. 06-037, December 13, 2006, Eff date Jan. 1, 2007)

30.91O.040 Ordinary residential improvements.

"Ordinary residential improvements" means those structures and facilities which are commonly found with, and are incidental to the development and use of a single-family residence including, but not limited to, garages, decks, driveways and serving utility systems.

This definition applies only to "Critical areas" regulations in chapters 30.62A, 30.62B and 30.62C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91O.050 Organized competitive event.

"Organized competitive event" means any off-road vehicle competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a pre-determined time and place. No organized competitive event shall require conversion of forest land for the purpose of spectator seating.

(Added Amended Ord. 05-146, Jan. 18, 2006, Eff date Feb. 12, 2006)

Chapter 30.91P
"P" DEFINITIONS

30.91P.010 Park-and-pool lot (Park-and-pool lot).

"Park-and-pool lot" ("Park-and-pool lot") means a parking area comprised of 50 or fewer leased parking spaces located in an existing parking lot serving an existing land use(s) utilized by individuals to access carpools, vanpools, or nearby public transit. A park-and-pool lot may include electric vehicle infrastructure. Buses do not enter, or traverse, park-and-pool lots.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011)

30.91P.020 Park and recreation demand.

"Park and recreation demand" is the projected demand by a subdivision's or development's population for each activity based on the activity frequency, activity participation rate and park and recreation ratio.

This definition applies only to "Park and recreation facility impact mitigation" regulations in chapter 30.66A SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.030 Park and recreation facility.

"Park and recreation facility" is a physical improvement and/or structure used for park and recreation activities, as described in the comprehensive park and recreation plan.

This definition applies only to "Park and recreation facility impact mitigation" regulations in chapter 30.66A SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.040 Park and recreation ratio.

"Park and recreation ratio" is the demand for each activity during a week of that activity's peak season divided by the demand for the activity for the whole year, as stated in the comprehensive park and recreation plan.

This definition applies only to "Park and recreation facility impact mitigation" regulations in chapter 30.66A SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.050 Park-and-ride lot.

"Park-and-ride lot" means a designated parking facility specifically intended for use by public transportation and ridesharing patrons. A park-and-ride lot may include electric vehicle infrastructure.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011)

30.91P.060 Parking, off-street (Off-street parking).

"Parking, off-street" ("Off-street parking") means parking areas within the boundaries of a lot as required by SCC 30.26.065.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.91P.070 Parking space.

"Parking space" means a space within or without a building, exclusive of driveways, used to temporarily park a motor vehicle.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.080 Park land.

"Park land" means a natural or landscaped area with a defined property boundary, designated for, but not limited to, passive recreation, play field facilities, and other recreation activities and facilities.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.090 Park, private (Private park).

"Park, private" ("Private park") means land maintained for purposes of pleasure, exercise, amusement, or ornament, being open to a limited group or only to paying visitors for the profit of a private owner.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.100 Park, public (Public park) .

"Park, public" ("Public park") means land maintained for purposes of pleasure, exercise, amusement or ornament, being owned by and open to the public.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.110 Party of record.

"Party of record" means the following persons in an application or appeal:

(1) The applicant and any appellant;

(2) Any person who submitted written comments to the department prior to a Type 1 decision or Type 2 recommendation;

(3) Any person, county department and/or public agency who individually submitted written comments or testified at the open record hearing (excluding persons who have only signed petitions or mechanically produced form letters); and

(4) Any person, county departments and/or public agency who specifically request notice of decision by entering their name and mailing address on a register provided for such purpose at the open record hearing.

A party of record does not include a person who has only signed a petition or mechanically produced form letters. A party of record to an application/appeal shall remain such through subsequent county proceedings involving the same application/appeal. The county may cease mailing material to any party of record whose mail is returned by the postal service as undeliverable.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.115 Passenger car equivalents.

"Passenger car equivalents" is a measure of the operational or structural impact on the road system of a specified type and size of heavy vehicle expressed in terms of the number of standard passenger cars that would create the same impact as the specified heavy vehicle. For example, a large truck determined to be four passenger car equivalents, would be expected to cause the same impacts on the level of service of the road system as four standard passenger cars.

(Added Amended Ord. 05-083, December 21, 2005, Eff date Feb. 1, 2006)

30.91P.120 Peak discharge.

"Peak discharge" means the maximum instantaneous rate of storm water runoff in cubic feet per second (cfs) or cubic meters per second (cms) determined for the design storm.

This definition applies only to "Drainage" regulations in chapter 30.63A SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.125 Pedestrian access.

"Pedestrian access" means an access way for bicyclists and pedestrians between two streets, lots, drive aisles, dwelling units, etc. It may be a sidewalk, walkway or shared path connected with a vehicle access way, or it may be a self-contained facility created solely for pedestrians and bicyclists.

(Added Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007)

30.91P.127 Pedestrian facility.

"Pedestrian facility" means infrastructure and equipment to accommodate or encourage walking, including sidewalks, curb ramps, traffic control devices, trails, walkways, crosswalks, paved shoulders, and other design features intended to provide for pedestrian travel.

(Added Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007)

30.91P.130 Permanent facilities.

"Permanent facilities" means structures with a fixed foundation owned by a school district.

This definition applies only to "School impact fees and mitigation" in chapter 30.66C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.140 Permit.

"Permit" means any required certificate, approval, registration, license or other written permission to engage in an activity authorized by this title.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.150 Permit, building (Building permit).

"Permit, building" (“Building permit") means a permit or approval issued under authority of the International Building Code and International Residential Code as adopted in subtitle 30.5 SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 07-084, Sept. 5, 2007, Eff date Sept. 21, 2007)

30.91P.160 Person.

"Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit, or an agent or representative thereof.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.170 Person Responsible or responsible person.

"Person Responsible" or "responsible person" means:

(1) the owner, lessor, tenant, or other entity or person entitled to control, use or occupy property;

(2) the entity or person who commits any act or omission or causes or permits a condition on the property that constitutes a violation under chapter 30.85 SCC; or

(3) any entity or person who is responsible for compliance with applicable codes.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 08-062, Oct. 1, 2008, Eff date Nov. 1, 2008)

30.91P.180 Personal service shops.

"Personal service shops" means a facility used for administering personal services including beauty shops, barber shops, tanning salons, tailoring, shoe repairing and other similar uses, excluding uses such as massage parlors, body painting studios and other uses specified in chapter 30.22 SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.185 Personal wireless telecommunication services.

"Personal wireless telecommunication services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in 47 U.S.C. 332(c)(7)(C) and as they may be amended.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.91P.186 Personal wireless telecommunications services facilities.

"Personal wireless telecommunications services facilities" means facilities for the provision of personal wireless telecommunications services defined in 47 U.S.C. 332 (c)(7)(C) and as they may be amended.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.91P.190 Pet shop.

"Pet shop" means any establishment that acquires animals for the purpose of resale to the public.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.200 Phasing plan.

"Phasing plan" means a plan and schedule which provides for incremental installation of public and private improvements for individual lots or portions of a site in lieu of simultaneous installation of all improvements required for entire site development. A phasing plan may consist of a written schedule of such plan, a drawing illustrating such plan, or a combination of written schedule and drawing.

This definition only applies to "Binding site plan" regulations in chapter 30.41D SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.210 Planned residential development (PRD).

"Planned residential development (PRD)" means a design technique or development type which allows a land area to be planned and developed as a single entity containing one or more residential clusters or complexes which can include a wide range of compatible housing types. Appropriate small scale commercial, public or quasi-public uses may be included if such uses are primarily for the benefit of the residential development and the surrounding community. A residential density bonus is allowed in exchange for dedication of a minimum amount of passive and active open space for the use and enjoyment of the development's residents.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.220 Plat, final (Final plat) .

"Plat, final" ("Final plat") means an accurate drawing of an approved preliminary plat prepared on material suitable for recording with the auditor, and showing all elements required by this title.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.230 Plat, final short (Final short plat) .

"Plat, final short" ("Final short plat") is the map or representation of a short subdivision showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions prepared on material suitable for recording with the auditor and showing all elements required by this title.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.240 Plat, preliminary (Preliminary plat).

"Plat, preliminary" ("Preliminary plat") means a neat and approximate drawing showing the layout of a proposed subdivision containing all elements required by this title, together with any supporting exhibits which shall furnish a basis for the preliminary approval or disapproval of the proposal.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.245 Playing fields.

"Playing fields" means any grass playing field on designated recreational land and used for team sports such as baseball, soccer, softball, rugby, lacrosse, paintball, and football.

This definition applies only to "Playing fields" regulations in chapter 30.33B SCC

(Added Amended Ord. 06-004, March 15, 2006, Eff date April 4, 2006)

30.91P.250 Political sign.

"Political sign" means any sign advocating a position or the candidacy of any person for public office or on any public issue subject to a vote in the next election.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.255 Porch.

"Porch" means an area with a roof that runs along any side of a house, partly enclosed with railings or low walls or fully enclosed with screens.

(Added Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.91P.256 Pollution-generating impervious surface or PGIS.

“Pollution-generating impervious surface” or “PGIS” means those impervious surfaces considered to be a significant source of pollutants in stormwater runoff. Such surfaces include those which are regularly subject to: vehicular use, industrial activities, or storage of erodible or leachable materials, wastes, or chemicals, and which receive direct rainfall or the run-on or blow-in of rainfall. Erodible or leachable materials, wastes, or chemicals are those substances which, when exposed to rainfall, measurably alter the physical or chemical characteristics of the rainfall runoff and are PGIS.

Examples include, but are not limited to, erodible soils that are stockpiled, uncovered process wastes, manure, fertilizers, oily substances, ashes, kiln dust, and garbage dumpster leakage. Metal roofs are also considered PGIS unless they are coated with an inert, non-leachable material such as baked-on enamel coating.
The following surfaces are considered regularly-used by motor vehicles: Roads, unvegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways, parking lots, unfenced fire lanes, vehicular equipment storage yards, and airport runways. A surface, whether paved or not, shall be considered subject to vehicular use if it is regularly used by motor vehicles.

The following surfaces are not considered to be regularly-used surfaces by motor vehicles: Paved bicycle pathways separated from and not subject to drainage from roads for motor vehicles, fenced fire lanes, and infrequently used maintenance access roads.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91P.257 Pollution-generating pervious surfaces or PGPS.

“Pollution-generating pervious surfaces” or “PGPS” means any non-impervious surface subject to use of pesticides and fertilizers or loss of soil. Typical PGPS include lawns, landscaped areas, golf courses, parks, cemeteries and sports fields.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91P.258 Pre-developed condition.

“Pre-developed condition” means a fully-forested condition (soils and vegetation) to which a Washington State Department of Ecology-approved continuous runoff hydrologic model is calibrated, unless reasonable, historic information is provided that indicates the site was prairie prior to Euro-American settlement.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91P.260 Premises.

"Premises" means a lot with or without buildings.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.270 Preschool.

"Preschool" means a facility for the organized instruction of children who have not reached the age for enrollment in kindergarten.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.280 Previously approved site plan.

"Previously approved site plan" means a site plan which has previously been approved by the department, hearing examiner, or council for the development of the site. A previously approved site plan shall include without limitation a site plan approved in connection with a rezone or PRD, conditional use or special use permit, or the issuance of a building permit or final certificate of occupancy for the site.

This definition applies only to "Binding site plan" regulations in 30.41D SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.290 Primary association area.

"Primary association area" means the area necessary for the viability and protection of any critical species, including its habitat and surrounding areas needed for protection of the habitat. Primary association areas include habitat areas that are known to contain a critical species, or where evidence from the best available science indicates that a critical species is using a habitat area. Primary association areas include but are not

limited to areas for breeding, feeding, cover and migration. The size of the primary association area is species and population dependent and based on the known habitat requirements of the species.

This definition applies only to "Wetlands and fish and wildlife habitat" regulations in chapter 30.62A SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91P.291 Primary shoreline use.

“Primary shoreline use” means the predominant use of a site that is both an allowed use within the shoreline environment designation and allowed pursuant to the zoning regulations.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91P.292 Primary structure.

"Primary structure" means any permanent building, road, bridge or utility requiring a permit or approval which is necessary to support the primary use of a site. Primary use means the predominate use of any lot or development as determined by county zoning regulations.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91P.300 Prime farmland.

"Prime farmland" means that land classified by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) as prime farmland.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.310 Print shop.

"Print shop" means an establishment employing 25 or fewer persons which provides custom printing services to the public. The term may include publishing of books, magazines, periodicals or newspapers.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.320 Printing plant.

"Printing plant" means an establishment employing more than 25 persons which is engaged in the publishing of books, magazines, periodicals, or newspapers, and may include the provision of custom printing services to the public.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.322 Professional archaeologist.

"Professional archaeologist" means "a person who has met the educational, training, and experience requirements of the society of professional archaeologists." (RCW 27.53.030(8)).

(Added Amended Ord. 06-037, December 13, 2006, Eff date Jan. 5, 2007)

30.91P.330 Professional inspection.

"Professional inspection" means the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

This definition applies only to chapters 30.63A, 30.63B and 30.63C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91P.340 Program.

"Program" means the urban centers demonstration program.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.350 Project permit or project permit application.

"Project permit" or "project permit application" means any land use or environmental permit, approval or license required from a local government for a project action, including but not limited to building permits, subdivisions, binding site plans, planned residential developments, conditional uses, administrative conditional uses, variances, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations. Project permits or project permit applications shall not include:

(1) Right of way transactions subject to the procedures contained in Title 13 SCC; and

(2) Minor administrative approvals granted by the department that:

(a) Are associated with a primary project permit for which land use and environmental analysis has been conducted; for example, such minor approvals as, but not limited to: mechanical permits, electrical permits, plumbing permits, certificates of occupancy, landscape plan approval, clearing plan approval and similar approvals; or

(b) Pertain to the maintenance of existing structures and facilities where land use is not affected; for example, such minor approvals as, but not limited to: reproofing approvals, tenant improvements and similar approvals.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.352 Project proponent.

"Project proponent" means an individual, person, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit, or an agent or representative thereof proposing a development activity or project permit.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91P.354 Project site.

“Project site” means that portion of a property, properties, or right-of-way subject to land disturbing activities, new impervious surfaces or replaced impervious surfaces.

This definition applies only to chapters 30.63A, 30.63B and 30.63C SCC.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91P.360 Public accommodation.

"Public accommodation" means a facility operated by a public or private entity, whose operations affect commerce and fall within at least one of the following categories:

(1) An inn, hotel, motel, or other place of lodging; excluding an establishment that contains not more than five rooms for rent or hire located within a building that is actually occupied by the establishment proprietor as his/her residence;

(2) A restaurant, bar, or other establishing serving food or drink;

(3) A motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;

(4) An auditorium, convention center, lecture hall or other place of public gathering;

(5) A bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;

(6) A laundromat, drycleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;

(7) A terminal, depot, or other station used specifically for public transportation;

(8) A museum, library, gallery, or other place of public display or collection;

(9) A park, zoo, amusement park, or other place of recreation;

(10) A public or private nursery, preschool, elementary, secondary, undergraduate, or postgraduate school, or other place of education;

(11) A day care, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment;

(12) A gymnasium, health space, bowling alley, golf course, or other place of exercise or recreation; or

(13) Multi-family buildings containing four or more dwelling units.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.370 Public facility.

"Public facility" means any facility proposed for construction by any unit of government.

This definition applies only to "Sewer connection" regulations in chapter 30.33A SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.380 Public facilities.

"Public facilities" means public facilities as defined in RCW 36.70A.030.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.390 Public facilities necessary to support development.

"Public facilities necessary to support development" means those public facilities identified in an UGA plan's capital facility element as necessary to support an intensification of land use at the parcel or tract level.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.395 Public realm.

"Public realm" means those areas of an urban center (whether publicly or privately owned) to which the public has access for informal recreation activities such as walking, sitting, games and observing wildlife. Examples include parks, public squares or plazas, children's play areas, trails and other publicly accessible open spaces. The public realm does not include streets, sidewalks, rights-of-ways, parking areas, or structures.

(Added Amended Ord. 05-087, December 21, 2005, Eff date Feb. 1, 2006)

30.91P.400 Public regional storm water management facility (public regional facility).

"Public regional storm water management facility (public regional facility)" means a retention or detention facility serving more than one site and constructed or owned by a public agency.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91P.410 Public water system.

"Public water system" means any system or water supply intended to be used for human consumption or other domestic uses, including, but not limited to sources, treatment, storage, transmission and distribution facilities where water is furnished to any community, collection or number of individuals, or is made available to the public for human consumption or domestic use, excluding water systems serving a single family residence, water systems existing prior to September 21, 1977 which are owner operated and serve less than ten single family residences, and water systems serving no more than one industrial plant.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

Chapter 30.91Q
"Q" DEFINITIONS

30.91Q.010 Qualified landscape designer.

"Qualified landscape designer" means a person who possesses a degree from an accredited institute of higher learning in one of the following fields or who has completed apprenticeship requirements or obtained professional certification in one of the following fields: landscape architecture, horticulture, floriculture, arboriculture, botany, wetland science, urban forestry or a similar field.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

Chapter 30.91R
"R" DEFINITIONS

30.91R.010 Racetrack.

"Racetrack" means a facility for competitive events involving animals and/or vehicles.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.020 Rational method.

"Rational method" means the method of computing storm drainage flow rates (Q) by use of the formula Q = CIA, in which C is a coefficient describing the storm water runoff characteristics of the site, I is the rainfall intensity, and A is the catchment area tributary to the point being studied.

This definition applies only to "Drainage" regulations in chapter 30.63A SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.025 Receiving area.

"Receiving area" means an area that has been zoned as a TDR receiving area pursuant to chapter 30.35A SCC and is eligible to receive certified development rights from TDR sending sites.

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005)

30.91R.027 Receiving site.

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

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005)

30.91R.027.1 Receiving waters.

“Receiving waters” means bodies of water or surface water systems to which surface stormwater runoff is discharged via a point source or via sheet flow.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91R.028 Reclaimed water.

"Reclaimed water" means effluent derived in any part from sewage from a wastewater treatment system that has been adequately and reliably treated, so that as a result of that treatment, it is suitable for beneficial use or a controlled use that would not otherwise occur, and it is no longer considered wastewater.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91R.030 Record of survey.

"Record of survey" means a survey prepared in compliance with provisions of chapter 58.09 RCW, chapter 332-130 WAC, and chapter 30.41D SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.035 Recreational land.

"Recreational land" refers to a land use designation on the future land use map of the county's GMA comprehensive plan and means land so designated under RCW 36.70A.170 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Designated recreational land must have playing fields and supporting facilities existing before July 1, 2004, and may be used only for athletic or related activities, playing fields, and supporting facilities for sports played on grass playing fields or for agricultural uses.

(Added Amended Ord. 06-004, March 15, 2006, Eff date April 4, 2006)

30.91R.040 Recreational vehicle.

"Recreational vehicle" means a vehicle which is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping travel, or seasonal use.

This definition applies only to "Flood hazard" regulations in chapters 30.43C, 30.43D, and 30.65 SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.050 Recreational vehicle (RV).

"Recreational vehicle (RV)" means a travel trailer, motor home, truck camper, or camping trailer that is permanently designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, and is not immobilized or permanently affixed to a mobile home lot.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.060 Recreational vehicle (RV) park.

"Recreational vehicle (RV) park" means land under single ownership or control designed and improved to accommodate the temporary parking of two or more recreational vehicles. The term shall include campgrounds when designed to accommodate recreational vehicles, but does not include land zoned and used for the storage, display or sale of recreational vehicles. For the purposes of this definition, temporary parking shall mean placement of a recreational vehicle on a single site for 180 days or less in any 12-month period.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.070 Redevelopment.

"Redevelopment" means the following activities that take place on a site that already has 35 percent or more existing impervious surface coverage: The creation of new impervious surface(s); structural development including construction, installation, expansion or replacement of a building footprint or other structure; replacement of existing impervious surface that is not maintenance; and land disturbing activity.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91R.080 Reduced discharge development.

"Reduced discharge development" means a development which naturally infiltrates more than 70% stormwater runoff rather than employing a traditional artificial drainage facility, and which results in a significant reduction in the amount of total impervious surface compared to that resulting from traditional development.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.090 Region.

"Region" means any one of the six geographical areas defined in the 1986 comprehensive park and recreation plan which encompasses one or more census tracts and is used for calculating facility impacts and mitigation costs.

This definition applies only to "Park and recreation facility impact mitigation" regulations in chapter 30.66A SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.095 Rehabilitation.

"Rehabilitation" means the process of returning a property to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its architectural and cultural values.

This definition applies only to "Historic preservation" regulations in chapter 30.32D SCC

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-037, December 13, 2006, Eff date Jan. 5, 2007)

30.91R.100 Relocatable school facilities.

"Relocatable school facilities" means factory-built structures, transportable in one or more sections, that are designed to be used as education spaces and are needed to prevent the overbuilding of school facilities, to meet the needs of service areas within a district, or to cover the gap between the time that families move into new residential developments and the date that construction is completed on permanent school facilities.

This definition applies only to "School impact fees and mitigation" regulations in chapter 30.66C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.110 Relocatable school facilities cost.

"Relocatable school facilities cost" means the total cost, based on actual costs incurred by the district, for purchasing and installing potable classrooms.

This definition applies only to "School impact fees and mitigation" in chapter 30.66C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.120 Relocatable school facilities student capacity.

"Relocatable school facilities student capacity" means the rated capacity for a typical portable classroom used for a specified grade span.

This definition applies only to "School impact fees and mitigation" in chapter 30.66C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.121 Replaced impervious surface.

“Replaced impervious surface” means, for structures, the removal of impervious surfaces and replacement of any exterior impervious surfaces or foundation with other impervious surfaces, or the removal down to bare soil or base course and the replacement with other impervious surfaces.
(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91R.122 Restoration.

"Restoration" means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic ecological functions of a former or degraded wetland or fish and wildlife habitat conservation area.

This definition applies only to “Wetlands and fish and wildlife habitat conservation areas” regulations in chapter 30.62A SCC.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91R.124 Restore, restoration and ecological restoration.

Restore," "restoration" and "ecological restoration" mean the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not require returning the shoreline area to aboriginal or pre-European settlement conditions.

This definition applies only to “Shoreline” regulations in chapter 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91R.130 Restricted open space.

"Restricted open space" means all open space within the rural cluster subdivision which is required to meet the lot yield open space requirements of the rural cluster subdivision code, chapter 30.41C SCC.

This definition applies only to rural cluster subdivision code, chapter 30.41C SCC.

30.91R.140 Retail.

"Retail" means the sale of commodities to the ultimate consumer, usually in small quantities, as opposed to wholesale; excluding printing, publishing and binding establishments, public utility facilities and offices, contractors' offices, repair shops for household appliances and the like, business and professional offices, real estate offices, financial institutions, personal service shops, hotels, motels, offices for licensed practitioners, and hospitals.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.150 Retail store.

"Retail store" means a retail commercial establishment engaged in selling merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such merchandise.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.160 Retention.

"Retention" means the detainment of storm water runoff in a basin without release except by means of evaporation or infiltration.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.170 Retention facility.

"Retention facility" means an open or closed facility, such as a pond or tank, that stores stormwater runoff without release except by means of evaporation, plant transpiration or infiltration into the ground. The facility includes the flow control structure, the infiltration system, the inlet and outlet pipes, and all maintenance access points.

This definition applies only to chapter 30.63A SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91R.180 Retirement apartments.

"Retirement apartments" mean dwelling units exclusively designed for and occupied by senior citizen residents 62 years of age or older in accordance with the requirements of state and/or federal programs for senior citizen housing. There is no minimum age requirement for the spouse of a resident who is 62 years of age or older.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.190 Retirement housing.

"Retirement housing" means dwellings exclusively designed for and occupied by senior citizen residents 62 years of age or older, in a building with central kitchen facilities providing meals for the residents. There is no minimum age requirement for the spouse of a resident who is 62 years of age or older.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.195 Revetment.

“Revetment” means a facing of stone or concrete built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

This definition applies only to "Shoreline" regulations in chapter 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91R.197 Riprap.

“Riprap” means a layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also the stone so used.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91R.200 Right-of-way.

"Right-of-way" means all property in which the county has any form of ownership or title and which is held for public road purposes, regardless of whether or not any public road exists thereon or whether or not it is used, improved, or maintained for public travel.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.220 Road or public road.

"Road" or Public road" means an open, public way for the passage of vehicles, that where appropriate, may include pedestrian, equestrian and bicycle facilities. Limits include the outside edge of sidewalks, or curbs and gutters, planter strips, paths, walkways, or side ditches, including the appertaining shoulder and all slopes, ditches, channels, waterways, and other features necessary for proper drainage and structural stability within the right-of-way. The term "road" is used interchangeably with "street."

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.230 Road, private (Private road).

"Road, private" ("Private road") means a privately maintained easement or parcel created to provide vehicle access from a public road to one or more lots, and where appropriate, may include pedestrian, equestrian and bicycle facilities. Limits may include the outside edge of sidewalks, or curbs and gutters, planter strips, paths, walkways, or side ditches, including the appertaining shoulder and all slopes, ditches, channels, waterways, and other features necessary for proper drainage and structural stability within the easement or parcel.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.240 Road system.

"Road system" means those existing or proposed public roads whether state, county or city (including freeway interchanges with county roads or city streets and the ramps for those interchanges but excluding freeway mainlines), within:

(1) The transportation service area, as defined by the Snohomish county transportation needs report, in which a development is located, except that instead an adjacent transportation service area may apply if determined by the director to be more appropriate where a development has a greater impact on public roads in an adjacent transportation service area than in the transportation service area in which the development is located; or

(2) The area of another county which is adjacent to the transportation service area in which the development is located.

This definition applies only to "Road impact mitigation" regulations in chapter 30.66B SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.250 Road system impact fee.

"Road system impact fee" means any proportionate share mitigating payment imposed under the authority provided to the county under RCW 82.02.050(2) to mitigate the development's impact on the future capacity of the road system.

This definition applies only to "Road impact mitigation" regulations in chapter 30.66B SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.252 Runoff.

“Runoff” means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow groundwater. It includes the portion of rainfall or other precipitation that becomes surface flow and interflow.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91R.260 Rural area.

"Rural area" means those areas of the county outside of an urban growth area as depicted in the comprehensive plan.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.270 Rural cluster subdivision.

"Rural cluster subdivision" means a subdivision meeting the requirements of this title and processed as a subdivision or short subdivision under chapters 30.41A or 30.41B and 30.41C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91R.280 Rural/Urban transition area.

"Rural/Urban transition area" means the areas designated Rural Residential (RR) or 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

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

Chapter 30.91S
"S" DEFINITIONS

30.91S.010 Salmonid.

"Salmonid" means a member of the fish family salmonidae including chinook, coho, chum, sockeye, and pink salmon; rainbow, steelhead, searun cutthroat, cutthroat trout, brown and bull trout; brook and Dolly Varden char; kokanee and whitefish.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.020 Sanitary landfill.

"Sanitary landfill" means a method of disposing of solid waste on land without creating nuisances or hazards to public health and safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such intervals as may be necessary.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.030 School, college.

"School, college" means a college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instructions as approved by the state board of education or by a recognized accrediting agency, excluding: preschools; elementary, junior, and senior high schools; trade and commercial schools; and fraternity and sorority houses.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.040 School impact fee.

"School impact fee" means a payment of money imposed as a condition of development approval to pay for school facilities needed to serve new growth and development. The school impact fee does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, or the cost of reviewing independent fee calculations.

This definition applies only to "School impact fees and mitigation" regulations in chapter 30.66C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.050 School, K-12, including public, private and parochial.

"School, K-12, including public, private and parochial" ("Public, private, and parochial school, K-12") means a public, private or parochial institution of learning which offers instructions in the several branches of learning and study required to be taught in the public schools by the state board of education.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.060 School, other.

"School, other" means a building where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.070 Screen.

"Screen" means a fence, wall, berm, or densely planted vegetation that provided a permanent site-obscuring shield between structures, adjacent properties, or land uses.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.075 Seawall.

“Seawall” means a structure separating land and water areas primarily to prevent erosion and other damage caused by wave action. Seawalls are more massive and capable of resisting greater wave forces than a bulkhead.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91S.080 Secondhand store.

"Secondhand store" means a profit or nonprofit establishment dealing in the storage, selling or buying of used merchandise which is not antique, not including the sale of used automobiles.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.91S.090 Security, maintenance (Maintenance security).

"Security, maintenance" ("Maintenance security") means a cash deposit, surety bond, assignment of funds, escrow agreement, irrevocable letter of credit, or other financial security device acceptable to the director, received from the applicant to ensure that the improvements and work completed and accepted by the department under this title are maintained by the applicant for the duration of the time specified in accordance with the approved plans, specifications, permit or approval requirements or conditions, and all applicable federal, state, and local laws, regulations and policies.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.100 Security, performance (Performance security).

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

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

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

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

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

(Added by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010)

30.91S.120 Seismic hazard areas.

"Seismic hazard areas" DELETED by Ord. 06-075 on October 4, 2006, Effective October 15, 2006.

30.91S.121 Seismic hazard areas.

"Seismic hazard areas" means areas that have been determined by the building official to have known or inferred faults, ground rupture potential, liquefaction potential, or seismically induced slope instability, where such information is provided to Snohomish County through any of the following means: geotechnical studies and reports prepared by licensed professionals pursuant to chapter 19.27 RCW, SCC 30.62B.140 or 30.62B350; geotechnical studies and reports prepared by federal, state or local agencies; and geotechnical studies, reports or environmental impact statements prepared through the requirements of the State Environmental Policy Act (SEPA) chapter 43.21C RCW.

(Added Ord. 06-075, Oct. 4, 2006, Eff date Oct. 15, 2006; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91S.125 Sending area.

"Sending area" means land designated as a TDR sending area on the future land use map and located within a zone used to implement the sending area designation, as indicated on the official zoning map through the suffix "SA."

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005)

30.91S.127 Sending site.

"Sending site" means a site that is located within a TDR sending area and meets the requirements of SCC 30.35A.030 for participation in the TDR program.

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005)

30.91S.128 Sense of place.

"Sense of place" means the successful interaction of design elements -- i.e., buildings, street furniture, graphics, interiors, and landscape -- resulting in an environment that is coordinated and attracts people on a conscious and subconscious level.

(Added Amended Ord. 05-087, December 21, 2005, Eff date Feb. 1, 2006)

30.91S.130 SEPA.

"SEPA" means the Washington State Environmental Policy Act of 1971(chapter 43.21C RCW).

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.140 SEPA rules.

"SEPA rules" means chapter 197-11 WAC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.150 Service station.

"Service station" means a retail place of business engaged primarily in the sale of motor fuels but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorists' needs. These may include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories and replacement items, electric vehicle infrastructure, washing and lubrication services, the performance of minor automotive maintenance and repair and the supplying of other incidental customer services and products. Major automotive repairs, painting and body and fender work are excluded except where such uses are otherwise permitted.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 10-102, Jan. 19, 2011, Eff date Jan. 30, 2011)

30.91S.160 Setback.

"Setback" means the distance that a building or use must be removed from the lot lines of the property.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.170 Sewer, public.

"Sewer, public" means a sewer system:

(1) Owned or operated by a city, town, municipal corporation, county, or other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal; and

(2) Approved by or under permit from the department of ecology, the department of health and/or a local health officer.

As defined in WAC 246-272-01001 as now written or hereafter amended.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.180 Shooting range.

"Shooting range" means an area devoted to target shooting either indoors or outdoors to include rifle, pistol, skeet, trap, or archery which may include the retail sales of guns, bows, and related equipment regardless of

revenue share, provided that the retail space meets gross floor area restrictions. The retail space shall only be permitted in conjunction with target shooting activity..

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 04-055, June 2, 2004, Eff date July 1, 2004)

30.91S.181 Shorelands.

“Shorelands" means those upland areas associated with shorelines of the state including:
(1) Uplands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark;
(2) Floodways and 100-year floodplains; and
(3) All wetlands and river deltas associated with shorelines of the state.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91S.182 Shoreline and bank stabilization and flood protection measures.

"Shoreline and bank stabilization and flood protection measures" means measures taken to address erosion impacts and reduce flood damage or hazards to property and buildings and structures, caused by natural processes such as current, flood, tides, wind or wave actions. Stabilization and flood protection measures can be either non-structural or structural.

(1) Non-structural. Shoreline and bank stabilization and flood protection accomplished by preventing or removing development in flood, landslide or erosion prone areas or by preserving or enhancing natural hydrological and biological processes. Such measures may include, but are not limited to, setbacks, buffers, bank or riparian revegetation, wetland restoration, dike removal or relocation, biotechnical stabilization measures or elevation of structures.

(2) Structural. Shoreline and bank stabilization and flood protection accomplished by the physical manipulation of the bank or channel, other than through enhancement of natural hydrological or biological processes. Such measures may include, but are not limited to, floodwalls, dikes, bulkheads, revetments, levees, jetties, channel realignment, and groins. Structural methods range from “soft” structures that are less rigid and incorporate biotechnical or beach enhancement to “hard” structures that are solid, hard surfaces such as bulkheads, retaining walls, bluff walls and rock revetments.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91S.190 Shoreline conditional use.

"Shoreline conditional use" means a use or modification which is classified by the Snohomish County Shoreline Management Program (SMP) as a conditional use in certain shoreline environments or is an unlisted use or modification not specifically prohibited by the SMP.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91S.191 Shoreline ecological functions.

“Shoreline ecological functions” means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem. Shoreline ecological functions include, but are not limited to:

(1) *Streams*. Fish and wildlife habitat; transport of water, sediment and organic material; and floodwater storage and attenuation;
(2) *Wetlands*. Fish and wildlife habitat; pollution assimilation; sediment retention; shoreline stabilization; floodwater storage, attenuation and conveyance; wave energy attenuation; stream base-flow maintenance; and groundwater discharge/recharge;
(3) *Lakes*. Fish and wildlife habitat; sediment retention; pollution assimilation; and floodwater attenuation, storage and conveyance;
(4) *Riparian Habitat Areas (shoreline vegetation)*. Habitat for water dependent and riparian dependent fish and wildlife; noise and visual screening; large woody debris and other natural organic matter recruitment; floodwater attenuation and storage; temperature maintenance; pollution assimilation; streambank stabilization; and supply of sediments and nutrients.
(5) *Marine waters*. Fish and wildlife habitat; wind, wave and current attenuation; sediment supply; longshore transport of sediment; and pollution assimilation.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91S.192 Shoreline environment designations.

“Shoreline environment designations” means the categories of shorelines established by the Snohomish County Shoreline Management Program (SMP) in order to provide a uniform basis for applying policies and use regulations within physically distinct shoreline areas. The SMP classifies shorelines into seven shoreline environment designations: Urban, Urban Conservancy, Rural Conservancy, Resource, Municipal Watershed Utility, Natural and Aquatic.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91S.193 Shoreline jurisdiction.

“Shoreline jurisdiction” means all of the geographic areas regulated by the Snohomish County Shoreline Management Program, including all shorelines, shorelines of the state, shorelines of statewide significance, and shorelands.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91S.194 Shoreline Management Program (SMP).

“Shoreline Management Program (SMP)” means the Snohomish County Shoreline Management Program consisting of the components described in SCC 30.67.030.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91S.195 Shoreline modification.

“Shoreline modification” means an action that modifies the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as: shoreline stabilization; piers and docks;

fill; breakwaters, jetties, groins and weirs; beach and dune management; dredging and dredge material disposal; and shoreline habitat and natural systems enhancement or restoration projects.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91S.200 Shoreline permit.

"Shoreline permit" means any substantial development, variance, conditional use, or revision thereto authorized under the provisions of the Snohomish County Shoreline Management Program and subject to review by the *Washington State* [2]Department of Ecology.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91S.210 Shoreline substantial development.

"Shoreline substantial development" means any development of which the total cost, or fair market value, whichever is higher, exceeds the dollar threshold established or as hereafter adjusted for inflation by the state office of financial management pursuant to WAC 173-27-040(2)(a), or any development which materially interferes with the normal public use of the water or shorelines of the state.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91S.230 Shoreline variance.

"Shoreline variance" means a permit for the limited purposes of granting relief to specific bulk, dimensional, or performance standards set forth in the [3] Snohomish County Shoreline Management Program (SMP).

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91S.240 Shorelines.

"Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (1) shorelines of statewide significance, (2) shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less, and the wetlands associated with such upstream segments, and (3) shorelines on lakes less than 20 acres in size, and wetlands associated with such small lakes.

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[2] *Code Reviser Note: The text shown in SCC 30.91S.200 above, in *italic* font, was added by Amended Ord. 12-025 but the words "Washington State" were not shown with addition marks. This material is included pursuant to SCC 1.02.020(2)(g).

[3] *Code Reviser Note: Amended Ord. 12-025 amended SCC 30.91S.230 but failed to show the following text (only that shown in italic font) as stricken: "Shoreline variance" means a permit for the limited purposes of granting relief to specific bulk, dimensional, or performance standards set forth in the *shoreline master program* Snohomish County Shoreline Management Program (SMP). This material has been omitted pursuant to SCC 1.02.020(2)(g).

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91S.250 Shorelines of the state.

"Shorelines of the state" are the total of all shorelines and shorelines of statewide significance within the state.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.260 Shorelines of statewide significance.

"Shorelines of statewide significance" partially or completely within Snohomish county are the following shorelines:

(1) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high-water mark and the line of extreme low tide, including Skagit Bay and adjacent area from Brown Point to Yokeko Point;

(2) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line, and lying seaward from the line of extreme low tide;

(3) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of 1,000 acres or more, measured at the ordinary high-water mark; and

(4) Those natural rivers or segments thereof west of the crest of the Cascade Range, downstream of the point where the mean annual flow is measured at 1,000 cubic feet per second or more.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.270 Short plat.

"Short plat" means the map or representation of a short subdivision.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.280 Short subdivision.

"Short subdivision" is the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership outside of an urban growth area adopted by the county council pursuant to chapter 36.70A RCW, or the division or redivision of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership within an urban growth area adopted by the county council pursuant to chapter 36.70A RCW.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.290 Short subdivision, final.

"Short subdivision, final" means the process and decision for approval of a final short plat and for ensuring all conditions of preliminary subdivision approval have been met prior to recording the final short plat.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.300 Short subdivision, preliminary.

"Short subdivision, preliminary" means the process and decision for approval of the preliminary short plat pursuant to chapter 30.41B SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.310 Sign.

"Sign" means a structure for the display of advertising or identifying the owner or occupant of the premises, but not including:

(1) real estate signs advertising the sale or rent of the property upon which it is located; and

(2) public notice signs required by law.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.320 Significant tree.

"Significant tree" means a tree with a caliper of at least 10 inches except dogwoods and vine maples are significant trees if they have a caliper of at least seven inches, and alders are not significant trees. For multiple stem trees such as vine maples, the caliper of the individual stems are added together to determine if a tree meets the minimum caliper for a significant tree.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.91S.325 Single family detached units.

"Single family detached units" means any combination of two or more single family homes, two or more duplexes on one lot, or one or more single family homes and one or more duplexes, whether alone or in combination with multifamily dwellings (e.g. triplexes or larger multi-family units, etc.) built on a single, undivided lot located on property designated as medium or high density residential development and zoned for multi-family development, regardless of the nature of occupancy or ownership interest. Multiple lots may be combined to create one development site. A single family detached units residential development must include at least two single family homes or one duplex and may include a mix of residential units including single family homes, duplexes, triplexes and larger multi-family buildings. Accessory dwelling units are not counted as a separate unit.

(Added Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007)

30.91S.330 Single-family residence.

"Single-family residence" means a detached dwelling designed for and occupied by one family and includes normal appurtenances thereto within a contiguous ownership.

This definition applies only to "Shoreline" regulations in chapter 30.44 SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.340 Site.

"Site" means a lot or parcel of land or contiguous combination thereof under the same ownership or control; where a development activity is performed or permitted or on which development is regulated by this title.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.350 Site.

"Site" means that portion of the subject property within 200 feet of the development activity provided, however, that for subdivisions, short subdivisions, planned residential developments, and projects with binding site plans, the "site" shall include the entire subject property.

This definition applies only to "Critical areas" Regulations in chapters 30.62A, 30.62B or 30.62C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91S.351 Site.

"Site" means the area defined by the legal boundaries of a parcel or parcels of land that is (are) subject to new development or redevelopment, including contiguous improvements in the right-of-way. For road projects, the length of the project site and right-of-way boundaries define the site.

This definition applies only to chapters 30.63A, 30.63B and 30.63C SCC.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91S.360 Site-based public facilities.

"Site-based public facilities" means those facilities that provide infrastructure and are not linear in nature (i.e. roads, sewer, water or electrical lines). They include, but are not limited to:

(1) Governmental facilities;
(2) Parks;
(3) Schools;
(4) Fire Stations; and
(5) Utilities.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.370 Site review.

"Site review" means county inspection of a site where development activity has been proposed, including, but not limited to, examination and comparison of site conditions and erosion control with proposed plans and applicable county codes, standards and administrative policies and procedures. A site review may include a critical area site plan review pursuant to chapters 30.62A, 30.62B or 30.62C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91S.380 Slope.

"Slope" means an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance or as a percentage of rise over run (vertical over horizontal distance. (See figure 30.91S.400 for illustrations)

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.390 Slope, toe of (Toe of slope).

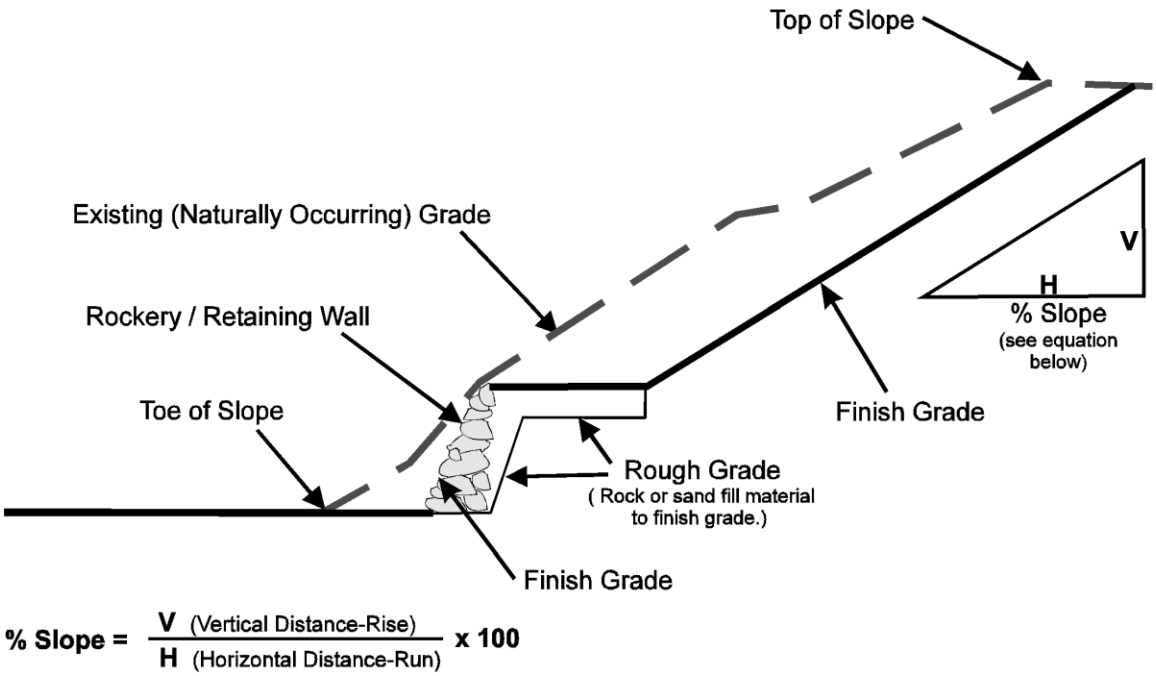
"Slope, toe of" ("Toe of slope") means the lowest first significant and regular break in a slope. (See figure 30.91S.400 for illustrations)

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

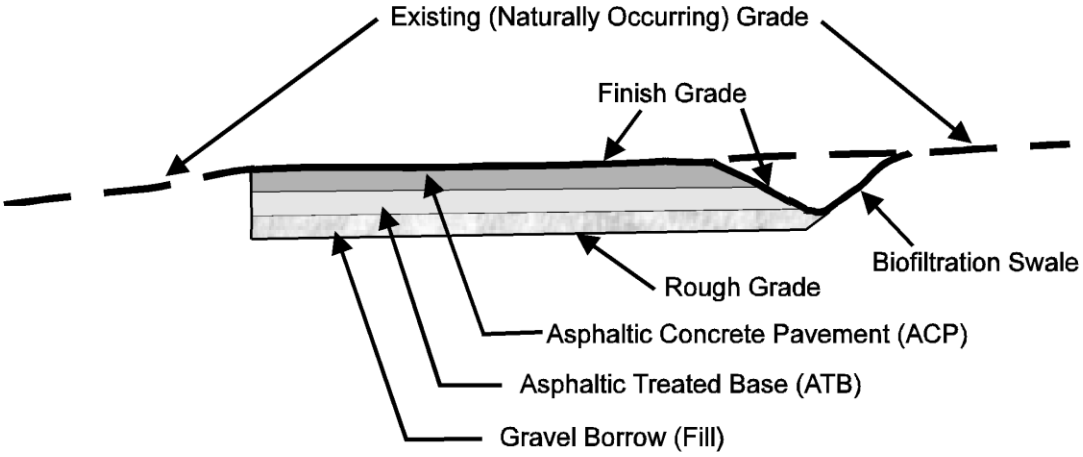
30.91S.400 Slope, top of (Top of slope).

"Slope, top of" ("Top of slope") means the top of the first significant and regular break in a slope. (See figure 30.91S.400 for illustrations)

Figure 30.91S.400 - Slope



$$\% \text{ Slope} = \frac{V \text{ (Vertical Distance-Rise)}}{H \text{ (Horizontal Distance-Run)}} \times 100$$



(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.410 Sludge.

"Sludge" means the material pumped out of septic tanks, grease traps, cesspools, seepage pits or other receptacles built and maintained to receive and collect sewage from buildings not connected to a sewer and in addition, includes treatment residues from water treatment plants and municipal waste water treatment plants.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.420 Sludge, stabilized or digested (Stabilized or digested sludge) .

"Sludge, stabilized or digested" ("Stabilized or digested sludge") consists of those water treatment plant sludges and municipal waste water treatment plant sludges resulting from anaerobic, aerobic, composting and/or chemical, other equivalent treatment methods, thereby reducing odors and pathogenic organisms.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.430 Sludge utilization.

"Sludge utilization" means the controlled utilization of stabilized or digested sludge.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.440 Small animal husbandry.

"Small animal husbandry" means the raising of mink, fox, nutria, rabbits, pigs, sheep, goats, chickens, turkeys, guinea hens, and similar small animals and fowl not for the primary consumption of or use by the occupants of the premises.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.450 Snohomish County drainage manual or Drainage Manual.

"Snohomish County drainage manual" or "Drainage Manual" means the drainage manual adopted by the director of public works pursuant to SCC 30.63A.110. The Drainage Manual provides detail and specificity regarding the requirements of chapters 7.53, 30.63A, 30.63B and 30.63C SCC.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91S.460 Soil.

"Soil" means the naturally occurring, unconsolidated mineral and organic material deposits overlying bedrock.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.465 Soil engineering.

“Soil bioengineering” means an applied science that combines structural, biological, and ecological concepts to construct living structures that stabilize the soil to control erosion, sedimentation and flooding using live plant materials as a main structural component.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91S.470 Soils engineer.

"Soils engineer" means an engineer or geologist experienced and knowledgeable in the practice of soils engineering.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.480 Soils engineering.

"Soils engineering" means the application of the principles of soils mechanics in the investigation, evaluation and testing of soils on site.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.490 Sole source aquifer.

"Sole source aquifer" deleted by the Code Reviser Oct. 1, 2007 under the authority of SCC 1.02.020(2)(k).

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.495 Sole source aquifer.

"Sole source aquifer" means an aquifer that supplies 50 percent or more of the drinking water of an area.

(Added Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91S.500 Solid waste.

"Solid waste" means any putrescible or nonputrescible solid and semi-solid materials disposed as a result of any industrial or commercial operation and from community or residential activities, including waste sludges. It does not include animal manures or suspended solids or other pollutants in water resources prior to removal or concentration into sludge; nor does it include those materials recovered in a manner consistent with the utilization provisions of this title.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.510 Solid waste.

"Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, woodwaste, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. Solid waste shall not include earth, clay, sand, or gravel.

This definition applies only to "Flood hazard" regulations in chapter 30.43C, 30.43D and 30 65 SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.520 Source control.

"Source control" means preventing pollutants from entering storm water by means that include, but are not limited to, materials storage and handling practices and facilities, and site maintenance practices.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.521 Source control BMP.

“Source control BMP” means structures, equipment, supplies or operations intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91S.525 Special event, private (Private special event) - definition.

“Private Special event” means a gathering or assembly of 50 or more persons who have not been charged an admission or made a contribution towards the costs of such gathering or assembly for the purpose of amusement, entertainment, education or similar common purpose on public or private property that extends beyond the customary or usual activities generally associated with the property where the special event is to be located. This definition shall not include repetitive activities which constitute operating a business or are not subordinate to the use of the property.

(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.91S.526 Special event, public (Public special event) - definition.

“Public special event” means a gathering or assembly open to the public of 50 or more persons who have been charged or made a contribution towards the costs of such gathering or assembly for the purpose of amusement, entertainment, education or similar common purpose on public or private property that extends beyond the customary or usual activities generally associated with the property where the special event is to be located. Public special events shall also include the erection of temporary event tents. This definition shall not include repetitive activities which constitute operating a business or are not subordinate to the use of the property.
(Added by Amended Ord. 11-024, Aug. 3, 2011, Eff date Aug. 18, 2011)

30.91S.527 Special use permit - community facility for juveniles.

"Special use permit - community facility for juveniles" means a local, state, or regional land use permit issued for a facility at a particular location, subject to conditions placed on the proposed land use to ensure compatibility with adjacent land uses.

(Added Amended Ord. 05-040, July 6, 2005, Eff date Aug. 8, 2005)

30.91S.530 Specialty store.

"Specialty store" means a facility used for specialized retail sales such as pet shops, jewelry store, flower shops, record shops, and liquor stores but excluding uses otherwise listed in chapter 30.22 SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.535 Species of local importance.

"Species of local importance" means species that are of local concern due to their population status or their sensitivity to habitat manipulation or that are game species of local importance including a seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of high relative density or species richness, breeding habitat, winter range, and movement corridors.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91S.540 Specifications.

"Specifications" means technical standards for construction. They may include, but are not limited to, standards contained in the latest edition of Standards and Specifications for Road, Bridge and Municipal Construction adopted by the Washington State Department of Transportation, and the Engineering and Design and Development Standards for Snohomish county.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.545 Split parcel.

"Split parcel" means any parcel of land divided by an urban growth area (UGA) boundary line which contains one portion of the parcel within the UGA with an urban zoning designation and one portion of the parcel outside of the UGA with a rural or resource zoning designation.
This definition applies only to "Parcels split by UGA boundary line" regulations in chapter 30.23 SCC and subtitle 30.4 SCC.

(Added Ord. 06-062, Oct. 4, 2006, Eff Oct. 15, 2006)

30.91S.550 Stable.

"Stable" means a structure in which horses are kept for the purposes of boarding, breeding, personal use or training, provided the training is limited to those horses being boarded on the subject property.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.560 Standard of service.

"Standard of service" means the standard adopted by each district which identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the district believes will best serve its student population, and other factors as identified in the district's capital facilities plan. The district's standard of service shall not be adjusted for any portion of the classrooms housed in relocatable school facilities which are used as transitional facilities or from any specialized facilities housed in relocatable school facilities.

This definition applies only to "School impact fees and mitigation" regulations in chapter 30.66C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.570 Start of construction.

"Start of construction" means the date a building permit was issued for permanent construction of a structure or substantial improvement of a structure on a site provided the actual construction, repair, reconstruction or placement of other improvements was within 180 days of the permit issuance date. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walk-ways; nor does it include excavation for basements, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the start of construction means the first alteration of any wall, ceiling floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

This definition applies only to the "Flood hazard" regulations in chapters 30.43C, 30.43D, and 30.65 SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005)

30.91S.580 State Match Percentage.

"State Match Percentage" means the proportion of funds that are provided to the district for specific capital projects from the state's Common School Construction Fund. These funds are disbursed based on a formula which calculates district assessed valuation per pupil relative to the whole state assessed valuation per pupil to establish the maximum percentage of the total project eligible to be paid by the state.

This definition applies only to "School impact fees and mitigation" regulations in chapter 30.66C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.590 Storage structure, accessory.

"Storage structure, accessory" ("Accessory storage structure") means a structure accessory to a single-family or duplex residence located on the same building site, used for storage of belongings, not designed for human habitation and not used for remunerative purposes. This term shall not include agricultural buildings..

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-057, Aug. 2, 2006, Eff date Aug. 14, 2006)

30.91S.595 Storage structure, non-accessory.

"Storage structure, non-accessory" ("Non-accessory storage structure") means a structure used for storage of belongings, not accessory to a single-family or duplex residence located on the same building site, not designed for human habitation, and not used for remunerative purposes. This term shall not include agricultural buildings.

(Added Amended Ord. 06-057, Aug. 2, 2006, Eff date Aug. 14, 2006)

30.91S.596 Stormwater facility.

“Stormwater facility”means a system of collecting, conveying and storing stormwater runoff. Stormwater facilities include, but are not limited to, all stormwater conveyance systems and containment facilities including pipelines, channels, dikes, ditches, closed depressions, infiltration facilities, retention facilities, detention

facilities, stormwater treatment facilities, erosion and sedimentation control facilities, and other drainage structures and appurtenances, both natural and artificial.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91S.597 Stormwater flow control facility.

“Stormwater flow control facility” means a drainage facility designed to mitigate the impacts of increased surface and stormwater runoff flow rates generated by development. Flow control facilities are designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground, or to hold runoff for a short period of time, releasing it to the conveyance system at a controlled rate.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91S.598 Stormwater pollution prevention plan or SWPPP

“Stormwater pollution prevention plan” or “SWPPP” means a documented plan that identifies measures to prevent and control contamination of point source discharges of stormwater. The SWPPP is one element of a construction plan and drainage report.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91S.600 Storm water runoff.

"Storm water runoff" means water originating from rainfall and other precipitation that enters drainage facilities, rivers, streams, springs, seeps, ponds, lakes, or wetlands, and also ground water base flows above the aquifer or water table.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.610 Storm water treatment.

"Storm water treatment" means the removal of pollutants from storm water, by means that include, but are not limited to, filtration, sedimentation, absorption, and chemical alteration or degradation of pollutants.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.620 Storm water treatment facility.

"Storm water treatment facility" means a constructed drainage facility that removes pollutants from storm water and includes the inlet and outlet pipes and all maintenance access points for such facilities.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.630 Story.

"Story" is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet (1829 mm) above grade, as defined herein, for more than 50

percent of the total perimeter or is more than 12 feet (3658 mm) above grade, as defined herein, at any point, such usable or unused under-floor space shall be considered as a story. In Group R Division 1 occupancies consisting of five or more units containing two or three floor levels, each floor level is a story for the purposes of the following requirements:

(1) Type of construction;

(2) Fire sprinkler systems;

(3) Fire alarm systems; and

(4) Number of exits.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.637 Strahler stream order.

“Strahler stream order” means the hierarchical ordering of streams based on the degree of branching which is used in an assessment of water quality treatment requirements. A first-order stream is an unforked or unbranched stream. Two first-order streams flow together to form a second-order stream and two second-order streams combine to make a third-order stream, etc. This ordering method starts at zero at each terminal segment, and proceeds towards the root stream. Each time a bifurcation node is encountered, if both daughter branches have the same order, then the order is increased by one, otherwise the largest order is used.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91S.640 Stream.

"Stream" means those areas where naturally occurring surface waters flow sufficiently to produce a defined channel or bed which demonstrates evidence of the passage of water including, but not limited to, bedrock channels, gravel beds, sand and silt beds and defined-channel swales. A defined channel or bed means a water course that is scoured by water or contains deposits of mineral alluvium. The channel or bed need not contain water during the entire year.

Streams do not include water courses which were created entirely by artificial means, such as irrigation ditches, canals, roadside ditches or storm or surface water run-off features, unless the artificially created water course contains salmonids or conveys a stream that was naturally occurring prior to the construction of the artificially created water course.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91S.650 Street.

"Street" means a public road.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.660 Structure.

"Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.670 Structure.

"Structure" means a walled building or factory built structure, and includes a gas or liquid storage tank that is principally above ground.

This definition applies only to "Flood hazard" regulations in chapters 30.43C, 30.43D and 30.65 SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.680 Structure.

"Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

This definition applies only to "Landing field zone" regulations in chapter 30.31C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.685 Structure.

“Structure” means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91S.690 Student factor (student generation rate).

"Student factor (student generation rate)" means the number of students of each grade span (elementary, middle/jr. high, high school) that a district determines are typically generated by different dwelling unit types within the district. Each school district will use a survey or statistically valid methodology to derive the specific student generation rate, provided that the survey or methodology is approved by the Snohomish County Council as part of the adopted capital facilities plan for each school district.

This definition applies only to "School impact fees and mitigation" regulations in chapter 30.66C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.700 Studio.

"Studio" means a facility for use by artists or professionals, to include architects, sculptors, photographers, music instructors, and similar users. It shall not include dance or exercise instruction or practice facilities.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.702 Sub-drainage basin.

"Sub-drainage basin" means the drainage area of the highest order salmonid bearings stream containing the subject property impact area. Stream order is the term used to define the position of a stream in the hierarchy of tributaries in the watershed. The smallest streams are the highest order (first order) tributaries. These are the upper watershed streams and have no tributaries of their own. When two first order streams meet, they form a second order stream, and when two second order streams meet they become a third order stream, and so on.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91S.710 Subdivision.

"Subdivision" is the division or redivision of land into five or more lots, tracts, parcels, sites or divisions outside the urban growth areas adopted by the county council pursuant to chapter 36.70A RCW and ten or more lots, tracts, parcels, sites or divisions inside the urban growth area adopted by the county council pursuant to chapter 36.70A RCW for the purpose of sale, lease or transfer of ownership.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.720 Subdivision, final (Final subdivision).

"Subdivision, final" ("Final subdivision") means the process and decision from approval of a final plat and for ensuring all conditions of preliminary subdivision approval have been met prior to recording of the final plat.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.730 Subdivision, preliminary (Preliminary subdivision).

"Subdivision, preliminary" ("Preliminary subdivision") means the process and decision for approval of a preliminary plat pursuant to chapter 30.41A SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91S.740 Subject property.

"Subject property" means the entire lot or parcel, or contiguous combination thereof, on which a development activity is proposed.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91S.745 Substantial damage.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
This definition applies only to the "Flood hazard" regulations in chapters 30.43C, 30.43D, and 30.65 SCC

(Added Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005)

30.91S.750 Substantial improvement.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure which meets the following:

(1) The cost of the repair, reconstruction, or improvement must equal or exceed 50 percent of the market value of the structure either:

(a) Before the improvement or repair is started, or

(b) Before the damage occurred for a structure that has been damaged and is being restored.

(2) For the purposes of this definition substantial improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

(3) The total value of all improvements to an individual structure undertaken subsequent to March 15, 1984, shall be used in calculating the value of the improvements pursuant to this section. If at any time the cumulative value of all improvements to the same structure exceeds the 50 percent limit, a substantial improvement exists.

(4) The term does not include:

(a) Any improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the county or other agency with jurisdiction and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a historic structure, when the alteration will not preclude the structure's continued designation as a historic structure.

This definition applies only to "Flood hazard" regulations in chapter 30.43C, 30.43D and 30.65 SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005)

30.91S.755 Support facilities.

"Support facilities" means any equipment, buildings, antennas, or other accessory uses associated with a personal wireless telecommunications service facility.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.91S.760 Surface water.

"Surface water" means waters that flow over the land surface and frequently interact with groundwater.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

Chapter 30.91T
"T" DEFINITIONS

30.91T.005 Targeted stormwater site plan.

“Targeted stormwater site plan” means a comprehensive report containing all of the technical information and analysis necessary for the evaluation of a proposed new development or redevelopment project’s compliance with the county’s stormwater regulations and which includes drainage reports, plans, designs and when applicable, calculations, prepared by the applicant to comply with minimum requirements 1 through 5 (SCC 30.63A.400 through 30.63A.525). The targeted plan may address compliance with minimum requirements 6 through 8 based on the results of the hydrologic analysis required under minimum requirement 1 and the scope of the proposed project, or for phased submittal of a full stormwater drainage plan subject to a public hearing and a Type 2 hearing examiner decision.

(Added Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91T.010 Tavern.

"Tavern" means an establishment where alcoholic beverages of any kind are dispensed or sold for consumption on the premises. This term shall include beer parlors, bars, cabarets, and other similar places.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91T.020 Temporary growing structure.

"Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91T.030 Temporary membrane structure.

"Temporary membrane structure" means an air-inflated, air-supported, cable, or frame-covered structure as defined by the Building Code and erected for less than 180 days and shall include structures that have the sides or roof covered with polyethylene, polyvinyl or similar flexible synthetic material. Temporary membrane structures shall not include structures defined as a tent, canopy, or awning.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91T.040 Temporary residential sales coach.

"Temporary residential sales coach" means a commercial coach constructed in accordance with the requirements prescribed under chapter 296-150B WAC for the purpose of providing a sales office for on-site marketing of residential lots and/or homes.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91T.050 Terrace.

"Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91T.052 Thalweg.

"Thalweg" means the deepest point of a streambed.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91T.054 Threatened and Endangered Species.

"Threatened and Endangered Species" means state and federally listed species. State species are listed under chapter 232-12 WAC. Federal species are listed under the Endangered Species Act of 1973.

(Added Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91T.054B Threshold discharge area.

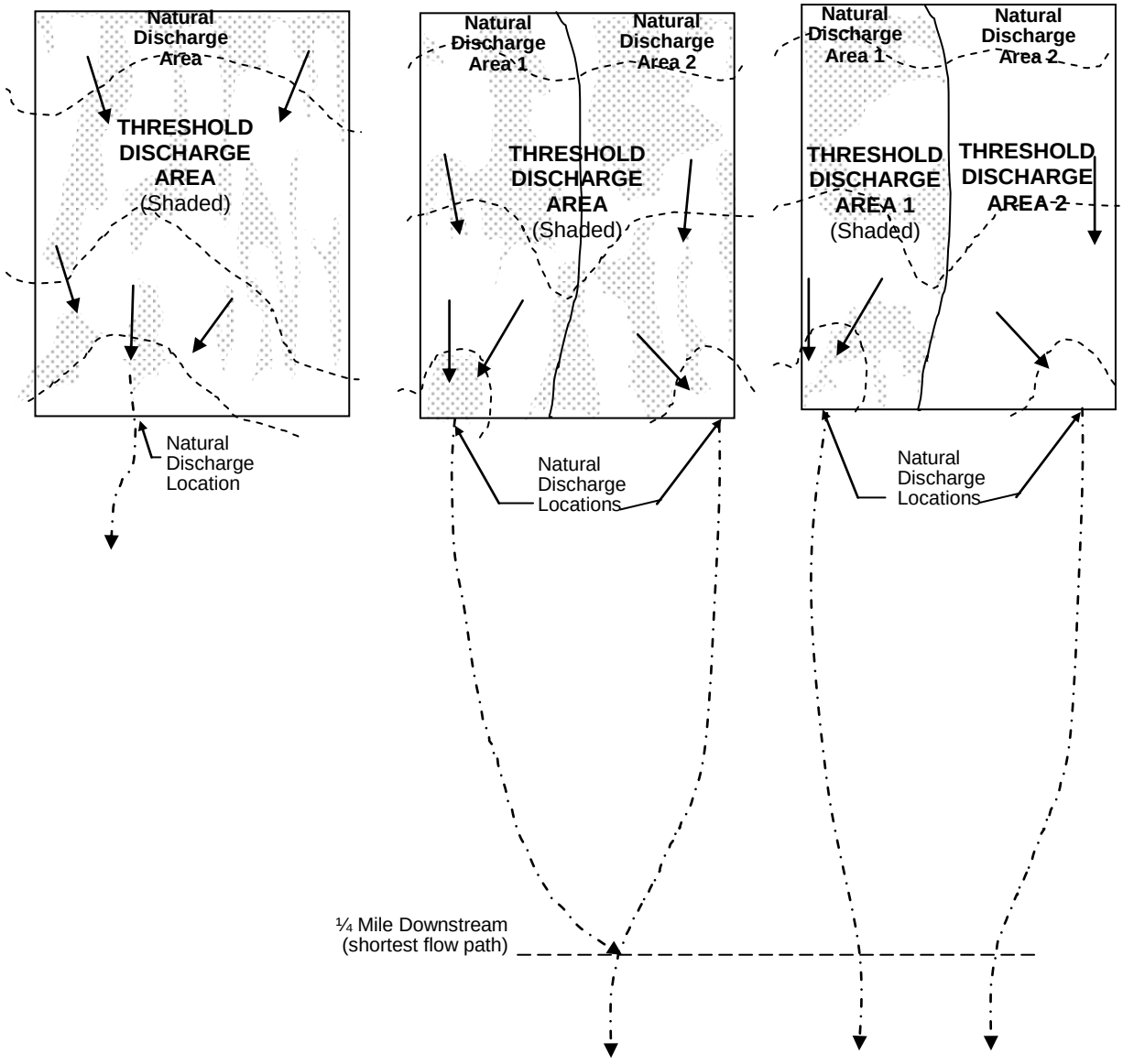
“Threshold discharge area” means an on-site area draining to a single natural discharge location or multiple natural discharge locations that combine within one-quarter mile downstream as determined by the shortest flow path. The examples in Figure 30.91T.054B illustrate this definition.

Figure 30.91T.054B Threshold Discharge Areas

Project Site with a Single Natural Discharge and a Single Threshold Discharge Area

Project Site with Multiple Natural Discharges and a Single Threshold Discharge Area

Project Site with Multiple Natural Discharges and Multiple Threshold Discharge Areas



(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91T.054.1 Tidal waters.

“Tidal waters” means marine and estuarine waters bounded by the ordinary high mark. Where a stream enters the tidal waters, the tidal water is bounded by the extension of the elevation of the marine ordinary high water mark within the stream.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91T.054.1B Tidelands.

“Tidelands” means the land on the shore of marine water bodies between the line of ordinary high tide and the line of extreme low tide.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91T.054.2 Timber.

“Timber” means trees, standing or down, of a commercial species, including Christmas trees. Timber does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91T.055 Total floor area.

"Total floor area" means the area included within the surrounding exterior walls, but excluding any space where the floor to ceiling height is less than six fee.

(Added Amended Ord. 05-087, December 21, 2005, Eff date Feb. 1, 2006)

30.91T.060 "Dwelling, Townhouse"

(Added Amended Ord. 02-064, December 9, 2002, Eff date Feb. 1, 2003; Renumbered to 30.91D.525 – Amended Ord. 08-101, Jan. 21, 2009, Eff April 21, 2009)

30.91T.063 Transfer of development rights or TDR.

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

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005)

30.91T.065 TDR pilot program.

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

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005)

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

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

(Added Amended Ord. 04-123, Dec. 15, 2004, Eff date March 15, 2005)

30.91T.068 Tram.

“Tram" means a conveyance that transports passengers or freight in carriers on rails or suspended from cables supported by a series of towers.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2102)

30.91T.070 Transit center.

"Transit center" means a dedicated transit facility located outside of the public right-of-way where several transit routes converge. A transit center is designed to accommodate several buses at once to permit users easy transfer between transit routes. A transit center may provide transit passenger shelters and waiting areas, but does not include spaces for transit passengers' automobile parking.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91T.080 Transitional area.

"Transitional area" is that part of an airport hazard area, as designated on the zoning map, as either side of the approach area and the runway and lying below the normal path of aircraft maneuvering for landing or during takeoff.

This definition applies only to "Landing field zone" regulations in chapter 30.31C SCC

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91T.090 Transportation element.

"Transportation element" means the element of the comprehensive plan pertaining to transportation and consisting of goals and policies, an inventory of facilities and services, adopted level of service standards, an analysis of deficiencies and needs, system improvements and management strategies and a multi-year financial plan, adopted pursuant to chapter 36.70A RCW.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91T.100 Transportation needs report.

"Transportation needs report" means the latest publication of the 1990 Road Needs Report or subsequent updates titled the Transportation Needs Report, as published by the department of public works.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91T.110 Transportation service area.

"Transportation service area" means a geographic area of the county, as defined in the transportation needs report, identified for the purpose of evaluating the transportation impacts of development, determining proportionate shares of needed transportation improvements and allocating revenue to transportation improvement projects.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91T.120 Tree.

"Tree" means any object of natural growth.

This definition applies only to "Landing field zone" regulations in chapter 30.31C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91T.130 Turnaround.

"Turnaround" means a cul-de-sac having a driving surface with a minimum of 40' outside radii.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91T.140 Turning area.

"Turning area" is that part of an airport hazard area, as designated on the zoning map, utilized by aircraft in descent and ascent but above and beyond the transitional area.

This definition applies only to "Landing field zone" regulations in chapter 30.31C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

Chapter 30.91U
"U" DEFINITIONS

30.91U.020 UFC.

"UFC" means the uniform fire code.

This definition is also found in chapter 30.53A SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91U.030 UGA plan.

"UGA plan" means a portion of the comprehensive plan that is completed for an UGA or a specific geographic area within an UGA that provides greater detail and specificity to all applicable elements of the comprehensive plan.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91U.040 Ultralight airpark.

"Ultralight airpark" means a site used for the storage or operation of three or more ultralight vehicles. Ultralight operations include sales demonstrations or training, flight instruction or training, recreational, sport, or competitive flying.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91U.050 Ultralight vehicle.

"Ultralight vehicle" means a single occupant, engine powered, flying machine weighing less than 254 pounds, intended for recreational or sport use, having a maximum fuel capacity of five U.S. gallons, a maximum airspeed at full power in level flight of 55 knots, and a power-off stall airspeed of not more than 24 knots (see Federal Aviation Administration FAR Part 103.1).

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91U.060 Unbuildable land.

"Unbuildable land" means steep slope areas exceeding 40 percent; designated floodways; and land which is below the mean high water mark of lakes, rivers or year-round ponds and streams under the jurisdiction of chapter 90.58 RCW.

This definition applies only to "Rural cluster subdivision" regulations in chapter 30.41C SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91U.070 Unsewered urban enclave.

"Unsewered urban enclave" means an area within an urban growth area in which, in the opinion of the director, connection to public sewer is not economically or technically feasible due to manmade or natural barriers

although public sewer may have been extended near such area, and for which the sewer purveyor has certified that it cannot reasonably provide sewer service because of such barriers.

This definition applies only to "Sewer connection" regulations in chapter 30.29 SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91U.075 Upland.

“Upland” means the area above or landward of the ordinary high water mark.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91U.080 Upstream analysis.

"Upstream analysis" means a calculation of the geographic area of land lying upstream of a site and drainage flow that drains onto or through the site.

This definition applies only to "Drainage" regulations in chapter 30.63 SCC.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91U.085 Urban center.

"Urban center" means an area with a mix of high-density residential, office and retail uses with public and community facilities and pedestrian connections located within one-half mile of existing or planned stops or stations for high capacity transit routes such as light rail or commuter rail lines, regional express bus routes, or transit corridors that contain multiple bus routes or which otherwise provide access to such transportation as set forth in SCC 30.34A.085.

(Added Amended Ord. 05-087, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 09-079, May 12, 2010, Eff May 29, 2010)

30.91U.090 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.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91U.091 Urban Growth Area (UGA) boundary.

"Urban Growth Area (UGA) boundary" means the boundary designated in the Comprehensive Plan which differentiates between urban land designation and all other land use designations pursuant to chapter 36.70A RCW (the Growth Management Act).

(Added Ord. 06-062, Oct. 4, 2006, Eff date Oct. 15, 2006)

30.91U.095 Urban Village.

"Urban Village" means a neighborhood scale mixed-use area with a mix of retail and office uses, public and community facilities, and high-density residential development.

(Added Amended Ord. 05-087, December 21, 2005, Eff date Feb. 1, 2006; Amended by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.91U.100 Use.

"Use" means the purpose land, buildings, or structures now serve or for which they are occupied, maintained, arranged, designed or intended.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91U.105 Utilities.

"Utilities" means any machinery, equipment and their attending facilities that service a structure such as elevators and their associated equipment, furnaces, hot water heaters, heat pumps, and air conditioners in an attached garage or enclosure or on an open utility platform that provides utility services for the building. Attending facilities include conduits, duct work, and above ground electrical services.
This definition only applies to the "Flood Hazard" regulations in chapters 30.43C, 30.43D and 30.65 SCC.

(Added Amended Ord. 05-068, Sept. 7, 2005, Eff date Sept. 24, 2005)

30.91U.110 Utility.

"Utility" means any public or private entity whose principal purpose is to provide electricity, water, sewer, storm drainage, gas, radio, television, telephone and/or other forms of communication utilizing the electromagnetic spectrum to the public except personal wireless telecommunications services.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.91U.120 Utility corridor.

"Utility corridor" means areas identified for utility facility development, public right-of-way and other dedicated utility right-of-way.

This definition applies only to "Critical area" regulations in chapters 30.62A, 30.62B and 30.62C SCC

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91U.130 Utilization.

"Utilization" means to benefit by consuming, expending, or exhausting by use "solid waste" materials.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

Chapter 30.91V
"V" DEFINITIONS

30.91V.010 Variance.

"Variance" means a permit for the purpose of granting relief from specific development standards of this title as applied to a particular piece of property.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91V.015 Vehicle circulation.

"Vehicle circulation" means the ability of vehicles to move from one location to another.

(Added Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007)

30.91V.017 Vessel.

“Vessel” means ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with normal public use of the water.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91V.020 Veterinary clinic.

"Veterinary clinic" means a structure or premises for medical or surgical treatment of animals.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91V.025 View corridor.

"View corridor" means a corridor that visually enhances or preserves the scenic integrity of the county's scenic resource.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.91V.030 Volcanic hazard areas.

"Volcanic hazard areas" means those areas subject to pyroclastic flows, lava flows, debris flows, mud flows, or related flooding resulting from volcanic activity originating on Glacier Peak, as indicated on maps produced by the United States Geological Survey.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91W.003 Waiver of a certificate of appropriateness.

"Waiver of a certificate of appropriateness" means that document which states that the historic preservation commission has reviewed the proposed whole or partial demolition of a local register property or property in a local register historic district and, failing to find alternatives to demolition, has issued a waiver of a certificate of appropriateness which allows the building or zoning official to issue a permit for demolition.

(Added Amended Ord. 06-037, December 13, 2006, Eff date Jan. 5, 2007)

30.91W.007 Wall, blank.

“Wall, Blank” means an exterior building wall with no openings covered predominantly with single material and uniform texture on a single plane.

(Added by Amended Ord. 09-079, May 12, 2010, Eff date May 29, 2010)

30.91W.008 Watercourse.

“Watercourse” means any portion of a channel, bed, bank, or bottom within the ordinary high water mark of waters of the state. This definition does not include irrigation ditches, canals, stormwater runoff devices, or other entirely artificial watercourses, except where they exist in a natural watercourse which has been altered by humans.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91W.009 Water dependent.

“Water-dependent” means a use or a portion of a use which requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations. Examples of water-dependent uses include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities and sewer outfalls.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91W.009.1 Water-enjoyment.

“Water-enjoyment” means a recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general character of the use and which through the location, design and operation assures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline space of the project must be devoted to provisions that accommodate public shoreline enjoyment. Examples include parks, piers, museums, restaurants, educational/scientific reserves, resorts and mixed use projects.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91W.010 Water main.

"Water main" means the piping used or which may be used to deliver domestic or industrial water and/or fire flows intended for fire protection in amount prescribed in this chapter, and excludes storage facilities, hydrants, and service connections.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91W.011 Water-oriented.

“Water-oriented” means any combination of water-dependent, water-related, and water-enjoyment uses. Nonwater-oriented serves to describe those uses which have little or no relationship to the shoreline. Examples of nonwater-oriented uses include professional office, automobile sales or repair shops, mini storage facilities, multifamily residential development, department stores, and gas stations.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91W.012 Water-related.

“Water-related” means a use or a portion of a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a waterfront location. Examples of water-related uses include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage.

This definition applies only to "Shoreline" regulations in chapters 30.44 and 30.67 SCC.

(Added Amended Ord. 12-025, June 6, 2012, Eff date July 27, 2012)

30.91W.020 Water purveyor.

"Water purveyor" means a federal, state, or county agency, or city, town, municipal, corporation, firm, company, association, corporation, partnership, district, institution, person or persons, owning or operating a public or private water system.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91W.021 Water quality.

“Water quality” means the chemical, physical, and biological characteristics of water, usually with respect to its suitability for a particular purpose.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91W.025 Waters of the state.

“Waters of the state” means those waters defined as “waters of the United States” in 40 CFR Subpart 122.2 within the geographic boundaries of Washington State, as well as those waters defined as “waters of the state” in RCW 90.48.020, which include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of Washington.

(Added Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010)

30.91W.030 Watershed.

"Watershed" means a geographic region in which water drains into a particular river, stream, or body of water.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91W.040 Watershed management plan.

"Watershed management plan" means a plan adopted by the county under authority of Title 25 SCC for a specific watershed management area including, but not limited to, a comprehensive drainage plan, a comprehensive drainage basin plan, or a master drainage infrastructure plan.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91W.044 Wedding facility.

"Wedding facility" means a privately-owned facility or site in certain rural and resource zones where weddings and associated events are conducted in exchange for compensation.

(Added Ord. 06-003, Feb. 22, 2006, Eff date March 10, 2006)

30.91W.060 Wetlands.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to swamps, marshes, bogs, and similar areas, as well as artificial wetlands intentionally created from non-wetland areas to mitigate for conversion of wetlands, as permitted by the county. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to irrigation and drainage ditches, grass-lined biofiltration swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscaping amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. *The detailed methodology for wetland delineation is contained in Washington State Wetlands Identification and Delineation Manual (Washington State Department of Ecology, Publication #96-94, March 1997)**

*Reviser Note: The text shown above in *italic* font was added by Amended Ordinance No. 06-061 but was not indicated with addition marks.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended Ord. 06-061, Aug. 1, 2007, Eff date Oct. 1, 2007)

30.91W.080 Wholesale.

"Wholesale" means the sale of goods in relatively large quantities at a reduced price to retailers.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91W.085 Wireless communications support structure.

"Wireless communications support structure" means a freestanding tower, monopole, or other structure used to support wireless communications (including pagers), or automated meter reading antennas and/or repeaters. It includes new or replacement utility poles that would exceed the height of adjacent poles for the purpose of providing sufficient elevation to accommodate antennas. It does not include existing buildings or other structures not specifically listed above that serve a primary function other than to support antennas (including, but not limited to, water tanks, existing utility poles, and light standards).

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.91W.086 Wireless communications support structure lease area.

"Wireless communications support structure lease area" means the leased area only of a tract or parcel, as legally described, that contains the personal wireless telecommunications service facilities, including any antenna, support structure, accessory buildings and parking, and may include other uses associated with and ancillary to personal wireless telecommunications services.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.91W.088 Wireless communications support structure site.

"Wireless communications support structure site" means a tract or parcel of land that contains the personal wireless telecommunications service facilities, including any antenna, support structure, accessory buildings and parking, and may include other uses associated with an ancillary to personal wireless telecommunications services.

(Added Amended Ord. 05-038, November 30, 2005, Eff date December 16, 2005)

30.91W.090 Woodwaste.

"Woodwaste" means a type of solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, handling and storage of raw materials, and trees and stumps. This includes but is not limited to sawdust, chips, shavings, bark, pulp, hog fuel, and log sort waste, but does not include wood pieces, or particles containing chemical preservatives such as creosote, pentachlorophenol, copper-chrome-arsenate, paints or stains.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91W.100 Woodwaste recycling.

"Woodwaste recycling" means the mechanical reduction of woodwaste, or the combination of woodwaste and demolition or construction debris, by means of an initial mechanical processing operation which results in a raw product to be shipped to secondary processors, but does not include composting.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91W.110 Woodwaste storage.

"Woodwaste storage" means the temporary holding of woodwaste or demolition or construction debris for a period not exceeding five years.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91W.115 Woonerf.

"Woonerf" (Dutch for “street for living”) means a common space shared by pedestrians, bicyclists and motor vehicles. A woonerf is similar to an auto court or shared court, except that it makes a through connection between two other parts of the internal driveway system. Driving surfaces are narrow, without curbs or sidewalks, and vehicle speeds are kept low by trees, planters, parking areas or other traffic-calming features.

(Added Amended Ord. 07-022, April 23, 2007, Eff date June 4, 2007)

30.91W.120 Works.

"Works" means any dam, wall, wharf, embankment, levee, dike, pile, bridge, improved road, abutments, projection, excavation, channel rectification, conduit, culvert, wire, fence, rock, gravel, refuse, fill or other similar modification or improvement attached to, or affixed upon, the realty.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

Chapter 30.91X
"X" DEFINITIONS

CURRENTLY, THERE ARE NO "X" DEFINITIONS.

Chapter 30.91Y
"Y" DEFINITIONS

CURRENTLY, THERE ARE NO "Y" DEFINITIONS.

Chapter 30.91Z
"Z" DEFINITIONS

30.91Z.010 Zero lot line development.

"Zero lot line development" means the location of a building on a lot in such a manner that any portion of one or more of the building's walls rests directly on a side or rear lot line. Each dwelling in a zero lot line development shall be located on its own individually platted lot.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003; Amended by Amended Ord. 08-101, Jan. 21, 2009, Eff date April 21, 2009)

30.91Z.020 Zone.

"Zone" means a classification of land use that provides a range of allowed uses that are subject to bulk and performance standards. A zone is applied to unincorporated Snohomish County and depicted on the zoning map.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91Z.030 Zoning.

"Zoning" means the process by which the county legally controls the use of property and physical configuration of development upon tracts of land within its jurisdiction by establishing zones and adopting the zoning map. Zoning is an official control that implements the comprehensive plan and is enacted for the protection of the public health, safety and welfare.

(Added Amended Ord. 02-064, Dec. 9, 2002, Eff date Feb. 1, 2003)

30.91Z.040 Zoning map.

"Zoning map" means a map adopted by the county which depicts the boundaries of the various zones established by this title.

(Added Amended Ord. 02-064, December 9, 2002, Eff date February 1, 2003)

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