

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 08-\_\_\_\_\_

RELATING TO REGULATION OF LAND DISTURBING ACTIVITIES AND  
COMPLIANCE WITH THE NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM (NPDES) PHASE I MUNICIPAL STORMWATER  
PERMIT, AMENDING SNOHOMISH COUNTY CODE (SCC) CHAPTER 30.63B,  
AND AMENDING SECTIONS OF TITLE 30 SCC

WHEREAS, the Federal Clean Water Act (CWA) requires states and their local governments to take steps to implement the National Pollutant Discharge Elimination System (NPDES) permit program; and

WHEREAS, chapter 90.48 RCW, Washington State Water Pollution Control Law, authorizes the Washington State Department of Ecology (DOE) to implement the NPDES permit program at the state level; and

WHEREAS, the Environmental Protection Agency (EPA) promulgated regulations to control stormwater discharges from municipal stormwater sewer systems in two phases called Phase I and Phase II; and

WHEREAS, EPA's 1990 Phase I rule designated Snohomish County as a Phase I municipal stormwater permittee for the purpose of regulating discharge from municipal separate storm sewer systems under NPDES and the state waste discharge general permit program; and

WHEREAS, under WAC 173-226, the Water Discharge General permit program requires a state waste discharge general permit to cover stormwater runoff from any point source discharging into waters of the state that is not authorized by an individual stormwater permit; and

WHEREAS, pursuant to 33 U.S.C. 1342(p) 2<sup>nd</sup> chapter 90.48 RCW, DOE originally issued a Phase I Municipal Stormwater Permit to Snohomish County on July 5, 1995; and

WHEREAS, the NPDES permit regulates discharges from large and medium municipal separate storm sewer systems; and

WHEREAS, the county council adopted Amended Ordinance No. 98-055

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42 on August 3, 1998, enacting drainage development regulations consistent with  
43 the initial Phase I municipal stormwater permit and the goals and policies of the  
44 General Policy Plan; and

45  
46 WHEREAS, DOE re-issued the county's 1995 Phase I Municipal  
47 Stormwater Permit for large and medium municipal separate storm sewer  
48 systems, on January 17, 2007, with an effective date of February 16, 2007,  
49 through February 15, 2012; and

50  
51 WHEREAS, the re-issued Phase I Municipal Stormwater Permit requires  
52 the adoption of new development regulations related to stormwater management;  
53 and

54  
55 WHEREAS, the Phase I Municipal Stormwater Permit requires the county  
56 to adopt stormwater runoff protection regulations that comply with the *Appendix 1*  
57 *Minimum Technical Requirements for New Development and Redevelopment* of  
58 the Phase I Municipal Stormwater Permit; and

59  
60 WHEREAS, the 2007 Phase I Municipal Stormwater Permit requires the  
61 county to adopt the DOE's *Stormwater Management Manual for Western*  
62 *Washington (2005)* or an equivalent stormwater drainage manual; and

63  
64 WHEREAS, this project is included in the Unified Development Code  
65 Update Project work plan; and

66  
67 WHEREAS, this project protects the life, health and safety by regulating  
68 land disturbing activities including clearing, grading, filling and excavating; and

69  
70 WHEREAS, the updated code will protect the public health, safety and  
71 welfare by preventing flooding and slope instability, and by supporting the  
72 preservation of water quality for aquatic habitats, recreation, and drinking water;  
73 and

74  
75 WHEREAS, the county council finds that it is necessary to amend  
76 chapters 30.63A and 30.63B SCC relating to drainage and grading, and other  
77 sections of title 30 SCC to comply with the requirements of the Phase I Municipal  
78 Stormwater Permit and the goals and policies of the General Policy Plan relating  
79 to stormwater management; and

80  
81 WHEREAS, the county has prepared amendments to the Snohomish  
82 County Drainage Manual (Drainage Manual) and the Engineering Design and

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83 Development Standards (EDDS) to also comply with the 2007 Phase I permit  
84 that support the development regulations in title 30 SCC, but are not considered  
85 Growth Management Act regulations pursuant to RCW 36.70A; and

86  
87 WHEREAS, the Phase I Municipal Stormwater Permit requires the county  
88 to implement a process to create opportunities for the public's involvement in the  
89 development of the county's stormwater management program and  
90 implementation priorities; and

91  
92 WHEREAS, the county developed a public participation program to  
93 educate and inform the public and to solicit public comment on the proposed  
94 project code amendments and revisions to the Drainage Manual and EDDS; and

95  
96 WHEREAS, notice was provided and the public was invited to comment  
97 on the stormwater management program code amendments and revisions to the  
98 Drainage Manual and EDDS at the Unified Development Code (title 30 SCC)  
99 Update Project public forums on May 3, October 4, and December 6, 2007, and  
100 at other stakeholder meetings; and

101  
102 WHEREAS, the planning commission was briefed on the NPDES program  
103 on October 23, 2007, and \_\_\_\_\_, 2008; and

104  
105 WHEREAS, regulations relating to drainage and land disturbing activity  
106 including grading that and incorporating the minimum requirements of Appendix  
107 1 of the Phase I Municipal Stormwater Permit were proposed in two draft  
108 ordinances revisions to the Drainage Manual and EDDS were transmitted to  
109 DOE for review on \_\_\_\_\_, 2008; and

110  
111 WHEREAS, DOE comments were received on \_\_\_\_\_, 2008, and  
112 have been incorporated in this ordinance; and

113  
114 WHEREAS, the planning commission held a public hearing on draft  
115 ordinances XXX and XXX on \_\_\_\_\_, 2008, and recommended  
116 \_\_\_\_\_; and

117  
118 WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt  
119 these code amendments was transmitted to Washington State Department of  
120 Community, Trade and Economic Development on \_\_\_\_\_, 2008; and

121  
122 WHEREAS, the County Council was briefed on the NPDES project on  
123 October 29, 2007, January 22, 2008, and on \_\_\_\_\_, 2008, and  
124 held a public hearing on

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125 \_\_\_\_\_, 2008, to consider the entire record and hear public testimony  
126 on Ordinance No. 08-\_\_\_\_, adopting the minimum stormwater management  
127 requirements of Appendix 1 of the Phase I Municipal Stormwater Permit.

128 NOW, THEREFORE, BE IT ORDAINED:

129

130 Section 1. The foregoing recitals are incorporated by this reference as  
131 though set forth in full.

132

133 Section 2. The Snohomish County Council makes the following findings  
134 of fact:

135

136 A. The Federal Clean Water Act (CWA) requires states and their local  
137 governments to take steps to implement the National Pollutant  
138 Discharge Elimination System (NPDES) permit program. Pursuant to  
139 chapter 90.48 RCW, Washington State Water Pollution Control Law,  
140 authorizes the Washington State Department of Ecology (DOE) to  
141 implement the NPDES permit program. The Environmental Protection  
142 Agency (EPA) promulgated regulations to control stormwater  
143 discharges from municipal stormwater sewer systems in two phases,  
144 called Phase I and Phase II. EPA's 1990 Phase I rule designated  
145 Snohomish County as a Phase I municipal stormwater permittee for  
146 the purpose of regulating discharge from municipal separate storm  
147 sewer systems under NPDES and the state waste discharge general  
148 permit program.

149

150 B. Under WAC 173-226, the Water Discharge General permit program  
151 requires a state waste discharge general permit to cover stormwater  
152 runoff from any point source discharging into waters of the state that is  
153 not authorized by an individual stormwater permit. The Department of  
154 Ecology originally issued a Phase I Municipal Stormwater Permit to  
155 Snohomish County on July 5, 1995, regulating discharges from large  
156 and medium municipal separate storm sewer systems.

157

158 C. Snohomish County was re-issued a Phase I Municipal Stormwater  
159 Permit by the Washington Department of Ecology (DOE) on February  
160 16, 2007.

161

162 D. In accordance with the Phase 1 permit, Snohomish County must adopt  
163 stormwater protection regulations to comply with *Appendix 1 Minimum*  
164 *Technical Requirements for New Development and Redevelopment* of  
165 (Appendix 1) by August 16, 2008. The permit also requires that the  
166 county adopt the 2005 DOE Stormwater Manual for Western  
167 Washington or an equivalent stormwater drainage manual.

- 168 E. This ordinance addresses Appendix 1 regulations necessary for permit  
169 compliance relating to grading regulations in chapter 30.63B SCC. In  
170 addition, a separate ordinance addresses changes to the chapter  
171 30.63A relating to drainage. Companion documents include an  
172 addendum to the Snohomish County Drainage Manual (Drainage  
173 Manual) equivalent to the 2005 Department of Ecology Stormwater  
174 Drainage Manual for Western Washington, amendments to the  
175 Engineering Design and Development Standards (EDDS) Chapter 5  
176 Drainage, and a new chapter 11 of EDDS containing low impact  
177 development Best Management Practices (BMPs).  
178
- 179 F. The EDDS standards will be adopted as a rule. The Drainage Manual  
180 is adopted by the Department of Public Works pursuant to 30.63A.110.  
181
- 182 G. Rule 3044 Construction Stormwater Pollution Prevention Plans, last  
183 adopted June 29, 2006 will be repealed upon adoption of this  
184 ordinance on its provisions and have been incorporated in chapter  
185 30.63A SCC and the Drainage Manual. Rule 3044 was developed and  
186 adopted pursuant to section 9.2 and 9.3 of a legal settlement  
187 agreement between Snohomish County and the Puget Soundkeepers  
188 Alliance to ensure compliance with erosion control management  
189 pursuant to the 2005 DOE Stormwater Management Manual for  
190 Western Washington. It incorporates the requirement for a CESCL to  
191 manage soil erosion as a project and to provide regulation of projects  
192 using infiltration and dispersion techniques from non-pollution  
193 generating surfaces.  
194
- 195 H. This ordinance complies with the Snohomish County Comprehensive  
196 Plan and General Policy Plan. The General Policy Plan sets forth the  
197 following goals relating to stormwater management:  
198
- 199 1. Goal CF 3 requires management of stormwater in Snohomish  
200 County in a manner that protects the public health and safety;  
201
  - 202 2. Goal NE 3 requires compliance with the requirements for state,  
203 federal and local laws for protecting and managing water,  
204 including compliance with the requirements of the NPDES  
205 permit; and  
206
- 207 I. An inclusive public involvement process has accompanied the  
208 development of this ordinance. This “NPDES” project is included under  
209 the Unified Development Code (UDC) Update Project. Three public

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210 outreach presentations were conducted at UDC Update Project public  
211 forums and project news and work products are available on the  
212 project webpage. Numerous stakeholder meetings were held as noted  
213 below:

214

- 215 • 5/3/06 UDC Update Public Forum
- 216 • 10/4/07 UDC Update Public Forum
- 217 • 10/18/07 Engineering Focus Group
- 218 • 11/6/07 2007 Developer/Builder Issues Council (DBIC)
- 219 • 11/13/07 Utilities Stakeholder Meeting
- 220 • 11/13/07 Agricultural Advisory Board
- 221 • 11/19/07 Water/Sewer Purveyors Meeting
- 222 • 11/28/07 Managers Meeting
- 223 • 12/3/07 Forestry/Mining
- 224 • 12/4/07 2007 Developer/Builder Issues Council (DBIC)
- 225 • 12/6/07 UDC Update Public Forum
- 226 • 12/12/07 Developers (MBA committee)
- 227 • 12/12/07 Snohomish County Farm Bureau
- 228 • 12/13/07 Washington State DNR Timber, Fish & Wildlife
- 229 • 01/08 Selected stakeholders
- 230 • 1/08/08 2008 Developer/Builder Issues Council (DBIC)

231

232 J. Chapter 30.63B SCC is amended to provide for the merger of  
233 Appendix 1 Minimum Technical Requirements for New Development  
234 and Redevelopment and the sequence of certain sections of the  
235 chapter have been re-organized.

236

237 K. In section XX, the title of chapter 30.63B SCC is amended to change  
238 the title from “Grading” to “Land Disturbing Activity.” Land disturbing  
239 activity means any activity that will result in movement of earth, or a  
240 change in the existing soil cover (both vegetative and non-vegetative)  
241 and/or the existing soil topography. Land disturbing activities include,  
242 but are not limited to clearing, grading, filling, and excavation.  
243 Compaction that is associated with stabilization of structures and road  
244 construction is also considered a land disturbing activity. Vegetation  
245 maintenance practices are not considered land disturbing activity.

246

247 L. SCC 30.63A.007 relating to the delegation of authority by the  
248 Department of Public Works was repealed because not authority is  
249 granted to that director in section XX.

250

251

252

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- 253 M. SCC 30.63A.010, relating to purpose and applicability is amended IN  
254 section XX to incorporate the land disturbing activities pursuant to the  
255 Phase 1 permit, for clarification and the applicability provisions were  
256 separated from the purpose statements.  
257
- 258 N. A new section SCC 30.63B.014, previously SCC 30.63B.040, is added  
259 in Section XX to include provisions relating to compliance with other  
260 laws. Amendments to this section include minor clarifications.  
261
- 262 O. A new section SCC 30.63B.015 is added in section XX to include  
263 provisions relating to compliance with drainage and stormwater  
264 regulations in chapter 30.63A SCC.  
265
- 266 P. A new section SCC 30.63B.016, previously SCC 30.63B.050, is added  
267 in section XX to include provisions relating to relationships to other  
268 environmental regulations. Amendments to this section include  
269 changing the term “grading” to “land disturbing activity” and updates to  
270 critical area code chapter references.  
271
- 272 Q. A new section SCC 30.63B.017 is added in section XX to include  
273 provisions relating to the relationship of chapter 30.63B SCC to critical  
274 areas chapters 30.62, 30.62A, 30.62B, 30.62C, 30.64 and 30.65 SCC.  
275
- 276 R. SCC 30.63B.020, relating to exemptions has been amended in section  
277 XX to comply with Appendix 1 requirements, clarify the reference to  
278 critical areas, clarify the requirements for soil erosion control BMPs  
279 and Certified Erosion Sediment Control Leads (CESCLs)  
280 management, and make general clarifications. Pursuant to Appendix  
281 1, three new exemptions in SCC 30.63B.020(4)(5) and (6) are added  
282 to this section addressing exemptions for forest practices, except for  
283 Class IV general forest practice conversions from timberland to other  
284 uses, oil and gas facilities or operations with certain requirements to  
285 use best management practices, and road maintenance practices.  
286 Additional amendments pursuant to Appendix 1 include amendments  
287 to the commercial agriculture exemption that exclude conversion of  
288 timberland to agriculture and construction of impervious surfaces.  
289
- 290 S. SCC 30.63B.025, relating to right to farm exemptions, is amended in  
291 section XX to correct references to critical area regulations and  
292 definitions.  
293
- 294 T. A new section SCC 30.63B.026 is added in section XX to address  
295 emergency repairs that may occur without prior approval and the

- 296 requirements and process for obtaining a land disturbing activity after  
297 the emergency work is initiated.  
298
- 299 U. A new section SCC 30.63B.027 is added in section XX to state that  
300 LDA fees shall be paid at application submittal.  
301
- 302 V. A new section SCC 30.63B.028 is added in section XX to clarify that  
303 the Department of Public Works construction projects are exempt from  
304 the land disturbing activity fee requirements of chapter 30.86 SCC.  
305
- 306 W. SCC 30.63B.030, relating to requirements for public works contracts is  
307 amended in section XX to clarify that contract documents approved for  
308 the Department of Public Works' construction projects include plans  
309 and specifications required in chapters 30.63A and 30.63B includes  
310 applicable all drainage and soil erosion and sedimentation control plan  
311 elements.  
312
- 313 X. SCC 30.63B.040, relating to compliance with other laws and  
314 relationship to other environmental regulations, is repealed in section  
315 XX for reorganization as SCC 30.63B.014 and SCC 30.63B.016.  
316
- 317 Y. SCC 30.63B.050, relating to compliance with other laws, is repealed in  
318 section XX for reorganization purposes and is added as a new SCC  
319 30.63B.014 in this ordinance  
320
- 321 Z. SCC 30.63B.060, relating to the person responsible, is amended in  
322 section XX to change the term "grading" to the term "land disturbing  
323 activity," to include the owner and applicant, not just the owner as  
324 responsible parties and to make general clarifications to the provisions.  
325
- 326 AA. SCC 30.63B.070 and SCC 30.63B.080, relating to submittal  
327 requirements and notice of application, are amended in sections XX  
328 and XX to change the term "grading" to the term "land disturbing  
329 activity."  
330
- 331 BB. SCC 30.63B.100, relating to engineered construction plans, is  
332 amended in section XX to change the term "grading" to the term  
333 "land disturbing activity," clarify that a civil engineer must be  
334 licensed in the state, make general clarifications and to add  
335 references to the provisions of subtitle 30.5 and the International  
336 Building Code that contain requirements for other construction  
337 plans that require civil engineering.  
338

- 339 CC. SCC 30.63B.110, relating to geotechnical, soils engineering,  
340 engineering geology and liquefaction reports, is amended in section  
341 XX to change the term “grading” to the term “land disturbing activity  
342 and clarify references to the International Building Code.  
343
- 344 DD. A new section SCC 30.63B.115, relating to time limit of land  
345 disturbing activity applications, has been added to the chapter in  
346 section XX to provide for an 18-month long review period from the  
347 date of filing and one 18-month extension when submitted in  
348 writing with a justifiable cause.  
349
- 350 EE. SCC 30.63B.200, relating to issuance of grading permits, is  
351 amended in section XX to change the term “grading” to the term  
352 “land disturbing activity,” clarify that the applicant is responsible for  
353 obtaining permit approvals required by other agencies and that  
354 issuance of the land disturbing activity permit will be done when  
355 review indicates that approvals from outside agencies are assured.  
356
- 357 FF. A new section SCC 30.63B.205, previously SCC 30.63B.250,  
358 relating to modification of permit conditions, is added to the chapter  
359 in section XX for the purpose of reorganization. No amendments  
360 are made to the existing code section.  
361
- 362 GG. SCC 30.63B.210, relating to grading permit expiration and  
363 renewal, was amended in section XX to change the term “grading”  
364 to “land disturbing activity.” Additional amendments provide for an  
365 18-month permit period consistent with the building code and to  
366 authorize the director to grant a renewal for a period of 18 months  
367 within 30 days of the expiration, address fees for permit extension  
368 requiring one-half of the amount required for the original permit,  
369 provide that an inspection may be required prior to renewal, and  
370 that code requirements do not terminate with the expiration of the  
371 permit.  
372
- 373 HH. A new section SCC 30.63B.212, relating to suspension or  
374 revocation of permits, is added to the chapter in section XX  
375 consistent with SCC 30.85.117.  
376
- 377 II. A new section SCC 30.63B.215 relating to a requirement for a pre-  
378 construction meeting prior to any land disturbing activity is added to  
379 the chapter in section XX.  
380

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- 381 JJ. SCC 30.63B.220 relating to land disturbing activity inspections is  
382 amended in section XX to change the term “grading” to the term  
383 “land disturbing activity,” include a provision for pre-clearing  
384 inspection, make general clarifications regarding the county  
385 inspection process and to correct soil test references in SCC  
386 30.63B.220(11) to the applicable provisions of the International  
387 Building Code.  
388
- 389 KK. A new section SCC 30.63B.225, relating to inspection schedules, is  
390 added to the chapter in section XX to provide provisions outlining  
391 inspection schedules.  
392
- 393 LL. SCC 30.63B.230, relating to completion of work, is amended in  
394 section XX to change the term “grading” to the term “land disturbing  
395 activity,” and make general clarifications.  
396
- 397 MM. SCC 30.63B.240, relating to bonds or performance securities, is  
398 amended in section XX to make general clarifications and update  
399 references.  
400
- 401 NN. SCC30.63B.250, relating to modification of permit requirements, is  
402 repealed in section XX. The provisions are adopted in a new  
403 section SCC 30.63B.215.  
404
- 405 OO. SCC30.63B.300, relating to modification of permit requirements, is  
406 repealed in section XX. The provisions are adopted in a new  
407 section SCC 30.63B.315.  
408
- 409 PP. SCC 30.63B.310, relating to cuts or excavations, is amended in  
410 section XX to include the term landslide hazard areas in SCC  
411 30.63B.310(3) and to clarify critical area terms in SCC  
412 30.63B.310(4).  
413
- 414 QQ. A new section SCC 30.63B.315, previously SCC 30.63B.300,  
415 related to hazards, is added to code in section XX for  
416 reorganization purposes. No changes to code were made to the  
417 section.  
418
- 419 RR. SCC 30.63B.320, relating to fills or embankments, is amended in  
420 section XX to make general clarifications, clarify critical area terms,  
421 specify that provision apply to fills within public or private tracts or  
422 easements instead of right-of-way, and clarify the requirements for  
423 steep slopes and critical area restrictions.

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- 424  
425 SS. SCC 30.63B.330, relating to setbacks for cuts or fills, is amended in  
426 section XX to update terms and clarify critical area terms.  
427  
428 TT. SCC 30.63B.340, related to drainage and terracing is amended in  
429 section XX to make general clarifications.  
430  
431 UU. SCC 30.63B.350, relating to soil erosion, is amended in section XX  
432 to update terms, references and make a general clarification.  
433  
434 VV. SCC 30.63B.360, relating to reclamation of quarry or mining sites,  
435 is amended in section XX to change the term “grading” to the term  
436 “land disturbing activity,” and to make general clarifications.  
437  
438 WW. Section XX amends SCC 30.22.130 relating to the reference notes  
439 for the land use matrix by changing the term “grading” to “land  
440 disturbing activity in SCC 30.23.110(74) and by adding a reference  
441 to special setback requirements in SCC 30.23.110(23).  
442  
443 XX. Section XX amends SCC 30.61.112 relating to environmental  
444 permit review to change the term “grading” to the term “land  
445 disturbing activity,”  
446  
447 YY. Section XX amends SCC 30.61.300 relating to SEPA appeals –  
448 general, to change the term “grading” to the term “land disturbing  
449 activity.”  
450  
451 ZZ. Section XX amends SCC 30.63C.040(1)(e) relating to modifications  
452 from Snohomish County code to change the term “grading” to the  
453 term “land disturbing activity.”  
454  
455 AAA. Section XX amends SCC 30.70.015(4) relating to modifications  
456 from Snohomish County code to change the term “grading” to the  
457 term “land disturbing activity.”  
458  
459 BBB. Section XX amends SCC 30.71.020(4) relating to modifications  
460 from Snohomish County code to change the term “grading” to the  
461 term “land disturbing activity.”  
462  
463 CCC. SCC 30.86.520, relating to grading fees, is amended in section XX  
464 to make general clarifications, change the term “grading” to the  
465 term “land disturbing activity,” and to include fees for other land  
466 disturbing activities (clearing). The term land disturbing activity

467 (LDA) is inserted before the pre-application site review fee and site  
468 review fee items on the schedule to update the applicability to LDA  
469 permits for clearing. new footnote(5) to the plan review and  
470 inspection fee schedule title, and make general clarifications to the  
471 fee schedule to indicate that the base fee applies to each new land  
472 disturbing activity permit file. A \$400 per acre fee for an LDA  
473 clearing application is added to this section. This fee may be  
474 prorated with a \$100 minimum fee. The permit fee renewal  
475 requirement of 50% of the permit fee is clarified to indicate that the  
476 renewal fee calculation excludes the base fee and site review fee  
477 portion of the permit fee.  
478

479 To determine the new fees for new services, the costs to Planning  
480 and Development Services for new clearing inspections were  
481 calculated based the estimated time involved. A reviewer will be  
482 on-site clearing limits, checking erosion control and tracking  
483 inspections. The per acre fee for disturbed lands associated with  
484 special investigations will address costs incurred by the department  
485 during special investigations. PDS estimates that approximately  
486 300 new clearing inspections will occur in the first year of  
487 implementation at \$400/per acre. **Note: The fee schedule update**  
488 **is still under internal review and fee analysis is ongoing.**  
489

490 DDD. Section XX amends SCC 30.91C.210, the definition of  
491 “compaction” to strike the notation that the definition applies only to  
492 the grading regulations by changing the referenced from “grading”  
493 to “Land Disturbing Activity.”  
494

495 EEE. Section XX amends SCC 30.91C.230, the definition of “excavation”  
496 to strike the phrase “Excavation and grading and replace it with  
497 “Land disturbing activity” and to add a missing reference to chapter  
498 30.63B SCC in the applicability notation.  
499

500 FFF. Section XX amends SCC 30.91G.070 the definition of “grade” to  
501 changing the term “grading” to “land disturbing activity.”  
502

503 GGG. SCC 30.91G.075, the definition of “grading” is amended in section  
504 XX to strike the notation that the definition applies only to the  
505 construction codes in subtitle 30.5.  
506

507 EEE. The Snohomish County Comprehensive Plan - General Policy Plan  
508 sets forth the following goals relating to stormwater management:  
509

- 510 1. Goal CF 3 requires management of stormwater in  
511 Snohomish County in a manner that protects the public  
512 health and safety;  
513  
514 2. Goal NE 3 requires compliance with the requirements for  
515 state, federal and local laws for protecting and managing  
516 water, including compliance with the requirements of the  
517 NPDES permit; and  
518

519 FFF. A determination of nonsignificance (DNS) was issued for this  
520 proposed non-project action on \_\_\_\_\_, 2008, pursuant to the  
521 State Environmental Policy Act (SEPA), chapter 43.21 RCW and  
522 chapter 197-11 WAC, and chapter 30.61 SCC.  
523

524 Section 3. The county council makes the following conclusions:  
525

- 526 A. The council concludes that this ordinance implements the  
527 regulatory mechanisms and control measures necessary to  
528 prevent pollution that may be carried to waters of the state  
529 by stormwater runoff related to land disturbing activities.  
530  
531 B. Adoption of the proposed amendments does not result in  
532 less restrictive performance standards or objectives than  
533 those in the county's Phase 1 Municipal Stormwater Permit.  
534  
535 C. There has been early and continuous public participation in  
536 review of the proposed amendments.  
537  
538 D. The proposals were broadly disseminated to the public and  
539 opportunities have been provided for written comments and  
540 public hearing after effective notice that satisfies the public  
541 involvement and participation requirements of the Growth  
542 Management Act (GMA).  
543  
544 E. The SEPA process conducted for this ordinance satisfies the  
545 requirements of the State Environmental Policy Act codified  
546 in chapter 43.21C RCW, as implemented by chapter 197-11  
547 WAC and chapter 30.61 SCC.  
548  
549 F. This ordinance provides for the health, safety and general  
550 welfare of the citizens of Snohomish County and the  
551 environment through the regulation of stormwater runoff to

552 the maximum extent practical as required by federal and  
553 state law.

554  
555 G. The county council bases its findings and conclusions on the  
556 entire record of the planning commission and the county  
557 council, including all testimony and exhibits. Any finding,  
558 which should be deemed a conclusion, and any conclusion  
559 which should be deemed a finding, is hereby adopted as  
560 such.

561  
562 Section 4. The title of Snohomish County Code chapter 30.63B adopted  
563 by Ordinance No. 02-064 on December 9, 2002, is amended to read:

564  
565 **CHAPTER 30.63B**  
566 **LAND DISTURBING ACTIVITIES (LDA) ((GRADING CODE))**

567 Section 5. Snohomish County Code Section 30.63B.007 adopted by  
568 Ordinance No. 05-116 on Dec 9, 2002, is repealed.

569 Section 6. Snohomish County Code Section 30.63B.010 adopted by  
570 Ordinance No. 02-064 on December 9, 2002, is amended to read:

571 **30.63B.010 Purpose and applicability.**

572 (1) The purpose of this chapter ((shall be)) is to regulate ((grading to safeguard  
573 life, limb, property, and the general welfare.)) land disturbing activities that result  
574 in the movement of earth, or a change in the existing soil cover (both vegetative  
575 and non-vegetative) and/or the existing soil topography to safeguard life, limb,  
576 property, and the general welfare. Land disturbing activities include, but are not  
577 limited to clearing, grading, filling, or excavation. ((The provisions of this chapter  
578 apply to all grading activity. A grading permit is required for all grading activity  
579 unless exempted in SCC 30.63B.020. Grading occurring within or near a critical  
580 area must be consistent with chapters 30.62A, 30.62B and 30.62C SCC or  
581 chapters 30.62 and 30.64 SCC as applicable. Specific objectives of this chapter  
582 are as follows))

583 (2) Specific objectives of this chapter are:

584 ((4)) (a) To promote sound, practical, and economical development  
585 practices and construction ((procedures)) activities which prevent or  
586 minimize impacts to ((the county's water and)) adjoining properties and the  
587 county's water;

588 ((2)) (b) To prevent or minimize degradation of water quality and to control  
589 the sedimentation of ((wetlands and fish and wildlife habitats conservation

- 590 ~~areas and other surface waters))~~ streams, rivers, lakes, wetlands, marine  
591 waters,  
592 ground waters, and other waters;  
593 ~~((3))~~ (c) To control soil movement ~~((originating))~~ on ~~((developing))~~ land that  
594 will be developed or redeveloped;  
595 ~~((4))~~ (d) To preserve the ~~((suitability))~~ quality of water for human  
596 consumption, recreation and ~~(fishing)~~ fish and wildlife habitat;  
597 ~~((5))~~ (e) To maintain stable earth foundations for structures and to maintain  
598 stable earth during ~~((site grading operations))~~ land disturbing activities by  
599 using benches, keys, and compaction of soils or other suitable  
600 ~~((engineering))~~ construction methods;  
601 ~~((6))~~ (f) To maintain the quality of the county's water resources;  
602 ~~((7))~~ (g) To prevent or minimize adverse effects caused by ~~((alterations~~  
603 ~~in))~~ degradation to surface water or ground water quality, quantities,  
604 locations, and changes in hydrologic flow patterns;  
605 ~~((8))~~ (h) To maintain the safety of county roads and rights-of-way;  
606 ~~((9))~~ (i) To protect public safety by reducing slope instability and the  
607 potential for landslides or erosion; and  
608 ~~((10))~~ (j) To encourage development to locate within urban growth areas,  
609 and prevent or minimize ~~((grading-related))~~ impacts from ~~((developed))~~ land  
610 disturbing activity.  
611 (3) The provisions of this chapter shall apply to all land disturbing activity.  
612 (4) A land disturbing activity permit is required for all land disturbing activity  
613 unless exempted in SCC 30.63B.020.

614  
615 Section XX. A new section is added to Chapter 30.63B Snohomish  
616 County Code to read:

617  
618 **30.63B.014 Compliance with other laws.**

619 Approvals of construction plans and permits granted under this chapter and any  
620 rules, policies and procedures promulgated hereunder, do not constitute waivers  
621 of the requirements of and nor do they indicate compliance with any other laws or  
622 regulations ~~((nor do they indicate compliance with any other laws or~~  
623 ~~regulations)).~~ Compliance is ~~((still))~~ required with all applicable federal, state,  
624 and local laws and regulations.

625  
626  
627  
628  
629

630 Section XX. A new section is added to Chapter 30.63B of Snohomish  
631 County Code to read:

632 **30.63B.015 Compliance with drainage and stormwater control regulations.**

633 All land disturbing activity that requires a land disturbing activity permit pursuant  
634 to this chapter shall comply with the drainage and stormwater control  
635 requirements in chapter 30.63A SCC and all other applicable requirements.

636 Section XX. A new section is added to Chapter 30.63B of Snohomish  
637 County Code to read:

638 **30.63B.016 Relationship to other environmental regulations.**

639 (1) The land disturbing activity (~~grading~~) requirements of this chapter,  
640 together with applicable requirements from chapters 30.43C, 30.44, 30.62,  
641 30.62A and 30.62.B, 30.63A, 30.64, and 30.65 SCC shall be used to determine  
642 the impacts of LDA (~~grading~~) and required mitigation for on-site and off-site  
643 changes.

644 (2) When the director, upon consideration of the specific probable adverse  
645 environmental impacts on-site and off-site from land disturbing activity (~~grading~~)  
646 associated with a development activity, determines that the requirements of this  
647 chapter and chapters 30.43C, 30.43D, 30.44, 30.62, 30.63A, 30.64, and 30.65  
648 SCC adequately address those impacts, compliance with those requirements  
649 shall constitute adequate analysis of and mitigation for the specific adverse or  
650 significant adverse environmental impacts on-site and off-site from LDA  
651 (~~grading~~) associated with the development activity, as provided by RCW  
652 43.21C.240.

653

654 Section XX. A new section is added to chapter 30.63B of Snohomish  
655 County Code to read:

656

657 **30.63A.017 Relationship to critical areas chapters 30.62, 30.62A, 30.62B,**  
658 **30.62C, 30.64 and 30.65 SCC.**

659

660 (1) In addition to the requirements of this chapter, additional regulations  
661 related to the protection of critical areas are contained in chapters 30.62, 30.62A,  
662 30.62B, 30.62C, 30.64, and 30.65 SCC. Critical areas shall be protected before,  
663 during, and after development.

664 (2) For agricultural activities as defined in SCC 30.62.015(1), located on  
665 designated farmland or rural lands and which require a permit or approval from  
666 the county or are proposed by a public agency, critical areas shall be defined as

667 per SCC 30.62.015(5) and the provisions of chapters 30.62, 30.64, and 30.5  
 668 SCC shall be applied as applicable.

669 (3) For all other agricultural activities, development, redevelopment, and land  
 670 disturbing activities, critical area shall be defined as per SCC 30.91C.340 and the  
 671 provisions of chapters 30.62A, 30.62B, 30.62C, and 30.65 SCC shall be applied  
 672 as applicable.  
 673

Critical Area Code Requirements for Agricultural Activities				
As adopted 8/1/07				
If the agricultural activity is located in:	And has any or all of these Critical Areas:			
	Wetlands or Fish & Wildlife Habitat	Geologically Hazardous Areas	Critical Aquifer Recharge Areas	Frequently Flooded Areas
FLUM Designation: Agriculture or Rural	SCC 30.62 (definitions in 30.62.015)		SCC 30.64	SCC 30.65
All other FLUM Designations	SCC 30.62A	SCC 30.62B	SCC 30.62C	SCC 30.65

674 FLUM = Future Land Use Map

675

676 Section XX. Snohomish County Code Section 30.63B.020 last amended  
 677 by Ordinance No. 03-012 on March 3, 2012, is amended to read:

678

679 **30.63B.020 Exemptions from land disturbing activity permit requirements.**

680

681 When noted below, the following exemptions shall require soil erosion and  
 682 sediment control BMPs contained in the Drainage Manual.

683 (1) The following land disturbing activity ((grading)) is exempt from the land  
 684 disturbing activity permit requirements of this chapter provided it occurs outside a  
 685 ((critical area)) stream, wetland, lake, fish and wildlife habitat conservation area,  
 686 marine water, landslide hazard area, erosion hazard area or their buffers and is  
 687 at least two feet from a property boundary line:

688

689 (a) Operation of a solid waste disposal site subject to a solid waste permit  
 690 pursuant to chapter 70.95 RCW. The expansion, relocation, or closure of a solid  
 691 waste disposal site is not exempt;

692

693 (b) Commercial operations involving mining, quarrying, excavating,  
 694 processing, or stockpiling of rock, sand, gravel, aggregate, or clay if such  
 695 operations are authorized by a county conditional use permit or administrative  
 conditional use permit for expansion of a nonconforming use as required by  
 chapters 30.22, 30.42C, or 30.43A SCC. This exemption does not apply to:

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- 696 (i) reclamation pursuant to SCC 30.63B.360;
- 697 (ii) an operation which the director determines may destabilize or
- 698 undermine any adjacent or contiguous property; or
- 699 (iii) an operation which the director determines may result in adverse
- 700 downstream drainage impacts;
- 701 (c) Commercial agricultural activities involving working the land for production
- 702 on land designated riverway commercial farmland, upland commercial farmland
- 703 or local commercial farmland by the comprehensive plan, as follows:
- 704 (i) tilling, soil preparation, and maintenance; and
- 705 (ii) fallow rotation, planting, and harvesting; except:
- 706 (A) Conversion of timberland to agriculture. and
- 707 (B) Construction of impervious surfaces.
- 708 (d) Site investigative work necessary for land use application submittals such
- 709 as surveys, soil borings and test pits, percolation tests, non-mechanical survey
- 710 monument placement, data collection by non-mechanical means if performed in
- 711 accordance with state-approved sampling protocols or the Endangered Species
- 712 Act (ESA) Section 10(a)(1)(a), Section 7 consultation (16 USC § 1536) and other
- 713 related activities, provided the land-disturbing activity is no greater than is
- 714 necessary to accomplish the work;
- 715 (e) ~~((Excavation))~~ Drilling or excavation of a well for a single family dwelling
- 716 unless the work is proposed within a critical area except floodplains or aquifer
- 717 recharge areas; and
- 718 (f) ~~((Excavation))~~ Drilling or excavation or filling of cemetery graves.
- 719 (2) The following ~~((grading))~~ land disturbing activity does not require a
- 720 ~~((grading))~~ land disturbing activity permit provided it disturbs less than 7,000
- 721 square feet, ((and)) occurs outside of a ((critical area)) stream, wetland, lake,
- 722 marine water, fish and wildlife habitat conservation area, landslide hazard area,
- 723 erosion hazard area and their buffers and is at least two feet from a property
- 724 boundary line, but shall comply with the minimum erosion control requirements of
- 725 SCC 30.63A.700(4)(a)-(o):
- 726 (a) ~~((Grading))~~ Land disturbing activity which does not obstruct or alter an
- 727 existing drainage course or pattern, and which creates less than 5,000 square
- 728 feet of ~~((less of))~~ new impervious surface, and collects or concentrates storm-
- 729 water from 5,000 square feet or less of drainage area, and which:
- 730 (i) totals 100 cubic yards or less of grading on a site in any ~~((24))~~ 18
- 731 consecutive months, or
- 732 (ii) totals 500 cubic yards or less in any ~~((24))~~ 18 consecutive months of
- 733 excavation on a site for a basement foundation, or improvements for a single
- 734 family dwelling and accessory structures, provided that excess excavated
- 735 material shall be disposed of at a permitted site approved by the director~~((;))~~ and
- 736 that the excavation shall commence after the building permit is secured by the
- 737 applicant, and shall comply with the building permit, or
- 738 (iii) totals 500 cubic yards or less in any ~~((24))~~ 18 consecutive months for

739 construction of underground drainage systems, provided that the construction  
740 shall only commence after a right-of-way use, single family or commercial  
741 building permit is secured by the applicant, the applicant has an approved  
742 drainage plan, if otherwise required, and that the construction may be subject to  
743 inspection as a condition of the underlying permit;

744 (b) Maintenance or repair on private property of existing commercial  
745 agricultural facilities on land designated riverway commercial farmland, upland  
746 commercial farmland, or local commercial farmland by the comprehensive plan,  
747 which may include drainage facilities, ponds, animal stock flood sanctuaries,  
748 animal waste management facilities, agricultural buildings, fences, existing roads,  
749 and bridges; and

750 (c) New construction (including enlargement of existing drainage facilities  
751 ~~((ef))~~ or drainage ditches (including 500 cubic yards or less of grading) for  
752 commercial agriculture on private property designated riverway commercial  
753 farmland, upland commercial farmland, or local commercial farmland by the  
754 comprehensive plan, ~~((which))~~ that does not adversely impact ~~((critical areas,~~  
755 ~~lakes, or))~~ waters upstream or downstream properties, when such ditches do not  
756 have a surface connection within 100 feet of a ~~((critical area))~~ stream, wetland or  
757 lake, or contain water on site for detention, retention, infiltration, or evaporation.

758 (3) Utility and related underground drainage system construction and  
759 maintenance that replace the ground surface with in-kind materials with similar  
760 runoff characteristics.

761 (a) Minor utility activities, including vegetation management and related  
762 underground drainage system construction in county rights-of-way which,  
763 pursuant to title 13 SCC, do not require a Type D permit~~((;))~~ are exempt from this  
764 chapter.

765 (b) Utility construction and related underground drainage system construction  
766 occurring within county rights-of-way conducted under a Type D7 blanket utility  
767 permit pursuant to title 13 SCC, which is located outside ((critical areas)) of a  
768 stream, wetland, lake, fish and wildlife habitat conservation area, marine water,  
769 landslide hazard area, erosion hazard area or their buffers. ((critical areas and  
770 within county rights-of-way conducted under a Type D7 blanket utility permit  
771 pursuant to title 13 SCC which does not adversely impact critical areas, lakes, or  
772 upstream or downstream properties)) The construction shall comply with the  
773 relevant erosion control requirements of SCC 30.63A.700(4)(a)-(o) as applicable,  
774 and ((is)) are exempt from all other requirements of this chapter. Utilities applying  
775 for a blanket utility construction permit shall propose relevant erosion and  
776 sedimentation control best management practices (BMPs) for all permitted  
777 activities at the time of application pursuant to SCC 30.63A.700(4)(a)-(o) as  
778 applicable, and shall have a Certified Soil Erosion Control Lead (CESCL)  
779 assigned to oversee the permit and manage the project.

780 (c) Major utility and related underground drainage system construction within  
781 impervious surface areas, including trenching or other utility installation or

782 maintenance which cuts and subsequently repairs existing impervious surface  
783 outside critical areas and within public rights-of-way conducted under a Type D8  
784 major utility construction permit pursuant to title 13 SCC, which does not  
785 adversely impact upstream or downstream waters or properties including ((critical  
786 areas lakes,)) streams, wetlands, lakes, fish and wildlife habitat conservation  
787 areas, marine waters, landslide hazard areas, erosion hazard areas and their  
788 buffers ((or upstream or downstream properties,)) shall comply with relevant  
789 provisions of the ((erosion control)) requirements of SCC 30.63A.700(4)(a)-(o),  
790 and ~~((is))~~ are exempt from all other requirements of this chapter. Utilities  
791 applying for a major utility construction permit shall propose erosion and  
792 sedimentation control best management practices for the utility construction at  
793 the time of application pursuant to SCC 30.63A.700(a)-(h), and shall have a  
794 Certified Soil Erosion Control Lead (CESCL) assigned to oversee the permit and  
795 manage the project.

796 (d) Utility and related underground drainage system maintenance outside  
797 critical areas and outside of public rights-of-way which ~~((does))~~ do not add  
798 impervious surface and does not adversely impact ~~((critical areas lakes,))~~ a  
799 stream, wetland, lake, fish and wildlife habitat conservation area, marine water,  
800 landslide or erosion hazard area and their buffers or upstream or downstream  
801 properties shall comply with the relevant erosion control requirements of SCC  
802 30.63A.700(4)(a)-(o) as applicable, and shall have a Certified Soil Erosion  
803 Control Lead (CESCL) assigned to oversee the permit and manage the project  
804 and ~~((is))~~ are exempt from all other requirements of this chapter.

805 (e) All utility and related underground drainage system construction not  
806 exempt pursuant to SCC 30.63B.020(3)(a)-(d) above shall comply with all  
807 applicable requirements of this chapter.

808 (f) If a utility and related underground drainage system must relocate as a  
809 direct result of a county department of ~~((a))~~ public works project, it shall be  
810 exempt from the fee requirements of chapter 30.86 SCC.

811 (g) For purposes of ~~((this section,))~~ utility exemptions, related underground  
812 drainage system "construction" and "maintenance" means trenching and  
813 backfilling for the limited purposes of installing storm drainage pipes and catch  
814 basins and does not apply to the construction or maintenance of detention vaults,  
815 infiltration systems, or water quality vaults.

816 ~~((4) Emergency repairs. In an emergency, repairs may be undertaken without~~  
817 ~~a prior grading permit or associated drainage review to protect existing~~  
818 ~~development, maintain existing utility function, or to prevent channel impairment~~  
819 ~~if insufficient time exists to obtain a grading permit prior to the time necessary to~~  
820 ~~perform the emergency repair and either:~~

821 ~~—(a) damage is occurring as a result of flood waters at or exceeding flood~~  
822 ~~stage as defined by the county department of emergency services;~~

823 ~~—(b) utility maintenance is necessary to repair a utility facility or line which has~~  
824 ~~been damaged as a direct result of the emergency; or~~

825 — ~~(c) removal and relocation of material relocated onto commercial farmland by~~  
826 ~~flood waters if necessary to protect farming operations.~~

827 ~~An emergency is a situation which the director determines has developed~~  
828 ~~suddenly, constitutes an imminent threat, and demands immediate action to~~  
829 ~~protect property from damage by elements or to protect the public from a serious~~  
830 ~~and imminent threat to health or safety.~~

831 ~~(5) Public works construction projects. Department of public works~~  
832 ~~construction projects shall be exempt from all fee requirements of chapter 30.86~~  
833 ~~SCC.)~~

834 (4) Forest practices regulated under Title 222 WAC, except for Class IV  
835 general forest practice conversions from timberland to other uses.

836 (5) Oil and gas field activities or operations including the construction of drilling  
837 sites, waste management pits, and access roads, as well as construction of  
838 transportation and treatment infrastructure such as pipelines, natural gas  
839 treatment plants, natural gas pipeline compressor stations, and crude oil  
840 pumping stations except operators shall implement and maintain BMPs to  
841 minimize erosion and control sediment during and after construction activities to  
842 help ensure protection of surface water quality during storm events.

843 (6) Road maintenance practices including pothole and square cut patching,  
844 overlying existing asphalt or concrete pavement with asphalt or concrete without  
845 expanding the area of coverage, shoulder grading, reshaping/regarding drainage  
846 systems, crack sealing, resurfacing with in-kind material without expanding the  
847 road prism and vegetative maintenance.

848

849 Section XX. Snohomish County Code Section 30.63B.025, adopted by  
850 Ordinance 02-04 on December 9, 2002, is amended to read:

851 **30.63B.025 Right to farm exemptions.**

852 For purposes of this chapter, land disturbing activities ((grading)) does not  
853 include agricultural activities as ~~((defined in chapter 30.32B SCC, SCC~~  
854 ~~30.91A.090, or RCW 7.48.310))~~ described in SCC 30.32B and defined in SCC  
855 30.91A.090 or 30.62.015(1) as applicable pursuant to SCC 30.63A.150(2) and  
856 (3) and the permit requirements of this chapter do not apply to such activities,  
857 provided:

858 (1) The activity occurs on property (1) on which agriculture as described in SCC  
859 30.63A.200(1)(a) and (b) is a legal use of the property;

860 (2) The activity does not occur in a wetland, unless:

861 (a) the activity is exempt from wetlands regulations under section 404(f) of  
862 the federal Clean Water Act; or

863 (b) the wetland as defined in RCW 36.70A is an area no greater than 5,000  
864 square feet on non riparian Category 2 or 3 wetlands or 10,000 square feet of

865 non riparian Category 4 wetlands (~~(, as defined under state law)~~); and  
866 (3) The activity requires no other permit from Snohomish County.

867

868 Section XX. A new section is added to Chapter 30.63B of Snohomish  
869 County Code to read:

870

871 **30.63B.026 Emergency repairs.**

872

873 An emergency is a situation which the director determines: (1) has developed  
874 suddenly; (2) constitutes an imminent public health or safety threat; and (3)  
875 demands immediate action to protect property from damage by elements or to  
876 protect the public from a serious and imminent threat to health or safety.  
877 Emergency land disturbing activities necessary to prevent an immediate threat to  
878 public health, safety, welfare or property, or to prevent an imminent threat of  
879 serious environmental degradation are permitted as follows:

880 (1) Emergency land disturbing activity is allowed without prior approval  
881 pursuant to this section, based on the criteria set forth in this section:

882 (a) The activity must be the minimum necessary to alleviate the  
883 emergency;

884 (b) The project proponent shall notify the department before taking any  
885 action taken to remedy an emergency. If prior notification is not feasible, the  
886 project proponent shall notify the department within 48 hours of the action; and

887 (c) Applications for any required project permits necessary to satisfy  
888 compliance with this chapter shall be submitted to the department within 120  
889 days of the start of the action taken.

890 (2) Repairs may be undertaken without first obtaining a land disturbing activity  
891 permit when necessary to protect existing property, maintain an existing utility  
892 function, or to prevent channel impairment if insufficient time exists to obtain a  
893 land disturbing activity permit before the time needed to perform the emergency  
894 repair and either:

895 (a) damage is occurring as a result of flood waters at or exceeding flood  
896 stage as defined by the county department of emergency management or  
897 surface water management division;

898 (b) utility maintenance is necessary to repair a utility facility or line which has  
899 been damaged as a direct result of the emergency; or

900 (c) removal and relocation of material deposited onto commercial farmland by  
901 flood waters if necessary to protect farming operations.

902

903

904

905

906

907 Section XX. A new section is added to Chapter 30.63B of Snohomish  
908 County Code to read:

909

910 **30.63B.027 Land disturbing activity permit fees.**

911

912 LDA fees shall be paid at application submittal.

913

914 Section XX. A new section is added to Chapter 30.63B of Snohomish  
915 County Code to read:

916

917 **30.63B.028 Land disturbing activity permit fee - exception.**

918

919 Department of public works construction projects shall be exempt from all fee  
920 requirements of chapter 30.86 SCC.

921

922 Section XX. Snohomish County Code Section 30.63B.030, adopted by  
923 Ordinance 02-064 on December 9, 2002, is amended to read:

924 **30.63B.030 Requirements for public works contracts.**

925 The director of public works shall ~~((include a requirement for all applicable~~  
926 ~~grading, drainage, and erosion and sedimentation control plans in any contract~~  
927 ~~documents prepared for the department of public works.)) ensure that all contract  
928 documents prepared for the department of public works construction projects  
929 includes plans and specifications required by chapters 30.63A and 30.63B SCC  
930 including all applicable drainage and soil erosion and sedimentation control plan  
931 elements.~~

932 Section XX. Snohomish County Code Section 30.63B.040, adopted in  
933 Ordinance 02-064 on December 9, 2002, is repealed.

934

935 Section XX. Snohomish County Code Section 30.63B.050, adopted by  
936 Ordinance 02-064 on December 9, 2002, is repealed.

937

938 Section XX. Snohomish County Code Section 30.63B.060 adopted by  
939 Ordinance 02-064 on December 9, 2002, is amended to read:

940

941 **30.63B.060 Person responsible.**

942

943 (1) The county is not responsible for the accuracy of land disturbing activity  
944 ~~((grading))~~ plans submitted for approval. The county expressly disclaims any  
945 responsibility for the design or implementation of a land disturbing activity  
946 ~~((grading))~~ plan. The design and implementation of a suitable land disturbing

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947 activity ((grading)) plan is the responsibility of the ~~((owner and))~~ applicant and  
948 property owner.

949 (2) The applicant and owner shall be responsible for the land disturbing activity  
950 work to be performed in accordance with the approved plans and specifications  
951 and in conformance with the provisions of this code. Any person performing land  
952 disturbing activity ((grading)) subject to a land disturbing activity ((grading))  
953 permit shall have a copy of ~~((a valid))~~ an approved land disturbing activity  
954 ((grading)) permit and approved construction plans on the work site at all times  
955 and shall also be responsible for compliance with the plans, specifications, and  
956 permit ~~((requirements))~~ conditions.

957

958 Section XX. Snohomish County Code Section 30.63B.070 adopted by  
959 Ordinance 02-064 on December 9, 2002, is amended to read:

### 960 **30.63B.070 Submittal requirements.**

961 ~~((Grading))~~ land disturbing activity permit applications shall meet the application  
962 checklist requirements provided by the department pursuant to SCC 30.70.030.

963 Section XX. Snohomish County Code Section 30.63B.080 adopted by  
964 Ordinance 02-064 on December 9, 2002, is amended to read:

### 965 **30.63B.080 Notice of application.**

966 Notice of application for land disturbing activity ((grading)) in excess of 500 cubic  
967 yards, or other land disturbing activity ((grading)) requiring SEPA review pursuant  
968 to chapter 30.61 SCC shall be provided in accordance with chapters 30.70 and  
969 30.71 SCC.

970 Section XX. Snohomish County Code Section 30.63B.100 adopted by  
971 Ordinance 02-064 on December 9, 2002, is amended to read:

972

### 973 **30.63B.100 Engineered construction plans ((grading)).**

974 The following ~~((are))~~ land disturbing activities require engineered plans ((grading,  
975 and require plans)) stamped and signed by a civil engineer licensed in the state  
976 of Washington:

977 (1) All land disturbing activity ((grading)) in excess of 5,000 cubic yards. Such  
978 land disturbing activity ((grading)) also requires submittal of a full drainage plan  
979 which meets the requirements of SCC ~~((30.63A.155))~~ 30.63A.330;

980 (2) All land disturbing activity ((grading)) within public or private road ((rights-  
981 of-way)) tracts or easements ((, whether public or private. Such grading)) shall

982 comply with county specifications in the EDDS and subtitle 30.52 SCC;  
983 (3) All land disturbing activity ((grading)) plans for development activities  
984 which are subject to environmental review pursuant to chapter 30.61 SCC; and  
985 (4) All other plans ((grading)) that ~~((requires))~~ require civil engineering as  
986 determined by the building official pursuant to subtitle 30.5 SCC and  
987 International Building Code sections 1802.4, 1802.6, and 1803.4(2).

988 Section XX. Snohomish County Code Section 30.63B.110 adopted by  
989 Ordinance 02-064 on December 9, 2002, is amended to read:

990 **30.63B.110 Reports on geotechnical engineering, soils engineering,**  
991 **engineering geology, and liquefaction.**

992 (1) If the building official determines that geologic, hydrologic, or soil conditions  
993 may present special land disturbing activity ((grading)) or drainage conditions  
994 which may damage a public right-of-way, county property or pose a substantial  
995 threat to public health, safety, or welfare, the building official may require the  
996 applicant to submit a geotechnical engineering report which includes a soils  
997 engineering report and/or an engineering geology report pursuant to  
998 30.63B.110(2) and (3) below or pursuant to section 1802 of the International  
999 Building Code. If a geotechnical engineering report is required, the applicant's  
1000 geotechnical engineer ~~((or))~~ civil engineer or engineering geologist shall inspect  
1001 and approve the suitability of the prepared ground to receive fills and the stability  
1002 of cut slopes with respect to soil, hydrologic, and geologic conditions. The  
1003 geotechnical evaluation shall also address the need for subdrains or other  
1004 groundwater drainage devices. To verify safety, the building official may require  
1005 testing for required compaction, soil bearing capacity, stability of all finished  
1006 slopes and the adequacy of structural fills as a condition of permit approval.

1007 (2) Soils engineering report. The soils engineering report shall include data  
1008 regarding the nature, distribution, and strength of existing soils, conclusions and  
1009 recommendations for LDA ((grading)) procedures and design criteria for  
1010 corrective measures, including structural fills, when necessary, and an opinion on  
1011 adequacy for the intended use of sites to be developed by the proposed land  
1012 disturbing activity ((grading)) as affected by soils engineering factors, including  
1013 the stability of slopes.

1014 (3) Engineering geology report. The engineering geology report shall include  
1015 an adequate description of the geology of the site, conclusions and  
1016 recommendations regarding the effect of geologic conditions on the proposed  
1017 development, and an opinion on the adequacy for the intended use of sites to be  
1018 developed by the proposed land disturbing activity ((grading)), as affected by  
1019 geologic factors.

1020 (4) Liquefaction report. The building official may require a geotechnical or  
1021 geologic investigation and report in accordance with ~~((the 1997 UBC 1804.2 and~~

1022 ~~1804.5))~~ section 1802.4 of the International Building Code which addresses the  
1023 potential for liquefaction.

1024 Section XX. A new section 30.63B.115 is added to chapter 30.63B of the  
1025 Snohomish County Code to read:

1026  
1027 **30.63B.115 Time limitation of application.**

1028  
1029 An application for a permit for any proposed work shall be deemed to have  
1030 been abandoned 18 months after the date of filing, unless such application has  
1031 been pursued in good faith or a permit has been issued; except that the building  
1032 official is authorized to grant one extension of time for an additional period not to  
1033 exceed 18 months. The extension shall be requested in writing and a justifiable  
1034 cause shall be demonstrated.

1035  
1036 Section XX. Snohomish County Code Section 30.63B.200 adopted by  
1037 Ordinance 03-013 on March 19, 2003, is amended to read:

1038 **30.63B.200 Issuance of land disturbing activity ((grading)) permits.**

1039 (1) A land disturbing activity ((grading)) permit shall be issued after all other  
1040 permits required by the county and drainage plan approvals required for site  
1041 development have been obtained and ((or)) review indicates that other approvals  
1042 required from outside agencies are assured (~~by other affected agencies~~),  
1043 clearing limits have been marked when applicable, all fees have been paid at  
1044 submittal, the land disturbing activity ((grading)) plans and specifications have  
1045 been approved, and environmental review under chapter 30.61 SCC has been  
1046 completed, if applicable.

1047 (2) A land disturbing activity ((grading)) permit shall not be issued for land  
1048 disturbing activity ((grading)) in shorelines or land disturbing activity ((grading))  
1049 that is associated with a project in a shoreline until all required permits and  
1050 approvals have been granted pursuant to chapter 30.44 SCC.

1051 (3) The owner and applicant are responsible for obtaining permit approvals  
1052 required by other agencies.

1053  
1054 Section XX. A new section 30.63B.205 is added to chapter 30.63B of the  
1055 Snohomish County Code to read:

1056 **30.63B.205 Modification of permit conditions.**

1057 Before and after issuance of a land disturbing activity permit, the director may  
1058 require modifications of land disturbing activity plans, specifications and  
1059 operations or impose additional or more stringent standards and requirements

1060 than those specified in this chapter or in any approved land disturbing activity  
1061 permit, to the extent necessary to protect public health, safety, and welfare.  
1062 Such modifications, standards, or requirements may be necessary because of  
1063 unusual or newly discovered site conditions including, but not limited to, soil type,  
1064 topography, and weather conditions. Such modifications, standards and  
1065 requirements may include, but are not limited to scheduling, phasing, or time  
1066 restrictions.

1067 Section XX. Snohomish County Code Section 30.63B.210 adopted by  
1068 Ordinance 02-064 on December 9, 2002, is amended to read:

1069  
1070 **30.63B.210 ((Grading)) Land disturbing activity permit expiration and**  
1071 **renewal.**

1072  
1073 (1) LDA ((grading)) permits shall expire ((24)) 18 months from the date of  
1074 issuance, provided that the director may set an earlier expiration date for a  
1075 permit, or issue a permit that is non-renewable, or both, if the director  
1076 determines that soil, hydrologic, or geologic conditions on the project site  
1077 necessitate that ((grading)) land disturbing activity and drainage improvements  
1078 and site stabilization be completed within less time.

1079 (2) If a permit has expired, the applicant shall obtain a ((renewed)) new permit  
1080 before starting work authorized under the expired permit.

1081 (3) ~~((A permit may be renewed only once for up to ((24)) additional months,~~  
1082 and a) The director is authorized to grant, in writing, one extension of time, for a  
1083 renewal period of not more than 18 months. The extension shall be requested in  
1084 writing and justifiable cause demonstrated. The request for renewal shall be  
1085 made no later than 30 days before the date of expiration of the original permit.

1086 (4) ~~((Requirements under this chapter that are not expressly temporary during~~  
1087 ~~the grading operations, including but not limited to, requirements for erosion~~  
1088 ~~control, drainage, and slope management, do not terminate with the expiration~~  
1089 ~~of the grading permit.)) The fee for the permit extension is one-half of the  
1090 amount required for the original grading or land disturbing activity permit. No  
1091 permit may be extended later than 30 days after the date of expiration of the  
1092 original permit. Prior to extension of a permit, an on-site inspection of the work  
1093 authorized by the original permit may be required in order to determine  
1094 compliance with this chapter and any other applicable law or regulation.~~

1095 (5) Requirements under this chapter that are not expressly temporary during  
1096 the land disturbing activity operations, including but not limited to, requirements  
1097 for ((erosion control)) SWPPP, drainage, and slope management, do not  
1098 terminate with the expiration of the land disturbing activity permit.

1099  
1100  
1101

1102 Section XX. A new section is added to Chapter 30.63B of the Snohomish  
1103 County Code to read:

1104  
1105 **30.63B.212 Suspension or revocation**

1106  
1107 The building official may suspend or revoke a permit issued pursuant to SCC  
1108 30.85.117.

1109  
1110 Section XX. A new section is added to Chapter 30.63B of the Snohomish  
1111 County Code to read:

1112  
1113 **30.63B.215 Pre-construction meeting required.**

1114  
1115 (1) Prior to any land disturbing activity, the applicant or owner shall call the  
1116 department to arrange a pre-construction meeting with the department to review  
1117 all clearing limits, inspection and project management procedures.

1118 (2) LDA initiated prior to the issuance of a permit or failure to conduct the  
1119 required pre-construction meeting except as permitted in an emergency pursuant  
1120 to SCC 30.63B.026, shall be a violation of this chapter.

1121 (3) Violations of this chapter shall be enforced pursuant to chapter 30.85 SCC.  
1122 Pursuant to SCC 30.86.520 special investigation fees shall apply.

1123 Section XX. Snohomish County Code Section 30.63B.220 adopted in  
1124 Ordinance 02-064 on December 9, 2002, is amended to read:

1125 **30.63B.220 Land disturbing activity inspections ((Grading inspection)).**

1126 (1) ((Grading)) Land disturbing activity, operations for which a permit is  
1127 required shall be subject to inspection by the building official. Professional  
1128 inspection of land disturbing activity, ((grading)) operations shall be provided by  
1129 ((the)) a civil engineer, soils engineer, or the engineering geologist retained by  
1130 the owner or applicant to provide such services in accordance with (5) below for  
1131 engineered land disturbing activity, ((grading and)) or as required by the building  
1132 official for other land disturbing activity, ((grading)).

1133 (2) The civil engineer shall provide professional inspection within such  
1134 engineer's area of technical specialty, which shall consist of observation and  
1135 review as to the establishment of line, grade, surface drainage and erosion  
1136 control of the development area. If revised construction plans are required  
1137 during the course of the work they shall be prepared by the civil engineer.

1138 (3) The soils engineer shall provide professional inspection within such  
1139

1140

1141 engineer's area of technical specialty, which shall include observation during land  
1142 disturbing activity, (~~((grading))~~) and testing for required compaction. The soils  
1143 engineer shall provide sufficient observation during the preparation of the natural  
1144 ground and placement and compaction of the fill to verify that such work is being  
1145 performed in accordance with the conditions of the approved construction plan  
1146 and the appropriate requirements of this chapter and chapter 30.63A. Revised  
1147 recommendations relating to conditions differing from the approved soils  
1148 engineering and engineering geology and hydrologic liquefaction (~~((report))~~)  
1149 reports shall be submitted to the county, (~~((permittee or building official))~~) and the  
1150 civil engineer.

1151 (4) The engineering geologist shall provide professional inspection within such  
1152 (~~((engineer's))~~) geologist's area of technical specialty, which shall include  
1153 professional inspection of (~~((the bedrock))~~) excavation to determine if geologic  
1154 conditions encountered are in conformance with the approved report. Revised  
1155 recommendations relating to conditions differing from the approved engineering  
1156 geology report shall be submitted to the soils engineer.

1157 (5) The applicant or owner shall be responsible for the work to be performed in  
1158 accordance with the approved construction plans and specifications and in  
1159 conformance with the provisions of this code, and shall engage consultants, if  
1160 required, to provide professional inspections on a timely basis. The applicant or  
1161 owner shall act as a coordinator between the consultant, the contractor and the  
1162 building official. In the event of changed conditions, the applicant or owner shall  
1163 be responsible for managing the project site and informing the building official of  
1164 such change and shall provide revised construction plans for approval.

1165 (6) The director shall (~~((provide grading inspection))~~) inspect land disturbing  
1166 activity, (~~((of subdivisions))~~) to assure the future roadways whether public or  
1167 private are cleared and graded in accordance with the approved plans and  
1168 specifications and in conformance with the land disturbing provisions of this  
1169 chapter.

1170 (7) The (~~((building official))~~) department shall inspect the project at the various  
1171 stages of work including before construction, during construction, at construction  
1172 completion and at final acceptance and occupancy (~~((requiring approval))~~) to  
1173 determine (~~((that adequate control))~~) compliance with approved construction and  
1174 SWPPP plans is being exercised by the (~~((professional consultants))~~) owner,  
1175 contractor and CESCL.

1176 (8) If, in the course of fulfilling their respective duties under this chapter, the  
1177 civil engineer, CESCL, the soils engineer or the engineering geologist finds that  
1178 the work is not being done in conformance with this chapter or the approved land  
1179 disturbing activity (~~((grading))~~) construction plans, the discrepancies shall be  
1180 reported immediately in writing to the applicant or owner and to the building  
1181 official or the building official's designee.

1182 (9) The building official shall notify the applicant or owner of any discrepancies  
1183 that would necessitate construction plan revisions or corrections by the

1184 professional consultants when notified in SCC 30.63B.220(7) above.

1185 (10) Transfer of responsibility. If the civil engineer, the soils engineer, CESCL  
1186 or the engineering geologist of record is changed during land disturbing activity,  
1187 (~~grading~~), the work shall be stopped until the replacement has agreed in writing  
1188 to accept their responsibility within the area of technical competence for approval  
1189 upon completion of the work in compliance with approved plans. It shall be the  
1190 duty of the applicant or owner to notify the director or building official in writing of  
1191 such change prior to the recommencement of such grading or land disturbing  
1192 activity.

1193 (11) The types of soils inspections and standards recognized as acceptable  
1194 soils tests (~~are~~) shall:

1195 ~~((a) ASTM D 1557, moisture density relations of soils and soil aggregate~~  
1196 ~~mixtures;~~

1197 ~~—(b) ASTM D 1556, in place density of soils by the sand cone method; ASTM~~  
1198 ~~D 2167, the rubber balloon method; or ASTM D 2937, the drive cylinder method;~~  
1199 ~~and~~

1200 ~~—(c) ASTM D 2922 and D 3017, in place moisture content and density of soils~~  
1201 ~~by nuclear methods.))~~

1202 be consistent with sections 1802.6 and 1803.5 of the International Building Code.

1203

1204 Section XX. A new section is added to Chapter 30.63B Snohomish  
1205 County Code to read:

1206

1207 **30.63B.225 Inspection schedule.**

1208

1209 The inspection schedule shall include, but is not limited to:

1210 (1) Inspection before land disturbing activity and construction. All permitted  
1211 development sites that meet the thresholds for drainage review and are required  
1212 to meet the minimum requirements for development and redevelopment  
1213 pursuant to SCC 30.63A Part 600.

1214 (2) Inspections during construction. All permitted development sites involving  
1215 land disturbing activity that meet the thresholds for drainage review pursuant to  
1216 chapter 30.63A SCC shall be inspected for compliance with minimum  
1217 requirements for development and redevelopment during construction to verify  
1218 proper installation and maintenance of the BMPs or the SWPPP.

1219 (3) Completion of construction. All permitted development sites that meet the  
1220 thresholds for drainage review and are required to meet the minimum  
1221 requirements for development and redevelopment pursuant to SCC 30.63A Part  
1222 600 and shall be inspected upon completion of construction and prior to final  
1223 approval/occupancy to verify proper installation of permanent erosion controls  
1224 and storm water facilities/BMPs, if applicable. The department shall either  
1225 determine that construction is complete or identify construction items which are  
1226 incomplete.

1227 (4) Special inspection. When the department determines that special  
1228 inspection is required pursuant to Chapter 17 of the International Building Code,  
1229 for water quality monitoring on major development activity projects, the applicant  
1230 or owner shall engage consultants to provide professional inspections and  
1231 prepare and submit periodic inspection reports to the county on a timely basis,  
1232 and the county shall respond within 7 working days as to the acceptability of the  
1233 report. The applicant or owner shall act as a coordinator between the consultant,  
1234 the contractor and the county inspector. In the event of changed soil or  
1235 groundwater conditions between the time of submitting a drainage plan and  
1236 construction acceptance, the applicant or owner shall be responsible for  
1237 informing the county inspector of such change and shall provide revised plans as  
1238 necessary to mitigate potential water quality or drainage impacts. The revised  
1239 plans shall require review and approval by the department.

1240

1241 Section XX. Snohomish County Code Section 30.63B.230 adopted by  
1242 Ordinance 02-064 on December 9, 2002, is amended to read:

1243 **30.63B.230 Completion of work.**

1244 Upon completion of the rough land disturbing activity, ~~((grading))~~ work and at the  
1245 final completion of the work, the following final reports and drawings and  
1246 supplements thereto are required for engineered LDA ~~((grading))~~ or when  
1247 professional inspection is performed for land disturbing activity ~~((grading))~~, as  
1248 applicable:

1249 (1) An as-built land disturbing activity ~~((grading))~~ plan prepared by the civil  
1250 engineer or surveyor ~~((retained to provide such services in accordance with SCC~~  
1251 ~~30.51.220(2),))~~ showing original ground surface elevations, ~~((as-graded))~~ as  
1252 finished grade ground surface elevations, lot drainage patterns, and the locations  
1253 and elevations of ~~((surface))~~ stormwater drainage facilities and of the outlets of  
1254 subsurface drains. As-constructed locations, elevations and details of  
1255 subsurface drains shall be shown as reported by the soils engineer. Civil  
1256 engineers shall state that to the best of their knowledge the work within their area  
1257 of responsibility was done in accordance with the final approved land disturbing  
1258 activity, ~~((grading))~~ plan which is part of an approved land disturbing activity,  
1259 ~~((grading))~~ permit;

1260 (2) A report prepared by the soils engineer retained to provide such services in  
1261 accordance with SCC 30.63B.220(3), including locations and elevations of field  
1262 density tests, summaries of field and laboratory tests, other substantiating data,  
1263 and comments on any changes made during land disturbing activity ~~((grading))~~  
1264 and their effect on the recommendations made in the approved soils engineering  
1265 investigation report. Soils engineers shall submit a statement that, to the best of

1266 their knowledge, the work within their area of responsibilities is in accordance  
1267 with the approved soils engineering report and applicable provisions of this  
1268 chapter;

1269 (3) A report prepared by the engineering geologist retained to provide such  
1270 services in accordance with SCC 30.63B.220(4), including a final description of  
1271 the geology of the site and any new information disclosed during the Land  
1272 disturbing activity ((grading)) and the effect of same on recommendations  
1273 incorporated in the approved land disturbing activity ((grading)) plan.

1274 Engineering geologists shall submit a statement that, to the best of their  
1275 knowledge, the work within their area of responsibility is in accordance with the  
1276 approved engineering geologist report and applicable provisions of this chapter;  
1277 and

1278 (4) ~~((The grading contractor shall submit, in a form prescribed by the building~~  
1279 ~~official, a statement of conformance to said as-built plan and the~~  
1280 ~~specifications.))~~The applicant or owner shall notify the director or building official  
1281 when the ~~((grading operation))~~ disturbed land is ready for final inspection. Final  
1282 approval shall not be given until all work, including installation of all drainage  
1283 facilities and their protective devices, and all erosion-control measures have  
1284 been completed in accordance with the final approved land disturbing activity  
1285 ~~((grading))~~ and drainage plans, and the required reports have been submitted.

1286  
1287 Section XX. Snohomish County Code Section 30.63B.240 adopted by  
1288 Ordinance 02-064 on December 9, 2002, is amended to read:

1289 **30.63B.240 Bonds or performance security.**

1290 (1) The director may require bonds or a performance security to ensure that  
1291 the work, if not completed in accordance with the approved construction plans  
1292 and specifications, will be corrected, in accordance with chapter 30.84 SCC.

1293 (2) For drainage facilities and improvements required pursuant to this chapter,  
1294 the director may require security and insurance in accordance with ~~((SCC~~  
1295 ~~30.63A.400))~~ chapter 30.63A SCC PART 900.

1296 Section XX. Snohomish County Code Section 30.63B.250 adopted by  
1297 Ordinance 02-064 on December 9, 2002, is repealed.

1298 Section XX. Snohomish County Code Section 30.63B.300 is repealed.

1299

1300 Section XX. Snohomish County Code Section 30.63B.310 adopted by  
1301 Ordinance 02-064 on December 9, 2002, is amended to read:

1302

1303 **30.63B.310 Cuts or excavations.**

1304 (1) Unless otherwise recommended in the approved soils engineering or  
1305 engineering geology report, cuts shall conform to the provisions of this section.  
1306 These provisions shall not apply to minor cuts which are less than four feet in  
1307 height when such cuts do not pose a threat to adjoining property.

1308 (2) The slope of cut surfaces shall be no steeper than is safe for the intended  
1309 use and shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope)  
1310 unless the applicant furnishes a soils engineering report or an engineering  
1311 geology report, or both, stating that the site has been investigated and giving an  
1312 opinion that a cut at a steeper slope will be stable and not create a hazard to  
1313 public or private property.

1314 (3) Slopes shall be stabilized after being cut. The soils engineering or an  
1315 engineering geology report, or both, shall verify that the slopes shall not be  
1316 subject to on-going erosion that would adversely impact public or private  
1317 property. Erosion hazard areas and landslide hazard areas as defined in  
1318 ~~((chapter 30.62))~~ SCC 30.62.015 or subtitle 30.91 SCC as applicable shall be  
1319 described and shown in the soils engineering report.

1320 (4) Cuts or excavations within ~~((critical))~~ streams, wetlands, lakes, marine  
1321 waters, fish and wildlife habitat conservation areas, erosion hazard areas and  
1322 landslide hazard areas and the buffers for these critical areas shall not occur  
1323 unless a critical area study and mitigation is provided consistent with  
1324 requirements of ~~((chapter))~~ chapters 30.62, 30.62A and 30.62B SCC.

1325 Section XX. A new section is added to Chapter 30.63B of Snohomish  
1326 County Code to read: (previously 30.63B.300)

1327 **30.63B.315 Hazards.**

1328 (1) Whenever the director determines that any existing cut or excavation, fill or  
1329 embankment on private property creates a present or imminent hazard, or is  
1330 likely to create a hazard, the director may issue an emergency order pursuant to  
1331 SCC 30.85.122.

1332 (2) Where the director determines that hazardous conditions exist, warning  
1333 signs shall be affixed at locations as required by the director, and the site shall be  
1334 enclosed by fencing with lockable gates that shall be closed and locked when  
1335 personnel are not present at the site. The fence shall be no less than five feet in  
1336 height and the fence material shall have no horizontal opening larger than two  
1337 inches.

1338  
1339  
1340  
1341

1342 Section XX. Snohomish County Code Section 30.63B.320 adopted by  
1343 Ordinance 02-064 on December 9, 2002, is amended to read:

1344

1345 **30.63B.320 Fills or embankments.**

1346

1347 (1) General. Unless otherwise recommended in the approved soils  
1348 engineering report, fills shall conform to the provisions of this section. These  
1349 provisions shall not apply to minor fills not intended to support structures, and  
1350 which are less than four feet in height when such fills do not pose a threat to  
1351 adjoining property.

1352 (2) Preparation of ground. Fill slopes shall not be constructed on natural  
1353 slopes steeper than 1 unit vertical in 2 units horizontal (50% slope).

1354 (3) Fill material.

1355 (a) Detrimental amounts of organic material shall not be permitted in fills.  
1356 Except as permitted by the building official, no rock or similar irreducible material  
1357 with a maximum dimension greater than 12 inches (305 mm) shall be buried or  
1358 placed in fills.

1359 (b) Exception: The building official may allow land disturbing activity  
1360 ~~((grading permit))~~ and placement of larger rock when the soils engineer properly  
1361 devises a method of placement, and continuously inspects its placement and  
1362 approves the fill stability. The following conditions shall also apply:

1363 (i) prior to issuance of the land disturbing activity ~~((grading))~~ permit,  
1364 potential rock disposal areas shall be delineated on the land disturbing activity  
1365 ~~((grading))~~ plan;

1366 (ii) rock sizes greater than 12 inches (305 mm) in maximum dimension  
1367 shall be 10 feet (3048 mm) or more below finish grade, measured vertically; and

1368 (iii) rocks shall be placed so as to assure filling of all voids with well-  
1369 graded soil.

1370 (4) Compaction. All fills intended to support structures or private roads shall  
1371 be compacted to a minimum of ~~((90%))~~ 90 percent of maximum density. All fills  
1372 within public or private ~~((rights of way))~~ tracts or easements shall be compacted  
1373 in accordance with county EDDS specifications. All fills in the floodplain shall be  
1374 designed to resist or prevent scour and erosion from floodwaters.

1375 (5) Slope. The slope of fill surfaces shall be no steeper than is safe for the  
1376 intended use. Fill slopes shall be no steeper than 1 unit vertical in 2 units  
1377 horizontal ~~((50%))~~ 50 percent slope. The slope shall be protected consistent with  
1378 SCC 30.63A.710(4)(f). Fill slopes steeper than 33 percent shall require a  
1379 geotechnical report consistent with chapter 30.62B SCC.

1380 (6) Fills shall not be placed in ~~((critical))~~ streams, wetlands, lakes, marine  
1381 waters, fish and wildlife habitat conservation areas, erosion hazard areas and  
1382 landslide hazard areas unless a critical area study is performed and mitigation is  
1383 provided in a manner consistent with the requirements of chapters 30.62 or  
1384 30.62A and 30.62B SCC as applicable.

1385 Section XX. Snohomish County Code Section 30.63B.330 adopted by  
1386 Ordinance 02-064 on December 9, 2002, is amended to read:

1387 **30.63B.330 Setbacks for cuts or fills.**

1388 (1) Field marking. Before performing any land disturbing activity (~~((grading or~~  
1389 ~~clearing))~~) subject to a (~~((grading))~~) land disturbing activity permit pursuant to this  
1390 chapter, the applicant shall mark, in the field, the limits of all proposed land  
1391 disturbing activity, (~~((grading or clearing, sensitive and critical))~~) streams,  
1392 wetlands, lakes, marine waters, fish and wildlife habitat conservation areas and  
1393 their buffers, trees and native vegetation to be retained, and drainage courses.

1394 (2) Cut and fill slopes shall be set back from site boundaries in accordance  
1395 with this section. Setback dimensions shall be horizontal distances measured  
1396 perpendicular to the site boundary.

1397 (3) The top of cut slopes shall not be made nearer to a site boundary line than  
1398 one fifth of the vertical height of cut, but in no event nearer than two feet (610  
1399 mm) from the boundary line. The setback shall be increased as necessary for  
1400 stability of any required subsurface drainage or surcharge.

1401 (4) The toe of fill slope shall not be made nearer to the site boundary line than  
1402 one half the height of the slope, but in no event nearer than two feet (610 mm)  
1403 from the boundary line.

1404 (5) Cuts or fills shall be setback a minimum of 2 feet from the property line.  
1405 unless the following is provided:

1406 (a) A construction easement or written agreement or letter of authorization  
1407 from all of the affected property owners shall be granted to the county.

1408 (b) If cut, fill, rockery, or retaining wall is proposed within 6 inches of  
1409 property line, then a survey shall be provided by a licensed land surveyor in the  
1410 state of Washington prior to construction to ensure compliance with the  
1411 construction plan.

1412

1413 Section XX. Snohomish County Code Section 30.63B.340 adopted by  
1414 Ordinance 02-064 on December 9, 2002, is amended to read:

1415 **30.63B.340 Drainage and terracing.**

1416 (1) Unless otherwise indicated on the approved land disturbing activity,  
1417 (~~((grading))~~) construction plans, drainage facilities and terracing shall conform to  
1418 the provisions of this section for cut or fill slopes steeper than 1 unit vertical in 3  
1419 units horizontal (~~((33.3% slope))~~) (33.3 percent slope).

1420 (2) Terraces at least 6 feet (1,829 mm) in width shall be established at not  
1421 more than 30-foot (9,144 mm) vertical intervals on all cut or fill slopes to control  
1422 surface drainage and debris, except that where only one terrace is required, it

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1423 shall be at mid-height. For cut or fill slopes greater than 60 feet (18,288 mm) and  
1424 up to 120 feet (36,576 mm) in vertical height, one terrace at approximately mid-  
1425 height shall be 12 feet (3,658 mm) in width. Terrace widths and spacing for cut  
1426 and fill slopes greater than 120 feet (36,576 mm) in height shall be designed by  
1427 the civil engineer and approved by the director or building official. Suitable  
1428 access shall be provided to permit proper cleaning and maintenance.

1429 (3) Swales or ditches on terraces shall have a minimum gradient of ~~((0.5%))~~  
1430 0.5 percent.

1431 (4) Cut or fill slopes shall be provided with subsurface drainage as necessary  
1432 for stability and proper conveyance of groundwater.

1433 (5) All drainage facilities shall be designed to carry waters to the nearest  
1434 practicable drainage way in a safe manner approved by the director or building  
1435 official, and shall comply with provisions of chapter 30.63A SCC, if applicable.  
1436 Outfalls or points of discharge shall be designed using best management  
1437 practices and construction procedures which prevent or minimize erosion  
1438 pursuant to the Drainage Manual.

1439 (6) Building pads shall have a drainage gradient of two percent toward  
1440 approved drainage facilities, unless waived by the building official. Exception:  
1441 The gradient from the building pad may be ~~((4))~~ one percent if all of the following  
1442 conditions exist throughout the ~~((permit-area))~~ project site:

1443 (a) No proposed fills are greater than ten feet (3048 mm) in maximum depth;

1444 (b) No proposed finish cut or fill slope faces have a vertical height in excess  
1445 of 10 feet (3048 mm); and;

1446 (c) No existing slope faces steeper than one unit vertical in ten units  
1447 horizontal ~~((40%))~~ ten percent slope) have a vertical height in excess of ten feet  
1448 (3,048 mm).

1449 (7) Paved interceptor drains shall be installed along the top of all cut slopes  
1450 where the tributary drainage area above slopes toward the cut and has a  
1451 drainage path greater than ~~((40))~~ forty feet (12,192 mm) measured horizontally.  
1452 Interceptor drains, if required, shall be paved with a minimum of three inches (76  
1453 mm) of concrete or gunite and may be reinforced. They shall have a minimum  
1454 depth of ~~((42))~~ twelve inches (305 mm) and a minimum paved width of ~~((30))~~  
1455 thirty inches (762 mm) measured horizontally across the drain. The slope of  
1456 drain shall be approved by the building official.

1457 ~~((8) All grading which requires a grading permit pursuant to this chapter shall  
1458 comply with chapter 30.63A SCC.))~~

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1463 Section XX. Snohomish County Code Section 30.63B.350 adopted by  
1464 Ordinance 02-064 on December 9, 2002, is amended to read:

1465  
1466 **30.63B.350 Erosion control.**

1467 (1) The faces of cut and fill slopes shall be prepared and maintained to control  
1468 ~~((against))~~ erosion. This control may consist of effective planting, hydroseeding,  
1469 or mulching. The protection for the slopes shall be installed as soon as  
1470 practicable in accordance with SCC 30.63A.220, and prior to calling for final  
1471 approval. Where cut slopes are not subject to erosion due to the erosion-  
1472 resistant character of the materials, such protection may be omitted.

1473 (2) Where necessary to provide ~~((safety))~~ erosion protection to adjoining  
1474 properties, check dams, cribbing, riprap, silt fences or other devices and methods  
1475 shall be employed.

1476 (3) All ~~((grading))~~ land disturbing activity shall comply with applicable drainage  
1477 and erosion control requirements of ~~((SCC 30.63A.100, 30.63A.200, and~~  
1478 ~~30.63A.220-))~~ chapter 30.63A SCC.

1479 Section XX. Snohomish County Code Section 30.63B.360 adopted by  
1480 Ordinance 02-064 on December 9, 2002, is amended to read:

1481 **30.63B.360 Reclamation of quarry or mining sites.**

1482  
1483 Upon completion or abandonment of quarrying or mining operations, the owner  
1484 or operator of sites not regulated by Washington State Department of Natural  
1485 Resources pursuant to chapter 78.44 RCW shall obtain a land disturbing activity  
1486 ~~((grading))~~ permit under this chapter for reclamation and an approved full  
1487 drainage plan pursuant to chapter 30.63A SCC, and comply with the following  
1488 reclamation standards:

1489 (1) grading or backfilling shall be done with clean earth material (i.e., non-  
1490 noxious, nonflammable, noncombustible, and nonputrescible solids);

1491 (2) Such grading or backfilled areas, except for roads, shall be sodded or  
1492 surfaced with soil of a quality at least equal to the topsoil of the immediately  
1493 surrounding land areas, and to a depth equal to that of the topsoil of immediately  
1494 surrounding land areas, provided that all sod and soil shall be at least 4 inches in  
1495 depth;

1496 (3) Final grading shall ~~((be such as to encourage))~~ result in ~~((the))~~ topography  
1497 that allows the uses permitted within the underlying zone classification.

1498 (4) Bare topsoil shall be planted with trees, shrubs, legumes, and grasses  
1499 ~~((which are))~~ indigenous to the region and compatible with the surrounding area;

1500 (5) Graded or backfilled areas shall be reclaimed in a manner ~~((which))~~ that  
1501 will not allow water to collect nor permit stagnant water to remain, and ~~((which))~~

1502 will not adversely affect the groundwater aquifer or maximum seasonal high  
1503 groundwater table; and

1504 (6) Non-harmful tailings consisting of earth material and soil piles shall be  
1505 graded to near-level contour matching the surrounding natural topography. The  
1506 leveled and graded area shall be sodded or surfaced and planted as required in  
1507 30.63B.360(2) and (4) above.

1508

1509 Section XX. Snohomish County Code Section 30.22.130, adopted by  
1510 Ordinance No. 07-028 on November 19, 2007, is amended to read:

1511

1512 **30.22.130 Reference notes for use matrix.**

1513

1514 (1) Airport, Stage 1 Utility:

1515 (a) Not for commercial use and for use of small private planes; and

1516 (b) In the RU zone, they shall be primarily for the use of the resident  
1517 property owner.

1518 (2) Day Care Center:

1519 (a) In WFB, R-7,200, R-8,400, R-9,600, R-12,500, R-20,000, and SA-1  
1520 zones, shall only be permitted in connection with and secondary to a school  
1521 facility or place of worship; and

1522 (b) Outdoor play areas shall be fenced or otherwise controlled, and noise  
1523 buffering provided to protect adjoining residences.

1524 (3) Dock and Boathouse, Private, Non-commercial:

1525 (a) The height of any covered over-water structure shall not exceed 12  
1526 feet as measured from the line of ordinary high water;

1527 (b) The total roof area of covered, over-water structures shall not exceed  
1528 1,000 square feet;

1529 (c) The entirety of such structures shall have a width no greater than 50  
1530 percent of the width of the lot at the natural shoreline upon which it is located;

1531 (d) No over-water structure shall extend beyond the mean low water mark  
1532 a distance greater than the average length of all preexisting over-water structures  
1533 along the same shoreline and within 300 feet of the parcel on which proposed.  
1534 Where no such preexisting structures exist within 300 feet, the pier length shall  
1535 not exceed 50 feet;

1536 (e) Structures permitted hereunder shall not be used as a dwelling, nor  
1537 shall any boat moored at any wharf be used as a dwelling while so moored; and

1538 (f) Covered structures are subject to a minimum setback of three feet from  
1539 any side lot line or extension thereof. No side yard setback shall be required for  
1540 uncovered structures. No rear yard setback shall be required for any structure  
1541 permitted hereunder.

1542 (4) Dwelling, Single family: In PCB zones, shall be allowed only if included  
1543 within the same structure as a commercial establishment.

1544 (5) Dwelling, Townhouse shall be:

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- 1545 (a) Subject to all conditions of chapter 30.31E SCC;  
1546 (b) Subject to the maximum density allowed by the appropriate  
1547 implementing zone for the comprehensive plan designation applied to the site;  
1548 (c) A permitted use when placed on individual lots created by the  
1549 subdivision process; and  
1550 (d) A conditional use when located on individual lots not created through  
1551 the subdivision process.
- 1552 (6) Dwelling, Mobile Home:  
1553 (a) Shall be multi-sectioned by original design, with a width of 20 feet or  
1554 greater along its entire body length;  
1555 (b) Shall be constructed with a non-metallic type, pitched roof;  
1556 (c) Except where the base of the mobile home is flush to ground level,  
1557 shall be installed either with:  
1558 (i) skirting material which is compatible with the siding of the mobile  
1559 home; or  
1560 (ii) a perimeter masonry foundation;  
1561 (d) Shall have the wheels and tongue removed; and  
1562 (e) In the RU zone the above only applies if the permitted lot size is less  
1563 than 20,000 square feet.
- 1564 (7) Fallout Shelter, Joint, by two or more property owners:  
1565 Side and rear yard requirements may be waived by the department along the  
1566 boundaries lying between the properties involved with the proposal, and zone;  
1567 provided that its function as a shelter is not impaired.
- 1568 (8) Family Day Care Home:  
1569 (a) No play yards or equipment shall be located in any required setback  
1570 from a street; and  
1571 (b) Outdoor play areas shall be fenced or otherwise controlled.
- 1572 (9) Farm Stand:  
1573 (a) There shall be only one stand on each lot; and  
1574 (b) At least 50% by farm product unit of the products sold shall be grown,  
1575 raised or harvested in Snohomish County, and 75% by farm product unit of the  
1576 products sold shall be grown, raised or harvested in the State of Washington.
- 1577 (10) Farm Worker Dwelling:  
1578 (a) At least one person residing in each farm worker dwelling unit shall be  
1579 employed full time in the farm operation;  
1580 (b) An agricultural farm worker dwelling unit affidavit must be signed and  
1581 recorded with the county attesting to the need for such dwellings to continue the  
1582 farm operation;  
1583 (c) The number of farm worker dwellings shall be limited to one per each  
1584 40 acres under single contiguous ownership to a maximum of six total dwellings,  
1585 with 40 acres being required to construct the first accessory dwelling unit.  
1586 Construction of the maximum number of dwelling units permitted shall be  
1587 interpreted as exhausting all residential potential of the land until such time as

1588 the property is legally subdivided; and

1589 (d) All farm worker dwellings must be clustered on the farm within a 10-  
1590 acre farmstead which includes the main dwelling. The farmstead's boundaries  
1591 shall be designated with a legal description by the property owner with the intent  
1592 of allowing maximum flexibility while minimizing interference with productive farm  
1593 operation. Farm worker dwellings may be located other than as provided for in  
1594 this subsection only if environmental or physical constraints preclude meeting  
1595 these conditions.

1596 (11) Home Occupation: See SCC 30.28.050(1).

1597 (12) Kennel, Commercial: There shall be a five-acre minimum lot area;  
1598 except in the R-5 and RD zones, where 200,000 square feet shall be the  
1599 minimum lot area.

1600 (13) Kennel, Private-breeding, and Kennel, Private Non-breeding: Where  
1601 the animals comprising the kennel are housed within the dwelling, the yard or  
1602 some portion thereof shall be fenced and maintained in good repair or to contain  
1603 or to confine the animals upon the property and restrict the entrance of other  
1604 animals.

1605 (14) Parks, Publicly-owned and Operated:

1606 (a) No bleachers are permitted if the site is less than five acres in size;

1607 (b) All lighting shall be shielded to protect adjacent properties; and

1608 (c) No amusement devices for hire are permitted.

1609 (15) Boarding House: There shall be accommodations for no more than  
1610 two persons.

1611 (16) RESERVED for future use (Social Service Center - DELETED by  
1612 Amended Ord. 04-010 effective March 15, 2004)

1613 (17) Swimming/Wading Pool (not to include hot tubs and spas): For the  
1614 sole use of occupants and guests:

1615 (a) No part of the pool shall project more than one foot above the  
1616 adjoining ground level in a required setback; and

1617 (b) The pool shall be enclosed with a fence not less than four feet high, of  
1618 sufficient design and strength to keep out children.

1619 (18) Temporary Dwelling for a relative:

1620 (a) The dwelling shall be occupied only by a relative, by blood or marriage,  
1621 of the occupant(s) of the permanent dwelling;

1622 (b) The relative must receive from, or administer to, the occupant of the  
1623 other dwelling continuous care and assistance necessitated by advanced age or  
1624 infirmity;

1625 (c) The need for such continuous care and assistance shall be attested to  
1626 in writing by a licensed physician;

1627 (d) The temporary dwelling shall be occupied by not more than two  
1628 persons;

1629 (e) Use as a commercial rental unit shall be prohibited;

1630 (f) The temporary dwelling shall be situated not less than 20 feet from the

1631 permanent dwelling on the same lot and shall not be located in any required yard  
1632 of the principal dwelling;

1633 (g) A land use permit binder shall be executed by the landowner, recorded  
1634 with the Snohomish County Auditor and a copy of the recorded document  
1635 submitted to the department for inclusion in the permit file;

1636 (h) Adequate screening, landscaping, or other measures shall be provided  
1637 to protect surrounding property values and ensure compatibility with the  
1638 immediate neighborhood;

1639 (i) An annual renewal of the temporary dwelling permit, together with  
1640 recertification of need, shall be accomplished by the applicant through the  
1641 department in the same month of each year in which the initial mobile  
1642 home/building permit was issued;

1643 (j) An agreement to terminate such temporary use at such time as the  
1644 need no longer exists shall be executed by the applicant and recorded with the  
1645 Snohomish County Auditor; and

1646 (k) Only one temporary dwelling may be established on a lot. The  
1647 temporary dwelling shall not be located on a lot on which a detached accessory  
1648 apartment is located.

1649 (19) Recreational Vehicle:

1650 (a) There shall be no more than one per lot;

1651 (b) Shall not be placed on a single site for more than 180 days in any 12-  
1652 month period; and

1653 (c) Shall be limited in the floodways to day use only (dawn to dusk)  
1654 during the flood season (October 1 through March 30) with the following  
1655 exceptions:

1656 (i.) Recreational vehicle use associated with a legally occupied  
1657 dwelling to accommodate overnight guests for no more than a 21-day period;

1658 (ii.) Temporary overnight use by farm workers on the farm where they  
1659 are employed subject to SCC 30.22.130(19)(a) and (b) above; and

1660 (iii) Subject to SCC 30.22.130(19)(a) and (b) above and SCC  
1661 30.22.120(7)(b), temporary overnight use in a mobile home park, which has been  
1662 in existence continuously since 1970 or before, that provides septic or sewer  
1663 service, water and other utilities, and that has an RV flood evacuation plan that  
1664 has been approved and is on file with the Department of Emergency  
1665 Management and Department of Planning and Development Services.

1666 (20) Ultralight Airpark:

1667 (a) Applicant shall submit a plan for the ultralight airpark showing the  
1668 location of all buildings, ground circulation, and parking areas, common flight  
1669 patterns, and arrival and departure routes;

1670 (b) Applicant shall describe in writing the types of activities, events, and  
1671 flight operations which are expected to occur at the airpark; and

1672 (c) Approval shall be dependent upon a determination by the county  
1673 decision maker that all potential impacts such as noise, safety hazards,

1674 sanitation, traffic, and parking are compatible with the site and neighboring land  
1675 uses, particularly those involving residential uses or livestock or small animal  
1676 husbandry; and further that the proposed use can comply with Federal Aviation  
1677 Administration regulations (FAR Part 103), which state that ultralight vehicle  
1678 operations will not:

1679 (i) create a hazard for other persons or property;  
1680 (ii) occur between sunset and sunrise;  
1681 (iii) occur over any substantially developed area of a city, town, or  
1682 settlement, particularly over residential areas or over any open air assembly of  
1683 people; or  
1684 (iv) occur in an airport traffic area, control zone, terminal control area,  
1685 or positive control area without prior authorization of the airport manager with  
1686 jurisdiction.

1687 (21) Craft Shop:

1688 (a) Articles shall not be manufactured by chemical processes;  
1689 (b) No more than three persons shall be employed at any one time in the  
1690 fabricating, repair, or processing of materials; and  
1691 (c) The aggregate nameplate horsepower rating of all mechanical  
1692 equipment on the premises shall not exceed two.

1693 (22) Grocery and Drug Stores: In the FS zone, there shall be a 5,000-  
1694 square foot floor area limitation.

1695 (23) Motor Vehicle and Equipment Sales: In the CB and CRC zone, all  
1696 display, storage, and sales activities shall be conducted indoors.

1697 (24) Race Track: The track shall be operated in such a manner so as not  
1698 to cause offense by reason of noise or vibration beyond the boundaries of the  
1699 subject property.

1700 (25) Rural Industry:

1701 (a) The number of employees shall not exceed 10;  
1702 (b) All operations shall be carried out in a manner so as to avoid the  
1703 emission or creation of smoke, dust, fumes, odors, heat, glare, vibration, noise,  
1704 traffic, surface water drainage, sewage, water pollution, or other emissions which  
1705 are unduly or unreasonably offensive or injurious to properties, residents, or  
1706 improvements in the vicinity;

1707 (c) The owner of the rural industry must reside on the same premises as  
1708 the rural industry and, in the RD zone, the residence shall be considered as a  
1709 caretaker's quarters; and

1710 (d) Outside storage, loading or employee parking in the RD zone shall  
1711 provide 15-foot wide Type A landscaping as defined in SCC 30.25.017.

1712 (26) Sawmill, Shake and Shingle Mill:

1713 (a) Such uses shall not include the manufacture of finished wood products  
1714 such as furniture and plywood, but shall include lumber manufacturing;

1715 (b) The number of employees shall not exceed 25 during any eight-hour  
1716 work shift;

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1717 (c) All operations shall be carried out in a manner so as to avoid the  
1718 emission or creation of smoke, dust, fumes, odors, heat, glare, vibration, noise,  
1719 traffic, surface water drainage, sewage, water pollution, or other emissions which  
1720 are unduly or unreasonably offensive or injurious to properties, residents or  
1721 improvements in the vicinity; and

1722 (d) Sawmills and shakemills adjacent to a state highway in the RU zone  
1723 shall provide 25 feet of Type A landscaping as defined in SCC 30.25.017.

1724 (27) Governmental and Utility Structures and Facilities: Special lot area  
1725 requirements for this use are contained in SCC 30.23.200.

1726 (28) Excavation and Processing of Minerals:

1727 (a) This use, as described in SCC 30.31D.010(2), is allowed in the  
1728 identified zones only where these zones coincide with the mineral lands  
1729 designation in the comprehensive plan (mineral resource overlay or MRO),  
1730 except for the MC zone where mineral lands designation is not required.

1731 (b) An Administrative Conditional Use Permit or a Conditional Use Permit  
1732 is required pursuant to SCC 30.31D.030.

1733 (c) Excavation and processing of minerals exclusively in conjunction with  
1734 forest practices regulated pursuant to chapter 76.09 RCW is permitted outright in  
1735 the Forestry zone.

1736 (29) Medical Clinic. Licensed Practitioner: A prescription pharmacy may  
1737 be permitted when located within the main building containing licensed  
1738 practitioner(s).

1739 (30) Forest Industry Storage & Maintenance Facility (except harvesting)  
1740 adjacent to property lines in the RU zone shall provide 15-foot wide Type A  
1741 landscaping as defined in SCC 30.25.017.

1742 (31) Boat Launch Facilities, Commercial or Non-commercial:

1743 (a) The hearing examiner may regulate, among other factors, required  
1744 launching depth, lengths of existing docks and piers;

1745 (b) Off-street parking shall be provided in an amount suitable to the  
1746 expected usage of the facility. When used by the general public, the guideline  
1747 should be 32 to 40 spaces capable of accommodating both a car and boat trailer  
1748 for each ramp lane of boat access to the water;

1749 (c) A level vehicle-maneuvering space measuring at least 50 feet square  
1750 shall be provided;

1751 (d) Pedestrian access to the water separate from the boat launching lane  
1752 or lanes may be required where it is deemed necessary in the interest of public  
1753 safety;

1754 (e) Safety buoys shall be installed and maintained separating boating  
1755 activities from other water-oriented recreation and uses where this is reasonably  
1756 required for public safety, welfare, and health; and

1757 (f) All site improvements for boat launch facilities shall comply with all  
1758 other requirements of the zone in which it is located.

1759 (32) Campground:

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- 1760 (a) The maximum overall density shall be seven camp or tent sites per  
1761 acre; and
- 1762 (b) The minimum site size shall be 10 acres.
- 1763 (33) Commercial Vehicle Home Basing:
- 1764 (a) The vehicles may be parked and maintained only on the property  
1765 wherein resides a person who uses them in their business;
- 1766 (b) Two or more vehicles may be so based; and
- 1767 (c) The vehicles shall be in operable conditions.
- 1768 (34) Distillation of Alcohol:
- 1769 (a) The distillation shall be from plant products, for the purpose of sale as  
1770 fuel, and for the production of methane from animal waste produced on the  
1771 premises;
- 1772 (b) Such distillation shall be only one of several products of normal  
1773 agricultural activities occurring on the premises; and
- 1774 (c) By-products created in this process shall be used for fuel or fertilizer on  
1775 the premises.
- 1776 (35) RESERVED for future use (Group Care Facility - DELETED by Amended  
1777 Ord. 04-010 effective March 15, 2004)
- 1778 (36) Mobile Home and Travel Trailer Sales:
- 1779 (a) Property shall directly front upon a principal or minor arterial in order to  
1780 reduce encroachment into the interior of IP designated areas;
- 1781 (b) The hearing examiner shall consider the visual and aesthetic  
1782 characteristics of the use proposal and determine whether nearby business and  
1783 industrial uses, existing or proposed, would be potentially harmed thereby. A  
1784 finding of potential incompatibility shall be grounds for denial;
- 1785 (c) The conditional use permit shall include a condition requiring  
1786 mandatory review by the hearing examiner at intervals not to exceed five years  
1787 for the express purpose of evaluating the continued compatibility of the use with  
1788 other IP uses. The review required herein is in addition to any review which may  
1789 be held pursuant to SCC 30.42B.100, SCC 30.42C.100 and SCC 30.43A.100;
- 1790 (d) Such use shall not be deemed to be outside storage for the purpose of  
1791 SCC 30.25.024; and
- 1792 (e) Such use shall be temporary until business or industrial development  
1793 is timely on the site or on nearby IP designated property.
- 1794 (37) Small Animal Husbandry: There shall be a five-acre minimum site  
1795 size.
- 1796 (38) Mobile Home Park: Such development must fulfill the requirements of  
1797 chapter 30.42E SCC.
- 1798 (39) Sludge Utilization: See SCC 30.28.085.
- 1799 (40) Homestead Parcel: See SCC 30.28.055.
- 1800 (41) Special Setback Requirements for this use are contained in SCC  
1801 30.23.110(20).
- 1802 (42) Minimum Lot Size for duplexes shall be one and one-half times the

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- 1803 minimum lot size for single family dwellings. In the RU zone, this provision only  
1804 applies when the minimum lot size for single family dwellings is 12,500 square  
1805 feet or less.
- 1806 (43) Petroleum Products and Gas, Bulk Storage:  
1807 (a) All above ground storage tanks shall be located 150 feet from all  
1808 property lines; and  
1809 (b) Storage tanks below ground shall be located no closer to the property  
1810 line than a distance equal to the greatest dimensions (diameter, length or height)  
1811 of the buried tank.
- 1812 (44) Auto Wrecking Yards and Junkyards: A sight-obscuring fence a  
1813 minimum of seven feet high shall be established and maintained in the LI zone.  
1814 For requirements for this use, SCC 30.25.020 and 30.25.050 applies.
- 1815 (45) Antique Shops when established as a home occupation as regulated  
1816 by SCC 30.28.050(1); provided further that all merchandise sold or offered for  
1817 sale shall be predominantly "antique" and antique-related objects.
- 1818 (46) Billboards: See SCC 30.27.080 for specific requirements.
- 1819 (47) Nursery, Wholesale: In R-20,000 zone, a wholesale nursery is  
1820 permitted on three acres or more; a conditional use permit is required on less  
1821 than three acres.
- 1822 (48) Stockyard and Livestock Auction Facility: The minimum lot size is 10  
1823 acres.
- 1824 (49) Restaurants and Personal Service Shops: Located to service  
1825 principally the constructed industrial park uses.
- 1826 (50) Sludge Utilization: A conditional use permit is required for manufacture  
1827 of materials by a non-governmental agency containing stabilized or digested  
1828 sludge for a public utilization.
- 1829 (51) Single Family and Multifamily Dwellings are a prohibited use, except for  
1830 the following:  
1831 (a) Existing dwellings that are nonconforming as a result of a county-  
1832 initiated rezone to BP may make improvements or additions provided such  
1833 improvements are consistent with the bulk regulations contained in chapter 30.23  
1834 SCC; provided further that such improvements do not increase the ground area  
1835 covered by the structural portion of the nonconforming use by more than 100  
1836 percent of that existing at the existing date of the nonconformance; and  
1837 (b) New single family and multifamily dwellings in the BP zone authorized  
1838 pursuant to the provisions of SCC 30.31A.140.
- 1839 (52) Greenhouses, Lath Houses, and Nurseries:  
1840 (a) Incidental sale of soil, bark, fertilizers, plant nutrients, rocks, and  
1841 similar plant husbandry materials is permitted;  
1842 (b) The sale of garden tools and any other hardware or equipment shall be  
1843 prohibited; and  
1844 (c) There shall be no on-site signs advertising other than the principal use.
- 1845 (53) Retail Store: See SCC 30.31A.120 for specific requirements for retail

1846 stores in the BP zone.

1847 (54) Retail Sales of Hay, Grain, and Other Livestock Feed are permitted  
1848 on site in conjunction with a livestock auction facility.

1849 (55) Noise of Machines and Operations in the LI and HI zones shall comply  
1850 with chapter 10.01 SCC and machines and operations shall be muffled so as not  
1851 to become objectionable due to intermittence, beat frequency, or shrillness.

1852 (56) Sludge Utilization only at a completed sanitary landfill or on a  
1853 completed cell within a sanitary landfill, subject to the provision of SCC  
1854 30.28.085.

1855 (57) Woodwaste Recycling and Woodwaste Storage Facility: See SCC  
1856 30.28.095.

1857 (58) Bed and Breakfast Guesthouses and Bed and Breakfast Inns: See  
1858 SCC 30.28.020.

1859 (59) Detached accessory or non-accessory private garages and storage  
1860 structures are subject to the following requirements:

1861 (a) Special setback requirements for these uses are contained in SCC  
1862 30.23.110(20);

1863 (b) Artificial lighting shall be hooded or shaded so that direct outside  
1864 lighting, if any, will not result in glare when viewed from the surrounding property  
1865 or rights-of-way;

1866 (c) The following compatibility standards shall apply:

1867 (i) proposals for development in existing neighborhoods with a well-  
1868 defined character should be compatible with or complement the highest quality  
1869 features, architectural character and siting pattern of neighboring buildings.  
1870 Where there is no discernable pattern, the buildings shall complement the  
1871 neighborhood. Development of detached private garages and storage structures  
1872 shall not interrupt the streetscape or dwarf the scale of existing buildings of  
1873 existing neighborhoods. Applicants may refer to the Residential Development  
1874 Handbook for Snohomish County Communities to review techniques  
1875 recommended to achieve neighborhood compatibility;

1876 (ii) building plans for all proposals larger than 2,400 square feet in the  
1877 Waterfront Beach, R 7,200, R 8,400, R 9,600 and R 12,500 zones and rural  
1878 cluster subdivisions shall document the use of building materials compatible and  
1879 consistent with existing on-site residential development exterior finishes;

1880 (iii) in the Waterfront Beach, R 7,200, R 8,400, R 9,600 and R 12,500  
1881 zones and rural cluster subdivisions, no portion of a detached accessory private  
1882 garage or storage structure shall extend beyond the building front of the existing  
1883 single family dwelling, unless screening, landscaping, or other measures are  
1884 provided to ensure compatibility with adjacent properties; and

1885 (iv) in the Waterfront Beach, R 7,200, R 8,400, R 9,600 and R 12,500  
1886 zones and rural cluster subdivisions, no portion of a detached non-accessory  
1887 private garage or storage structure shall extend beyond the building front of  
1888 existing single family dwellings on adjacent lots where the adjacent dwellings are

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1889 located within 10 feet of the subject property line. When a detached non-  
1890 accessory private garage or storage structure is proposed, the location of  
1891 existing dwellings on adjacent properties located within 10 feet of the subject site  
1892 property lines shall be shown on the site plan;

1893 (d) All detached accessory or non-accessory private garages and storage  
1894 structures proposed with building footprints larger than 2,400 square feet shall  
1895 provide screening or landscaping from adjacent properties as follows:

1896 (i) the permit application site plan shall depict existing and  
1897 proposed screening, landscaping or other measures that ensure visual  
1898 compatibility with adjacent properties;

1899 (ii) the site plan shall show the amount, type and spacing of  
1900 proposed planting materials. Plant materials, species and design shall be  
1901 approved by the department. Landscaping modifications, installation and  
1902 maintenance requirements are regulated by SCC 30.25.040, SCC 30.25.043 and  
1903 SCC 30.25.045. The minimum planting standards set forth at SCC 30.25.015(5)  
1904 and (6) shall apply;

1905 (iii) at the director's discretion, existing natural vegetation or other  
1906 adequate visual screening located on the subject site may be approved in lieu of  
1907 the requirements of SCC 30.22.130(59)(d)(ii) if it is determined that the existing  
1908 screening or landscaping meets the intent of SCC 30.22.130(59)(d). Photographs  
1909 shall be submitted with the permit application and the existing features shall be  
1910 shown to scale on the site plan;

1911 (iv) approval of other screening measures that ensure visual  
1912 compatibility shall be determined on a case by case basis at the discretion of the  
1913 director; and

1914 (v) after a site visit, the director may determine that screening or  
1915 landscaping is not warranted due to existing circumstances on the site or  
1916 adjacent properties and may waive the screening or landscaping requirements of  
1917 SCC 30.22.130(d);

1918 (e) On lots less than ten acres in size having no established residential  
1919 use, only one non-accessory private garage and one storage structure shall be  
1920 allowed. On lots 10 acres or larger without a residence where the cumulative  
1921 square footage of all existing and proposed non-accessory private garages and  
1922 storage structures is 6,000 square feet or larger, a conditional use permit shall be  
1923 required.

1924 (f) Where permitted, separation between multiple private garages or  
1925 storage structures shall be regulated pursuant to subtitle 30.5 SCC.

1926 (60) The cumulative square footage of all detached accessory and non-  
1927 accessory private garages and storage structures shall not exceed 6,000 square  
1928 feet on any lot less than 5 acres, except this provision shall not apply in the  
1929 LDMR, MR, T, NB, GC, PCB, CB, FS, BP, IP, LI, HI, RB, RFS, CRC and RI  
1930 zones.

1931 (61) Museums: Museums within the agriculture A-10 zone are permitted

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- 1932 only in structures which are legally existing on October 31, 1991.
- 1933 (62) Accessory Apartments: See SCC 30.28.010.
- 1934 (63) Temporary Woodwaste Recycling and Temporary Woodwaste Storage  
1935 Facilities: See SCC 30.28.090.
- 1936 (64) Home Occupation: See SCC 30.28.050(2).
- 1937 (65) On-site Hazardous Waste Treatment and Storage Facilities are  
1938 allowed only as an incidental use to any use generating hazardous waste which  
1939 is otherwise allowed; provided that such facilities demonstrate compliance with  
1940 the state siting criteria for dangerous waste management facilities pursuant to  
1941 RCW 70.105.210 and WAC 173-303-282 as now written or hereafter amended.
- 1942 (66) An application for a conditional use permit to allow an off-site  
1943 hazardous waste treatment and storage facility shall demonstrate compliance  
1944 with the state siting criteria for dangerous waste management facilities pursuant  
1945 to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter  
1946 amended.
- 1947 (67) Adult Entertainment Uses: See SCC 30.28.015.
- 1948 (68) Special Building Height provisions for this use are contained in SCC  
1949 30.23.050(4).
- 1950 (69) Bakery: In the NB zone, the gross floor area of the use shall not  
1951 exceed 1,000 square feet and the bakery business shall be primarily retail in  
1952 nature.
- 1953 (70) Equestrian Centers are allowed with a conditional use permit on all  
1954 lands zoned A-10 except in that portion of the special flood hazard area of the  
1955 lower Snohomish and Stillaguamish rivers designated density fringe as described  
1956 in chapter 30.65 SCC.
- 1957 (71) Mini-equestrian Centers are allowed as a permitted use on all lands  
1958 zoned A-10 except in that portion of the special flood hazard area of the lower  
1959 Snohomish and Stillaguamish rivers designated density fringe as described in  
1960 chapter 30.65 SCC.
- 1961 (72) Equestrian Centers and Mini-equestrian Centers require the following:  
1962 (a) Five-acre minimum site size for a mini-equestrian center;  
1963 (b) Covered riding arenas shall not exceed 15,000 square feet for a mini-  
1964 equestrian center; provided that stabling areas, whether attached or detached,  
1965 shall not be included in this calculation;  
1966 (c) Any lighting of an outdoor or covered arena shall be shielded so as not  
1967 to glare on surrounding properties or rights-of-way;  
1968 (d) On sites located in RC and R-5 zones, Type A landscaping as defined  
1969 in SCC 30.25.017 is required to screen any outside storage, including animal  
1970 waste storage, and parking areas from adjacent properties;  
1971 (e) Riding lessons, rentals, or shows shall only occur between 8 a.m. and  
1972 9 p.m.;
- 1973 (f) Outside storage, including animal waste storage, and parking areas  
1974 shall be set back at least 30 feet from any adjacent property line. All structures

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- 1975 shall be set back as required in SCC 30.23.110(8); and  
1976 (g) The facility shall comply with all applicable county building, health, and  
1977 fire code requirements.
- 1978 (73) Temporary Residential Sales Coach (TRSC):  
1979 (a) The commercial coach shall be installed in accordance with all  
1980 applicable provisions within chapter 30.54A SCC;  
1981 (b) The TRSC shall be set back a minimum of 20 feet from all existing and  
1982 proposed road rights-of-way and five feet from proposed and existing property  
1983 lines;  
1984 (c) Vehicular access to the temporary residential sales coach shall be  
1985 approved by the county or state; and  
1986 (d) Temporary residential sales coaches may be permitted in approved  
1987 preliminary plats, prior to final plat approval, when the following additional  
1988 conditions have been met:  
1989 (i) plat construction plans have been approved;  
1990 (ii) the fire marshal has approved the TRSC proposal;  
1991 (iii) proposed lot lines for the subject lot are marked on site; and  
1992 (iv) the site has been inspected for TRSC installation to verify  
1993 compliance with all applicable regulations and plat conditions, and to assure that  
1994 grading, drainage, utilities infrastructure, and native growth protection areas are  
1995 not adversely affected.
- 1996 (74) Golf Course and Driving Range: In the A-10 zone, artificial lighting of  
1997 the golf course or driving range shall not be allowed. (~~Grading~~) Land disturbing  
1998 activity shall be limited in order to preserve prime farmland. At least 75 percent  
1999 of prime farmland on site shall remain undisturbed.
- 2000 (75) Model Hobby Park: SCC 30.28.060.  
2001 (76) Commercial Retail Uses are not allowed in the Light Industrial and  
2002 Industrial Park zones when said zones are located in the Maltby UGA of the  
2003 comprehensive plan, and where such properties are, or can be served by railway  
2004 spur lines.
- 2005 (77) Studio: Studio uses may require the imposition of special conditions to  
2006 ensure compatibility with adjacent residential, multiple family, or rural-zoned  
2007 properties. The hearing examiner may impose such conditions when deemed  
2008 necessary pursuant to the provisions of chapter 30.42C SCC. Special setbacks  
2009 requirements for this use are required in SCC 30.23.110(23). The following  
2010 criteria are provided for hearing examiner consideration when specific  
2011 circumstances necessitate the imposition of conditions:  
2012 (a) The number of nonresident artists and professionals permitted to use a  
2013 studio at the same time may be limited to no more than 10 for any lot 200,000  
2014 square feet or larger in size, and limited to five for any lot less than 200,000  
2015 square feet in size;  
2016 (b) The hours of facility operation may be limited; and  
2017 (c) Landscape buffers may be required to visually screen facility structures

- 2018 or outdoor storage areas when the structures or outdoor storage areas are  
2019 proposed within 100 feet of adjacent residential, multiple family, and rural-zoned  
2020 properties. The buffer shall be an effective site obscuring screen consistent with  
2021 Type A landscaping as defined in SCC 30.25.017.
- 2022 (78) The gross floor area of the use shall not exceed 1,000 square feet.  
2023 (79) The gross floor area of the use shall not exceed 2,000 square feet.  
2024 (80) The gross floor area of the use shall not exceed 4,000 square feet.  
2025 (81) The construction contracting use in the Rural Business zone shall be  
2026 subject to the following requirements:
- 2027 (a) The use complies with all of the performance standards required by  
2028 SCC 30.31F.100 and 30.31F.110;  
2029 (b) Not more than 1,000 square feet of outdoor storage of materials shall  
2030 be allowed and shall be screened in accordance with SCC 30.25.024;  
2031 (c) In addition to the provisions of SCC 30.22.130(81)(b), not more than  
2032 five commercial vehicles or construction machines shall be stored outdoors and  
2033 shall be screened in accordance with SCC 30.25.020 and 30.25.032;  
2034 (d) The on-site fueling of vehicles shall be prohibited; and  
2035 (e) The storage of inoperable vehicles and hazardous or earth materials  
2036 shall be prohibited.
- 2037 (82) Manufacturing, Heavy includes the following uses: Distillation of  
2038 wood, coal, bones, or the manufacture of their by-products; explosives  
2039 manufacturing; manufacture of fertilizer; extraction of animal or fish fat or oil;  
2040 forge, foundry, blast furnace or melting of ore; manufacturing of acid, animal  
2041 black/black bone, cement or lime, chlorine, creosote, fertilizer, glue or gelatin,  
2042 potash, pulp; rendering of fat, tallow and lard, rolling or booming mills; tannery; or  
2043 tar distillation and manufacturing. See SCC 30.91M.028.
- 2044 (83) "All other forms of manufacture not specifically listed" is a category  
2045 which uses manufacturing workers, as described under the Dictionary of  
2046 Occupational Titles, published by the US Department of Labor, to produce,  
2047 assemble or create products and which the director finds consistent with  
2048 generally accepted practices and performance standards for the industrial zone  
2049 where the use is proposed. See SCC 30.91M.024 and 30.91M.026.
- 2050 (84) Home Occupations: See SCC 30.28.050(3).  
2051 (85) A single family dwelling may have only one guesthouse.  
2052 (86) Outdoor display or storage of goods and products is prohibited on site.  
2053 (87) Wedding Facility:  
2054 (a) Such use is permitted only on undeveloped land or in structures which  
2055 are legally existing on January 1, 2001;  
2056 (b) The applicant shall demonstrate that the following criteria are met with  
2057 respect to the activities related to the use:  
2058 (i) compliance with the noise control provisions of chapter 10.01 SCC;  
2059 (ii) adequate vehicular site distance and safe turning movements exist  
2060 at the access to the site consistent with the EDDS as defined in title 13 SCC; and

- 2061 (iii) adequate sanitation facilities are provided on site pursuant to  
2062 chapter 30.52A SCC and applicable Snohomish Health District provisions;
- 2063 (c) Adequate on-site parking shall be provided for the use pursuant to  
2064 SCC 30.26.035;
- 2065 (d) A certificate of occupancy shall be obtained pursuant to chapter  
2066 30.52A SCC for the use of any existing structure. The certificate of occupancy  
2067 shall be subject to an annual inspection and renewal pursuant to SCC  
2068 30.53A.060 to ensure building and fire code compliance;
- 2069 (e) In the A-10 zone, the applicant must demonstrate that the activities  
2070 related to the use are subordinate to the use of the site for agricultural purposes;  
2071 and
- 2072 (f) In the A-10 zone, any grading or disturbances required to support the  
2073 use shall be limited to preserve prime farmland. At least 90 percent of prime  
2074 farmland on site shall remain undisturbed.
- 2075 (88) Public/Institutional Use Designation (P/IU): When applied to land that is  
2076 (a) included in an Urban Growth Area and (b) designated P/IU on the Snohomish  
2077 County Future Land Use Map concurrent with or prior to its inclusion in a UGA,  
2078 the R-7,200, R-8,400 and R-9,600 zones shall allow only the following permitted  
2079 or conditional uses: churches, and school instructional facilities. All other uses  
2080 are prohibited within areas that meet criteria (a) and (b), unless the P/IU  
2081 designation is changed.
- 2082 (89) Hotel/Motel uses are permitted in the Light Industrial zone when the  
2083 following criteria are met:
- 2084 (a) The Light Industrial zone is located within a municipal airport  
2085 boundary;
- 2086 (b) The municipal airport boundary includes no less than 1000 acres of  
2087 land zoned light industrial; and
- 2088 (c) The hotel/motel use is served by both public water and sewer.
- 2089 (90) Health and social service facilities regulated under this title do not  
2090 include secure community transition facilities (SCTFs) proposed pursuant to  
2091 chapter 71.09 RCW. See SCC 30.91H.095.
- 2092 (a) Snohomish County is preempted from regulation of SCTFs. In  
2093 accordance with the requirements of state law the county shall take all  
2094 reasonable steps permitted by chapter 71.09 RCW to ensure that SCTFs comply  
2095 with applicable siting criteria of state law. Every effort shall be made by the  
2096 county through the available state procedures to ensure strict compliance with all  
2097 relevant public safety concerns, such as emergency response time, minimum  
2098 distances to be maintained by the SCTF from "risk potential" locations, electronic  
2099 monitoring of individual residents, household security measures and program  
2100 staffing.
- 2101 (b) Nothing herein shall be interpreted as to prohibit or otherwise limit the  
2102 county from evaluating, commenting on, or proposing public safety measures to  
2103 the state of Washington in response to a proposed siting of a SCTF in

2104 Snohomish County.

2105 (c) Nothing herein shall be interpreted to require or authorize the siting of  
2106 more beds or facilities in Snohomish County than the county is otherwise  
2107 required to site for its SCTFs pursuant to the requirements of state law.

2108 (91) Level II health and social service uses are allowed outside the UGA  
2109 only when the use is not served by public sewer.

2110 (92) The area of the shooting range devoted to retail sales of guns, bows,  
2111 and related equipment shall not exceed one-third (1/3) of the gross floor area of  
2112 the shooting range and shall be located within a building or structure.

2113 (93) Farmers Market: See SCC 30.28.036.

2114 (94) Farm Product Processing and Farm Support Business: See SCC  
2115 30.28.038.

2116 (95) Farmland Enterprise: See SCC 30.28.037.

2117 (96) Public Events/Assemblies on Farmland: Such event or assembly shall:

2118 (a) Comply with the requirements of Chapter 6.37 SCC; and

2119 (b) Not exceed two events per year. No event shall exceed two weeks in  
2120 duration.

2121 (97) Bakery, Farm: The gross floor area of the use shall not exceed 1,000  
2122 square feet.

2123 (98) Recreational Facility Not Otherwise Listed in Ag-10 zone: See SCC  
2124 30.28.076.

2125 (99) Farm Stand: See SCC 30.28.039.

2126 (100) Farm Stand: Allowed as a Permitted Use (P) when sited on land  
2127 designated riverway commercial farmland, upland commercial farmland or local  
2128 commercial farmland in the comprehensive plan. Allowed as an Administrative  
2129 Conditional Use (A) when sited on land not designated riverway commercial  
2130 farmland, upland commercial farmland or local commercial farmland in the  
2131 comprehensive plan.

2132 (101) Farmers Market: Allowed as a Permitted Use (P) when sited on land  
2133 designated riverway commercial farmland, upland commercial farmland or local  
2134 commercial farmland in the comprehensive plan. Allowed as an Administrative  
2135 Conditional Use (A) when sited on land not designated riverway commercial  
2136 farmland, upland commercial farmland or local commercial farmland in the  
2137 comprehensive plan.

2138 (102) Community Facilities for Juveniles in R-5 zones must be located within  
2139 one mile of an active public transportation route at the time of permitting.

2140 (103) All community facilities for juveniles shall meet the performance  
2141 standards set forth in SCC 30.28.025.

2142 (104) Personal wireless telecommunications service facilities: See chapter  
2143 30.28A SCC and landscaping standards in SCC 30.25.025.

2144 (105) Personal wireless telecommunications service facilities are subject to a  
2145 building permit pursuant to SCC 30.28A.020 and the development standards set  
2146 forth in chapter 30.28A SCC and landscaping standards in SCC 30.25.025.

2147 (106) A building permit only is required for facilities co-locating on existing  
2148 utility poles, towers, and/or antennas unless otherwise specified in 30.28A SCC.

2149 (107) RESERVED for future use (R-5 w/MRO - DELETED by Ord. 07-090  
2150 effective September 21, 2007)

2151 (108) Projects submitted under the Urban Centers Demonstration Program  
2152 (chapter 30.34A SCC) and located within the NB or PCB zones may include the  
2153 permitted uses in these zones. Uses listed in SCC 30.34A.100(5) and  
2154 conditional uses in the NB and PCB zones are prohibited in these projects.

2155 (109) Privately operated off-road vehicle (ORV) use areas shall be allowed by  
2156 conditional use permit on Forestry and Recreation (F&R) zoned property  
2157 designated Forest on the comprehensive plan future land use map. These  
2158 areas shall be identified by an F&R ORV suffix on the zoning map. Privately  
2159 operated ORV use areas are regulated pursuant to SCC 30.28.080, SCC  
2160 30.28.085 and other applicable county codes.

2161 (110) Recreational Facility Not Otherwise Listed: Playing fields permitted  
2162 in accordance with chapter 30.33B SCC are allowed as a Permitted Use (P)  
2163 when sited on designated recreational land as identified on the future land use  
2164 map in the county's comprehensive plan.

2165 (111) Recreational Facility Not Otherwise Listed: Playing fields not  
2166 permitted in accordance with chapter 30.33B SCC are allowed as an  
2167 Administrative Conditional Use (A) when sited on designated recreational land  
2168 as identified on the future land use map in the county's comprehensive plan.

2169 (112) Land zoned R-5 and having an RA overlay, depicted as R-5-RA on  
2170 the official zoning map, is a Transfer of Development Rights (TDR) receiving  
2171 area and, consistent with the comprehensive plan, will be retained in the R-5-  
2172 RA zone until regulatory controls are in place which ensure that TDR  
2173 certificates issued pursuant to SCC 30.35A.050 will be required for  
2174 development approvals within the receiving area.

2175 (113) Privately operated motocross racetracks are allowed by conditional  
2176 use permit, and are regulated pursuant to SCC 30.28.100, SCC 30.28.105,  
2177 and other applicable county codes. Motocross racetracks are allowed in the  
2178 Forestry and Recreation (F&R) zone only on commercial forest lands.

2179 (114) Mobile Home Park zone:

2180 (a) A parcel of land may only be rezoned from an urban zoning  
2181 designation to Mobile Home Park zone at the request of the property owner  
2182 and in accordance with chapter 30.42A SCC.

2183 (b) The Mobile Home Park zone shall only be applied to property  
2184 where an existing mobile home park is located and regulated either by a  
2185 conditional use permit or as a nonconforming use.

2186 (c) For any mobile home park regulated by a conditional use permit,  
2187 an application for vacation of the conditional use permit must be submitted for  
2188 approval concurrently with rezone approval.

2189 (d) Upon approval, the Mobile Home Park zone shall not be changed

2190 to another zone for a period of five years.  
2191 (115) This use is prohibited in the R-5 zone with the Mineral Resource  
2192 Overlay (MRO). Public park is a permitted use on reclaimed portions of  
2193 mineral excavation sites with the MRO.

2194  
2195 Section XX. Snohomish County Code Section 30.28A.060, adopted by  
2196 Ordinance No. 02-064 on December 9, 200, is amended to read:

2197  
2198 **30.28.060 Model Hobby Park.**

- 2199 (1) An application for a model hobby park shall include the following:  
2200 (a) A plan for the model hobby park showing the location of all property lines,  
2201 ground circulation and parking areas, runways, tracks, pits, overflight areas, and  
2202 other improved or active use areas. The plan shall also depict a non-use area at  
2203 least 100 feet wide adjacent to and beyond all active use areas, including  
2204 overflight areas;  
2205 (b) Operational information which demonstrates that the model hobby park  
2206 will be operated in conformance with all applicable provisions of county code and  
2207 state law and shall avoid impacts which are unduly or unreasonably offensive or  
2208 injurious to properties, residents, or improvements in the vicinity; and  
2209 (c) Documentation that the improved or active use areas and the overflight  
2210 areas, if any, are authorized for such use, if not fully under the ownership of the  
2211 applicant.  
2212 (2) Runway, track, and pit surfaces shall be limited to natural grass or  
2213 removable composite matting in the A-10 zone.  
2214 (3) Maximum allowable runway size shall be 600 feet by 100 feet, not including  
2215 buffer overrun areas.  
2216 (4) The improved area, including parking, pit, track, and runway areas but  
2217 excluding any overflight area, shall be limited to five acres. In the A-10 zone,  
2218 parking stalls and aisles shall not be paved.  
2219 (5) Minimum size of the site, including any overflight area, shall be 20 acres.  
2220 (6) Any site improvements and structures in addition to the runways, tracks,  
2221 and pits shall be incidental to the use of the site as a model hobby park.  
2222 (7) Operation of models shall be prohibited within identified non-use areas.  
2223 (8) In the A-10 zone, ((grading)) land disturbing activity shall be limited in order  
2224 to preserve prime farmland. At least 75 percent of prime farmland on site shall  
2225 remain undisturbed.  
2226 (9) A model hobby park permit application shall be processed in accordance  
2227 with the provisions of chapter 30.42C SCC.

2228 Section XX. Snohomish County Code Section 30.62.112, adopted by  
2229 Ordinance No. 02-064, on December 9, 2002, is amended to read:

2230 **30.61.112 Environmental review of building or ((grading)) land disturbing**  
2231 **activity permit subsequent to environmental review of land use proposal.**

2232 Environmental review of a land use proposal should include all environmental  
2233 impacts of the proposal known at the time of review, including environmental  
2234 impacts for subsequent permits required for the same proposal. The applicable  
2235 department must adopt the environmental documents used in the environmental  
2236 review for the land use proposal for environmental review of subsequent permits  
2237 required for the same proposal unchanged unless:

- 2238 (1) another agency with jurisdiction is dissatisfied with the environmental  
2239 documents, in which case, it must assume lead agency status;  
2240 (2) there are substantial changes to the proposal such that the proposal is  
2241 likely to have significant adverse environmental impacts that were not previously  
2242 considered; or  
2243 (3) there is new information indicating the proposal's probable significant  
2244 adverse environmental impacts that was not previously considered in the  
2245 environmental review for the land use proposal.

2246 Section XX. Snohomish County Code Section 30.61.300, adopted by  
2247 Ordinance No. 03-068 on July 9, 2003, is amended to read:

2248 **30.61.300 SEPA appeals - general.**

2249 (1) An aggrieved party of record may file an appeal of a DNS, MDNS, DS, or  
2250 the adequacy of a final EIS as set forth in this section and SCC 30.71.050.

2251 (2) An appeal made pursuant to this section is processed as an appeal of a  
2252 Type 1 decision in accordance with chapter 30.71 SCC, except as otherwise  
2253 provided in this section.

2254 (3) An appeal of a DNS, MDNS, or EIS adequacy associated with an  
2255 underlying Type 1 decision shall be combined with appeal of the underlying Type  
2256 1 decision and considered together at a combined appeal hearing, except as  
2257 provided in SCC 30.61.300(10).

2258 (4) An appeal of a DNS, MDNS, or EIS adequacy associated with an  
2259 underlying Type 2 application shall be considered at an appeal hearing that is  
2260 combined with the open record hearing for the Type 2 application, except as  
2261 provided in SCC 30.61.300(10).

2262 (5) An appeal of a DNS, MDNS, or EIS adequacy associated with a  
2263 commercial building or ((grading)) land disturbing activity permit not related to  
2264 single family residential development shall be processed as an appeal of a Type  
2265 1 decision.

2266 (6) An appeal of a DS associated with a project permit application shall be  
2267 adjudicated prior to a decision on the project permit, and for a Type 2 application,  
2268 prior to convening an open record hearing for the Type 2 application.

2269 (7) There is no administrative appeal of a DNS, MDNS, DS, or EIS adequacy  
2270 associated with a Type 3 or other legislative decision.

2271 (8) Administrative appeals shall be limited to one review of a threshold  
2272 determination and to one review of the adequacy of a final EIS. An appeal shall  
2273 not be allowed following remand from an appeal under this chapter, except that  
2274 an appeal challenging the adequacy of a final EIS shall be allowed if the  
2275 adequacy of a final EIS was not the subject of the prior appeal.

2276 (9) Appeals of intermediate steps under this chapter, including but not limited  
2277 to, lead agency determination, scoping, and draft EIS adequacy shall not be  
2278 allowed.

2279 (10) Appeal of a DNS, MDNS, or EIS adequacy related to a Type 1 or Type 2  
2280 shoreline substantial development, shoreline variance and shoreline conditional  
2281 use permit shall be submitted to the state shorelines hearings board together  
2282 with appeal of the underlying permit.

2283 (11) An appeal of the conditioning or denial of a proposal pursuant to RCW  
2284 43.21C.060 shall not be made to the county council as a separate appeal under  
2285 this chapter but may be considered as part of an underlying permit appeal filed  
2286 pursuant to SCC 30.72.070.

2287 Section XXX. Snohomish County Code Section 30.63C.040, adopted by  
2288 Ordinance No. 06-061, on August 1, 2007, is amended to read:

2289 **30.63C.040 Modifications from Snohomish County Code.**

2290 (1) To meet the purposes of the LID Guidance Manual, an applicant may  
2291 request modifications from the provisions of the following SCC chapters:

2292 (a) Chapter 30.23 SCC, General development standards - bulk  
2293 regulations;

2294 (b) Chapter 30.42B SCC, Planned residential developments;

2295 (c) Chapter 30.52A SCC, Construction code;

2296 (d) Chapter 30.63A SCC, Drainage;

2297 (e) Chapter 30.63B SCC, (~~Grading~~) Land disturbing activity; and

2298 (f) Chapter 30.24 General Development Standards Access and

2299 Roads.

2300 (2) Modifications pursuant to SCC 30.63C.040(1) may be granted based  
2301 upon the following criteria:

2302 (a) The change is consistent with and furthers the purposes of the LID  
2303 Guidance Manual;

2304 (b) The change does not result in significant adverse environmental  
2305 impacts;

2306 (c) The change does not threaten public health, safety, or welfare;

2307 (d) The change is consistent with generally accepted engineering and  
2308 design criteria, as provided in this chapter;

- 2309 (e) The change promotes one or more of the following:  
2310 (i) innovative site design furthering the purposes of the program;  
2311 (ii) increased on-site stormwater retention using a variety of  
2312 vegetation and landscape conditions;  
2313 (iii) retention or redevelopment of original natural habitat conditions over  
2314 a significant portion of the site;  
2315 (iv) improved on-site water quality beyond that required by current  
2316 applicable regulations; or  
2317 (v) retention or re-creation of pre-development and/or natural hydrologic  
2318 conditions, and retention or re-creation of forested watershed conditions; and  
2319 (f) The change does not conflict with chapters 30.62, 30.62A, 30.62B,  
2320 30.62C, 30.64 and 30.65 SCC;  
2321 (3) Requests for modifications from Snohomish County Code and any  
2322 deviation required from the EDDS shall be submitted under one proposal as a  
2323 comprehensive site analysis.  
2324 (4) Applicants will be required to list and document justification for each  
2325 requested code modification and deviation required from the EDDS.

2326 Section XXX. Snohomish County Code Section 30.71.015 adopted by  
2327 Ordinance No. 07-084, on September 5, 2007, is amended to read:

2328 **30.70.015 Exemptions.**

- 2329 The following actions are exempt from the requirements of this subtitle, except  
2330 the consistency determination required by SCC 30.70.100:  
2331 (1) Street vacations under chapter 13.100 SCC;  
2332 (2) Approvals relating to the use of public areas and facilities under title  
2333 13 SCC;  
2334 (3) Building permits exempt from the State Environmental Policy Act (SEPA);  
2335 (4) ~~((Grading))~~ Land disturbing activity permits exempt from SEPA; and  
2336 (5) All other construction, mechanical, and plumbing permits exempt from  
2337 SEPA and related approvals, including certificates of occupancy.

2338 Section XXX. Snohomish County Code Section 30.71.020 adopted by  
2339 Ordinance No. 07-022, on April 23, 2007, is amended to read:

2340 **30.71.020 Type 1 permits and decisions.**

- 2341 The following are processed as Type 1 administrative decisions:  
2342 (1) Administrative conditional use permit;  
2343 (2) Binding site plan approval;  
2344 (3) Boundary line adjustment, except as provided in 30.41E.020 SCC;  
2345 (4) Building and ~~((grading))~~ land disturbing activity permits subject to SEPA  
2346 review pursuant to chapter 30.61 SCC, or subject to conditions imposed pursuant

- 2347 to chapter 30.32D;
- 2348 (5) Free standing signs in the FS and RFS zones;
- 2349 (6) Code interpretations issued pursuant to SCC 30.83.030(2);
- 2350 (7) Flood hazard permit, except as provided in SCC 30.43C.020;
- 2351 (8) Flood hazard variance;
- 2352 (9) Freeway service zone official site plan (existing FS zone);
- 2353 (10) Shoreline substantial development permit, shoreline conditional use, and
- 2354 shoreline variance, except when processed as a Type 2 decision pursuant to
- 2355 SCC 30.44.240;
- 2356 (11) Short subdivision approval with no dedication of a new public road right-
- 2357 of-way;
- 2358 (12) Urban centers project decision pursuant to chapter 30.34A SCC;
- 2359 (13) Variance; and
- 2360 (14) Single family detached units applications pursuant to chapter 30.41F
- 2361 SCC.

2362 Section XX. Snohomish County Code Section 30.63B.520 adopted by

2363 Ordinance No. 06-061 on August 1, 2007, is amended to read:

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**30.86.520 ((Grading)) Land disturbing activity fees.**

2366 (1) Purpose. This section establishes the fees required for all ((grading)) land

2367 disturbing activity reviews, approvals and inspections conducted by the county in

2368 order to compensate the department for the costs of administering this chapter.

2369 Such fees are in addition to any other fees required by law.

2370 (2) Basic ((grading)) land disturbing activity fees.

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**Table 30.86.520(2) – ((GRADING)) LAND DISTURBING ACTIVITIES (LDA) PERMIT FEES** ((See also chapter 30.51 SCC.))

<b>LDA PRE-APPLICATION SITE REVIEW FEE</b> <sup>(1,2)</sup>	\$250
<b>LDA SITE REVIEW FEE</b> <sup>(2)</sup>	\$100
<b>BASE FEE FOR EACH NEW LDA PERMIT FILE</b> <sup>(2)</sup>	\$200
<b>PLAN REVIEW AND INSPECTION FEE</b> <sup>(3,4,5)</sup>	
<b>Land disturbing activity for grading, cut or fill</b>	\$0.33/cubic yard of total cut or fill amount, whichever is greater, not to exceed \$23,000.
<b>Land disturbing activity for clearing</b>	\$400 per acre. This fee may be prorated with a \$100 minimum fee.
<b>CODE ENFORCEMENT INVESTIGATION FEE: LDA ((grading)) without a permit/pursuant to ((UBC section 107.5.1)) SCC 30.52A.210 Work commencing before permit issuance (IBC 108.4).</b>	\$400 per acre of disturbed land plus \$0.33/cubic yard of earth moved
<b>GRADING REVIEW FEES FOR PLAYING FIELDS ON DESIGNATED RECREATIONAL LANDS IN ACCORDANCE WITH SCC 30.28.076 AND CHAPTER 30.33B SCC</b>	\$0
<b>PERMIT RENEWAL FEE</b>	50% of ((normal)) permit fee <u>excluding the base and site review fees</u>
<b>Reference notes:</b> (1) \$200 shall be applied towards site review/permit fees at the time of application. (2) <u>LDA applications that include a combination of clearing, grading, cut or fills will be charged one pre-application site review fee, one LDA site review fee and one base fee.</u> (3) ((Grading permit)) <u>Land disturbing activity</u> applications prepared by the Snohomish Conservation District for commercial agricultural activities shall not be subject to the plan review and inspection fee. (4) ((Grading permit)) <u>Land disturbing activity</u> permits for dike or levee construction or reconstruction, when implementing a Snohomish County approved floodplain management plan, shall be subject to a plan review and inspection fee of \$60.00/hour. (5) <u>50 percent of the yardage fee and acreage fee is for the cost of plan review and 50 percent is for the cost of inspections.</u>	

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RELATING TO REGULATION OF LAND DISTURBING ACTIVITIES AND COMPLIANCE WITH THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE I MUNICIPAL STORMWATER PERMIT, AMENDING SNOHOMISH COUNTY CODE (SCC) CHAPTER 30.63B, AND AMENDING SECTIONS OF TITLE 30 SCC

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2381 Section XXX. Snohomish County Code Section 30.91C.210, adopted by  
2382 Ordinance No. 02-064, on December 9, 2002, is amended to read:

2383 **30.91C.210 "Compaction"** means the densification of a fill by mechanical  
2384 means.

2385 *This definition applies only to (~~"Grading"~~) "Land Disturbing Activities"*  
2386 *regulations in chapter 30.51 SCC.*

2387 Section XX. Snohomish County Code Section 30.91E.230, adopted by  
2388 Ordinance No. 05-083, on December 21, 2005, is amended to read:

2389 **30.91E.230 "Excavation"** shall mean the mining or quarrying or other  
2390 mechanical removal of sand, gravel, bedrock or precious metals including  
2391 underground shaft operations, but excluding:

2392 (1) (~~(Excavations and grading)~~) Land disturbing activity for building  
2393 construction where such construction is authorized by a valid building permit; or

2394 (2) Tilling of soil for agricultural purposes; or

2395 (3) Any excavation:

2396 (a) Which does not alter a drainage course, and

2397 (b) Which has less than two feet of mean average depth, or which does  
2398 not create a cut slope greater than five feet in height and steeper than one and  
2399 one-half horizontal to one vertical, and

2400 (c) Located in an MR, LDMR, R-7200, R-8400, R-9600, R-12,500 or  
2401 WFB zone, where the cubic yardage excavated from contiguous land under  
2402 common ownership shall never exceed 500 cubic yards, and

2403 (d) Located in any zone other than those listed in the preceding  
2404 subsection, where the cubic yardage excavated from contiguous land under  
2405 common ownership shall never exceed 2,000 cubic yards. The distinction  
2406 between zones which is provided in this and the preceding subsections shall be  
2407 observed notwithstanding cross-referencing between zones which may be found  
2408 elsewhere in this title.

2409 *This definition applies only to chapters 30.22, 30.23, 30.25, 30.31D, 30.32C,*  
2410 *30.63B and 30.64 SCC.*

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2411 Section XX. Snohomish County Code Section 30.91G.070, adopted by  
2412 Ordinance No. 02-064, on December 9, 2002, is amended to read:

2413 **30.91G.070 "Grade"** means the elevation of the ground surface.

2414 (1) "Existing grade" means the elevation of the ground surface prior to  
2415 development activity.

2416 (2) "Rough grade" means the stage at which the elevation of the ground  
2417 surface approximately conforms to the approved plan.

2418 (3) "Finish grade" means the final elevation of the ground surface which  
2419 conforms to the approved ((grading)) land disturbing activity plan.

2420 Section XX. Snohomish County Code Section 30.91G.075 adopted by  
2421 Ordinance 07-085 on September 5, 2007, is amended to read:

2422 **30.91G.075 "Grading"** means an excavation or fill or a combination thereof.

2423 ~~((This definition applies only to the construction codes in subtitle 30.5 SCC))~~

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2425 Section XX. Severability. If any section, sentence, clause or phrase of  
2426 this ordinance is held to be invalid or unconstitutional by the Growth  
2427 Management Hearings Board, or a court of competent jurisdiction, such invalidity  
2428 or unconstitutionality shall not affect the validity or constitutionality of any other  
2429 section, sentence, clause or phrase of this ordinance. Provided, however, that if  
2430 any section, sentence, clause or phrase of this ordinance is held to be invalid by  
2431 the Board or court of competent jurisdiction, then the section, sentence, clause or  
2432 phrase in effect prior to the effective date of this ordinance shall be in full force  
2433 and effect for that individual section, sentence, clause or phrase as if this  
2434 ordinance had never been adopted.

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2437 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.  
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2440 SNOHOMISH COUNTY COUNCIL  
2441 Snohomish County, Washington  
2442  
2443

2444 \_\_\_\_\_  
2445 Chairperson

2446 ATTEST:

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2449 \_\_\_\_\_  
Asst. Clerk of the Council

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2454 ( ) APPROVED

2455 ( ) EMERGENCY

2456 ( ) VETOED

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

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2458 ATTEST:

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2464 Approved as to form:

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2467 \_\_\_\_\_  
Deputy Prosecuting Attorney

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