

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 09-_____

RELATING TO REGULATION OF LAND DISTURBING ACTIVITIES IN TITLE 30
SNOHOMISH COUNTY CODE (SCC); REPEALING CHAPTER 30.63B SCC; AND
ADOPTING A REVISED CHAPTER 30.63B SCC; AMENDING SECTIONS OF
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) 2nd 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 on August 3, 1998, enacting drainage development regulations consistent with the initial Phase I municipal stormwater permit and the goals and policies of the General Policy Plan; and

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

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

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

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

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

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

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

71 WHEREAS, the county council finds that it is necessary to amend chapters
72 30.63A and 30.63B SCC relating to drainage and grading, and other sections of title 30
73 SCC to comply with the requirements of the Phase I Municipal Stormwater Permit and
74 the goals and policies of the General Policy Plan relating to stormwater management;
75 and
76

77 WHEREAS, the county has prepared amendments to the Snohomish County
78 Drainage Manual (Drainage Manual) and the Engineering Design and Development
79 Standards (EDDS) to also comply with the 2007 Phase I permit that support the
80 development regulations in title 30 SCC, but are not considered Growth Management
81 Act regulations pursuant to RCW 36.70A; and
82

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

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

92 WHEREAS, notice was provided and the public was invited to comment on the
93 stormwater management program code amendments and revisions to the Drainage
94 Manual and EDDS at the Unified Development Code (title 30 SCC) Update Project
95 public forums on May 3, October 4, and December 6, 2007, _____, 2008, and at
96 other stakeholder meetings; and
97

98 WHEREAS, the planning commission was briefed on the NPDES program on
99 October 23, 2007, and _____, 2008 and _____, 2009; and
100

101 WHEREAS, regulations relating to drainage and land disturbing activity including
102 grading that and incorporating the minimum requirements of Appendix 1 of the Phase I
103 Municipal Stormwater Permit were proposed in two draft ordinances revisions to the
104 Drainage Manual and EDDS were transmitted to DOE for review on _____, 2008,
105 and _____, 2009; and
106

107 WHEREAS, DOE comments were received on _____, 2008, and
108 _____, 2009, and have been incorporated in this ordinance; and
109

110 WHEREAS, the planning commission held a public hearing on draft ordinances
111 XXX and XXX on _____, 2009, and recommended _____;
112 and
113

114 WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt these code
115 amendments was transmitted to Washington State Department of Community, Trade
116 and Economic Development on _____, 2008; and
117

118 WHEREAS, the County Council was briefed on the NPDES project on October
119 29, 2007, January 22, 2008, and on _____, 2008, and held a public
120 hearing on
121 _____, 2009, to consider the entire record and hear public testimony on
122 Ordinance No. 09-____, adopting the minimum stormwater management requirements of
123 Appendix 1 of the Phase I Municipal Stormwater Permit.
124

125 NOW, THEREFORE, BE IT ORDAINED:
126

127 Section 1. The foregoing recitals are incorporated by this reference as though
128 set forth in full.
129

130 Section 2. The Snohomish County Council makes the following findings of
131 fact:

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- 132 A. The Federal Clean Water Act (CWA) requires states and their local
133 governments to take steps to implement the National Pollutant Discharge
134 Elimination System (NPDES) permit program. Pursuant to chapter 90.48
135 RCW, Washington State Water Pollution Control Law, authorizes the
136 Washington State Department of Ecology (DOE) to implement the NPDES
137 permit program. The Environmental Protection Agency (EPA) promulgated
138 regulations to control stormwater discharges from municipal stormwater
139 sewer systems in two phases, called Phase I and Phase II. EPA's 1990
140 Phase I rule designated Snohomish County as a Phase I municipal
141 stormwater permittee for the purpose of regulating discharge from municipal
142 separate storm sewer systems under NPDES and the state waste discharge
143 general permit program.
144
- 145 B. Under WAC 173-226, the Water Discharge General permit program requires
146 a state waste discharge general permit to cover stormwater runoff from any
147 point source discharging into waters of the state that is not authorized by an
148 individual stormwater permit. The Department of Ecology originally issued a
149 Phase I Municipal Stormwater Permit to Snohomish County on July 5, 1995,
150 regulating discharges from large and medium municipal separate storm sewer
151 systems.
152
- 153 C. Snohomish County was re-issued a Phase I Municipal Stormwater Permit by
154 the Washington Department of Ecology (DOE) on February 16, 2007.
155
- 156 D. In accordance with the Phase 1 permit, Snohomish County must adopt
157 stormwater protection regulations to comply with *Appendix 1 Minimum*
158 *Technical Requirements for New Development and Redevelopment of*
159 (Appendix 1) by August 16, 2008. The permit also requires that the county
160 adopt the 2005 DOE Stormwater Manual for Western Washington or an
161 equivalent stormwater drainage manual.
162
- 163 E. This ordinance addresses Appendix 1 regulations necessary for permit
164 compliance relating to grading regulations in chapter 30.63B SCC. In addition,
165 a separate ordinance addresses changes to the chapter 30.63A relating to
166 drainage. Companion documents include the Snohomish County Drainage
167 Manual (Drainage Manual) equivalent to the 2005 Department of Ecology
168 Stormwater Drainage Manual for Western Washington, and amendments to
169 Chapter 5 of the Engineering Design and Development Standards (EDDS).
170
- 171 F. The EDDS and Drainage Manual will be adopted as a rule pursuant to
172 chapter 30.82 SCC.
173
- 174 G. Rule 3044 Construction Stormwater Pollution Prevention Plans, last adopted
175

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176 June 29, 2006, will be repealed upon adoption of this ordinance in that its
177 provisions have been incorporated in chapter 30.63A SCC and the Drainage
178 Manual. Rule 3044 was developed and adopted pursuant to section 9.2 and
179 9.3 of a legal settlement agreement between Snohomish County and the
180 Puget Soundkeepers Alliance to ensure compliance with erosion control
181 management pursuant to the 2005 DOE Stormwater Management Manual for
182 Western Washington. It incorporates the requirement for a CESCL to manage
183 soil erosion on a project site and to provide regulation of projects using
184 infiltration and dispersion techniques from non-pollution generating surfaces.
185

186 H. An inclusive public involvement process has accompanied the development
187 of this ordinance. This “NPDES” project is included under the Unified
188 Development Code (UDC) Update Project. Three public
189 outreach presentations were conducted at UDC Update Project public forums
190 and project news and work products are available on the project webpage.
191 Numerous stakeholder meetings were held as noted below:
192

- 193 • 5/3/06 UDC Update Public Forum
- 194 • 10/4/07 UDC Update Public Forum
- 195 • 10/18/07 Engineering Focus Group
- 196 • 11/6/07 2007 Developer/Builder Issues Council (DBIC)
- 197 • 11/13/07 Utilities Stakeholder Meeting
- 198 • 11/13/07 Agricultural Advisory Board
- 199 • 11/19/07 Water/Sewer Purveyors Meeting
- 200 • 11/28/07 Managers Meeting
- 201 • 12/3/07 Forestry/Mining
- 202 • 12/4/07 2007 Developer/Builder Issues Council (DBIC)
- 203 • 12/6/07 UDC Update Public Forum
- 204 • 12/12/07 Developers (MBA committee)
- 205 • 12/12/07 Snohomish County Farm Bureau
- 206 • 12/13/07 Washington State DNR Timber, Fish & Wildlife
- 207 • 01/08 Selected stakeholders
- 208 • 1/08/08 2008 Developer/Builder Issues Council (DBIC)
- 209

210 I. Chapter 30.63B SCC is amended to provide for the merger of Appendix 1
211 Minimum Technical Requirements for New Development and Redevelopment
212 and the sequence of certain sections of the chapter have been re-organized.
213

214 J. The Snohomish County Comprehensive Plan - General Policy Plan sets forth
215 the following goals relating to stormwater management:
216

- 217 1. Goal CF 3 requires management of stormwater in Snohomish
218 County in a manner that protects the public health and safety;
219

- 220 2. Goal NE 3 requires compliance with the requirements for state,
221 federal and local laws for protecting and managing water, including
222 compliance with the requirements of the NPDES permit; and
223
- 224 K. A determination of nonsignificance (DNS) was issued for this proposed
225 non-project action on _____, 2009, pursuant to the State Environmental
226 Policy Act (SEPA), chapter 43.21 RCW and chapter 197-11 WAC, and
227 chapter 30.61 SCC.
228

229 Section 3. The county council makes the following conclusions:
230

- 231 A. The council concludes that this ordinance implements the
232 regulatory mechanisms and control measures necessary to prevent
233 pollution that may be carried to waters of the state by stormwater
234 runoff related to land disturbing activities.
235
- 236 B. Adoption of the proposed amendments does not result in less
237 restrictive performance standards or objectives than those in the
238 county's Phase 1 Municipal Stormwater Permit.
239
- 240 C. There has been early and continuous public participation in review
241 of the proposed amendments.
242
- 243 D. The proposals were broadly disseminated to the public and
244 opportunities have been provided for written comments and public
245 hearing after effective notice that satisfies the public involvement
246 and participation requirements of the Growth Management Act
247 (GMA).
248
- 249 E. The SEPA process conducted for this ordinance satisfies the
250 requirements of the State Environmental Policy Act codified in
251 chapter 43.21C RCW, as implemented by chapter 197-11 WAC
252 and chapter 30.61 SCC.
253
- 254 F. This ordinance provides for the health, safety and general welfare
255 of the citizens of Snohomish County and the environment through
256 the regulation of stormwater runoff to the maximum extent practical
257 as required by federal and state law.
258
- 259 G. The county council bases its findings and conclusions on the entire
260 record of the planning commission and the county council, including
261 all testimony and exhibits. Any finding, which should be deemed a
262 conclusion, and any conclusion which should be deemed a finding,
263

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264 is hereby adopted as such.

265

266 Section XX. Snohomish County Code Section 30.22.130, Amended by
267 Emergency Ordinance No. 09-017, on April 8, 2009, is amended to read:

268 **30.22.130 Reference notes for use matrix.**

269 (1) Airport, Stage 1 Utility:

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

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

273 (2) Day Care Center:

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

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

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

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

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

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

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

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

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

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

298 (5) See chapter 30.31E SCC for rezoning to Townhouse zone, and chapter
299 30.23A SCC for design standards applicable to townhouse and attached single-family
300 dwelling development. .

301 (6) Dwelling, Mobile Home:

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

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

305 (c) Except where the base of the mobile home is flush to ground level, shall be

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306 installed either with:

307 (i) skirting material which is compatible with the siding of the mobile home; or

308 (ii) a perimeter masonry foundation;

309 (d) Shall have the wheels and tongue removed; and

310 (e) In the RU zone the above only applies if the permitted lot size is less than
311 20,000 square feet.

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

313 Side and rear yard requirements may be waived by the department along the
314 boundaries lying between the properties involved with the proposal, and zone; provided
315 that its function as a shelter is not impaired.

316 (8) Family Day Care Home:

317 (a) No play yards or equipment shall be located in any required setback from a
318 street; and

319 (b) Outdoor play areas shall be fenced or otherwise controlled.

320 (9) Farm Stand:

321 (a) There shall be only one stand on each lot; and

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

325 (10) Farm Worker Dwelling:

326 (a) At least one person residing in each farm worker dwelling unit shall be
327 employed full time in the farm operation;

328 (b) An agricultural farm worker dwelling unit affidavit must be signed and
329 recorded with the county attesting to the need for such dwellings to continue the farm
330 operation;

331 (c) The number of farm worker dwellings shall be limited to one per each 40
332 acres under single contiguous ownership to a maximum of six total dwellings, with 40
333 acres being required to construct the first accessory dwelling unit. Construction of the
334 maximum number of dwelling units permitted shall be interpreted as exhausting all
335 residential potential of the land until such time as the property is legally subdivided; and

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

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

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

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

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

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- 350 (a) No bleachers are permitted if the site is less than five acres in size;
351 (b) All lighting shall be shielded to protect adjacent properties; and
352 (c) No amusement devices for hire are permitted.
353 (15) Boarding House: There shall be accommodations for no more than two
354 persons.
355 (16) RESERVED for future use (Social Service Center - DELETED by Amended Ord.
356 04-010 effective March 15, 2004)
357 (17) Swimming/Wading Pool (not to include hot tubs and spas): For the sole use
358 of occupants and guests:
359 (a) No part of the pool shall project more than one foot above the adjoining
360 ground level in a required setback; and
361 (b) The pool shall be enclosed with a fence not less than four feet high, of
362 sufficient design and strength to keep out children.
363 (18) Temporary Dwelling for a relative:
364 (a) The dwelling shall be occupied only by a relative, by blood or marriage, of the
365 occupant(s) of the permanent dwelling;
366 (b) The relative must receive from, or administer to, the occupant of the other
367 dwelling continuous care and assistance necessitated by advanced age or infirmity;
368 (c) The need for such continuous care and assistance shall be attested to in
369 writing by a licensed physician;
370 (d) The temporary dwelling shall be occupied by not more than two persons;
371 (e) Use as a commercial rental unit shall be prohibited;
372 (f) The temporary dwelling shall be situated not less than 20 feet from the
373 permanent dwelling on the same lot and shall not be located in any required yard of the
374 principal dwelling;
375 (g) A land use permit binder shall be executed by the landowner, recorded with
376 the Snohomish County Auditor and a copy of the recorded document submitted to the
377 department for inclusion in the permit file;
378 (h) Adequate screening, landscaping, or other measures shall be provided
379 pursuant to SCC 30.25.015 to protect surrounding property values and ensure
380 compatibility with the immediate neighborhood;
381 (i) An annual renewal of the temporary dwelling permit, together with
382 recertification of need, shall be accomplished by the applicant through the department in
383 the same month of each year in which the initial mobile home/building permit was
384 issued;
385 (j) An agreement to terminate such temporary use at such time as the need no
386 longer exists shall be executed by the applicant and recorded with the Snohomish
387 County Auditor; and
388 (k) Only one temporary dwelling may be established on a lot. The temporary
389 dwelling shall not be located on a lot on which a detached accessory apartment is
390 located.
391 (19) Recreational Vehicle:
392 (a) There shall be no more than one per lot;

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

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

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

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

401 (iii) Subject to SCC 30.22.130(19)(a) and (b) above and SCC
402 30.22.120(7)(b), temporary overnight use in a mobile home park, which has been in
403 existence continuously since 1970 or before, that provides septic or sewer service,
404 water and other utilities, and that has an RV flood evacuation plan that has been
405 approved and is on file with the Department of Emergency Management and
406 Department of Planning and Development Services.

407 (20) Ultralight Airpark:

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

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

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

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

420 (ii) occur between sunset and sunrise;

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

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

425 (21) Craft Shop:

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

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

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

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

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

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

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- 437 (25) Rural Industry:
438 (a) The number of employees shall not exceed 10;
439 (b) All operations shall be carried out in a manner so as to avoid the emission or
440 creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water
441 drainage, sewage, water pollution, or other emissions which are unduly or unreasonably
442 offensive or injurious to properties, residents, or improvements in the vicinity;
443 (c) The owner of the rural industry must reside on the same premises as the rural
444 industry and, in the RD zone, the residence shall be considered as a caretaker's
445 quarters; and
446 (d) Outside storage, loading or employee parking in the RD zone shall provide
447 15-foot wide Type A landscaping as defined in SCC 30.25.017.
448 (26) Sawmill, Shake and Shingle Mill:
449 (a) Such uses shall not include the manufacture of finished wood products such
450 as furniture and plywood, but shall include lumber manufacturing;
451 (b) The number of employees shall not exceed 25 during any eight-hour work
452 shift;
453 (c) All operations shall be carried out in a manner so as to avoid the emission or
454 creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water
455 drainage, sewage, water pollution, or other emissions which are unduly or unreasonably
456 offensive or injurious to properties, residents or improvements in the vicinity; and
457 (d) Sawmills and shakemills adjacent to a state highway in the RU zone shall
458 provide 25 feet of Type A landscaping as defined in SCC 30.25.017.
459 (27) Governmental and Utility Structures and Facilities:
460 Special lot area requirements for this use are contained in SCC 30.23.200.
461 (28) Excavation and Processing of Minerals:
462 (a) This use, as described in SCC 30.31D.010(2), is allowed in the identified
463 zones only where these zones coincide with the mineral lands designation in the
464 comprehensive plan (mineral resource overlay or MRO), except for the MC zone where
465 mineral lands designation is not required.
466 (b) An Administrative Conditional Use Permit or a Conditional Use Permit is
467 required pursuant to SCC 30.31D.030.
468 (c) Excavation and processing of minerals exclusively in conjunction with forest
469 practices regulated pursuant to chapter 76.09 RCW is permitted outright in the Forestry
470 zone.
471 (29) Medical Clinic, Licensed Practitioner: A prescription pharmacy may be
472 permitted when located within the main building containing licensed practitioner(s).
473 (30) Forest Industry Storage & Maintenance Facility (except harvesting) adjacent to
474 property lines in the RU zone shall provide 15-foot wide Type A landscaping as defined
475 in SCC 30.25.017.
476 (31) Boat Launch Facilities, Commercial or Non-commercial:
477 (a) The hearing examiner may regulate, among other factors, required launching
478 depth, lengths of existing docks and piers;
479 (b) Off-street parking shall be provided in an amount suitable to the expected
480 usage of the facility. When used by the general public, the guideline should be 32 to 40

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- 481 spaces capable of accommodating both a car and boat trailer for each ramp lane of
482 boat access to the water;
- 483 (c) A level vehicle-maneuvering space measuring at least 50 feet square shall be
484 provided;
- 485 (d) Pedestrian access to the water separate from the boat launching lane or
486 lanes may be required where it is deemed necessary in the interest of public safety;
- 487 (e) Safety buoys shall be installed and maintained separating boating activities
488 from other water-oriented recreation and uses where this is reasonably required for
489 public safety, welfare, and health; and
- 490 (f) All site improvements for boat launch facilities shall comply with all other
491 requirements of the zone in which it is located.
- 492 (32) Campground:
- 493 (a) The maximum overall density shall be seven camp or tent sites per acre; and
494 (b) The minimum site size shall be 10 acres.
- 495 (33) Commercial Vehicle Home Basing:
- 496 (a) The vehicles may be parked and maintained only on the property wherein
497 resides a person who uses them in their business;
- 498 (b) Two or more vehicles may be so based; and
499 (c) The vehicles shall be in operable conditions.
- 500 (34) Distillation of Alcohol:
- 501 (a) The distillation shall be from plant products, for the purpose of sale as fuel,
502 and for the production of methane from animal waste produced on the premises;
- 503 (b) Such distillation shall be only one of several products of normal agricultural
504 activities occurring on the premises; and
- 505 (c) By-products created in this process shall be used for fuel or fertilizer on the
506 premises.
- 507 (35) RESERVED for future use (Group Care Facility - DELETED by Amended Ord.
508 04-010 effective March 15, 2004)
- 509 (36) Mobile Home and Travel Trailer Sales:
- 510 (a) Property shall directly front upon a principal or minor arterial in order to
511 reduce encroachment into the interior of IP designated areas;
- 512 (b) The hearing examiner shall consider the visual and aesthetic characteristics
513 of the use proposal and determine whether nearby business and industrial uses,
514 existing or proposed, would be potentially harmed thereby. A finding of potential
515 incompatibility shall be grounds for denial;
- 516 (c) The conditional use permit shall include a condition requiring mandatory
517 review by the hearing examiner at intervals not to exceed five years for the express
518 purpose of evaluating the continued compatibility of the use with other IP uses. The
519 review required herein is in addition to any review which may be held pursuant to SCC
520 30.42B.100, SCC 30.42C.100 and SCC 30.43A.100;
- 521 (d) Such use shall not be deemed to be outside storage for the purpose of SCC
522 30.25.024; and
- 523 (e) Such use shall be temporary until business or industrial development is timely
524 on the site or on nearby IP designated property.

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- 525 (37) Small Animal Husbandry: There shall be a five-acre minimum site size.
526 (38) Mobile Home Park: Such development must fulfill the requirements of
527 chapter 30.42E SCC.
528 (39) Sludge Utilization: See SCC 30.28.085.
529 (40) Homestead Parcel: See SCC 30.28.055.
530 (41) Special Setback Requirements for this use are contained in SCC
531 30.23.110(20).
532 (42) Minimum Lot Size for duplexes shall be one and one-half times the minimum
533 lot size for single family dwellings. In the RU zone, this provision only applies when the
534 minimum lot size for single family dwellings is 12,500 square feet or less.
535 (43) Petroleum Products and Gas, Bulk Storage:
536 (a) All above ground storage tanks shall be located 150 feet from all property
537 lines; and
538 (b) Storage tanks below ground shall be located no closer to the property line
539 than a distance equal to the greatest dimensions (diameter, length or height) of the
540 buried tank.
541 (44) Auto Wrecking Yards and Junkyards: A sight-obscuring fence a minimum of
542 seven feet high shall be established and maintained in the LI zone. For requirements
543 for this use, SCC 30.25.020 and 30.25.050 applies.
544 (45) Antique Shops when established as a home occupation as regulated by SCC
545 30.28.050(1); provided further that all merchandise sold or offered for sale shall be
546 predominantly "antique" and antique-related objects.
547 (46) Billboards: See SCC 30.27.080 for specific requirements.
548 (47) Nursery, Wholesale: In R-20,000 zone, a wholesale nursery is permitted on
549 three acres or more; a conditional use permit is required on less than three acres.
550 (48) Stockyard and Livestock Auction Facility: The minimum lot size is 10 acres.
551 (49) Restaurants and Personal Service Shops: Located to service principally the
552 constructed industrial park uses.
553 (50) Sludge Utilization: A conditional use permit is required for manufacture of
554 materials by a non-governmental agency containing stabilized or digested sludge for a
555 public utilization.
556 (51) Single Family and Multifamily Dwellings are a prohibited use, except for the
557 following:
558 (a) Existing dwellings that are nonconforming as a result of a county-initiated
559 rezone to BP may make improvements or additions provided such improvements are
560 consistent with the bulk regulations contained in chapter 30.23 SCC; provided further
561 that such improvements do not increase the ground area covered by the structural
562 portion of the nonconforming use by more than 100 percent of that existing at the
563 existing date of the nonconformance; and
564 (b) New single family and multifamily dwellings in the BP zone authorized
565 pursuant to the provisions of SCC 30.31A.140.
566 (52) Greenhouses, Lath Houses, and Nurseries:
567 (a) Incidental sale of soil, bark, fertilizers, plant nutrients, rocks, and similar plant
568 husbandry materials is permitted;

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

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

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

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

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

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

581 (57) Woodwaste Recycling and Woodwaste Storage Facility: See SCC
582 30.28.095.

583 (58) Bed and Breakfast Guesthouses and Bed and Breakfast Inns: See SCC
584 30.28.020.

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

587 (a) Special setback requirements for these uses are contained in SCC
588 30.23.110(20);

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

591 (c) The following compatibility standards shall apply:

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

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

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

609 (iv) in the Waterfront Beach, R 7,200, R 8,400, R 9,600 and R 12,500 zones
610 and rural cluster subdivisions, no portion of a detached non-accessory private garage or
611 storage structure shall extend beyond the building front of existing single family
612 dwellings on adjacent lots where the adjacent dwellings are located within 10 feet of the

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

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

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

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

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

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

632 (62) Accessory Apartments: See SCC 30.28.010.

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

635 (64) Home Occupation: See SCC 30.28.050(3).

636 (65) On-site Hazardous Waste Treatment and Storage Facilities are allowed only
637 as an incidental use to any use generating hazardous waste which is otherwise allowed;
638 provided that such facilities demonstrate compliance with the state siting criteria for
639 dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-
640 303-282 as now written or hereafter amended.

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

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

646 (68) Special Building Height provisions for this use are contained in SCC
647 30.23.050(2)(d).

648 (69) Bakery: In the NB zone, the gross floor area of the use shall not exceed
649 1,000 square feet and the bakery business shall be primarily retail in nature.

650 (70) Equestrian Centers are allowed with a conditional use permit on all lands
651 zoned A-10 except in that portion of the special flood hazard area of the lower
652 Snohomish and Stillaguamish rivers designated density fringe as described in chapter
653 30.65 SCC.

654 (71) Mini-equestrian Centers are allowed as a permitted use on all lands zoned A-
655 10 except in that portion of the special flood hazard area of the lower Snohomish and
656 Stillaguamish rivers designated density fringe as described in chapter 30.65 SCC.

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657 (72) Equestrian Centers and Mini-equestrian Centers require the following:
658 (a) Five-acre minimum site size for a mini-equestrian center;
659 (b) Covered riding arenas shall not exceed 15,000 square feet for a mini-
660 equestrian center; provided that stabling areas, whether attached or detached, shall not
661 be included in this calculation;
662 (c) Any lighting of an outdoor or covered arena shall be shielded so as not to
663 glare on surrounding properties or rights-of-way;
664 (d) On sites located in RC and R-5 zones, Type A landscaping as defined in SCC
665 30.25.017 is required to screen any outside storage, including animal waste storage,
666 and parking areas from adjacent properties;
667 (e) Riding lessons, rentals, or shows shall only occur between 8 a.m. and 9 p.m.;
668 (f) Outside storage, including animal waste storage, and parking areas shall be
669 set back at least 30 feet from any adjacent property line. All structures shall be set back
670 as required in SCC 30.23.110(8); and
671 (g) The facility shall comply with all applicable county building, health, and fire
672 code requirements.

673 (73) Temporary Residential Sales Coach (TRSC):
674 (a) The commercial coach shall be installed in accordance with all applicable
675 provisions within chapter 30.54A SCC;
676 (b) The TRSC shall be set back a minimum of 20 feet from all existing and
677 proposed road rights-of-way and five feet from proposed and existing property lines;
678 (c) Vehicular access to the temporary residential sales coach shall be approved
679 by the county or state; and
680 (d) Temporary residential sales coaches may be permitted in approved
681 preliminary plats, prior to final plat approval, when the following additional conditions
682 have been met:
683 (i) plat construction plans have been approved;
684 (ii) the fire marshal has approved the TRSC proposal;
685 (iii) proposed lot lines for the subject lot are marked on site; and
686 (iv) the site has been inspected for TRSC installation to verify compliance with
687 all applicable regulations and plat conditions, and to assure that ((grading)) land
688 disturbing activity, drainage, utilities infrastructure, and native growth protection areas
689 are not adversely affected.

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

694 (75) Model Hobby Park: SCC 30.28.060.

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

698 (77) Studio: Studio uses may require the imposition of special conditions to
699 ensure compatibility with adjacent residential, multiple family, or rural-zoned properties.
700 The hearing examiner may impose such conditions when deemed necessary pursuant

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701 to the provisions of chapter 30.42C SCC. The following criteria are provided for hearing
702 examiner consideration when specific circumstances necessitate the imposition of
703 conditions:

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

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

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

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

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

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

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

718 (a) The use complies with all of the performance standards required by SCC
719 30.31F.100 and 30.31F.110;

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

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

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

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

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

734 (83) "All other forms of manufacture not specifically listed" is a category which
735 uses manufacturing workers, as described under the Dictionary of Occupational Titles,
736 published by the US Department of Labor, to produce, assemble or create products and
737 which the director finds consistent with generally accepted practices and performance
738 standards for the industrial zone where the use is proposed. See SCC 30.91M.024 and
739 30.91M.026.

740 (84) Home Occupations: See SCC 30.28.050(3).

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

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

743 (87) Wedding Facility:

744 (a) Such use is permitted only on undeveloped land or in structures which are

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745 legally existing on January 1, 2001;

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

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

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

751 (iii) adequate sanitation facilities are provided on site pursuant to chapter
752 30.52A SCC and applicable Snohomish Health District provisions;

753 (c) Adequate on-site parking shall be provided for the use pursuant to SCC
754 30.26.035;

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

759 (e) In the A-10 zone, the applicant must demonstrate that the activities related to
760 the use are subordinate to the use of the site for agricultural purposes; and

761 (f) In the A-10 zone, any (~~grading or disturbances~~) land disturbing activity
762 required to support the use shall be limited to preserve prime farmland. At least 90
763 percent of prime farmland on site shall remain undisturbed.

764 (88) Public/Institutional Use Designation (P/IU): When applied to land that is (a)
765 included in an Urban Growth Area and (b) designated P/IU on the Snohomish County
766 Future Land Use Map concurrent with or prior to its inclusion in a UGA, the R-7,200, R-
767 8,400 and R-9,600 zones shall allow only the following permitted or conditional uses:
768 churches, and school instructional facilities. All other uses are prohibited within areas
769 that meet criteria (a) and (b), unless the P/IU designation is changed.

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

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

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

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

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

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

787 (b) Nothing herein shall be interpreted as to prohibit or otherwise limit the county
788 from evaluating, commenting on, or proposing public safety measures to the state of

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789 Washington in response to a proposed siting of a SCTF in Snohomish County.
790 (c) Nothing herein shall be interpreted to require or authorize the siting of more
791 beds or facilities in Snohomish County than the county is otherwise required to site for
792 its SCTFs pursuant to the requirements of state law.
793 (91) Level II health and social service uses are allowed outside the UGA only
794 when the use is not served by public sewer.
795 (92) The area of the shooting range devoted to retail sales of guns, bows, and
796 related equipment shall not exceed one-third (1/3) of the gross floor area of the shooting
797 range and shall be located within a building or structure.
798 (93) Farmers Market: See SCC 30.28.036.
799 (94) Farm Product Processing and Farm Support Business: See SCC 30.28.038.
800 (95) Farmland Enterprise: See SCC 30.28.037.
801 (96) Public Events/Assemblies on Farmland: Such event or assembly shall:
802 (a) Comply with the requirements of Chapter 6.37 SCC; and
803 (b) Not exceed two events per year. No event shall exceed two weeks in
804 duration.
805 (97) Bakery, Farm: The gross floor area of the use shall not exceed 1,000 square
806 feet.
807 (98) Recreational Facility Not Otherwise Listed in Ag-10 zone: See SCC 30.28.076.
808 (99) Farm Stand: See SCC 30.28.039.
809 (100) Farm Stand: Allowed as a Permitted Use (P) when sited on land designated
810 riverway commercial farmland, upland commercial farmland or local commercial
811 farmland in the comprehensive plan. Allowed as an Administrative Conditional Use (A)
812 when sited on land not designated riverway commercial farmland, upland commercial
813 farmland or local commercial farmland in the comprehensive plan.
814 (101) Farmers Market: Allowed as a Permitted Use (P) when sited on land
815 designated riverway commercial farmland, upland commercial farmland or local
816 commercial farmland in the comprehensive plan. Allowed as an Administrative
817 Conditional Use (A) when sited on land not designated riverway commercial farmland,
818 upland commercial farmland or local commercial farmland in the comprehensive plan.
819 (102) Community Facilities for Juveniles in R-5 zones must be located within one
820 mile of an active public transportation route at the time of permitting.
821 (103) All community facilities for juveniles shall meet the performance standards set
822 forth in SCC 30.28.025.
823 (104) Personal wireless telecommunications service facilities: See chapter 30.28A
824 SCC and landscaping standards in SCC 30.25.025.
825 (105) Personal wireless telecommunications service facilities are subject to a
826 building permit pursuant to SCC 30.28A.020 and the development standards set forth in
827 chapter 30.28A SCC and landscaping standards in SCC 30.25.025.
828 (106) A building permit only is required for facilities co-locating on existing utility
829 poles, towers, and/or antennas unless otherwise specified in 30.28A SCC.
830 (107) RESERVED for future use (R-5 w/MRO - DELETED by Ord. 07-090 effective
831 September 21, 2007) (108) Projects submitted under the Urban Centers
832 Demonstration Program (chapter 30.34A SCC) and located within the NB or PCB zones
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833 may include the permitted uses in these zones. Uses listed in SCC 30.34A.100(5) and
834 conditional uses in the NB and PCB zones are prohibited in these projects.

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

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

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

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

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

858 (114) Mobile Home Park zone:

859 (a) The Mobile Home Park zone is intended to promote the retention of
860 mobile home parks as a source of affordable detached single-family and senior housing.
861 This zone is assigned to certain existing mobile home parks which contain rental pads,
862 or mobile home condominium units as of April 8, 2009, as opposed to fee simple owned
863 lots, and as such are more susceptible to future development.

864 (b) The only use permitted in the Mobile Home Park zone is mobile
865 home parks, including mobile home park condominiums for which the condominium
866 declaration has been recorded as of April 8, 2009. No other use is permitted on
867 property zoned Mobile Home Park. For any mobile home park regulated by a
868 conditional use permit, an application for vacation of the conditional use permit must be
869 submitted for approval concurrently with rezone approval.

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

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

875 Section XX. Snohomish County Code Section 30.28.020, adopted by Amended
876 Ordinance No. 07-084 on September 5, 2007, is amended to read:

877 **30.28.020 Bed and breakfast guesthouses and bed and breakfast inns.**

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

883 (2) Submittal requirements to accompany a conditional use or building permit
884 application:

885 (a) Site plan requirements. The site plan shall indicate the location of the off-street
886 parking, proposed screening, the location and size of the bed and breakfast inn, and
887 any proposed new construction to the premises, including additions, remodeling, and
888 outbuildings; and

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

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

898 (ii) if an outbuilding or outbuildings are proposed, a ~~((grading))~~ land disturbing
899 activity plan, showing the extent of clearing activity, is required. Site design shall be
900 sensitive to the natural features of the site. The use of manufactured and mobile homes
901 is prohibited;

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

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

907 (3) Minimum performance standards:

908 (a) Parking requirements shall be in accordance with SCC Table 30.26.030(1). No
909 on-street parking shall be allowed;

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

912 (c) The owner shall operate the facility and reside on the premises;

913 (d) One sign for business identification and advertising shall be permitted in
914 conjunction with the bed and breakfast establishment in accordance with SCC
915 30.27.060(4);

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

920 (f) Guests shall be permitted to stay at the establishment for not more than 10
921 consecutive days at a time;

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

925 (h) The applicant shall comply with all applicable county codes for fire, health, and
926 building requirements and any applicable food service regulations and on-site sewage
927 disposal requirements of the Snohomish Health District. The applicant shall comply
928 with the applicable state regulations pertaining to public water systems, if a water
929 system is to be developed or connected to an existing public water system;

930 (i) If three or more guest rooms are proposed, the applicant shall also meet state
931 regulations pertaining to transient accommodation;

932 (j) If six guest rooms are proposed, the applicant shall meet all requirements for a
933 hotel occupancy pursuant to the building code in chapter 30.52A SCC;

934 (k) If outbuilding(s) are proposed for guest rooms, each outbuilding shall be a
935 minimum of 130 square feet. The aggregate outbuilding square footage for guest use
936 shall not exceed 850 square feet; and

937 (l) If an accessory apartment or temporary dwelling exists on the premises, the
938 maximum number of bed and breakfast guest rooms shall be one less than otherwise
939 permitted.

940 (4) A certificate of occupancy, to ensure compliance with applicable codes, shall be
941 obtained from the department prior to allowing guests at the establishment. The
942 certificate of occupancy shall be subject to an annual inspection and renewal pursuant
943 to SCC 30.53A.060.

944 (5) In the Forestry (F) zone, bed and breakfast establishments shall not be permitted
945 if the comprehensive plan designates the property as "Commercial Forest." In the F
946 zone, up to three outbuildings for guest use may be permitted, provided that the
947 aggregate outbuilding square footage does not exceed 850 square feet.

948 Section XX. Snohomish County Code Section 30.28.037, added by Amended
949 Ordinance No. 04-074 on July 28, 2004, is amended to read:

950 **30.28.037 Farmland enterprises**

951 (1) Farmland enterprises shall be allowed only on land:

952 (a) zoned "Agriculture-10 acre;" or

953 (b) designated pursuant to the comprehensive plan as riverway commercial
954 farmland or upland commercial farmland;

955 (2) Farmland enterprises are permitted only in structures that were legally existing on
956 January 1, 2003, except that additional buildings may be allowed if all of the buildings

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957 on the farm site are in use;

958 (3) Applicants shall submit a site plan and description of the proposed farmland
959 enterprise to permit approval authorities to determine whether or not additional
960 conditions may be required to avoid impacts that are unduly or unreasonably offensive
961 or injurious to properties, residents or improvements in the vicinity. The site plan shall
962 delineate existing structures in a farm building cluster needed to support the activity or
963 business, and include areas proposed for parking, access, storage, signs, lighting and
964 screening as applicable;

965 (4) Farmland enterprises shall be confined to the portion of the farm site that includes
966 an existing farm building cluster. The farm building cluster shall be designated on the
967 site plan with an accurate legal description. Where the farm site is less than 10 acres in
968 size, the farm building cluster may be increased up to 10 percent of the farm site to
969 serve the farmland enterprise. Where the farm site is 10 acres or more, the farm
970 building cluster may be increased up to 1 acre in size to serve the farmland enterprise;

971 (5) The applicant must demonstrate that the activities conducted as a part of the
972 farmland enterprise, including the hours of operation, will be clearly incidental and
973 subordinate to, and will have no significant adverse impact on surrounding agricultural
974 uses and activities or on nearby or adjacent residential or institutional uses, or the rural
975 character of the surrounding area;

976 (6) Farmland enterprises shall meet the off-street parking requirements of Chapter
977 30.26 SCC, except that paved parking facilities shall not be required;

978 (7) Improvements associated with the farmland enterprise for access, parking, or
979 drainage, as well as any other physical changes, shall not remove prime farmland soils
980 from production or potential production. An exception shall exist for new buildings or
981 infrastructures allowed when all existing buildings are in use for farm-related purposes,
982 provided the new buildings or infrastructures support long-term farm viability and are
983 consistent with the rural character of the surrounding area, and meet the expansion
984 limitations set forth in subsection (4), above;

985 (8) No sewer lines shall be extended to service farmland enterprises;

986 (9) Any (~~grading or disturbances~~) land disturbing activity required to support
987 farmland enterprises shall not unduly impact prime farmland soils or existing natural
988 vegetation;

989 (10) The farmland enterprise shall not displace any existing tree cover or vegetation
990 that serves as a buffer between adjoining properties, tilled or grazed areas, adjacent
991 wetlands, or adjacent water bodies;

992 (11) Structures shall meet all provisions of federal, state and local statute and laws,
993 including provisions to assure water quality and flood protection.

994 Section XX. Snohomish County Code Section 30.28A.060, adopted by Amended
995 Ordinance No. 02-064 on December 9, 2002, is amended to read:

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1000 **30.28.60 Model Hobby Park.**

1001

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

1003

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

1007

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

1011

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

1013

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

1015

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

1017

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

1020

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

1021

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

1023

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

1024

(8) In the A-10 zone, ((grading)) land disturbing activity shall be limited in order to preserve prime farmland. At least 75 percent of prime farmland on site shall remain undisturbed.

1027

(9) A model hobby park permit application shall be processed in accordance with the provisions of chapter 30.42C SCC.

1029

Section XX. Snohomish County Code Section 30.31F.200, amended by Amended Ordinance No. 06-061, on August 1, 2007, is amended to read:

1030

1031

1032 **30.31F.200 Procedural requirements.**

1033

(1) An official site plan shall not be required at the time of rezone application for the RB and RI zones. The performance standards of SCC 30.31F.100, 30.31F.110, and 30.31F.130, and other applicable provisions of this chapter shall be applied to a site development plan otherwise required at the time of initial development in the RB and RI zones.

1038

(2) For the RB zone, information shall be submitted at the time of application for the RB rezone in a form acceptable to the director of the department, and in compliance with SCC 30.70.030, that identifies the approximate location and amount of net usable

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1040

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1041 area designated on the site. The submittal shall also include the approximate location
1042 and type of critical areas and their probable required buffers pursuant to chapters 30.62,
1043 30.62A and 30.62B SCC, detention/retention areas, biofiltration swales, public rights-of-
1044 way, and private roads. This information is to be used at the time of zoning approval to
1045 determine whether an adequate development and building area exists on the site, and
1046 whether the five-acre net usable area limitation of SCC 30.31F.020(2)(d) has been met.

1047 (3) An official site plan shall be required at the time of rezone application for the RFS
1048 zone. The plan shall be reviewed and approved in accordance with the provisions
1049 governing official site plan approval for the Freeway Service (FS) zone as provided in
1050 SCC 30.31B.200. The performance standards of SCC 30.31F.100 and 30.31F.120, and
1051 other provisions of this title applicable to the RFS zone shall be applied at the time of
1052 official site plan review and approval. Modifications of a RFS official site plan are
1053 permitted in accordance with the provisions of 30.31B.300.

1054 (4) An official site plan shall not be required at the time of rezone application for
1055 development in the CRC zone. The performance standards of SCC 30.31F.100 and
1056 30.31F.140, and other applicable provisions of this title, shall be approved to the site
1057 development plan required at the time of building or (~~grading~~) land disturbing activity
1058 permit application submittal.

1059 Section XX. Snohomish County Code Section 30.41C.050, adopted by
1060 Amended Ordinance No. 08-087, on February 4, 2009, is amended to read:

1061 **30.41C.050 Site planning principles.**

1062 All rural cluster subdivisions and short subdivisions must comply with the following site
1063 planning principles to the greatest extent feasible:

1064 (1) The post-development view of the site from the roads should be as similar to the
1065 pre-development view as is practical.

1066 (2) Avoid placing lots on ridgelines and other prominent topographic features to
1067 blend new development into the existing rural landscape.

1068 (3) Landscaping, using both retention of existing vegetation and new plantings, shall
1069 soften and minimize the view of new development and preserve scenic views.

1070 (4) Retain 50 percent of the overall tree canopy on the predevelopment site
1071 whenever feasible.

1072 (5) Incorporate existing landscape features and structures into the site design to
1073 maintain rural character and the familiar landscape.

1074 (6) Configure the clusters and lots to maintain the natural features of the site and
1075 minimize topographic alteration and clearing of existing vegetation.

1076 (7) Avoid uniformity of cluster siting and building sites to provide visual diversity and
1077 maintain the dominance of natural features and open space in the rural area.

1078 (8) Provide connectivity between open space tracts and natural habitat and wildlife
1079 corridors with adjacent properties whenever practical.

1080 (9) Use low impact development techniques when they are appropriate to the site
1081 conditions.

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1082 (10) Phase (~~clearing and grading~~) land disturbing activity site plans in accordance
1083 with any construction phasing.

1084 Section XX. Snohomish County Code Section 30.41C.090, adopted by
1085 Amended Ordinance No. 08-087, on February 4, 2009, is amended to read:

1086 **30.41C.090 Restricted open space - general requirements.**

1087 (1) All open space within the rural cluster subdivision used to meet the open space
1088 requirements for lot yield calculations shall be restricted open space. Such restricted
1089 open space shall be designated, held in tracts separate from residential lots, and
1090 marked on the face of the plat.

1091 (2) To qualify as restricted open space, an area must meet the following standards:

1092 (a) It must be used for buffering, critical area protection, resource production,
1093 conservation, recreation, community utility purposes, or general preservation;

1094 (b) At least 25 percent of the open space tract shall be accessible by all residents
1095 of the rural cluster subdivision or short subdivision for passive recreation, except when
1096 the restricted open space is fenced off as a critical area protection area. Access points
1097 to open space shall be shown on the face of the plat;

1098 (c) The following uses are permitted in restricted open space tracts unless
1099 prohibited by chapters 30.62, 30.62A, 30.62B or 30.62C SCC:

1100 (i) Beaches, docks, swimming areas, picnic areas, trails/pedestrian walkways,
1101 equestrian trails, equestrian centers or structures related to animal husbandry or
1102 farming, playgrounds, or any non-motorized passive recreational facilities and other
1103 similar uses as authorized by the director;

1104 (ii) Community wells, well houses, water lines, and community drain fields;

1105 (iii) Stormwater detention and retention ponds, subject to landscaping
1106 requirements pursuant to SCC 30.25.023, water recharge and infiltration facilities, water
1107 system appurtenances and biofiltration swales. Such facilities shall meet design
1108 standards for low impact development when site conditions allow; and

1109 (iv) Natural resource uses in accordance with chapters 30.32A, 30.32B and
1110 30.32C SCC; and

1111 (d) At least 30 percent of the total area of restricted open space shall be left
1112 undisturbed. Undisturbed open space may contain critical areas and their buffers.
1113 Such undisturbed restricted open space shall be identified on the site plan and marked
1114 clearly on (~~grading~~) land disturbing activity site plans.

1115 (3) SCC Table 30.41C.090 establishes the minimum percentage of the original
1116 gross development area that shall be retained as restricted open space tracts, except
1117 when the land is also designated as rural urban transition area (RUTA), which is
1118 governed by SCC 30.41C.140.

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**Table 30.41C.090
RESTRICTED OPEN SPACE AREA REQUIREMENTS**

Zones and comprehensive plan designations	(1) Forestry (F) zone (2) Forestry & Recreational (F & R) zone (3) Mineral Conservation zone (MC) with or without MRO	(1) Rural 5-acre zone in RR-5 & RR-10(RT) without MRO (2) Rural Resource Transition 10-acre zone, Rural Conservation (RC) zone & Rural Diversification zones in RR-10(RT) designation with MRO	(1) Rural 5-acre zone in RR (RR Basic) designation without MRO
Minimum restricted open space	60 percent	45 percent	45 percent
Minimum restricted open space (natural resource lands)	60 percent	60 percent	60 percent
Notes: The Mineral Resource Lands Overlay (MRO) is a comprehensive plan designation overlay which overlaps other designations. Where the MRO overlaps the R-5 zone, residential subdivision is prohibited on any portion of a parcel located within the MRO under SCC 30.32C.150.			

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- (4) No more than 65 percent of the total restricted open space area may consist of unbuildable land as defined in SCC 30.91U.060.
- (5) To retain rural character, the restricted open space shall contain on-site forested areas, active agriculture, meadows, pastures or prominent hillsides or ridges.
- (6) The following notice shall be filed on the title of the properties within the plat and shall be placed on the face of the final plat and short plat:

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"Tract ___ is a restricted open space tract with limited uses pursuant to chapter 30.41C SCC. The open space tract is intended to be preserved in perpetuity.

1131
1132

Section XX. Snohomish County Code Section 30.44.605, adopted by Amended Ordinance No. 02-064, on December 9, 2002, is amended to read:

30.44.605 "Appurtenance"

means necessarily connected to the use and enjoyment of a single family residence and is located landward of the perimeter of a marsh, bog, swamp and landward of the ordinary high water mark. Normal appurtenances include a garage; deck; driveway; utilities solely servicing the subject single family residence; fences; and ((grading)) land

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1138 disturbing activity which does not exceed 250 cubic yards (except to construct a
1139 conventional drainfield).

1140 Section XX. Snohomish County Code Section 30.62.112, adopted by Amended
1141 Ordinance No. 02-064, on December 9, 2002, is amended to read:

1142
1143 **30.61.112 Environmental review of building or (~~(grading)~~) land disturbing activity**
1144 **permit subsequent to environmental review of land use proposal.**
1145

1146 Environmental review of a land use proposal should include all environmental impacts
1147 of the proposal known at the time of review, including environmental impacts for
1148 subsequent permits required for the same proposal. The applicable department must
1149 adopt the environmental documents used in the environmental review for the land use
1150 proposal for environmental review of subsequent permits required for the same
1151 proposal unchanged unless:

1152 (1) (~~(another)~~) Another agency with jurisdiction is dissatisfied with the environmental
1153 documents, in which case it must assume lead agency status;

1154 (2) (~~(there)~~) There are substantial changes to the proposal such that the proposal is
1155 likely to have significant adverse environmental impacts that were not previously
1156 considered; or

1157 (3) (~~(there)~~) There is new information indicating the proposal's probable significant
1158 adverse environmental impacts that was not previously considered in the environmental
1159 review for the land use proposal.

1160
1161 Section XX. Snohomish County Code Section 30.61.300, last amended by
1162 Ordinance No. 03-068 on July 9, 2003, is amended to read:

1163
1164 **30.61.300 SEPA appeals - general.**
1165

1166 (1) An aggrieved party of record may file an appeal of a DNS, MDNS, DS, or the
1167 adequacy of a final EIS as set forth in this section and SCC 30.71.050.

1168 (2) An appeal made pursuant to this section is processed as an appeal of a Type 1
1169 decision in accordance with chapter 30.71 SCC, except as otherwise provided in this
1170 section.

1171 (3) An appeal of a DNS, MDNS, or EIS adequacy associated with an underlying Type
1172 1 decision shall be combined with appeal of the underlying Type 1 decision and
1173 considered together at a combined appeal hearing, except as provided in SCC
1174 30.61.300(10).

1175 (4) An appeal of a DNS, MDNS, or EIS adequacy associated with an underlying Type
1176 2 application shall be considered at an appeal hearing that is combined with the open
1177 record hearing for the Type 2 application, except as provided in SCC 30.61.300(10).

1178 (5) An appeal of a DNS, MDNS, or EIS adequacy associated with a commercial
1179 building or (~~(grading)~~) land disturbing activity permit not related to single family
1180 residential development shall be processed as an appeal of a Type 1 decision.

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1181 (6) An appeal of a DS associated with a project permit application shall be
1182 adjudicated prior to a decision on the project permit, and for a Type 2 application, prior
1183 to convening an open record hearing for the Type 2 application.

1184 (7) There is no administrative appeal of a DNS, MDNS, DS, or EIS adequacy
1185 associated with a Type 3 or other legislative decision.

1186 (8) Administrative appeals shall be limited to one review of a threshold determination
1187 and to one review of the adequacy of a final EIS. An appeal shall not be allowed
1188 following remand from an appeal under this chapter, except that an appeal challenging
1189 the adequacy of a final EIS shall be allowed if the adequacy of a final EIS was not the
1190 subject of the prior appeal.

1191 (9) Appeals of intermediate steps under this chapter, including but not limited to, lead
1192 agency determination, scoping, and draft EIS adequacy shall not be allowed.

1193 (10) Appeal of a DNS, MDNS, or EIS adequacy related to a Type 1 or Type 2
1194 shoreline substantial development, shoreline variance and shoreline conditional use
1195 permit shall be submitted to the state shorelines hearings board together with appeal of
1196 the underlying permit.

1197 (11) An appeal of the conditioning or denial of a proposal pursuant to RCW
1198 43.21C.060 shall not be made to the county council as a separate appeal under this
1199 chapter but may be considered as part of an underlying permit appeal filed pursuant to
1200 SCC 30.72.070.

1201
1202 Section XX. Snohomish County Code Section 30.70.015, last amended by
1203 Amended Ordinance No. 07-084 on September 5, 2007, is amended to read:

1204
1205 **30.70.015 Exemptions.**

1206 The following actions are exempt from the requirements of this subtitle, except the
1207 consistency determination required by SCC 30.70.100:

1208 (1) Street vacations under chapter 13.100 SCC;

1209 (2) Approvals relating to the use of public areas and facilities under title 13
1210 SCC;

1211 (3) Building permits exempt from the State Environmental Policy Act (SEPA);

1212 (4) ~~((Grading))~~ Land disturbing activity permits exempt from SEPA; and

1213 (5) All other construction, mechanical, and plumbing permits exempt from SEPA and
1214 related approvals, including certificates of occupancy.

1215
1216 Section XX. Snohomish County Code chapter 30.63B adopted by Ordinance No.
1217 02-064 on December 9, 2002, is repealed.

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1219
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1222

1223 Section XX. A new chapter of Snohomish County Code is adopted to read:
1224

1225 **CHAPTER 30.63B**
1226 **LAND DISTURBING ACTIVITY (LDA)**
1227

- 1228 30.63B.010 Purpose and objectives.
1229 30.63B.020 Applicability.
1230 30.63B.030 Land disturbing activity permits required.
1231 30.63B.040 Land disturbing activity permit fees.
1232 30.63B.050 Permit approval criteria.
1233 30.63B.060 Authority to require more stringent standards or regulations for a specific
1234 project.
1235 30.63B.070 Land disturbing activity permit exemptions.
1236 30.63B.090 Compliance with other laws.
1237 30.63B.100 Requirements for public works contracts.
1238 30.63B.110 Standards for cuts and excavations.
1239 30.63B.120 Standards for fill and embankments.
1240 30.63B.130 Standard setbacks for cuts and fills.
1241 30.63B.140 Standards for drainage and terracing.
1242 30.63B.150 Standards for soil erosion control.
1243 30.63B.160 Standards for tree and vegetation retention and replacement.
1244 30.63B.170 Standards for reclamation of quarry or mining sites.
1245 30.63B.180 Land disturbing activity permit submittal requirements.
1246 30.63B.190 Land disturbing activity site plan and reports.
1247 30.63B.200 Land disturbing activities requiring engineered construction plans.
1248 30.63B.210 Reports.
1249 30.63B.220 Geotechnical engineering report.
1250 30.63B.230 Soils engineering report.
1251 30.63B.240 Engineering geology report.
1252 30.63B.250 Liquefaction report.
1253 30.63B.260 Notice of application.
1254 30.63B.270 Time limitation of application.
1255 30.63B.280 Permit expiration and renewal.
1256 30.63B.290 Requests for modification or waiver of requirements.
1257 30.63B.300 Person responsible.
1258 30.63B.310 Inspections – general.
1259 30.63B.320 Site inspection for clearing limits.
1260 30.63B.330 Mandatory pre-construction meeting and inspection required prior to land
1261 disturbing activity.
1262 30.63B.340 Inspections after permit issuance.
1263 30.63B.350 Inspection schedule after permit issuance.
1264 30.63B.360 Final reports required at the completion of work.
1265 30.63B.370 Bonds or performance security.
1266

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1267 30.63B.380 Emergency land disturbing activities and required permits.
1268 30.63B.390 Hazards.

1269

1270 **30.63B.010 Purpose and objectives.**

1271

1272 (1) The purpose of this chapter is to regulate land disturbing activities as defined in
1273 SCC 30.91L.025.

1274 (2) Specific objectives of this chapter are:

1275 (a) To promote sound, practical, and economical development practices and
1276 construction activities that prevent or minimize adverse impacts to adjoining properties
1277 and to waters of the state within Snohomish County;

1278 (b) To prevent or minimize degradation of water quality to protect human health,
1279 recreational opportunities and fish and wildlife habitat;

1280 (c) To control soil movement on land that is subject to new development or
1281 redevelopment;

1282 (d) To maintain stable earth during land disturbing activity for structures and to
1283 maintain stable earth foundations for structures;

1284 (e) To protect public safety by reducing slope instability and the potential for
1285 landslides or erosion; and

1286 (f) To maintain the safety of county roads and rights-of-way.

1287

1288 **30.63B.020 Applicability.**

1289

1290 This chapter applies to all land disturbing activity as defined in SCC 30.91L.025.

1291

1292 **30.63B.030 Land disturbing activity permits required.**

1293

1294 A land disturbing activity permit is required for all land disturbing activity unless
1295 exempted in SCC 30.63B.070. A land disturbing activity permit must be obtained prior to
1296 the commencement of any land disturbing activity.

1297

1298 **30.63B.040 Land disturbing activity permit fees.**

1299

1300 (1) Land disturbing activity permit fees shall be paid at the time of application pursuant
1301 to SCC 30.86.510(2) and 30.86.520(2).

1302 (2) Land disturbing activity permits required for department of public works
1303 construction projects are exempt from land disturbing activity fees.

1304 (3) If a utility and related underground drainage system must be relocated as a direct
1305 result of a department of public works project, it shall be exempt from the land disturbing
1306 activity fee requirements of SCC 30.86.510(2) and 30.86.520(2).

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1311 **30.63B.050 Permit approval criteria.**

1312

1313 (1) A land disturbing activity permit shall only be issued after:

1314 (a) The applicant complies with the requirements of this chapter;

1315 (b) Stormwater site plan approvals and all other permits required by the county
1316 for site development have been obtained;

1317 (c) Approvals required from other jurisdictions and agencies are assured.

1318 (d) Clearing limits shall have been marked, when applicable;

1319 (e) Land disturbing activity plans and specifications have been approved;

1320 (f) Bonding and insurance securities have been accepted by the department
1321 pursuant to chapter 30.63A SCC, when applicable;

1322 (g) Environmental review under chapter 30.61 SCC has been completed, if
1323 applicable.

1324 (2) A land disturbing activity permit shall not be issued for land disturbing activity in
1325 shorelines until all required permits and approvals have been granted pursuant to
1326 chapter 30.44 SCC.

1327 (3) All land disturbing activity shall comply with applicable drainage and erosion
1328 control requirements of chapter 30.63A SCC.

1329

1330 **30.63B.060 Authority to require more stringent standards or regulations for a**
1331 **specific project.**

1332

1333 (1) Areas of the county having unique characteristics or projects proposed under
1334 unique circumstances may warrant more stringent land disturbing activity standards,
1335 specifications, or requirements than those required in this chapter or chapters 16, 18 or
1336 33 of the International Building Code (IBC). More stringent controls may be necessary
1337 due to unusual site conditions, such as soil type, topography and weather conditions, or
1338 factors that affect fish, wildlife, and other biotic resources. The application of more
1339 stringent land disturbing activity standards and requirements necessary to protect the
1340 public health, safety and welfare, may include, but are not limited to, design, scheduling,
1341 phasing or time restrictions.

1342 (2) Before and after issuance of a land disturbing activity permit, the appropriate
1343 director may require revisions of land disturbing activity plans, specifications and
1344 operations or may impose additional or more stringent standards and requirements than
1345 those specified in this chapter or in any approved land disturbing activity permit, to the
1346 extent necessary to achieve the mitigation of land disturbing activity impacts or to
1347 protect the public health, safety and welfare.

1348 (3) If the appropriate director determines that compliance with the requirements of
1349 this chapter, or chapters 16, 18 and 33 of the IBC will not result in the mitigation of land
1350 disturbing activity impacts or the protection of the public health, safety and welfare, the
1351 appropriate director may require the revision of plans, specifications or operations, or
1352 may require more stringent standards and regulations than those specified in this
1353 chapter or chapters 16, 18, and 33 of the IBC pursuant to section 2 above.

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1354 (5) The department shall identify the impacts requiring increased mitigation and
1355 document how increased requirements will mitigate the impact or safety concern.

1356 (6) The appropriate director's decision to require more stringent standards of
1357 regulations shall be documented in writing and include findings of fact and conclusions
1358 demonstrating consistency with the following criteria:

1359 (a) The revision imposing more stringent standards or regulations provides
1360 substantially better environmental protection than adopted stormwater management
1361 regulations and standards;

1362 (b) The revision that imposes more stringent standards or regulations is based
1363 upon sound engineering practices that meet objectives of safety, function, and
1364 environmental protection;

1365 (c) The revision which imposes more stringent standards and regulations will not
1366 adversely impact off-site properties; and

1367 (d) The revision which imposes more stringent standards and regulations results in
1368 the least possible change from the intent of this chapter and chapters 16, 18, and 33 of
1369 the IBC.

1370

1371 **30.63B.070 Land disturbing activity permit exemptions.**

1372

1373 A land disturbing activity permit is not required for activities exempted in this section.
1374 Exemption from obtaining a land disturbing activity permit does not exempt the property
1375 owner or applicant from meeting all applicable Snohomish County Code provisions.
1376 Land disturbing activity exempted in this section shall comply with SCC 30.63A.445
1377 through 30.63A.510, unless specifically exempted from those provisions by SCC
1378 30.63A.200.

1379 (1) The following land disturbing activities are exempt from the land disturbing activity
1380 permit requirements of this chapter, provided the activity occurs outside of a stream,
1381 wetland, lake, fish and wildlife habitat conservation area, marine water, landslide hazard
1382 area, erosion hazard area, together with the buffers of, or setbacks from these areas,
1383 and is at least two feet from all property boundary lines:

1384 (a) Operation of a solid waste disposal site subject to a solid waste permit pursuant
1385 to chapter 70.95 RCW, except expansion, relocation, or closure of a solid waste
1386 disposal site is not exempt;

1387 (b) Commercial operations involving mining, quarrying, excavating, processing, or
1388 stockpiling of rock, sand, gravel, aggregate, or clay, if such operations are authorized by
1389 a conditional use permit or administrative conditional use permit for expansion of a
1390 nonconforming use, as required by chapters 30.22, 30.42C or 30.43A SCC, except that
1391 the following are not exempt:

1392 (i) Reclamation pursuant to SCC 30.63B.170;

1393 (ii) An operation which the director determines may destabilize or undermine any
1394 adjacent or contiguous property; and

1395 (iii) An operation which the director determines may result in adverse
1396 downstream drainage impacts;

1397

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1398 (2) Tilling, soil preparation, fallow rotation, planting, harvesting and other commercial
1399 agricultural activities involving working the land that are conducted on land designated
1400 riverway commercial farmland, upland commercial farmland, or local commercial
1401 farmland by the comprehensive plan and future land use map (FLUM); provided such
1402 activities are outside of a stream, wetland, lake, marine water, fish and wildlife habitat
1403 conservation area, and erosion hazard area.

1404 (3) Maintenance and repair of existing commercial agricultural facilities, including
1405 drainage facilities, ponds, animal stock flood sanctuaries, animal waste management
1406 facilities, agricultural buildings, fences, roads, and bridges.

1407 (4) Agricultural activities described in chapter 30.32B SCC and defined in SCC
1408 30.91A.090 or 30.62.015 provided:

1409 (a) The activity occurs on property on which agriculture is a legal use of the
1410 property;

1411 (b) The activity does not occur in a wetland as defined under state law, unless:

1412 (i) The activity is exempt from wetlands regulations under section 404(f) of the
1413 federal Clean Water Act;

1414 (ii) The agricultural activity occurs on designated agricultural or rural lands and the
1415 wetland area is no greater than 5,000 square feet of non riparian Category 2 or 3
1416 wetlands or 10,000 square feet of non riparian Category 4 wetlands, pursuant to chapter
1417 30.62 SCC, or

1418 (iii) The agricultural activity occurs in an UGA or on designated forest lands, the
1419 wetland is an area of no greater than 5,000 square feet of non riparian wetland
1420 categories II or III or 10,000 square feet of non riparian Category IV wetlands pursuant
1421 to chapter 30.62A.230(2); and

1422 (c) The activity requires no other permit or project approval from Snohomish County
1423 except for a flood hazard permit required pursuant to chapter 30.43 SCC.

1424 (d) Land disturbing activities that support commercial agricultural practices in SCC
1425 30.63A.200(1) pursuant to SCC 30.63B.080 that include:

1426 (i) Less than 500 cubic yards of grading; or

1427 (ii) Less than 7,000 square feet of land disturbing activity which does not adversely
1428 impact streams, wetlands, lakes, marine waters and fish and wildlife habitat
1429 conservation areas or upstream or downstream properties, when such ditches do not
1430 have a surface connection within 100 feet of streams, wetlands, lakes, marine waters,
1431 fish and wildlife habitat conservation areas and erosion hazard areas, and which contain
1432 water on-site for retention, infiltration or evaporation;

1433 (e) Site investigative work necessary for land use application submittals pursuant to
1434 title 30 SCC, such as surveys, soil borings, test pits, percolation tests, non-mechanical
1435 survey monument placement, data collection by non-mechanical means if performed in
1436 accordance with state-approved sampling protocols or sections 7 and 10 of the Federal
1437 Endangered Species Act (ESA) (16 U.S.C. §§ 1536 and 1539), and other related
1438 activities, provided the land disturbing activity is no greater than is necessary to
1439 accomplish the site investigative work;

1440 (f) Drilling or excavation of a well for a single family dwelling, unless the work is
1441

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- 1442 proposed within a critical area, other than floodplains and aquifer recharge areas; and
1443 (g) Digging, excavating or filling cemetery graves.
- 1444 (5) The following land disturbing activities are exempt from obtaining a land disturbing
1445 activity permit, provided the activity disturbs less than 7,000 square feet of land, occurs
1446 outside of a stream, wetland, lake, marine water, fish and wildlife habitat conservation
1447 area, landslide hazard area, or erosion hazard area, together with the buffers of, or
1448 setbacks from these areas and is a least two feet from all property boundary lines:
- 1449 (a) Land disturbing activity that does not obstruct or alter an existing drainage
1450 course or pattern, creates or replaces less than 2,000 square feet of impervious
1451 surface, collects or concentrates stormwater from 5,000 square feet or less of drainage
1452 area, and
- 1453 (i) Totals 100 cubic yards or less of grading on a site in any 18 consecutive
1454 months;
- 1455 (ii) Totals 500 cubic yards or less of excavation in any 18 consecutive months for
1456 a basement foundation, or for improvements to a single-family dwelling and/or
1457 accessory structures, provided that excess excavated material shall be disposed of at a
1458 permitted site approved by the director and provided further that the excavation shall
1459 commence after the building permit is secured by the applicant; or
- 1460 (iii) Totals 500 cubic yards or less of excavation in any 18 consecutive months for
1461 construction of underground drainage systems, provided that the construction shall only
1462 commence after a right-of-way use, utility, single-family or commercial building permit is
1463 obtained by the applicant, and provided further the applicant has an approved drainage
1464 or stormwater site plan, if otherwise required; and
- 1465 (b) Maintenance or repair on private property of existing commercial agricultural
1466 facilities on land designated riverway commercial farmland, upland commercial
1467 farmland, or local commercial farmland by the comprehensive plan and FLUM, which
1468 may include drainage facilities, ponds, animal stock flood sanctuaries, animal waste
1469 management facilities, agricultural buildings, fences, existing roads and bridges.
- 1470 (6) The following land disturbing activities are exempt from obtaining a land disturbing
1471 activity permit:
- 1472 (a) Utility maintenance occurring outside of all critical areas and their buffers, except
1473 floodplains and outside of public rights-of-way, which does not add impervious surface
1474 and does not adversely impact any critical areas or upstream or downstream properties;
- 1475 (b) Repair or installation of underground or overhead utility facilities located outside of
1476 all critical areas and their buffers that replace ground surfaces with in-kind materials or
1477 materials with similar runoff characteristics;
- 1478 (c) Interior remodeling or tenant improvements, which do not meet the definitions of
1479 new development or redevelopment;
- 1480 (d) Development activities occurring outside critical areas and their buffers, which
1481 create less than 200 square feet of impervious surface in an Urban Growth Area (UGA)
1482 or less than 400 square feet outside of a UGA;
- 1483 (e) Forest practice Classes I, II, III and Class IV special nonconversion forest practices
1484 regulated by title 222 WAC; and

1485 (f) Oil and gas field activities or operations, including the construction of drilling sites,
1486 waste management pits and access roads, as well as construction of transportation and
1487 treatment infrastructure such as pipelines, natural gas treatment plants, natural gas
1488 pipeline compressor stations and crude oil pumping stations.
1489

1490 **30.63B.090 Compliance with other laws.**

1491
1492 Approvals of construction plans and the issuance of a land disturbing activity permit
1493 under this chapter, and any rules, policies and procedures promulgated hereunder, do
1494 not constitute waivers of the requirements contained in any other laws or regulations.
1495 Compliance with all applicable federal, state, and local laws and regulations is required.
1496

1497 **30.63B.100 Requirements for public works contracts.**

1498
1499 The director of public works shall ensure that all contract documents prepared for
1500 department of public works construction projects include plans, reports and
1501 specifications required by chapters 30.63A and 30.63B SCC.
1502

1503 **30.63B.110 Standards for cuts and excavations.**

1504
1505 Cuts or excavations shall conform to the provisions of this section, unless the county
1506 approves the recommendations in a soils engineering or engineering geology report
1507 required under SCC 30.63B.230 or 30.63B.240. A cut that is less than four feet in height
1508 shall not be required to meet the following regulations.

1509 (1) The slope of cut surfaces shall be no steeper than is safe for the intended use,
1510 and shall be no steeper than one unit vertical to two units horizontal (50 percent slope),
1511 unless the applicant furnishes a soils engineering report or an engineering geology
1512 report, or both, stating that the site has been investigated and determining that a cut at
1513 a steeper slope will be stable, and will not create a hazard to public or private property.

1514 (2) Slopes shall be stabilized after being cut or excavated. The soils engineering or
1515 the engineering geology report, or both, shall verify that the slopes shall not be subject
1516 to on-going erosion that would adversely impact public or private property. Erosion
1517 hazard areas and landslide hazard areas, as defined in SCC 30.62.015 or subtitle 30.9
1518 SCC, shall be described and shown in the soils engineering report.

1519 (3) Cuts or excavations within streams, wetlands, lakes, marine waters, fish and
1520 wildlife habitat conservation areas, erosion hazard areas and landslide hazard areas
1521 and the buffers or setbacks for these critical areas shall not occur unless a critical area
1522 study and mitigation is provided and approved consistent with the applicable
1523 requirements of chapters 30.62, 30.62A and 30.62B SCC.
1524

1525 **30.63B.120 Standards for fills and embankments.**

1526
1527 Fills shall conform to the provisions of this section, unless the county approves the

1528 recommendations in a soils engineering report. These provisions shall not apply to fills
1529 that are less than four feet in height and which are not intended to support structures.

1530 (1) Fill slopes shall not be constructed on natural slopes steeper than one unit vertical
1531 to two units horizontal (50 percent slope). The slope of fill surfaces shall be no steeper
1532 than is safe for the intended use. The slope shall be protected consistent with SCC
1533 30.63A.480. Fill slopes steeper than 33 percent shall require a geotechnical report
1534 consistent with chapters 30.62 and 30.62B SCC.

1535 (2) Fill material.

1536 (a) Deleterious amounts of organic material shall not be permitted in fills. Except as
1537 permitted by the building official in SCC 30.63B.120(b), no rock or similar irreducible
1538 material with a maximum dimension greater than 12 inches shall be buried, or placed in
1539 fills.

1540 (b) The building official may allow land disturbing activity and placement of rock
1541 larger than 12 inches in diameter to be buried or placed in fills when the soils engineer
1542 properly devises a method of placement, inspects the site during the placement of the
1543 rock, and approves the fill stability. The following conditions shall also apply:

1544 (i) Prior to issuance of the land disturbing activity permit, potential rock disposal
1545 areas shall be delineated on the land disturbing activity plan;

1546 (ii) Rock sizes greater than 12 inches in maximum dimension shall be ten feet or
1547 more below finish grade, measured vertically; and

1548 (iii) Rocks or other similar irreducible material shall be placed so as to assure
1549 filling of all voids with well-graded soil.

1550 (3) All fills intended to support structures or private roads shall be compacted to a
1551 minimum of 90 percent of maximum density. All fills within public or private tracts or
1552 easements shall be compacted in accordance with the EDDS. All fills in the floodplain
1553 shall be designed to resist or prevent scour, and erosion from floodwaters. Fills in the
1554 floodplain shall be regulated pursuant to chapters 30.43C and 30.65 SCC. If fill is
1555 allowed in the floodplain, a zero-level rise analysis shall be performed and provided in
1556 the land disturbing activity permit application.

1557 (4) Fill shall not be placed in streams, wetlands, lakes, marine waters, fish and wildlife
1558 habitat conservation areas, erosion hazard areas and landslide hazard areas or in their
1559 buffers or setbacks, unless a critical area study is performed and mitigation is provided
1560 in a manner consistent with the applicable requirements of chapters 30.62, 30.62A and
1561 30.62B SCC.

1562

1563 **30.63B.130 Standard setbacks for cuts and fills.**

1564

1565 (1) Before performing any land disturbing activity subject to a land disturbing activity
1566 permit, the applicant shall mark on the site and show on the land disturbing activity site
1567 plan the limits of all proposed land disturbing activities, trees and native vegetation to be
1568 retained, and drainage courses, so that setbacks can be determined. Cut and fill slopes
1569 shall be set back from site boundaries in accordance with this section. Setback
1570 dimensions shall be horizontal distances measured perpendicular to the site boundary.

1571

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1572 (2) The top of cut slopes shall not be nearer to a site boundary line than 20 percent of
1573 the vertical height of cut, and in no event, nearer than two feet from the boundary line.
1574 The setback shall be increased when necessary to stabilize any required subsurface
1575 drainage or surcharge, as determined by the or geotechnical engineering report, soils
1576 engineering or engineering geology report pursuant to SCC 30.63B.220 through
1577 30.63B.240.

1578 (3) The toe of fill slopes shall not be made nearer to the site boundary line than 50
1579 percent of the height of the slope, but in no event nearer than two feet from the
1580 boundary line.

1581 (4) Cuts and fills shall be set back a minimum of two feet from the property line
1582 unless the following is provided:

1583 (a) A construction easement or written agreement or letter of authorization from
1584 all of the affected property owners is granted and accepted by the county allowing a
1585 setback less than two feet; or

1586 (b) A survey by a land surveyor licensed in Washington State that ensures
1587 compliance with construction and land disturbing activity plans prior to construction of
1588 cut, fill, rockery, or a retaining wall proposed within six inches of a property line.
1589

1590 **30.63B.140 Standards for drainage and terracing.**

1591
1592 Unless otherwise indicated on the approved construction and land disturbing activity
1593 site plans, drainage facilities and terracing shall conform to the provisions of this section
1594 for cut or fill slopes steeper than one unit vertical to three units horizontal (33 percent
1595 slope).

1596 (1) Terraces at least six feet in width shall be established at not more than 30-foot
1597 vertical intervals on all cut or fill slopes to control surface drainage and debris, except
1598 that where only one terrace is required, it shall be at mid-height of the slope. For cut or
1599 fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at
1600 approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut
1601 and fill slopes greater than 120 feet in height shall be designed by a civil engineer and
1602 approved by the director or building official. Suitable access shall be provided to permit
1603 proper cleaning and maintenance of drainage facilities, if any.

1604 (2) Swales or ditches on terraces shall have a minimum gradient of 0.5 percent.

1605 (3) Cut or fill slopes shall be provided with subsurface drainage as necessary to
1606 ensure the slope stability and proper conveyance of groundwater.

1607 (4) All drainage facilities shall be designed to carry waters to the nearest practicable
1608 drainage way in a safe manner approved by the director and shall comply with chapter
1609 30.63A SCC. Outfalls or points of discharge shall be designed using BMPs and
1610 construction procedures which prevent or minimize erosion pursuant to the Drainage
1611 Manual.

1612 (5) Building pads shall have a drainage gradient of two percent toward approved
1613 drainage facilities, unless waived by the building official, except the gradient from the
1614 building pad may be one percent if all of the following conditions exist throughout the

1615 project site:

1616 (a) No proposed fills are greater than ten feet in maximum depth;

1617 (b) No proposed finish cut or fill slope faces have a vertical height in excess of ten
1618 feet; and

1619 (c) No existing slope faces that are steeper than one unit vertical to ten units
1620 horizontal (ten percent slope) have a vertical height in excess of ten feet.

1621 (6) Paved interceptor drains shall be installed if the drainage flow path is greater than
1622 40 feet above the cut slope. Interceptor drains, if required, shall be paved with a
1623 minimum of three inches of concrete or gunite and may be reinforced. They shall have a
1624 minimum depth of 12 inches and a minimum paved width of 30 inches, measured
1625 horizontally across the drain. The slope of the drain shall be approved by the building
1626 official.

1627

1628 **30.63B.150 Standards for soil erosion control.**

1629

1630 All land disturbing activities site plans provide soils erosion and control pursuant to this
1631 section and SCC 30.63A.445 through 30.63A.510 shall conform to this section related
1632 to soil erosion control.

1633 (1) The faces of cut and fill slopes shall be prepared and maintained to control
1634 erosion. Soil erosion control may consist of effective planting, hydroseeding or
1635 mulching. Soil erosion control protection for the slopes shall be installed as soon as
1636 practicable in accordance with SCC 30.63A.480, and prior to calling the department to
1637 request final land disturbing activity inspection. Where cut slopes are not subject to
1638 erosion due to the erosion-resistant character of the materials, such protective
1639 measures may not be required.

1640 (2) Where necessary to provide erosion protection to adjoining properties, check
1641 dams, cribbing, riprap, silt fences or other devices and methods shall be employed.

1642

1643 **30.63B.160 Standards for tree and vegetation retention and replacement.**

1644

1645 In addition to clearing limits, land disturbing activity site plans, and SWPPPs required
1646 pursuant to chapter 30.63A SCC shall show all areas of on-site tree and vegetation
1647 retention areas required by standards set in this title. Tree replacement areas shall also
1648 be shown, when applicable.

1649

1650 **30.63B.170 Standards for reclamation of quarry or mining sites.**

1651

1652 Upon completion or abandonment of a quarry or mining operation, the owner or
1653 operator of sites not regulated by the Washington State Department of Natural
1654 Resources pursuant to chapter 78.44 RCW shall obtain a land disturbing activity permit
1655 for reclamation, which shall include an approved full stormwater site plan pursuant to
1656 chapter 30.63A SCC and comply with the following reclamation standards:

- 1657 (1) Grading or backfilling shall be done with clean earth material (i.e., non-noxious,
1658 non-flammable, non-combustible and non-putrescible solids);
1659 (2) Graded or backfilled areas, except for roads, shall be sodded or surfaced with soil
1660 of a quality at least equal to the topsoil of the immediately surrounding land areas, and
1661 to a depth equal to that of the topsoil of immediately surrounding land areas, provided
1662 that all sod and soil shall be at least eight inches in depth consistent with soil quality
1663 BMPs
1664 in the Drainage Manual and the EDDS;
1665 (3) Final grading shall result in finished grades which would allow development of the
1666 land uses permitted within the underlying zone classification;
1667 (4) Bare topsoil shall be planted with trees, shrubs, legumes, and grasses indigenous
1668 to the region and compatible with the surrounding area, for stabilization;
1669 (5) Graded or backfilled areas shall be reclaimed in a manner that will not allow water
1670 to collect, nor permit stagnant water to remain, and will not adversely affect the
1671 groundwater aquifer or maximum seasonal high groundwater table; and
1672 (6) Non-harmful tailings, which consist of earth material and soil piles, shall be graded
1673 to near-level contour, matching the surrounding natural topography. The leveled and
1674 graded area shall be sodded or surfaced and planted as required in SCC 30.63B.170(2)
1675 and (4).
1676

1677 **30.63B.180 Land disturbing activity permit submittal requirements.**
1678

1679 The land disturbing activity permit application shall comply with the submittal checklist
1680 established by the department pursuant to SCC 30.70.030. The permit application shall
1681 contain the following plans and reports, when applicable:

- 1682 (1) Land disturbing activity site plan pursuant to SCC 30.63B.190;
1683 (2) Engineered construction plans pursuant to SCC 30.63B.200;
1684 (3) Geotechnical engineering report pursuant to SCC 30.63B.220;
1685 (4) Soils engineering report pursuant to SCC 30.63B.230;
1686 (5) Engineering geology report pursuant to SCC 30.63B.240;
1687 (6) Liquefaction report pursuant to SCC 30.63B.250;
1688 (7) Zero-rise analysis pursuant to SCC 30.63B.120;
1689 (8) Plans and reports necessary for compliance with chapter 30.63A SCC; and
1690 (9) Haul route agreements related to the land disturbing activity.
1691

1692 **30.63B.190 Land disturbing activity site plan and reports.**
1693

1694 (1) A land disturbing activity site plan shall be submitted with the land disturbing
1695 activity permit application that complies with the stormwater site plan required pursuant
1696 to chapter 30.63A SCC. Engineered plans shall be required under SCC 30.63B.200.
1697 The land disturbing activity site plan shall depict, but not be limited to, the following
1698 items, when applicable:

- 1699 (a) Existing and finished grade contours including natural drainage courses;
1700 (b) Critical areas and their buffers;

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- 1701 (c) The amount of proposed fill in critical areas in acreage;
1702 (d) Landscape and open space areas and tree and native vegetation retention and
1703 replacement areas;
1704 (e) Clearing limits and clearing operations;
1705 (e) Quantity of cut or excavations and fill or embankments in cubic yards;
1706 (f) Soils specifications for compaction;
1707 (g) Cut and fill areas and stockpile areas;
1708 (h) Setbacks from property boundaries;
1709 (i) Terracing, keyways and benches; and
1710 (j) A description of construction specifications, operations and scheduling pursuant
1711 to the EDDS.

1712 (2) Pursuant to chapter 30.52A SCC and SCC 30.63B.210 through 30.63B.250,
1713 reports on geotechnical engineering, soils engineering, engineering geology, and
1714 liquefaction shall be submitted when required by this chapter and chapter 18 of the IBC.
1715

1716 **30.63B.200 Land disturbing activities and projects requiring engineered**
1717 **construction plans.**
1718

1719 (1) The following land disturbing activities require the submittal of engineered
1720 construction plans:

- 1721 (a) All land disturbing activity in excess of 5,000 cubic yards;
1722 (b) All land disturbing activity located within public or private roads and their rights-
1723 of-ways, tracts or easements;
1724 (c) All land disturbing activity that is subject to environmental review or is related to
1725 development activity that is subject to chapter 30.61 SCC.

1726 (2) All land disturbing activity projects that require civil engineering, as determined by
1727 the building official pursuant to subtitle 30.5 SCC and the IBC sections 1802.4, 1802.6,
1728 and 1803.4(2).

1729 (3) Engineered construction plans for these land disturbing activities shall also
1730 comply with chapter 30.52 SCC and the EDDS.
1731

1732 **30.63B.210 Reports.**
1733

1734 (1) The applicant shall submit reports on geotechnical engineering, soils engineering,
1735 engineering geology, and liquefaction when required by this chapter or chapters 16, 18
1736 or 33 of the IBC. The reports shall be stamped by a engineer licensed in Washington
1737 State. The county shall review the reports and ensure that the recommendations in the
1738 reports are reflected on the land disturbing activity site plans.

1739 (2) During review of the land disturbing activity permit application, if the building official
1740 determines that geologic, hydrologic, or soil conditions may present special grading or
1741 drainage conditions which may damage a public right-of-way or county property, or
1742 which may pose a substantial threat to public health, safety or welfare, the building
1743 official may require the applicant to submit a geotechnical engineering report that

1744 includes a soils engineering report and/or an engineering geology report pursuant to
1745 SCC 30.63B.230 and 30.63B.240 and chapters 16, 18 and 33 of the IBC.

1746

1747 **30.63B.220 Geotechnical engineering report.**

1748

1749 If a geotechnical engineering report is required by this chapter or chapter 18 of the IBC
1750 the applicant's geotechnical engineer, civil engineer or engineering geologist shall
1751 inspect and determine the suitability of the prepared ground to receive fills and the
1752 stability of cut slopes with respect to soil, hydrologic, and geologic conditions. The
1753 geotechnical analysis shall also evaluate the need for subdrains or other groundwater
1754 drainage devices. To verify safety, the building official may require testing for required
1755 compaction, soil bearing capacity, stability of all finished slopes and the adequacy of
1756 structural fills as a condition of permit approval. The content of the geotechnical
1757 engineering report is contained in section 1802.6 of the IBC.

1758

1759 **30.63B.230 Soils engineering report.**

1760

1761 When required by chapters 16, 18 and 33 of the IBC for expansive soils, questionable
1762 soils and the potential for soils near high groundwater, a soils engineering report shall
1763 be required that includes the following:

1764 (a) Data regarding the nature, distribution, site classification and strength of existing
1765 soils;

1766 (b) Conclusions and recommendations for land disturbing activity procedures
1767 pursuant to this chapter and chapters 16, 18 and 33 of the IBC;

1768 (c) Design criteria for corrective measures, including structural fills, when necessary
1769 due to subsurface soils or groundwater conditions; and

1770 (d) An analysis of the adequacy of affected soils for the intended use of the site as
1771 affected by soils engineering factors.

1772

1773 **30.63B.240 Engineering geology report.**

1774

1775 When required by chapters 16 and 18 of the IBC to analyze soil characteristics due to
1776 the location of on-site faults, an engineering geology report shall include an adequate
1777 description of the geology of the site, conclusions and recommendations regarding the
1778 effect of geologic conditions on the proposed development, and an analysis of the
1779 adequacy for the intended use of sites to be developed by the proposed land disturbing
1780 activity, as affected by geologic factors.

1781

1782 **30.63B.250 Liquefaction report.**

1783

1784 Based on the soil strength identified in the soils engineering report, the building official
1785 may require a geotechnical or geologic investigation and report in accordance with
1786 section 1802.4 of the IBC, which shall address the potential for liquefaction.

1787

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1788 **30.63B.260 Notice of application.**
1789

1790 In accordance with chapters 30.70 and 30.71 SCC, the department shall issue a notice
1791 of application for projects with land disturbing activities in excess of 500 cubic yards, or
1792 other land disturbing activities that require environmental review pursuant to chapter
1793 30.61 SCC.
1794

1795 **30.63B.270 Time limitation of application.**
1796

1797 (1) An application for a land disturbing activity permit shall be deemed to have been
1798 abandoned 18 months after the date the applicant filed a complete application, unless
1799 the applicant has pursued the submittal of all necessary information and revisions
1800 requested by the department in good faith, or a permit has been issued.

1801 (2) The building official is authorized to grant one extension of the permit application
1802 expiration date for an additional period not to exceed 18 months. The extension shall
1803 be requested in writing, and the applicant shall demonstrate a justifiable cause.
1804

1805 **30.63B.280 Permit expiration and renewal.**
1806

1807 (1) Land disturbing activity permits shall expire 18 months from the date of
1808 issuance. However, the director may set an earlier expiration date for a permit or issue
1809 a permit that is non-renewable, or both, if the director determines that soil, hydrologic,
1810 or geologic conditions on the project site necessitate that land disturbing activity, and
1811 drainage improvements and site stabilization be completed within less time.

1812 (2) No land disturbing activity may be performed under an expired land disturbing
1813 activity permit. An applicant shall obtain a new permit before starting work authorized
1814 under the expired permit.

1815 (3) The director is authorized to grant, in writing, one permit extension of not more
1816 than 18 months. The extension shall be requested in writing and justifiable cause
1817 demonstrated. The request for extension shall be made no later than 30 days before
1818 the date of expiration of the original permit.

1819 (4) Prior to extension of a permit, an on-site inspection may be required in order to
1820 determine whether the work authorized by the original permit still complies with this
1821 chapter and any other applicable law or regulation.

1822 (5) The fee for a permit extension request is one-half of the amount required for the
1823 original land disturbing activity permit pursuant to SCC 30.86.520(2) and shall be paid
1824 at the submittal of the request. No permit extension may be granted later than 30 days
1825 after the date of expiration of the original permit.
1826

1827 **30.63B.290 Requests for modification or waiver of requirements.**
1828

1829 The county may approve modifications or waivers of the requirements of this chapter
1830 pursuant to the requirements of SCC 30.63A.830, 30.63A.835, 30.63A.840 and
1831 30.63A.842.

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1832 **30.63B.300 Person responsible.**

1833

1834 (1) The county is not responsible for the accuracy of land disturbing activity site plans
1835 submitted for approval. The county expressly disclaims any responsibility for the design
1836 or implementation of a land disturbing activity site plan. The design and implementation
1837 of a suitable land disturbing activity site plan is the responsibility of the applicant and
1838 property owner.

1839 (2) The applicant and owner shall ensure that all land disturbing activity work is
1840 performed in accordance with an approved land disturbing activity site plans and
1841 construction specifications and complies with the provisions of title 30 SCC. Any person
1842 performing land disturbing activity subject to a land disturbing activity permit shall
1843 ensure that a copy of an approved land disturbing activity permit and approved
1844 construction plans are available on the work site at all times. Such person shall be
1845 responsible for compliance with all approved plans, specifications and permit conditions.

1846

1847 **30.63B.310 Inspections – general.**

1848

1849 Land disturbing activity inspections required by this chapter may be conducted together
1850 with any inspections required by chapter 30.63A SCC.

1851

1852 **30.63B.320 Site inspection for clearing limits.**

1853

1854 Upon submittal of a complete land disturbing activity permit application, a stormwater
1855 site plan pursuant to SCC 30.63A.400 through 30.63A.440 and the land disturbing
1856 activity plan, the county must perform a preliminary site inspection prior to any land
1857 disturbing activity to confirm that the clearing limits, if applicable, are marked in the field,
1858 and that natural drainage courses are not blocked or altered.

1859

1860 **30.63B.330 Mandatory pre-construction meeting and inspection required prior to**
1861 **land disturbing activity.**

1862

1863 After a land disturbing activity permit is issued, but prior to any land disturbing activity,
1864 the applicant or owner shall call the department to arrange a pre-construction meeting
1865 and inspection with the department to review clearing limits, inspection and project
1866 management procedures.

1867

1868 **30.63B.340 Inspections after permit issuance.**

1869

1870 (1) During construction and land disturbing activity, the county shall inspect all land
1871 disturbing activity operations for which a permit is issued pursuant to SCC 30.63B.350.
1872 The county shall inspect the land disturbing activity at various stages of work including
1873 before construction, during construction, at construction completion and at final
1874 acceptance of a subdivision or issuance of a certificate of occupancy. The department

1875 shall determine if the stormwater pollution prevention plan (SWPPP) required by
1876 Chapter 30.63A SCC is implemented and the construction undertaken by the owner,
1877 contractor and certified erosion and sediment control lead (CESCL) complies with the
1878 approved SWPPP and construction plans. The county shall inspect land disturbing
1879 activity to assure that future roadways, whether public or private, are cleared and
1880 graded in accordance with the approved plans and specifications, and in conformance
1881 with this chapter.

1882 (2) When required on approved land disturbing activity site plans, the applicant shall
1883 provide professional inspection of land disturbing activity by a civil and/or a soils
1884 engineer, or an engineering geologist retained by the owner or applicant to provide such
1885 services for engineered land disturbing activity as follows:

1886 (a) The civil engineer shall provide professional inspection within the engineer's area
1887 of technical specialty, which shall consist of observation and review as to the
1888 establishment of line, grade, surface drainage and erosion control of the development
1889 area. If revisions to any land disturbing activity or stormwater site plans, right-of-way
1890 plan or other construction plans are required during the course of the land disturbing
1891 activity, they shall be prepared by the civil engineer.

1892 (b) The soils engineer shall observe the land disturbing activity, and test for
1893 compaction. The types of soils inspections and standards shall be consistent with
1894 sections 1802.6 and 1803.5 of the IBC.

1895 (c) The soils engineer shall provide sufficient observation during the preparation of
1896 the ground and during placement and compaction of the fill to verify that such work is
1897 being performed in accordance with the conditions of the approved plans identified in
1898 SCC 30.63B.340(2)(a) and the appropriate requirements of this chapter and chapter
1899 30.63A SCC. These observations shall be verified in a written report that shall be
1900 submitted to the county prior to the final inspection. Revised recommendations relating
1901 to conditions differing from the soils engineering, engineering geology, geotechnical
1902 engineering and hydrologic liquefaction reports completed in the project application
1903 shall be submitted to the county and the civil engineer as soon as they are available.

1904 (d) The engineering geologist shall inspect the excavation to determine if geologic
1905 conditions encountered are in conformance with the engineering geology report
1906 completed under SCC 30.63B.240. If conditions differ from the approved engineering
1907 geology report, the geologist shall submit revised recommendations to the county and
1908 soils engineer regarding changes to the land disturbing activity plans or other
1909 construction plans as soon as they are available.

1910 (e) If the civil engineer, CESCL, the soils engineer, or the engineering geologist finds
1911 that the work was not performed in conformance with this chapter, or the land
1912 disturbing activity permit, the individual who discovered the discrepancies shall
1913 report this information immediately, in writing, to the applicant or owner and to the
1914 building official.

1915 (3) The building official shall notify the applicant or owner of any discrepancies that
1916 would necessitate construction plan revisions or corrections by the professional
1917 consultants.

1918

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1919 (4) Transfer of responsibility. If the civil engineer, the soils engineer, CESCL, or the
1920 engineering geologist of record is changed during land disturbing activity, the work shall
1921 be stopped until a replacement has agreed in writing to accept their responsibilities
1922 under this chapter. It shall be the duty of the applicant or owner to notify the director in
1923 writing of such change in contacts prior to the recommencement of land disturbing
1924 activity.

1925

1926 **30.63B.350 Inspection schedule after permit issuance.**

1927

1928 Following issuance of a land disturbing activity permit, inspections of all land disturbing
1929 activity subject to the permit shall be conducted, but may not be limited to the following
1930 inspection schedule:

1931 (1) After the land disturbing activity pre-construction meeting, the applicant shall
1932 request from the department a drainage inspection prior to any land disturbing activity.

1933 (2) All permitted development sites involving land disturbing activity that meet the
1934 thresholds for drainage review shall be inspected for compliance with applicable
1935 minimum requirements pursuant to chapter 30.63A SCC.

1936 (3) All permitted development sites involving land disturbing activities that meet the
1937 thresholds for drainage review pursuant to chapter 30.63A SCC shall be inspected upon
1938 completion of all land disturbing activity and construction and prior to final approval or
1939 issuance of a certificate of occupancy to verify proper installation of permanent erosion
1940 controls and storm water facilities/BMPs, if applicable. The department shall determine
1941 that all land disturbing activity and construction is complete or identify all land disturbing
1942 activity and construction items that are incomplete.

1943 (4) When the department determines that a special inspection is required pursuant to
1944 chapter 17 of the IBC for water quality monitoring on land disturbing activity projects, the
1945 applicant or owner shall engage consultants to conduct professional inspections and to
1946 prepare and submit periodic inspection reports to the county on a timely basis. The
1947 county shall respond within seven working days as to the acceptability of the report.
1948 The applicant or owner shall act as a coordinator between the consultant, the contractor
1949 and the county inspector.

1950

1951 **30.63B.360 Final reports required at the completion of work.**

1952

1953 (1) When engineered construction and land disturbing activity plans are required
1954 pursuant to SCC 30.63B.200 or professional inspection is required pursuant to SCC
1955 30.63B.340 for land disturbing activity, the following final reports, drawings and
1956 supplements are required at completion of all land disturbing activity and construction:

1957 (a) An as-built land disturbing activity plan prepared by the civil engineer or
1958 surveyor showing original ground surface elevations, as finished grade ground surface
1959 elevations, lot drainage patterns, and the locations and elevations of stormwater
1960 drainage facilities and outlets of subsurface drains. Details of subsurface drains shall
1961 also be shown on the as-built drawing as reported by the soils or civil engineer, or land

1962 surveyor. Upon completion of all land disturbing activity and construction, the civil
1963 engineer shall sign a statement on the plan stating that to the best of their knowledge,
1964 the land disturbing activities were completed in accordance with the approved land
1965 disturbing activity plan and permit;

1966 (b) A report prepared by the soils engineer, retained pursuant to SCC
1967 30.63B.340(2), which shall include locations of field density tests, summaries of field
1968 and laboratory tests, other substantiating data, and a description of any changes to the
1969 approved land disturbing activity site plan made during the land disturbing activity and
1970 their effect on the recommendations made in the approved soils engineering
1971 investigation report. Upon the completion of land disturbing activity and all construction,
1972 the soils engineer shall submit a supplement to the soils report indicating that to the
1973 best of their knowledge, the land disturbing activity work within their area of
1974 responsibility was completed in accordance with the approved soils engineering report
1975 and applicable provisions of this chapter;

1976 (c) A report prepared by the engineering geologist retained pursuant to SCC
1977 30.63B.340(2), which shall include a final description of the geology of the site, any new
1978 information disclosed during the land disturbing activity, and the effect of that
1979 information on recommendations incorporated in the approved land disturbing activity
1980 site plan. Upon the completion of all land disturbing activity and construction, the
1981 engineering geologist shall submit a supplement to the geology report stating that to the
1982 best of their knowledge, the work within their area of responsibility was completed in
1983 accordance with the approved engineering geologist report and applicable provisions of
1984 this chapter.

1985 (2) The applicant or owner shall notify the director when the disturbed land is ready for
1986 final inspection. Final approval shall not be given by the
1987 department until all land disturbing activity and construction, including installation of all
1988 drainage facilities and their protective devices and all erosion-control measures, have
1989 been completed in accordance with the final approved land disturbing activity and
1990 stormwater site plans, and the required reports have been submitted.

1991
1992 **30.63B.370 Bonds or performance security.**

1993
1994 (1) The director may require bonds or a performance security pursuant to chapter
1995 30.84 SCC to ensure that the land disturbing activity, if not completed in accordance
1996 with the approved land disturbing activity site plan and engineered construction plans
1997 will be corrected.

1998 (2) For drainage facilities and improvements required pursuant to this chapter and
1999 chapter 30.63A SCC, the director may require security and insurance in accordance
2000 with chapter 30.63A SCC, part 900.

2001
2002 **30.63B.380 Emergency land disturbing activities and required permits.**

2003
2004 (1) Land disturbing activity may be undertaken to perform an emergency action when

2005 necessary without first obtaining a permit when insufficient time exists to obtain a land
2006 disturbing activity permit before it is necessary to perform the emergency action. An
2007 emergency action is only allowed when:

2008 (a) Damage is occurring as a result of flood waters at or exceeding flood stage as
2009 defined by the county departments of emergency management or public works, and
2010 land disturbing activity is necessary to protect existing property, maintain an existing
2011 utility function, or to prevent channel impairment;

2012 (b) Utility maintenance is necessary to repair a utility facility or line which has been
2013 damaged as a direct result of an emergency; or

2014 (c) Removal and relocation of material deposited onto commercial farmland by flood
2015 waters is necessary to protect farming operations.

2016 (2) When emergency land disturbing activities are necessary to prevent an immediate
2017 threat to public health, safety, welfare or property, or to prevent an imminent threat of
2018 serious environmental degradation, such land disturbing activity may be conducted
2019 without first obtaining a land disturbing activity permit when the emergency:

2020 (a) Circumstances causing the emergency developed suddenly;

2021 (b) The emergency constitutes an imminent threat to public health or safety,
2022 welfare, property or the environment; and

2023 (c) The emergency demands immediate action that will protect property from
2024 damage by the elements, or to protect the public from a serious and imminent threat to
2025 health or safety.

2026 (d) The land disturbing activity is the minimum necessary to alleviate the
2027 emergency; and

2028 (e) The land disturbing activity to be taken by the proponent has been
2029 summarized in a notification to the department before taking any action to remedy the
2030 emergency. If prior notification is not feasible, the project proponent shall notify the
2031 department within 48 hours of the land disturbing activity.

2032 (3) Upon notification of an emergency land disturbing activity, the department shall
2033 respond in writing to confirm that the land disturbing activity action constitutes an
2034 emergency action. The department shall notify the property owner or person who took
2035 the action that applications for project permits necessary to satisfy compliance with this
2036 chapter shall be submitted to the department within 120 days from the date the
2037 emergency land disturbing action. If the director determines that the work was in
2038 violation of the criteria in this section, then in addition to requiring the permit application
2039 be submitted to the department within 120 days of the land disturbing activity action,
2040 code enforcement may be pursued.

2041

2042 **30.63B.390 Hazards.**

2043

2044 (1) Whenever the director determines that any existing cut, excavation, fill or
2045 embankment or other land disturbing activity, or condition resulting from land disturbing
2046 activity on private property creates a present or imminent hazard, or is likely to create a
2047 hazard, the director may issue an emergency order pursuant to SCC 30.85.240.

2048 (2) Where the director determines that hazardous conditions exist, warning signs shall
2049 be affixed at locations as required by the director, and the site shall be enclosed by
2050 fencing that shall be closed and locked when personnel are not present at the site. The
2051 fence shall be no less than five feet in height and the fence material shall have no
2052 horizontal opening larger than two inches.

2053
2054 Section XXX. Snohomish County Code Section 30.70.015 last amended by
2055 Amended Ordinance No. 07-084 on September 5, 2007, is amended to read:

2056
2057 **30.70.015 Exemptions.**

2058
2059 The following actions are exempt from the requirements of this subtitle, except the
2060 consistency determination required by SCC 30.70.100:

- 2061 (1) Street vacations under chapter 13.100 SCC;
2062 (2) Approvals relating to the use of public areas and facilities under title 13 SCC;
2063 (3) Building permits exempt from the State Environmental Policy Act (SEPA);
2064 (4) ((Grading)) Land disturbing activity permits exempt from SEPA; and
2065 (5) All other construction, mechanical, and plumbing permits exempt from SEPA and
2066 related approvals, including certificates of occupancy.

2067
2068 Section XXX. Snohomish County Code Section 30.71.020 last amended by
2069 Ordinance No. 08-136 on October 29, 2008, is amended to read:

2070
2071 **30.71.020 Type 1 permits and decisions.**

2072 The following are processed as Type 1 administrative decisions:

- 2073 (1) Administrative conditional use permit;
2074 (2) Binding site plan approval;
2075 (3) Boundary line adjustment, except as provided in 30.41E.020 SCC;
2076 (4) Building and ((grading)) land disturbing activity permits subject to SEPA review
2077 pursuant to chapter 30.61 SCC, or subject to conditions imposed pursuant to chapter
2078 30.32D;
2079 (5) Free standing signs in the FS and RFS zones;
2080 (6) Code interpretations issued pursuant to SCC 30.83.030(2);
2081 (7) Flood hazard permit, except as provided in SCC 30.43C.020;
2082 (8) Flood hazard variance;
2083 (9) Freeway service zone official site plan (existing FS zone);
2084 (10) Shoreline substantial development permit, shoreline conditional use, and
2085 shoreline variance, except when processed as a Type 2 decision pursuant to SCC
2086 30.44.240;
2087 (11) Short subdivision approval with no dedication of a new public road right-of-way;
2088 (12) Urban centers project decision pursuant to chapter 30.34A SCC;
2089 (13) Variance; and
2090 (14) Single family detached units applications pursuant to chapter 30.41F SCC.

2091
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2092 Section XXX. Snohomish County Code Section 30.91A.300, adopted by
2093 Amended Ordinance No. 02-064 on December 9, 2002, is repealed. **(note: as-graded)**
2094

2095 Section XXX. Snohomish County Code Section 30.91C.210, adopted by
2096 Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:
2097

2098 **30.91C.210 "Compaction"** means the densification of a fill by mechanical means.
2099 *This definition applies only to chapter ((30.51) 30.63B SCC.*
2100

2101 Section XX. Snohomish County Code Section 30.91E.230, last amended by
2102 Amended Ordinance No. 05-083 on December 21, 2005, is amended to read:
2103

2104 **30.91E.230 "Excavation"** shall mean the mining or quarrying or other mechanical
2105 removal of sand, gravel, bedrock or precious metals including underground shaft
2106 operations, but excluding:
2107

2108 (1) (~~Excavations and grading~~) Land disturbing activity for building construction
2109 where such construction is authorized by a valid building permit; or
2110

2111 (2) Tilling of soil for agricultural purposes; or
2112

2113 (3) Any excavation:
2114

2115 (a) Which does not alter a drainage course, and
2116

2117 (b) Which has less than two feet of mean average depth, or which does not
2118 create a cut slope greater than five feet in height and steeper than one and one-half
2119 horizontal to one vertical, and
2120

2121 (c) Located in an MR, LDMR, R-7200, R-8400, R-9600, R-12,500 or WFB
2122 zone, where the cubic yardage excavated from contiguous land under common
2123 ownership shall never exceed 500 cubic yards, and
2124

2125 (d) Located in any zone other than those listed in the preceding subsection,
2126 where the cubic yardage excavated from contiguous land under common ownership
2127 shall never exceed 2,000 cubic yards. The distinction between zones which is provided
2128 in this and the preceding subsections shall be observed notwithstanding cross-
2129 referencing between zones which may be found elsewhere in this title.
2130

2131 *This definition applies only to chapters 30.22, 30.23, 30.25, 30.31D, 30.32C, 30.63B*
2132 *and 30.64 SCC.*
2133

2134 Section XX. Snohomish County Code Section 30.91G.070, adopted by
2135 Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:
2136

2137 **30.91G.070 "Grade"** means the elevation of the ground surface.
2138

2139 (1) "Existing grade" means the elevation of the ground surface prior to
2140 development activity.
2141

2142 (2) "Rough grade" means the stage at which the elevation of the ground surface
2143 approximately conforms to the approved plan.
2144

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2136 (3) "Finish grade" means the final elevation of the ground surface which conforms
2137 to the approved (~~(grading)~~) land disturbing activity site plan.

2138
2139 Section XX. Snohomish County Code Section 30.91G.075 adopted by Amended
2140 Ordinance 07-085 on September 5, 2007 is amended to read:

2141
2142 **30.91G.075 "Grading"** means an excavation or fill or a combination thereof.
2143 ~~((This definition applies only to the construction codes in subtitle 30.5 SCC))~~

2144
2145 Section XX. Severability. If any section, sentence, clause or phrase of this
2146 ordinance is held to be invalid or unconstitutional by the Growth Management Hearings
2147 Board ("Board"), or a court of competent jurisdiction, such invalidity or unconstitutionality
2148 shall not affect the validity or constitutionality of any other section, sentence, clause or
2149 phrase of this ordinance. Provided, however, that if any section, sentence, clause or
2150 phrase of this ordinance is held to be invalid by the Board or court of competent
2151 jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective
2152 date of this ordinance shall be in full force and effect for that individual section,
2153 sentence, clause or phrase as if this ordinance had never been adopted.

2154
2155
2156 PASSED this _____ day of _____, 20__.

2158
2159 SNOHOMISH COUNTY COUNCIL
2160 Snohomish County, Washington

2161
2162
2163
2164 _____
Chairperson

2165 ATTEST:
2166
2167 _____
2168 Asst. Clerk of the Council

- 2173 () APPROVED
2174 () EMERGENCY
2175 () VETOED

2176
2177 _____
County Executive Date

2178 ATTEST:
2179 _____

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Approved as to form:

Deputy Prosecuting Attorney

RELATING TO REGULATION OF LAND DISTURBING
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