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Residential Development in Business Park Zone [Ordinance 22-014](#) (ECAF 2022-0276)

Hearing Date: Wednesday, May 4, 2022 @ 10:30 a.m.

Council Staff: Ryan Countryman

PDS Staff: Amber Piona

DPA: Matt Otten

Click on exhibit number to view document

EXHIBIT	RECORD TYPE	DATE	RECEIVED FROM	EXHIBIT DESCRIPTION	# OF PAGES
2.0 Planning Commission					
2.0003	Staff Report	11/24/21	Amber Piona & Janet Wright, PDS Staff	Briefing to Planning Commission: Proposed Amendments to SCC 30.31A.140	6
2.0015	Letter	02/02/22	Planning Commission	Planning Commission Recommendation	2
3.1 ECAF and Materials					
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3.3 Correspondence, Comments, Testimony					

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EXHIBIT	RECORD TYPE	DATE	RECEIVED FROM	EXHIBIT DESCRIPTION	# OF PAGES
3.4 Staff Reports and Submissions					
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*Contact the Clerk of the Council for copies of Part 1 Exhibits - 425-388-3494 or contact.council@snoco.org					

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2.0003	Legislative Documents	12/14/2021	PDS Staff	Residential in Business Park Zone Staff Report (Briefing)	6
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2.0005	Public Participation	12/14/2021	Planning Commission	Planning Commission Written Meeting Minutes (Briefing)	4
2.0006	Public Participation	12/14/2021	Planning Commission	Planning Commission Recording of Meeting (Briefing)	NA
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*Contact the Clerk of the Council for copies of Part 2 Exhibits - 425-388-3494 or contact.council@snoco.org					

1 Adopted:
2 Effective:

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 22-014
7

8 RELATING TO GROWTH MANAGEMENT; AMENDING DEVELOPMENT REGULATIONS IN
9 CHAPTERS 30.22 AND 30.31A SCC PERTAINING TO RESIDENTIAL DEVELOPMENT IN THE
10 BUSINESS PARK ZONE
11

12 WHEREAS, the Growth Management Act (GMA), chapter 36.70 RCW, requires Snohomish
13 County (the “County”) to promote a variety of housing densities and housing types (RCW
14 36.70A.020(4)), and encourage development in urban areas where adequate public facilities exist or can
15 be provided in an efficient manner (RCW 36.70A.020(1)); and
16

17 WHEREAS, the Snohomish County GMA Comprehensive Plan (GMACP) – General Policy Plan
18 (GPP) Housing Policy HO 1.B.4 directs the County to encourage and support innovative housing types;
19 and
20

21 WHEREAS, Snohomish County Code (SCC) section 30.21.025, Intent of Zones, states that the
22 Business Park (BP) zone, under limited circumstances, may also provide for residential development
23 where sites are large and where compatibility can be assured for on-site mixed uses; and
24

25 WHEREAS, Ordinance No. 03-107 established SCC 30.31A.140 to provide flexibility in the code
26 by allowing more uses in the BP zone by permitting residential development on large BP zoned sites and
27 providing for compatibility of residential development with commercial and industrial uses, and other
28 surrounding land uses; and
29

30 WHEREAS, Amended Ordinance No. 16-013 removed residential development as an allowed
31 use in the BP zone when the last remaining site in the county that met the requirements of SCC
32 30.31A.140 was annexed, and to help preserve commercial areas for high-intensity development and uses;
33 and
34

35 WHEREAS, according to the Snohomish County Housing Affordability Regional Taskforce
36 (HART) 2020 Report, Snohomish County is facing a housing shortage as evidenced by the growth in
37 households exceeding the growth in housing units by 61% for the period of 2016 through 2018; and
38

39 WHEREAS, reestablishing regulations allowing for residential development on large BP zoned
40 sites that are completely within urban growth areas (UGAs) would further the County’s goals of
41 addressing the housing shortage, providing opportunities for mixed-use development, and increasing the
42 intensity and density of uses on properties already within the UGA where services are already established,
43 while maintaining consistency with the intent of the BP zone; and
44

45 WHEREAS, the Snohomish County Planning Commission held a public hearing on January 25,
46 2022, to receive public testimony concerning the code amendments contained in this ordinance, and voted

1 to recommend amendments to the County Code relating to residential uses in the BP zone as shown in the
2 recommendation letter dated February 2, 2022; and

3
4 WHEREAS, on _____, 2022, the Snohomish County Council (“County Council”)
5 held a public hearing after proper notice, and considered public comment and the entire record related to
6 the code amendments contained in this ordinance; and

7
8 WHEREAS, following the public hearing, the County Council deliberated on the code
9 amendments contained in this ordinance.

10
11 NOW, THEREFORE, BE IT ORDAINED:

12
13 Section 1. The County Council adopts the following findings in support of this ordinance:

14
15 A. The foregoing recitals are adopted as findings as if set forth in full herein.

16
17 B. This ordinance amends Title 30 SCC in the following manner:

- 18
19 1. This ordinance amends SCC 30.22.100 (urban zone categories use matrix) to add attached single
20 family, cottage housing, duplexes, multiple family, single family and townhouse dwellings as
21 permitted uses within the BP zone with a reference note.
22
23 2. This ordinance amends SCC 30.22.130 (reference notes for use matrices) to add a reference to
24 SCC 30.31A.140.
25
26 3. This ordinance adds a new section SCC 30.31A.140 which reinstates residential uses as an
27 allowed use in the BP zone for properties that are currently zoned BP, are a minimum of 25 acres,
28 and under single ownership or control. It also establishes which regulations apply when
29 residential and commercial or industrial uses are proposed, and which regulations apply when
30 only residential uses are proposed.

31
32 C. In developing the proposed amendments, the County considered the GMA goals. In particular, the
33 proposed amendments are consistent with and promote:

34
35 GMA Goal 1 – “Urban Growth. Encourage development in urban areas where adequate public
36 facilities and services exist or can be provided in an efficient manner.”

37
38 The proposed code amendments support the GMA goal of urban growth by permitting a variety of
39 housing types within the BP zone, an urban zone. This would encourage development within urban
40 areas.

41
42 GMA Goal 4 – “Housing. Plan for and accommodate housing affordable to all economic
43 segments of the population of this state, promote a variety of residential densities and housing
44 types, and encourage preservation of existing housing stock.”

1 The proposed code amendments support the housing goal by permitting a variety of housing types,
2 including single family attached, single family detached, townhouses, cottage houses, duplexes, and
3 multifamily residential, within BP zoning subject to certain regulatory requirements.
4

- 5 D. The proposed amendments will better achieve, comply with, and implement goals and policies from
6 the Puget Sound Regional Council’s Vision 2050 Multicounty Planning Policies (MPPs), including:
7

8 MPP-H-1 “Plan for housing supply, forms, and densities to meet the region’s current and
9 projected needs, consistent with the Regional Growth Strategy and to make significant progress
10 towards jobs/housing balance.”
11

12 The proposed amendments expand the opportunities for housing development within urban zones,
13 which is consistent with the Regional Growth Strategy.
14

15 MPP-H-2 “Provide a range of housing types and choices to meet the housing needs of all income
16 levels and demographic groups within the region.”
17

18 The proposed amendments would support this goal by allowing a range of housing types, including
19 single family attached, single family detached, townhouses, cottage housing, duplexes, and
20 multifamily residential, within BP zoning subject to certain regulatory requirements.
21

- 22 E. The proposed amendments will better achieve, comply with, and implement the goals, objectives, and
23 policies contained in the Countywide Planning Policies, including:
24

25 HO-4 “The county and cities should implement policies that allow for the development of
26 moderate density housing to help meet future housing needs, diversify the housing stock, and
27 provide more affordable home ownership and rental opportunities. This approach should include
28 code updates to ensure that zoning designations and allowed densities, housing capacity, and
29 other restrictions do not preclude development of moderate density housing.”
30

31 The proposed amendments support this housing goal by allowing a diverse range of housing types
32 and moderate density housing, including single family attached, single family detached, townhouses,
33 cottage housing, duplexes, and multifamily residential, within BP zoning subject to certain regulatory
34 requirements.
35

36 DP-42 “The County and cities should conserve industrial land for future industries and related
37 jobs by:

- 38 a. Protecting industrial land from encroachment by incompatible uses and development
39 on adjacent land;
40 b. Discouraging non-industrial uses on industrial land unless such uses support and
41 enhance existing industrial land uses; and
42 c. Discouraging conversion of industrial land to other land use designations unless it
43 can be demonstrated that a specific site is not suitable for industrial uses.”
44

1 The proposed amendments help conserve industrial lands for future and existing industrial uses. SCC
2 30.21.025(1)(c)(v) indicates that the BP zone is unique among commercial and industrial zones
3 because it is intended:

4
5 to provide for those business/industrial uses of a professional office, wholesale and
6 manufacturing nature which are capable of being constructed, maintained, and operated
7 in a manner uniquely designed to be compatible with adjoining residential, retail
8 commercial, and other less intensive land uses, existing or planned. Strict zoning controls
9 must be applied in conjunction with private covenants and unified control of land; many
10 business/industrial uses otherwise provided for in the zoning code will not be suited to
11 the BP zone due to an inability to comply with its provisions and achieve compatibility
12 with surrounding uses. The BP zone, under limited circumstances, may also provide for
13 residential development where sites are large and where compatibility can be assured for
14 on-site mixed uses and for uses on adjacent properties.
15

16 The proposed code amendments limit the expansion of residential uses within BP zoning to properties
17 that are 25 contiguous acres or more, under single ownership or multiple parcels under unified
18 control, and that are zoned BP prior to the adoption of these changes. This would apply to a small
19 number of parcels within Snohomish County, and therefore would have a limited effect on industrial
20 zoning throughout Snohomish County. The type of uses currently allowed within the BP zone are
21 compatible with residential uses and permitting residential uses could help the existing or proposed
22 industrial uses compatibility with the existing neighborhood and area. Further, with the ability to
23 develop BP zoned property with both residential and industrial uses, there is less incentive for
24 property owners to seek a rezone of their property to a zone that would allow residential development
25 and potentially require the removal of existing industrial uses or remove the ability of existing
26 industrial uses to be expanded or intensified in the future. This amendment allows for the most
27 efficient and profitable use of land while removing the pressure to convert the industrial land and
28 maintains support for industrial uses.
29

- 30 F. The proposed amendments will better achieve, comply with, and implement the following goals,
31 objectives, and policies contained in the County’s GMACP, including the following GPP goals,
32 objectives, and policies:

33
34 HO 1.B.4 – “The county shall encourage and support the development of innovative housing
35 types that make efficient use of the county land supply such as residential units in mixed-use
36 developments, accessory dwelling units, cottage housing, co-housing, and live/work units.”
37

38 The proposed code amendments would support this policy by allowing cottage housing to be
39 developed in BP zoning subject to certain regulatory requirements.
40

41 ED Policy 2.A.2 - “Snohomish County should stress predictability but maintain enough flexibility
42 in the Comprehensive Plan and development codes to allow for timely response to unanticipated
43 and desirable developments.”
44

45 The proposed code amendments will provide greater flexibility for uses within the BP zone by
46 reinstating residential uses as an allowed use. This increased flexibility will allow for large BP

1 parcels to develop as residential or a mix of residential and business park uses, in addition to
2 standard business park uses.

3
4 G. Procedural requirements.

- 5
6 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this
7 non-project action have been satisfied through the completion of an environmental checklist and
8 the issuance of a determination of non-significance on November 29, 2021.
9
10 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
11
12 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was transmitted to the
13 Washington State Department of Commerce on November 29, 2021.
14
15 4. The public participation process used in the adoption of this ordinance complies with all
16 applicable requirements of the GMA and the SCC, including but not limited to, RCW
17 36.70A.035, RCW 36.70A.140, and chapter 30.73 SCC.
18
19 5. The Washington State Attorney General last issued an advisory memorandum, as required by
20 RCW 36.70A.370, in September of 2018 entitled “Advisory Memorandum: Avoiding
21 Unconstitutional Takings of Private Property” to help local governments avoid the
22 unconstitutional taking of private property. The process outlined in the State Attorney General’s
23 2018 advisory memorandum was used by Snohomish County in objectively evaluating the
24 regulatory changes proposed by this ordinance.
25

26 H. This ordinance is consistent with the record.

- 27
28 1. The intent and function of the BP zone is to provide for business and industrial uses which are
29 capable of being constructed, maintained, and operated in a manner uniquely designed to be
30 compatible with adjoining residential and retail commercial. The BP zone may also, under limited
31 circumstances, provide for residential development where sites are large and where compatibility
32 can be assured for on-site mixed uses. However, existing regulations do not allow for residential
33 uses within the BP zone.
34
35 2. Snohomish County is facing an affordable housing crisis and housing stock shortage. The
36 proposed amendments are intended to provide flexibility for increasing residential development
37 within urban areas.
38
39 3. Snohomish County is directed by the CPPs to preserve industrial and commercial land and
40 prevent incompatible development. The proposed amendments are limited in scope to existing
41 parcels zoned BP which are 25 acres or greater. Limiting the proposed amendments to only
42 include existing large parcels preserves the majority of BP parcels for industrial land uses.
43

44 I. The proposed amendments are consistent with the PDS staff report to the Planning Commission dated
45 November 24, 2021.
46

Section 2. The County Council makes the following conclusions:

- A. The amendments proposed by this ordinance comply with the GMA.
- B. The amendments proposed by this ordinance are consistent with the GMACP.
- C. The County has complied with all SEPA requirements in respect to this non-project action.
- D. The public participation process used in the adoption of this ordinance complies with all applicable requirements of the GMA and title 30 SCC.
- E. The amendments proposed by this ordinance do not result in an unconstitutional taking of private property for a public purpose.

Section 3. The Snohomish County Council bases its findings and conclusions on the entire record of the County Council, including all testimony and exhibits. Any finding, which should be deemed a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as such.

Section 4. Snohomish County Code Section 30.22.100, last amended by Amended Ordinance No. 21-018 on June 9, 2021, is amended to read:

30.22.100 Urban Zone Categories Use Matrix.

TYPE OF USE	R- 9,600 88	R- 8,400 88	R- 7,200 88	T	LD MR	M R	NB	PCB	CB 128	G C 128	IP 76	BP	LI 55, 76	HI 55	MH p114	UC 122
Accessory Dwelling Unit ⁶²	P	P	P	P	P	P										
Adult Entertainment Business/ Use ⁶⁷											P		P	P		
Agriculture ^{41, 107}	P	P	P		P	P	P		P	P	P	P	P	P	P	
Airport, Stage 1 Utility ¹	C	C	C						P	P	P	P	P	P		
Airport-All Others											P	P	P	P		
Amusement Facility ^{41, 129}								P	P	P	P		P	P		P
Antique Shop							P	P	P	P			P	P		P
Art Gallery ⁴¹	C	C	C		C	C	P	P	P	P	P	P	P	P		P
Auto Repair, Major								P	P ⁸⁶	P	P	P	P	P		P
Auto Repair, Minor							P	P	P ⁸⁶	P	P	P	P	P		P
Auto Towing													P	P		

TYPE OF USE	R- 9,600 88	R- 8,400 88	R- 7,200 88	T	LD MR	M R	NB	PCB	CB 128	G C 128	IP 76	BP	LI 55, 76	HI 55	MH p114	UC 122
Automobile Wrecking and Junkyards													C ⁴⁴	p ⁴⁴		
Bed and Breakfast Guesthouse ⁵⁸	A	A	A	A	A	A									A	
Billboards ⁴⁶																
Non-digital										P			P	P		
Digital										P			P	P		
Boarding House	p ¹⁵	p ¹⁵	p ¹⁵		P	P	P		P	P					P	P
Boat Launch Facility, Commercial ³¹									C	C			C	C		P
Boat Launch Facility, Non-commercial ³¹	C	C	C		C	C			C	C			C	C		
Caretaker's Quarters							P	P	P	P	P	P	P	P		
Cemetery and Funeral Home	C	C	C		C	C	P	P	P	P	P	P	P	P		P
Church ^{41, 129}	C	C	C		P	P	P	P	P	P	P	P	P	P		P
Clubhouse	C	C	C		C	C	P	P	P	P	P	P	P	P	P	P
Commercial Vehicle Storage Facility										P	P	P	P	P		
Community Facilities for Juveniles ¹⁰³																
1 to 8 Resident Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
9 to 24 Resident Facility	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P
Construction Contracting										P	P	P	P	P		p ¹²³
Day Care Center ^{2, 129}	C	C	C		C	C	P	P	P	P	P	P	P	P	A	P
Distillation of Alcohol											P	P	P	P		P
Dock & Boathouse, Private, Non-commercial ^{3, 41}	P	P	P	P	P	P	P		P	P	P	P	P	P		

TYPE OF USE	R- 9,600 88	R- 8,400 88	R- 7,200 88	T	LD MR	M R	NB	PCB	CB 128	G C 128	IP 76	BP	LI 55, 76	HI 55	MH p ¹¹⁴	UC 122
Dwelling, Attached Single Family	P	P	P	P	P	P						p ⁵¹				
Dwelling, Cottage Housing ¹¹⁶	P	P	P	P	P							p ⁵¹				
Dwelling, Duplex	P	P	P	P	P	P						p ⁵¹				
Dwelling, Mobile Home	P ⁶	P ⁶	P ⁶	P ⁶	P	P									P	
Dwelling, Multiple Family					P	P	P	P	P	P		p ⁵¹				P
Dwelling, Single Family	P	P	P	P	P	P						p ⁵¹			P ^d	
Dwelling, Townhouse ⁵			A	P	P	P	P	P	P	P		p ⁵¹				P
Electric Vehicle Infrastructure																
Electric Vehicle Charging Station - Restricted, Level 1, and Level 2 ¹²¹	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electric Vehicle Charging Station - Public, Level 1 and Level 2							P	P	P	P	P	P	P	P		P
Electric Vehicle Charging Station, Level 3	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	P	P	P	P	P	P	P	P		P
Battery Exchange Stations	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	C ¹²⁰	P	P	P	P	P	P	P	P		P
Explosives, Storage											P			P		
Fairgrounds										P	P	P	P	P		
Family Day Care Home ⁸	P	P	P	P	P	P	P		P	P					P	
Farm Product Processing																
Up to 5,000 sq ft									P	P			P	P		
Over 5,000 sq ft ⁹⁴									A	P			P	P		
Farm Stand																
Up to 400 sq ft ⁹	P	P	P						P	P			P	P		P

TYPE OF USE	R- 9,600 88	R- 8,400 88	R- 7,200 88	T	LD MR	M R	NB	PCB	CB 128	G C 128	IP 76	BP	LI 55, 76	HI 55	MH p114	UC 122
401 to 5,000 sq ft ⁹⁹																
Farmers Market ⁹³							P	P	P	P		P	P	P		P
Fish Farm											P	P	P	P		
Forestry											P		P	P		
Foster Home	P	P	P	P	P	P	P		P	P					P	
Fuel Yard										P	P	P	P	P		
Garage, Detached Private Accessory ⁶⁰																
Up to 2,400 sq ft	P	P	P	P	P	P					P	P	P	P	P	
2,401 - 4,000 sq ft on More than 3 Acres ^{41, 59}	P	P	P	P	P	P					P	P	P	P		
2,401 - 4,000 sq ft on Less than 3 Acres ^{41, 59}	A	A	A	A	A	A					A	A	A	A		
4,001 sq ft and Greater ^{41, 59}	C	C	C	C	C	C					C	C	C	C		
Garage, Detached Private Non-accessory ⁶⁰																
Up to 2,400 sq ft	P	P	P	P	P	P					P	P	P	P		
2,401 sq ft and greater ^{41, 59}	C	C	C	C	C	C					C	C	C	C		
Golf Course, Driving Range and Country Club	C	C	C													
Government Structures & Facilities ^{27,41}	C	C	C	C	C	C	C	P	P	P	P	P	P	P		P
Greenhouse, Lath House, & Nurseries							P	P	P	P	P	P	P	P		
Guest House ⁸⁵	P	P	P		P	P									P	
Hazardous Waste Storage & Treatment Facilities, Offsite ⁶⁶											C	C	C	C		

TYPE OF USE	R- 9,600 88	R- 8,400 88	R- 7,200 88	T	LD MR	M R	NB	PCB	CB 128	G C 128	IP 76	BP	LI 55, 76	HI 55	MH p114	UC 122
Hazardous Waste Storage & Treatment Facilities, Onsite ⁶⁵							P	P	P	P	P	P	P	P		
Health and Social Service Facilities ⁹⁰																
Level I	P	P	P	P	P	P	P	P	P	P		P			P	P
Level II ^{41, 129}	C	C	C		C	C	C	P	P	P		P			C	P
Level III						C	C	P	P	P	P		P	P	C	P
Home Occupation ¹¹	P	P	P	P	P	P	P		P	P					P	P
Hotel/ Motel					C	C	p ¹³⁶	P	P	P			p ⁸⁹			P
Kennel, ⁴¹ Commercial ¹²	C	C	C						P	P	P	P	P	P		
Kennel, ⁴¹ Private-Breeding ¹³	P	P	P		P	P	P		P	P	P	P	P	P		
Kennel, ⁴¹ Private- Non-Breeding ¹³	P	P	P		P	P	P		P	P	P					
Laboratory							P	P	P	P	P	P	P	P		P
Library ⁴¹	C	C	C		C	C	C	P	P	P	P	P	P	P		P
Lumber Mill											P	P	P	P		
Lumberyard										P	P	P	P	P		
Manufacturing , Heavy ⁸²											P			P		
Manufacturing - All Other Forms Not Specifically Listed ⁸³											P	P	P	P		p ¹²³
Marijuana Processing ^{125, 131}											P	P	P	P		
Marijuana Production ^{125, 131}											P	P	P	P		
Marijuana Retail ^{131, 132}							C	C	C	C		C	C	C		C
Massage Parlor									P	P	P	P	P	P		P
Material Recovery Facility ¹³⁴											C		C	C		
Mini Self-Storage								P	P	P	P	P	P	P		

TYPE OF USE	R- 9,600 88	R- 8,400 88	R- 7,200 88	T	LD MR	M R	NB	PCB	CB 128	G C 128	IP 76	BP	LI 55, 76	HI 55	MH p114	UC 122
Mobile Home Park ³⁸					C	C			C	C					P	
Model Hobby Park ⁷⁵												A	A	A		
Model House/Sales Office	P	P	P	P	P	P										
Motocross Racetrack ¹²⁹										C 113	C 113	C 113	C 113	C 113		
Museum ⁴¹	C	C	C		C	C	C	P	P	P	P	P	P	P		P
Neighborhood Services					A, C ⁸⁶ , 138	A, C ⁸⁶ , 138	P	P	P ⁸⁶	P	P	P	P	P		P
Office and Banking							P	P	P	P	P	P	P	P		P
Park, Public ¹⁴	P	P	P		P	P	P	P	P	P	P	P	P	P		P
Park-and-Pool Lot	C	C	C	C	C	P	P	P	P	P	P	P	P	P		P
Park-and-Ride Lot	C	C	C	C	C	P	P	P	P	P	P	P	P	P		P
Personal Wireless Service Facilities ^{27, 41, 104, 106}	C	C	C	C	C	C	C	C	C	C	P	P	P	P	C	p ¹¹⁹
Printing Plant								P		P	P	P	P	P		p ¹²³
Race Track ^{24, 41, 129}										C	P	P	P	P		
Railroad Right-of-way	C	C	C	C	C	C	P	P	P	P	P	P	P	P		P
Recreational Facility Not Otherwise Listed	C	C	C		C	C	P	P	P	P	P	P	P	P		P
Recreational Vehicle Park									C	C					C	
Recycling Facility ¹³⁷										C	C		C	C		
Rendering of Fat, Tallow, or Lard ¹²⁹											P			P		
Restaurant							P	P	P	P	p ⁴⁹	p ⁴⁹	P	P		P
Retail, General						A 135	P	P	P	P		p ⁵³	P	P		P
Retirement Apartments				P	P	P	P	P	P	P					P	P
Retirement Housing				P	P	P	P	P	P	P					P	P

TYPE OF USE	R- 9,600 88	R- 8,400 88	R- 7,200 88	T	LD MR	M R	NB	PCB	CB 128	G C 128	IP 76	BP	LI 55, 76	HI 55	MH p114	UC 122
Sanitary Landfill ¹²⁹	C	C	C						C	C	C	C	C	C		
Schools																
K-12 & Preschool 41, 68, 129	C	C	C		C	C	C ¹³⁶		P	P	P	P	P	P		P
College ^{41, 68}	C	C	C		C	C	C ¹³⁶		P	P	P	P	P	P		P
Other ^{41, 68}					C	C	C ¹³⁶		P	P	P	P	P	P		P
Service Station ⁴¹							P	P	P ⁸⁶	P			P	P		P
Shooting Range ⁹²											P	P	P	P		
Sludge Utilization ³⁹	C ⁵⁶	C ⁵⁶	C ⁵⁶		C ⁵⁶	C ⁵⁶			C ⁵⁶	C ⁵⁶	C ⁵⁶		C ⁵⁶	P		
														C ₅₀		
Small Animal Husbandry ⁴¹	C37	C37	C37				P		P	P	P	P	P	P		
Small Workshop									P ⁸⁶	P	P	P	P	P		P
Stables	P	P	P		P	P	P	P	P	P	P	P	P	P		
Stockyard or Slaughter House ¹²⁹											P			P		
Storage, Retail Sales Livestock Feed									P	P			P	P		
Storage Structure, Accessory ⁶⁰																
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
2,401 – 4,000 sq ft on More than 3 Acres ^{41, 59}	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2,401 - 4,000 on Less than 3 acres 41, 59	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
4,001 sq ft and Greater ^{41, 59}	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Storage Structure, Non-accessory ⁶⁰																
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

TYPE OF USE	R- 9,600 88	R- 8,400 88	R- 7,200 88	T	LD MR	M R	NB	PCB	CB 128	G C 128	IP 76	BP	LI 55, 76	HI 55	MH p114	UC 122
2,401 sq ft and greater ^{41, 59}	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Studio ⁴¹	C ⁷⁷	C ⁷⁷	C ⁷⁷		C ⁷⁷	C ⁷⁷	P	P	P ⁸⁶	P	P	P	P	P		P
Supervised Drug Consumption Facility																
Swimming/Wading Pool ^{17, 41}	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Television/Radio Stations													P	P		
Temporary Dwelling During Construction	A	A	A	A	A	A	A	A	A	A						A
Temporary Dwelling For Relative ¹⁸	A	A	A	A	A	A	A	A	A	A						
Temporary Residential Sales Coach ⁷³	A	A	A													A
Transit Center	C	C	C	C	C	P	P	P	P	P	P	P	P	P		P
Ultralight Airpark ²⁰											P					
Utility Facilities, Electromagnetic Transmission & Receiving Facilities ^{27, 129}	C	C	C	C	C	C	C	P	P ⁸⁶	P	P	P	P	P		
Utility Facilities, Transmission Wires, Pipes & Supports ²⁷	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities-All Other Structures ^{27, 41}	C	C	C	C	C	C	C	P	P ⁸⁶	P	P	P	P	P	C	P
Vehicle, Vessel and Equipment Sales and Rental									P ²³	P			P	P		
Veterinary Clinic					C	C	P	P	P ⁸⁶	P	P	P	P	P		P
Warehouse										P	P	P	P	P		P ¹²³

TYPE OF USE	R- 9,600 88	R- 8,400 88	R- 7,200 88	T	LD MR	M R	NB	PCB	CB 128	G C 128	IP 76	BP	LI 55, 76	HI 55	MH P ¹¹⁴	UC 122
Wholesale Establishment								P	P ⁸⁶	P	P	P	P	P		P ¹²³
Woodwaste Recycling and Woodwaste Storage											A ⁶³		A ⁶³	A ⁶³		
All other uses not otherwise mentioned											P	P	P	P		

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Section 5. Snohomish County Code Section 30.22.130, last amended by Amended Ordinance No. 21-018 on June 9, 2021, is amended to read:

30.22.130 Reference notes for use matrices.

- (1) Airport, Stage 1 Utility.
 - (a) Not for commercial use and for use of small private planes;
 - (b) In the RU zone, they shall be primarily for the use of the resident property owner; and
 - (c) When the airport is included in an airpark, the disclosure requirements of SCC 30.28.005 shall apply.
- (2) Day Care Center.
 - (a) In WFB, R-7,200, R-8,400, R-9,600, R-12,500, R-20,000, and SA-1 zones, shall only be permitted in connection with and secondary to a school facility or place of worship; and
 - (b) Outdoor play areas shall be fenced or otherwise controlled, and noise buffering provided to protect adjoining residences.
- (3) Dock and Boathouse, Private, Non-commercial. The following standards apply outside of shoreline jurisdiction only. If located within shoreline jurisdiction, the standards in SCC 30.67.517 apply instead.
 - (a) The height of any covered over-water structure shall not exceed 12 feet as measured from the line of ordinary high water;
 - (b) The total roof area of covered, over-water structures shall not exceed 1,000 square feet;
 - (c) The entirety of such structures shall have a width no greater than 50 percent of the width of the lot at the natural shoreline upon which it is located;
 - (d) No over-water structure shall extend beyond the mean low water mark a distance greater than the average length of all preexisting over-water structures along the same shoreline within 300 feet of either side of the parcel on which the structure is proposed. Where no such preexisting structures exist within 300 feet, the pier length shall not exceed 50 feet;
 - (e) Structures permitted hereunder shall not be used as a dwelling, nor shall any boat moored at any wharf be used as a dwelling while so moored; and
 - (f) Covered structures are subject to a minimum setback of three feet from any side lot line or extension thereof. No side yard setback shall be required for uncovered structures. No rear yard setback shall be required for any structure permitted hereunder.

- 1 (4) Dwelling, Single-Family. In the MHP zone, single-family detached dwellings are limited to one per
2 existing single legal lot of record.
- 3 (5) See chapter 30.31E SCC for rezoning to Townhouse zone, and chapter 30.23A SCC for design
4 standards applicable to single-family attached dwelling, mixed townhouse, and townhouse development.
- 5 (6) Dwelling, Mobile Home.
- 6 (a) Shall be multi-sectioned by original design, with a width of 20 feet or greater along its entire
7 body length;
- 8 (b) Shall be constructed with a non-metallic type, pitched roof;
- 9 (c) Except where the base of the mobile home is flush to ground level, shall be installed either with:
10 (i) skirting material which is compatible with the siding of the mobile home; or
11 (ii) a perimeter masonry foundation;
- 12 (d) Shall have the wheels and tongue removed; and
- 13 (e) In the RU zone the above only applies if the permitted lot size is less than 20,000 square feet.
- 14 (7) RESERVED for future use.
- 15 (8) Family Day Care Home.
- 16 (a) No play yards or equipment shall be located in any required setback from a street; and
17 (b) Outdoor play areas shall be fenced or otherwise controlled.
- 18 (9) Farm Stand.
- 19 (a) There shall be only one stand on each lot; and
20 (b) At least 50 percent by farm product unit of the products sold shall be grown, raised or harvested
21 in Snohomish County, and 75 percent by farm product unit of the products sold shall be grown,
22 raised or harvested in the state of Washington.
- 23 (10) Farm Worker Dwelling.
- 24 (a) At least one person residing in each farm worker dwelling shall be employed full time in the farm
25 operation;
- 26 (b) An applicant for a building permit for a farm worker dwelling shall provide a declaration of farm
27 worker occupancy on a form available from the department to the department for review and
28 approval. The applicant shall record the declaration with the county auditor and provide a copy of
29 the recorded declaration to the department prior to issuance of the building permit for the farm
30 worker dwelling. Within 30 days of a sale or transfer of the property, the new property owner(s)
31 shall record a declaration of farm worker occupancy with the county auditor and provide the
32 department with a copy of the recorded declaration;
- 33 (c) The number of farm worker dwellings shall be limited to one per each 20 acres under single
34 contiguous ownership to a maximum of six total farm worker dwellings, with no rounding
35 provisions applied. Construction of the maximum number of farm worker dwellings permitted
36 shall be interpreted as exhausting all farm worker dwelling potential of the land until such time as
37 the property is legally subdivided; and
- 38 (d) All farm worker dwellings must be built within a farm building cluster which includes a
39 farmhouse; and
- 40 (e) The floor area for an attached or detached farm worker dwelling, exclusive of garages and
41 porches, shall be a maximum of 1,200 square feet.
- 42 (11) Home Occupation. See SCC 30.28.050.
- 43 (12) Kennel, Commercial. There shall be a five-acre minimum lot area; except in the R-5 and RD zones,
44 where 200,000 square feet shall be the minimum lot area.
- 45 (13) Kennel, Private-breeding, and Kennel, Private Non-breeding. Where the animals comprising the
46 kennel are housed within the dwelling, the yard or some portion thereof shall be fenced and maintained in

- 1 good repair or to contain or to confine the animals upon the property and restrict the entrance of other
2 animals.
- 3 (14) Parks, Publicly-owned and Operated.
- 4 (a) No bleachers are permitted if the site is less than five acres in size;
- 5 (b) All lighting shall be shielded to protect adjacent properties; and
- 6 (c) No amusement devices for hire are permitted.
- 7 (15) Boarding House. There shall be accommodations for no more than two persons.
- 8 (16) RESERVED for future use (Social Service Center – DELETED by Amended Ord. 04-010 effective
9 March 15, 2004)
- 10 (17) Swimming/Wading Pool (not to include hot tubs and spas): For the sole use of occupants and guests.
- 11 (a) No part of the pool shall project more than one foot above the adjoining ground level in a
12 required setback; and
- 13 (b) The pool shall be enclosed with a fence not less than four feet high, of sufficient design and
14 strength to keep out children.
- 15 (18) Temporary Dwelling for a Relative.
- 16 (a) The dwelling shall be occupied only by a relative, by blood or marriage, of the occupant(s) of the
17 permanent dwelling;
- 18 (b) The relative must receive from, or administer to, the occupant of the other dwelling continuous
19 care and assistance necessitated by advanced age or infirmity;
- 20 (c) The need for such continuous care and assistance shall be attested to in writing by a licensed
21 physician;
- 22 (d) The temporary dwelling shall be occupied by not more than two persons;
- 23 (e) Use as a commercial rental unit shall be prohibited;
- 24 (f) The temporary dwelling shall be situated not less than 20 feet from the permanent dwelling on the
25 same lot and shall not be located in any required yard of the principal dwelling;
- 26 (g) A land use permit binder shall be executed by the landowner, recorded with the Snohomish
27 County auditor and a copy of the recorded document submitted to the department for inclusion in
28 the permit file;
- 29 (h) Adequate screening, landscaping, or other measures shall be provided pursuant to SCC 30.25.028
30 to protect surrounding property values and ensure compatibility with the immediate
31 neighborhood;
- 32 (i) An annual renewal of the temporary dwelling permit, together with recertification of need, shall
33 be accomplished by the applicant through the department in the same month of each year in
34 which the initial mobile home/building permit was issued;
- 35 (j) An agreement to terminate such temporary use at such time as the need no longer exists shall be
36 executed by the applicant and recorded with the Snohomish County auditor; and
- 37 (k) Only one temporary dwelling may be established on a lot. The temporary dwelling shall not be
38 located on a lot on which a detached accessory dwelling unit is located.
- 39 (19) Recreational Vehicle.
- 40 (a) There shall be no more than one per lot;
- 41 (b) Shall not be placed on a single site for more than 180 days in any 12-month period; and
- 42 (c) Shall be limited in the floodways to day use only (dawn to dusk) during the flood season (October
43 1st through March 30th) with the following exceptions:
- 44 (i) Recreational vehicle use associated with a legally occupied dwelling to accommodate
45 overnight guests for no more than a 21-day period;

- 1 (ii) Temporary overnight use by farm workers on the farm where they are employed subject
2 to subsections (19)(a) and (19)(b) of this section; and
3 (iii) Subject to subsections (19)(a) and (19)(b) of this section and SCC 30.65.120(7),
4 temporary overnight use in a mobile home park, which has been in existence
5 continuously since 1970 or before, that provides septic or sewer service, water and other
6 utilities, and that has an RV flood evacuation plan that has been approved and is on file
7 with the department of emergency management and department of planning and
8 development services.
- 9 (20) Ultralight Airpark.
- 10 (a) Applicant shall submit a plan for the ultralight airpark showing the location of all buildings,
11 ground circulation, and parking areas, common flight patterns, and arrival and departure routes;
12 (b) Applicant shall describe in writing the types of activities, events, and flight operations which are
13 expected to occur at the airpark; and
14 (c) Approval shall be dependent upon a determination by the county decision maker that all potential
15 impacts such as noise, safety hazards, sanitation, traffic, and parking are compatible with the site
16 and neighboring land uses, particularly those involving residential uses or livestock or small
17 animal husbandry; and further that the proposed use can comply with Federal Aviation
18 Administration regulations (FAR Part 103), which state that ultralight vehicle operations will not:
19 (i) create a hazard for other persons or property;
20 (ii) occur between sunset and sunrise;
21 (iii) occur over any substantially developed area of a city, town, or settlement, particularly
22 over residential areas or over any open air assembly of people; or
23 (iv) occur in an airport traffic area, control zone, terminal control area, or positive control
24 area without prior authorization of the airport manager with jurisdiction.
- 25 (21) RESERVED for future use.
- 26 (22) General Retail. In the FS zone, there shall be a 5,000-square foot floor area limitation.
- 27 (23) Vehicle, Vessel and Equipment Sales and Rental. In the CB and CRC zone, all display, storage, and
28 sales activities shall be conducted within a structure enclosed by walls on at least two sides.
- 29 (24) Race Track. The track shall be operated in such a manner so as not to cause offense by reason of
30 noise or vibration beyond the boundaries of the subject property.
- 31 (25) Rural Industry.
- 32 (a) The number of employees shall not exceed 10;
33 (b) All operations shall be carried out in a manner so as to avoid the emission or creation of smoke,
34 dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water
35 pollution, or other emissions which are unduly or unreasonably offensive or injurious to
36 properties, residents, or improvements in the vicinity;
37 (c) The owner of the rural industry must reside on the same premises as the rural industry and, in the
38 RD zone, the residence shall be considered as a caretaker's quarters; and
39 (d) Outside storage, loading or employee parking in the RD zone shall provide 15-foot wide Type A
40 landscaping as defined in SCC 30.25.017.
- 41 (26) See SCC 30.31F.110 for performance standards specific to the Rural Business zone.
- 42 (27) Government Structures and Facilities, Utility Structures and Facilities, and Personal Wireless
43 Service Facilities. Special lot area requirements for these uses are contained in SCC 30.23.200.
- 44 (28) Excavation and Processing of Minerals.

- 1 (a) This use, as described in SCC 30.31D.010(2), is allowed in the identified zones only where these
2 zones coincide with the mineral lands designation in the comprehensive plan (mineral resource
3 overlay or MRO), except for the MC zone where mineral lands designation is not required.
- 4 (b) An Administrative Conditional Use Permit or a Conditional Use Permit is required pursuant to
5 SCC 30.31D.030.
- 6 (c) Excavation and processing of minerals exclusively in conjunction with forest practices regulated
7 pursuant to chapter 76.09 RCW is permitted outright in the Forestry zone.
- 8 (29) Medical Clinic, Licensed Practitioner. A prescription pharmacy may be permitted when located
9 within the main building containing licensed practitioner(s).
- 10 (30) Forest Industry Storage & Maintenance Facility (except harvesting) adjacent to property lines in the
11 RU zone shall provide 15-foot wide Type A landscaping as defined in SCC 30.25.017.
- 12 (31) Boat Launch Facilities, Commercial or Non-commercial.
- 13 (a) The hearing examiner may regulate, among other factors, required launching depth, lengths of
14 existing docks and piers;
- 15 (b) Off-street parking shall be provided in an amount suitable to the expected usage of the facility.
16 When used by the general public, the guideline should be 32 to 40 spaces capable of
17 accommodating both a car and boat trailer for each ramp lane of boat access to the water;
- 18 (c) A level vehicle-maneuvering space measuring at least 50 feet square shall be provided;
- 19 (d) Pedestrian access to the water separate from the boat launching lane or lanes may be required
20 where it is deemed necessary in the interest of public safety;
- 21 (e) Safety buoys shall be installed and maintained separating boating activities from other water-
22 oriented recreation and uses where this is reasonably required for public safety, welfare, and
23 health; and
- 24 (f) All site improvements for boat launch facilities shall comply with all other requirements of the
25 zone in which it is located.
- 26 (32) Campground.
- 27 (a) The maximum overall density shall be seven camp or tent sites per acre in Forestry and
28 Recreation (F&R) zoning and two camp or tent sites per acre in Forestry (F) zoning;
- 29 (b) The minimum site size shall be 10 acres; and
- 30 (c) Campgrounds in Forestry (F) zoning may not provide utility hookups (e.g. water, electric,
31 sewage) to individual campsites; such hookups are allowed in campgrounds with Forestry and
32 Recreation (F&R) zoning.
- 33 (33) Commercial Vehicle Home Basing.
- 34 (a) The vehicles may be parked and maintained only on the property wherein resides a person who
35 uses them in their business;
- 36 (b) Two or more vehicles may be so based; and
- 37 (c) The vehicles shall be in operable condition.
- 38 (34) Distillation of Alcohol.
- 39 (a) The distillation shall be from plant products, for the purpose of sale as fuel, and for the
40 production of methane from animal waste produced on the premises;
- 41 (b) Such distillation shall be only one of several products of normal agricultural activities occurring
42 on the premises; and
- 43 (c) By-products created in this process shall be used for fuel or fertilizer on the premises.
- 44 (35) RESERVED for future use (Group Care Facility – DELETED by Amended Ord. 04-010 effective
45 March 15, 2004)

- 1 (36) Churches are exempt from the Rural Business zone performance standards in SCC 30.31F.110(1)
2 and (2).
- 3 (37) Small Animal Husbandry. There shall be a five-acre minimum site size.
- 4 (38) Mobile Home Park. Such development must fulfill the requirements of chapter 30.42E SCC.
- 5 (39) Sludge Utilization. See SCC 30.28.085.
- 6 (40) Homestead Parcel. See SCC 30.28.055.
- 7 (41) Special Setback Requirements for this use are contained in SCC 30.23.110(26) or SCC 30.67.595 if
8 within shoreline jurisdiction.
- 9 (42) In the R-12,500 and WFB zones, the minimum lot size for duplexes shall be one and one-half times
10 the minimum lot size for single-family dwellings.
- 11 (43) Petroleum Products and Gas, Bulk Storage.
- 12 (a) All above ground storage tanks shall be set back from all property lines in accordance with
13 requirements in the International Fire Code (IFC); and
- 14 (b) Storage tanks below ground shall be set back no closer to the property line than a distance equal
15 to the greatest dimensions (diameter, length or height) of the buried tank.
- 16 (44) Auto Wrecking Yards and Junkyards. A sight-obscuring fence a minimum of seven feet high shall
17 be established and maintained to the interior side of the required perimeter landscaping area in the LI and
18 RI zones. For perimeter landscaping requirements for this use in all zones, see SCC 30.25.020.
- 19 (45) Antique Shops. When established as a home occupation as regulated by SCC 30.28.050(1); provided
20 further that all merchandise sold or offered for sale shall be predominantly "antique" and antique-related
21 objects.
- 22 (46) Billboards. See SCC 30.27.080 for specific requirements.
- 23 (47) RESERVED for future use.
- 24 (48) Stockyard and Livestock Auction Facility. The minimum lot size is 10 acres.
- 25 (49) Restaurants and Personal Service Shops. Located to service principally the constructed industrial
26 park uses.
- 27 (50) Sludge Utilization. A conditional use permit is required for manufacture of materials by a non-
28 governmental agency containing stabilized or digested sludge for a public utilization.
- 29 (51) (~~RESERVED for future use~~) See SCC 30.31A.140.
- 30 (52) RESERVED for future use.
- 31 (53) Retail Store. See SCC 30.31A.120 for specific requirements for retail stores in the BP zone.
- 32 (54) Retail Sales of Hay, Grain, and Other Livestock Feed are permitted on site in conjunction with a
33 livestock auction facility.
- 34 (55) Noise of Machines and Operations in the LI and HI zones shall comply with chapter 10.01 SCC and
35 machines and operations shall be muffled so as not to become objectionable due to intermittence, beat
36 frequency, or shrillness.
- 37 (56) Sludge Utilization. Only at a completed sanitary landfill or on a completed cell within a sanitary
38 landfill, subject to the provision of SCC 30.28.085.
- 39 (57) Woodwaste Recycling and Woodwaste Storage Facility. See SCC 30.28.095.
- 40 (58) Bed and Breakfast Guesthouses and Bed and Breakfast Inns. See SCC 30.28.020.
- 41 (59) Detached Accessory or Non-Accessory Private Garages and Storage Structures. Subject to the
42 following requirements:
- 43 (a) Special setback requirements for these uses are contained in SCC 30.23.110(20);
- 44 (b) Artificial lighting shall be hooded or shaded so that direct outside lighting, if any, will not result
45 in glare when viewed from the surrounding property or rights-of-way;
- 46 (c) The following compatibility standards shall apply:

- 1 (i) proposals for development in existing neighborhoods with a well-defined character
2 should be compatible with or complement the highest quality features, architectural
3 character and siting pattern of neighboring buildings. Where there is no discernable
4 pattern, the buildings shall complement the neighborhood. Development of detached
5 private garages and storage structures shall not interrupt the streetscape or dwarf the
6 scale of existing buildings of existing neighborhoods. Applicants may refer to the
7 Residential Development Handbook for Snohomish County Communities to review
8 techniques recommended to achieve neighborhood compatibility;
- 9 (ii) building plans for all proposals larger than 2,400 square feet in the Waterfront Beach,
10 R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural cluster subdivisions shall
11 document the use of building materials compatible and consistent with existing on-site
12 residential development exterior finishes;
- 13 (iii) in the Waterfront Beach, R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural
14 cluster subdivisions, no portion of a detached accessory private garage or storage
15 structure shall extend beyond the building front of the existing single-family dwelling,
16 unless screening, landscaping, or other measures are provided to ensure compatibility
17 with adjacent properties; and
- 18 (iv) in the Waterfront Beach, R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural
19 cluster subdivisions, no portion of a detached non-accessory private garage or storage
20 structure shall extend beyond the building front of existing single-family dwellings on
21 adjacent lots where the adjacent dwellings are located within 10 feet of the subject
22 property line. When a detached non-accessory private garage or storage structure is
23 proposed, the location of existing dwellings on adjacent properties located within 10
24 feet of the subject site property lines shall be shown on the site plan;
- 25 (d) All detached accessory or non-accessory private garages and storage structures proposed with
26 building footprints larger than 2,400 square feet shall provide screening or landscaping from
27 adjacent properties pursuant to chapter 30.25 SCC;
- 28 (e) On lots less than 10 acres in size having no established residential use, only one non-accessory
29 private garage and one storage structure shall be allowed. On lots 10 acres or larger without a
30 residence where the cumulative square footage of all existing and proposed non-accessory private
31 garages and storage structures is 6,000 square feet or larger, a conditional use permit shall be
32 required.
- 33 (f) Where permitted, separation between multiple private garages or storage structures shall be
34 regulated pursuant to subtitle 30.5 SCC.
- 35 (60) The cumulative square footage of all detached accessory and non-accessory private garages and
36 storage structures shall not exceed 6,000 square feet on any lot less than five acres, except this provision
37 shall not apply in the LDMR, MR, T, NB, GC, PCB, CB, FS, BP, IP, LI, HI, RB, RFS, CRC and RI
38 zones.
- 39 (61) Museums. Museums within the agriculture A-10 zone are permitted only in structures which were
40 legally existing on October 31, 1991.
- 41 (62) Accessory Dwelling Units. See SCC 30.28.010.
- 42 (63) Temporary Woodwaste Recycling and Temporary Woodwaste Storage Facilities. See SCC
43 30.28.090.
- 44 (64) RESERVED for future use.
- 45 (65) On-Site Hazardous Waste Treatment and Storage Facilities. Allowed only as an incidental use to
46 any use generating hazardous waste which is otherwise allowed; provided that such facilities demonstrate

- 1 compliance with the state siting criteria for dangerous waste management facilities pursuant to RCW
2 70.105.210 and WAC 173-303-282, as now written or hereafter amended.
- 3 (66) An application for a conditional use permit to allow an off-site hazardous waste treatment and
4 storage facility shall demonstrate compliance with the state siting criteria for dangerous waste
5 management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter
6 amended.
- 7 (67) Adult Entertainment Uses. See SCC 30.28.015.
- 8 (68) Special Building Height provisions for this use are contained in SCC 30.23.050(2)(d).
- 9 (69) RESERVED for future use.
- 10 (70) Equestrian Centers. Allowed with a conditional use permit on all lands zoned A-10 except in that
11 portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated
12 density fringe as described in chapter 30.65 SCC.
- 13 (71) Mini-Equestrian Centers are allowed as a permitted use on all lands zoned A-10 except in that
14 portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated
15 density fringe as described in chapter 30.65 SCC.
- 16 (72) Equestrian Centers and Mini-equestrian Centers require the following:
- 17 (a) Five-acre minimum site size for a mini-equestrian center;
- 18 (b) Covered riding arenas shall not exceed 15,000 square feet for a mini-equestrian center; provided
19 that stabling areas, whether attached or detached, shall not be included in this calculation;
- 20 (c) Any lighting of an outdoor or covered arena shall be shielded so as not to glare on surrounding
21 properties or rights-of-way;
- 22 (d) On sites located in RC and R-5 zones, Type A landscaping as defined in SCC 30.25.017 is required to
23 screen any outside storage, including animal waste storage, and parking areas from adjacent properties;
- 24 (e) Riding lessons, rentals, or shows shall only occur between 8:00 a.m. and 9:00 p.m.;
- 25 (f) Outside storage, including animal waste storage, and parking areas shall be set back at least 30 feet
26 from any adjacent property line. All structures shall be set back as required in SCC 30.23.110(8); and
- 27 (g) The facility shall comply with all applicable county building, health, and fire code requirements.
- 28 (73) Temporary Residential Sales Coach (TRSC).
- 29 (a) The commercial coach shall be installed in accordance with all applicable provisions within
30 chapter 30.54A SCC;
- 31 (b) The TRSC shall be set back a minimum of 20 feet from all existing and proposed road rights-of-
32 way and five feet from proposed and existing property lines;
- 33 (c) Vehicular access to the temporary residential sales coach shall be approved by the county or state;
34 and
- 35 (d) Temporary residential sales coaches may be permitted in approved preliminary plats, prior to
36 final plat approval, when the following additional conditions have been met:
- 37 (i) plat construction plans have been approved;
- 38 (ii) the fire marshal has approved the TRSC proposal;
- 39 (iii) proposed lot lines for the subject lot are marked on site; and
- 40 (iv) the site has been inspected for TRSC installation to verify compliance with all
41 applicable regulations and plat conditions, and to assure that land disturbing activity,
42 drainage, utilities infrastructure, and native growth protection areas are not adversely
43 affected.
- 44 (74) Golf Course and Driving Range. In the A-10 zone, artificial lighting of the golf course or driving
45 range shall not be allowed. Land disturbing activity shall be limited in order to preserve prime farmland.
46 At least 75 percent of prime farmland on site shall remain undisturbed.

- 1 (75) Model Hobby Park. SCC 30.28.060.
- 2 (76) Commercial Retail Uses. Not allowed in the Light Industrial and Industrial Park zones when said
3 zones are located in the Maltby UGA of the comprehensive plan, and where such properties are, or can be
4 served by railway spur lines.
- 5 (77) Studio. Studio uses may require the imposition of special conditions to ensure compatibility with
6 adjacent residential, multiple family, or rural-zoned properties. The hearing examiner may impose such
7 conditions when deemed necessary pursuant to the provisions of chapter 30.42C SCC. The following
8 criteria are provided for hearing examiner consideration when specific circumstances necessitate the
9 imposition of conditions:
- 10 (a) The number of nonresident artists and professionals permitted to use a studio at the same time
11 may be limited to no more than 10 for any lot 200,000 square feet or larger in size, and limited to
12 five for any lot less than 200,000 square feet in size;
- 13 (b) The hours of facility operation may be limited; and
- 14 (c) Landscape buffers may be required to visually screen facility structures or outdoor storage areas
15 when the structures or outdoor storage areas are proposed within 100 feet of adjacent residential,
16 multiple family, and rural-zoned properties. The buffer shall be an effective site obscuring screen
17 consistent with Type A landscaping as defined in SCC 30.25.017.
- 18 (78) RESERVED for future use.
- 19 (79) The gross floor area of the use shall not exceed 2,000 square feet.
- 20 (80) The gross floor area of the use shall not exceed 4,000 square feet.
- 21 (81) The construction contracting use in the Rural Business zone shall be subject to the following
22 requirements:
- 23 (a) The use complies with all of the performance standards required by SCC 30.31F.100 and
24 30.31F.110;
- 25 (b) Not more than 1,000 square feet of outdoor storage of materials shall be allowed and shall be
26 screened in accordance with SCC 30.25.024;
- 27 (c) In addition to the provisions of subsection (81)(b) of this section, not more than five commercial
28 vehicles or construction machines shall be stored outdoors and shall be screened in accordance
29 with SCC 30.25.020 and 30.25.032;
- 30 (d) The on-site fueling of vehicles shall be prohibited; and
- 31 (e) The storage of inoperable vehicles and hazardous or earth materials shall be prohibited.
- 32 (82) Manufacturing, Heavy includes the following uses. Distillation of wood, coal, bones, or the
33 manufacture of their by-products; explosives manufacturing; manufacture of fertilizer; extraction of
34 animal or fish fat or oil; forge, foundry, blast furnace or melting of ore; manufacturing of acid, animal
35 black/black bone, cement or lime, chlorine, creosote, fertilizer, glue or gelatin, potash, pulp; rendering of
36 fat, tallow and lard, rolling or booming mills; tannery; or tar distillation and manufacturing. See SCC
37 30.91M.028.
- 38 (83) "All other forms of manufacture not specifically listed" is a category which uses manufacturing
39 workers, as described under the Dictionary of Occupational Titles, published by the U.S. Department of
40 Labor, to produce, assemble or create products and which the director finds consistent with generally
41 accepted practices and performance standards for the industrial zone where the use is proposed. See SCC
42 30.91M.024 and 30.91M.026.
- 43 (84) RESERVED for future use.
- 44 (85) A single-family dwelling may have only one guesthouse.
- 45 (86) Outdoor display or storage of goods and products is prohibited on site.
- 46 (87) Wedding Facility.

- 1 (a) A wedding facility is permitted only:
- 2 (i) on vacant and undeveloped land;
- 3 (ii) on developed land, but entirely outside of any permanent structure;
- 4 (iii) partially outside of permanent structures and partially inside of one or more permanent
- 5 structures which were legally existing no less than eight years prior to the date of the
- 6 submittal of a permit application for the wedding facility; or
- 7 (iv) entirely inside of one or more permanent structures which were legally existing no less
- 8 than eight years prior to the date of the submittal of a permit application for the
- 9 wedding facility;
- 10 (b) A wedding facility, including any structures and adjacent outdoor space used in conjunction with
- 11 the wedding facility business, shall comply with the following:
- 12 (i) noise control provisions of chapter 10.01 SCC;
- 13 (ii) adequate vehicular sight distance and safe turning movements exist at the access to the
- 14 site consistent with county engineering design and development standards (EDDS);
- 15 (iii) adequate sanitation facilities are provided on site pursuant to chapter 30.50 SCC and
- 16 applicable Snohomish Health District provisions;
- 17 (iv) adequate on-site parking shall be provided for the use pursuant to SCC 30.26.035; and
- 18 (v) all other applicable regulations in Title 30 SCC including, but not limited to, flood
- 19 hazard regulations in hazard regulations in 30.65 SCC;
- 20 (c) A certificate of occupancy shall be obtained pursuant to chapter 30.52A SCC for the use of any
- 21 existing structure. The certificate of occupancy shall be subject to an annual inspection and
- 22 renewal pursuant to SCC 30.53A.361 to ensure building and fire code compliance.
- 23 (88) Public/Institutional Use Designation (P/IU). When applied to land that is (a) included in an Urban
- 24 Growth Area and (b) designated P/IU on the Snohomish County Future Land Use Map concurrent with or
- 25 prior to its inclusion in a UGA, the R-7,200, R-8,400 and R-9,600 zones shall allow only the following
- 26 permitted or conditional uses: churches, and school instructional facilities. All other uses are prohibited
- 27 within areas that meet criteria (a) and (b), unless the P/IU designation is changed.
- 28 (89) Hotel/Motel Uses. Permitted in the Light Industrial zone when the following criteria are met:
- 29 (a) The Light Industrial zone is located within a municipal airport boundary;
- 30 (b) The municipal airport boundary includes no less than 1,000 acres of land zoned light industrial;
- 31 and
- 32 (c) The hotel/motel use is served by both public water and sewer.
- 33 (90) Health and Social Service Facilities regulated under this title do not include secure community
- 34 transition facilities (SCTFs) proposed pursuant to chapter 71.09 RCW. See SCC 30.91H.095.
- 35 (a) Snohomish County is preempted from regulation of SCTFs. In accordance with the requirements
- 36 of state law the county shall take all reasonable steps permitted by chapter 71.09 RCW to ensure
- 37 that SCTFs comply with applicable siting criteria of state law. Every effort shall be made by the
- 38 county through the available state procedures to ensure strict compliance with all relevant public
- 39 safety concerns, such as emergency response time, minimum distances to be maintained by the
- 40 SCTF from "risk potential" locations, electronic monitoring of individual residents, household
- 41 security measures and program staffing.
- 42 (b) Nothing herein shall be interpreted as to prohibit or otherwise limit the county from evaluating,
- 43 commenting on, or proposing public safety measures to the state of Washington in response to a
- 44 proposed siting of a SCTF in Snohomish County.

- 1 (c) Nothing herein shall be interpreted to require or authorize the siting of more beds or facilities in
2 Snohomish County than the county is otherwise required to site for its SCTFs pursuant to the
3 requirements of state law.
- 4 (91) Level II Health and Social Service Uses. Allowed outside the UGA only when the use is not served
5 by public sewer.
- 6 (92) The area of the shooting range devoted to retail sales of guns, bows, and related equipment shall not
7 exceed one-third of the gross floor area of the shooting range and shall be located within a building or
8 structure.
- 9 (93) Farmers Market. See SCC 30.28.036.
- 10 (94) Farm Product Processing and Farm Support Business. See SCC 30.28.038.
- 11 (95) Farmland Enterprise. See SCC 30.28.037.
- 12 (96) Public Events/Assemblies on Farmland. Such event or assembly shall:
- 13 (a) Comply with the requirements of SCC 30.53A.800; and
- 14 (b) Not exceed two events per year. No event shall exceed two weeks in duration.
- 15 (97) Bakery, Farm. The gross floor area of the use shall not exceed 1,000 square feet.
- 16 (98) Recreational Facility Not Otherwise Listed in A-10 zone, Forestry (F), or Forestry and Recreation
17 (F&R) zones. See SCC 30.28.076.
- 18 (99) Farm Stand. See SCC 30.28.039.
- 19 (100) Farm Stand. Allowed as a Permitted Use (P) when sited on land designated riverway commercial
20 farmland, upland commercial farmland or local commercial farmland in the comprehensive plan. Allowed
21 as an Administrative Conditional Use (A) when sited on land not designated riverway commercial
22 farmland, upland commercial farmland or local commercial farmland in the comprehensive plan.
- 23 (101) Farmers Market. Allowed as a Permitted Use (P) when sited on land designated riverway
24 commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive
25 plan. Allowed as an Administrative Conditional Use (A) when sited on land not designated riverway
26 commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive
27 plan.
- 28 (102) Community Facilities for Juveniles in R-5 zones must be located within one mile of an active
29 public transportation route at the time of permitting.
- 30 (103) All community facilities for juveniles shall meet the performance standards set forth in SCC
31 30.28.025.
- 32 (104) Personal wireless service facilities are subject to development standards in chapter 30.28A SCC,
33 parking standards in SCC 30.26.030, setback requirements in SCC 30.23.110(26) or SCC 30.67.595 if
34 within shoreline jurisdiction, and landscaping standards in chapter 30.25 SCC.
- 35 (105) RESERVED for future use.
- 36 (106) See SCC 30.28A.050(2) for instances when a personal wireless service facility does not require a
37 conditional use permit.
- 38 (107) Agricultural Composting Requirements.
- 39 (a) On-farm site agricultural composting operations that comply with the requirements established in
40 this section are allowed in the A-10 zone. These composting facilities and operations shall be
41 constructed and operated in compliance with all applicable federal, state and local laws, statutes,
42 rules and regulations. The Nutrient Management Plan portion of the farm's Snohomish
43 Conservation District Farm Plan or any other established nutrient management plan must be on
44 file with the department when any application for a land use permit or approval is submitted to
45 the department for the development of an agricultural composting facility. Farm site agricultural
46 composting operations shall also comply with the following criteria:

- 1 (i) The composting operation shall be limited to 10 percent of the total farm site area;
2 (ii) At least 50 percent of the composted materials shall be agricultural waste;
3 (iii) At least 10 percent of the agricultural wastes must be generated on the farm site;
4 (iv) A maximum of 500 cubic yards of unsuitable incidental materials accumulated in the
5 agricultural waste such as rock, asphalt, or concrete over three inches in size may be
6 stored at the farm composting facility until its proper removal. All incidental materials
7 must be removed from the site yearly; and
8 (v) A minimum of 10 percent of the total volume of the finished compost produced
9 annually shall be spread on the farm site annually.
- 10 (b) In all other zones except A-10 where agriculture is a permitted use, incidental agricultural
11 composting of agricultural waste generated on a farm site is permitted. The agricultural
12 composting facility shall be constructed and operated in compliance with all applicable federal,
13 state and local laws, statutes, rules and regulations. The Nutrient Management Plan portion of the
14 farm's Snohomish Conservation District Farm Plan or any other established nutrient management
15 plan must be on file with the department when any permit application is submitted to the
16 department for the development of an agricultural composting facility.
- 17 (108) RESERVED for future use. (Urban Center Demonstration Program projects – DELETED by Ord.
18 09-079)
- 19 (109) Privately operated off-road vehicle (ORV) use areas shall be allowed by conditional use permit on
20 Forestry and Recreation (F&R) zoned property designated Forest on the comprehensive plan future land
21 use map. These areas shall be identified by an F&R ORV suffix on the zoning map. Privately operated
22 ORV use areas are regulated pursuant to SCC 30.28.080 and 30.28.086 and other applicable county
23 codes.
- 24 (110) RESERVED for future use.
- 25 (111) RESERVED for future use.
- 26 (112) RESERVED for future use. (Transfer of Development Rights receiving area overlay – DELETED
27 by Amended Ord. 13-064)
- 28 (113) Privately Operated Motocross Racetracks. Allowed by conditional use permit, and are regulated
29 pursuant to SCC 30.28.100 and 30.28.105, and other applicable county codes. Motocross racetracks are
30 allowed in the Forestry and Recreation (F&R) zone only on commercial forest lands.
- 31 (114) New AM Radio Towers are prohibited. AM radio towers either constructed before October 13,
32 2010, or with complete applications for all permits and approvals required for construction before
33 October 13, 2010, shall not be considered nonconforming uses and they may be repaired, replaced, and
34 reconfigured as to the number and dimensions of towers so long as the repair, replacement, or
35 reconfiguration occurs on the parcel where the tower was originally constructed or permitted and it does
36 not increase the number of AM radio towers constructed on the parcel.
- 37 (115) This use is prohibited in the R-5 zone with the Mineral Resource Overlay (MRO). Public park is a
38 permitted use on reclaimed portions of mineral excavation sites with the MRO.
- 39 (116) See cottage housing design standard requirements in chapter 30.41G SCC.
- 40 (117) RESERVED for future use.
- 41 (118) RESERVED for future use.
- 42 (119) Only building mounted personal wireless service facilities or personal wireless service facilities
43 located on utility poles, streetlight poles, or traffic signal poles as specified in SCC 30.28A.055 shall be
44 permitted.
- 45 (120) Allowed as a conditional use only with a Park-and-Pool Lot or a Park-and-Ride Lot.

- 1 (121) Permitted as an incidental use with a permitted use, conditional use or administrative conditional
2 use.
- 3 (122) Products or merchandise offered for sale or storage by a business may be located outdoors;
4 provided, that:
- 5 (a) The area occupied by the display shall not exceed 500 square feet; and
 - 6 (b) Public sidewalks shall not be enclosed as space for sales or storage by fencing or other means that
7 effectively limits public use of the sidewalk.
- 8 (123) Such uses, except those as provided for in SCC 30.34A.010(4)(d), are permitted only in structures
9 which are legally existing on May 29, 2010. Such uses, except those as provided for in SCC
10 30.34A.010(4)(d), shall also comply with subsection (122) of this section.
- 11 (124) The minimum lot size for marijuana related facilities is 100,000 square feet. Marijuana production
12 and marijuana processing are allowed indoors and outdoors, including in greenhouses and other structures
13 pursuant to chapter 314-55 WAC. In the A-10 zone, marijuana uses shall be subject to the same
14 regulations that apply to agricultural uses and not subject to any more restrictive regulations except as
15 specifically provided in this title and in state law. Marijuana processing is only allowed when there is a
16 marijuana production facility on site. Marijuana facilities are subject to special setbacks pursuant to SCC
17 30.23.110(28).
- 18 (125) Marijuana production and processing is permitted indoors only; no outdoor production or
19 processing is allowed.
- 20 (126) RESERVED for future use.
- 21 (127) Campgrounds and recreational facilities not otherwise listed are not allowed on land designated
22 Local Forest in the comprehensive plan.
- 23 (128) Development applications for all non-tribally owned, fee-simple properties designated Reservation
24 Commercial on the Snohomish County Future Land Use Map must include an archaeology site report
25 pursuant to SCC 30.32D.200(3)(b) or relocate the project to avoid impacts to any archaeological
26 resources.
- 27 (129) Development within an airport compatibility area is subject to the requirements of chapter 30.32E
28 SCC.
- 29 (130) On land designated as riverway commercial farmland, upland commercial farmland or local
30 commercial farmland or land zoned A-10 the following additional requirements apply:
31
- 32 (a) the applicant must demonstrate that the use is incidental to the primary use of the site for
33 agricultural purposes and supports, promotes or sustains agricultural operations and production;
 - 34 (b) the use must be located, designed, and operated so as to not interfere with, and to support the
35 continuation of, the overall agricultural use of the property and neighboring properties;
 - 36 (c) the use and all activities and structures related to the use must be consistent with the size, scale,
37 and intensity of the existing agricultural use of the property and the existing buildings on the site;
 - 38 (d) the use and all activities and structures related to the use must be located within the general area
39 of the property that is already developed for buildings and residential uses;
 - 40 (e) where the property is less than 10 acres in size, the use and all structures and activities related to
41 the use shall not convert more than 10 percent of agricultural land to nonagricultural uses;
 - 42 (f) where the property is 10 acres in size or more, the use and all structures and activities related to
43 the use shall not convert more than one acre of agricultural land to nonagricultural uses; and
 - 44 (g) any land disturbing activity required to support the use shall be limited to preserve prime
45 farmland.

1 The provisions of subsections (130)(a) through (130)(f) of this section do not apply to any land under
2 ownership or acquired before May 24, 2015, by any local, county, regional, or state agency for recreation,
3 public park and/or trail purposes. Any new development, alterations or reconstruction on these properties
4 shall meet subsection (130)(g) of this section and the requirements of the A-10 zone. All buildings and
5 parking areas shall be set back a minimum of 50 feet from the property boundaries. If the park or trail use
6 produces adverse conditions that will unduly affect an adjacent agricultural use, the director may impose a
7 larger setback to alleviate the effects of such adverse conditions, which include but are not limited to
8 noise, vibration, dust, and light.

9 (131) Marijuana-related facilities are prohibited within the exterior boundaries of the Tulalip Indian
10 Reservation.

11 (132) Marijuana Retail. See SCC 30.28.120.

12 (133) Only the following uses are permitted in the CRC zone: clubhouses, grooming parlors, personal
13 service shops, offices, tool sales and rental, locksmith, home improvement centers, retail bakeries, drug
14 stores, grocery stores, hardware stores, general retail, second hand stores, specialty stores, and tire stores.

15 (134) Material Recovery Facility. See SCC 30.28.110.

16 (135) Retail, general uses may be allowed with an administrative conditional use permit only when part
17 of a new mixed-use development that includes residential dwellings or when occupying a former
18 residential structure (or portion of a residential structure). The proposed retail use in the MR zone must
19 meet the following criteria:

20 (a) The retail use has frontage on an arterial road as shown on the Countywide Arterial Circulation
21 Map;

22 (b) The gross leasable area of retail space may not exceed 6,000 square feet; and

23 (c) Products or merchandise offered for sale or storage by a business may be located outdoors except
24 that the area occupied by the display may not exceed 500 square feet and public sidewalks may
25 not be enclosed as space for sales or storage by fencing or other means that effectively limits
26 public use of the sidewalk.

27 (136) Within the NB zone, this use is only permitted when the Future Land Use Map in the
28 comprehensive plan designates the site as Urban Village.

29 (137) Recycling Facility. See SCC 30.28.112.

30 (138) Licensed practitioners and medical clinics may be conditionally permitted as the sole use on a site.
31 Cleaning establishments, grooming parlors, and personal service shops may only be conditionally
32 permitted when part of a development that includes residential dwellings or when occupying a former
33 residential structure (or portion of a residential structure).

34
35 Section 6. A new section is added to Chapter 30.31A of the Snohomish County Code to read:

36
37 **30.31A.140 BP zone performance standards for residential development.**

38
39 The following are specific requirements for development in the BP zone that includes residential uses:

40
41 (1) The site must be a minimum of 25 contiguous acres under the same ownership or control.

42 (2) The BP zoning on the site must have been in effect prior to [the effective date of this ordinance].

43 (3) All proposed mixed use development consisting of residential with commercial or industrial uses in
44 the BP zone shall also comply with the following development and design standards:

45 (a) The BP preliminary site plan requirements contained in chapter 30.31A SCC shall apply to all
46 portions of the site where development is proposed except that the provisions of SCC 30.31A.120

1 shall only apply to areas of the site proposed for commercial or industrial uses and not to areas
2 proposed for residential use.

3 (b) The setbacks and all other bulk requirements of chapter 30.23 SCC for the MR zone shall apply.

4 (4) All proposed development in the BP zone consisting of residential uses only shall comply with the
5 preliminary site plan requirements of SCC 30.31A.210, and shall also comply with the maximum
6 residential unit yield and all other bulk regulations for the MR zone under chapter 30.23 SCC.

7 (5) All proposed development in the BP zone that includes residential uses shall comply with the final site
8 plan approval requirements pursuant to SCC 30.31A.300, including conditions of approval, and shall
9 comply with any and all other applicable requirements of the county code.

10
11 Section 7. Severability and Savings. If any section, sentence, clause or phrase of this ordinance
12 shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a
13 court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
14 constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however,
15 that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or court
16 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date
17 of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as
18 if this ordinance had never been adopted.

19
20
21 PASSED this _____ day of _____, 2022.

22
23
24 SNOHOMISH COUNTY COUNCIL
25 Snohomish, Washington

26
27
28 _____
29 Council Chair

30 ATTEST:

31
32
33 _____
34 Asst. Clerk of the Council

- 35
36
37
38 () APPROVED
39 () EMERGENCY
40 () VETOED

41 DATE:

42
43 _____
44 County Executive

1 ATTEST:

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7 Approved as to form only:

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Wm. A. [Signature] 3/14/22

10

Deputy Prosecuting Attorney

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Snohomish County

Planning and Development Services

3000 Rockefeller Ave., M/S 604
Everett, WA 98201-4046
(425) 388-3311
www.snoco.org**MEMORANDUM**

TO: Snohomish County Planning Commission

FROM: Amber Piona, Planner
Janet Wright, Planner

SUBJECT: Proposed Amendments to SCC 30.31A.140

DATE: November 24, 2021

Dave Somers
County Executive

INTRODUCTION

The purpose of this staff report is to outline and provide information regarding a non-project proposal to amend regulations related to residential uses within the Business Park (BP) zone. The proposed amendments seek the following objectives: a.) promote flexibility of uses within the BP zone; b.) reinstate residential development as an allowed use in the BP zone and update the related criteria for this use; and c.) promote the development of a diversity of housing types to provide missing middle housing.

BACKGROUND

In 2003, Ordinance 03-107 was passed to provide flexibility in the code for uses allowed in the BP zone. The ordinance permitted residential development on large BP zoned sites which could also allow for compatibility of residential development with commercial/industrial uses and surrounding land.

In 2017, a large privately owned BP site was annexed to the City of Lake Stevens at which point there were no longer any properties that met the criteria outlined in SCC 30.31A.140. Ordinance 16-013 removed residential development as an allowed use in the BP zone and was adopted on March 8, 2017, and effective on May 7, 2017. However, SCC 30.21.025 (intent of zones), which states that "The BP zone, under limited circumstances, may also provide for residential development where sites are large and where compatibility can be assured for on-site mixed uses and for uses on adjacent properties," was not amended.

According to the recent Snohomish County Housing Affordability Regional Taskforce (HART) 2020 Report, Snohomish County is facing significant housing demand. The housing supply in Snohomish County is lagging behind population growth. Between 2016 and 2018, the number of new housing units was 61% less than the increase in the number of households in the county.

In 2021, a large site zoned BP was sold by the county and is now in private ownership. Re-instating the flexibility of uses within the BP zone as existed prior to 2017 in limited circumstances would further the County's goals in addressing the housing shortage.

PROPOSED CODE AMENDMENTS

The proposed code amendments would re-instate residential development as an allowed use in the Business Park (BP) zone under limited circumstances. To align with the intent of BP zoning which states that residential development may be allowed in limited circumstances on large lots, the proposed code would allow residential development on sites that are 25 acres or greater under single ownership or unified control (for multiple parcels). Additionally, to balance the need to maintain land suitable for industrial uses with the need to expand housing opportunities, the proposed code changes would only apply to properties currently zoned BP. These changes would therefore apply to only a few areas of the county, including the former Cathcart West property which is less suitable for industrial development being surrounded by mostly residential and public facilities (school) uses.

The following two tables provide an overview of the proposed changes to Snohomish County Code regarding the regulation of residential development within the BP zone.

TABLE 1: SUMMARY OF PROPOSED CODE CHANGES	
Proposed Language	Finding
<p>30.31A.140 BP zone performance standards for residential development. <u>Residential development in the BP zone is subject to the following:</u> (1) <u>The site must be a minimum of 25 contiguous acres under single ownership or for multiple parcels under unified control.</u></p>	<p>To keep with the intent of the BP zone which allows that properties zoned BP can provide for residential development where sites are large. (SCC 30.21.025)</p>
<p>(2) <u>The BP zoning on the site must have been approved prior to the effective date of this section.</u></p>	<p>Language to limit the applicability of this code section to existing BP sites to limit the scope of properties affected and ensure industrial lands are retained for future jobs.</p>
<p>(3) <u>Where mixed use development consisting of residential and commercial or industrial uses is proposed, in addition to any other applicable requirements of the county code, the development shall also meet the following development and design standards:</u> (a) <u>The BP preliminary site plan requirements contained in chapter 30.31A SCC shall apply to all portions of the site where development is proposed except as modified by this section;</u> (b) <u>The development shall comply with the setbacks and other bulk regulations of chapter 30.23 SCC for the MR zone;</u> (c) <u>The provisions of SCC 30.31A.120 shall apply to any portion of the site proposed for commercial or industrial uses and shall not apply to the areas of the site proposed for residential use.</u></p>	<p>Language to establish what regulations would apply when residential and commercial or industrial uses are proposed.</p>

Index #	File Name: 2_0003_Staff_Report_BP_Zone_Briefing_20211214.pdf (4) Where a residential development is proposed, a preliminary site plan per SCC 30.31A.210 is required. In addition to any other applicable requirements of the county code, the development shall also meet the following development and design standards: (a) The maximum residential unit yield and other bulk regulations specified for development in the MR zone per chapter 30.23 SCC;	Language to establish what regulations would apply for when only residential development is proposed.
	(5) All proposed development shall meet the final site plan approval requirements pursuant to SCC 30.31A.300, including conditions of approval, and shall comply with any and all other applicable requirements of the county code.	Language to ensure that residential development in BP zones meets any and all other applicable requirements of the county code.
	30.22.100 Urban Zone Categories Use Matrix See Table 2	Within the Use Table, adds single family attached, cottage housing, duplexes, multifamily, single family and townhouses as permitted uses within the Business Park zones, with a footnote.
	30.22.130 Reference notes for use matrices. (51) ((RESERVED for future use)) See SCC 30.31A.140	Within the table footnote, adds a reference to SCC 30.31A.140

Table 2 Proposed changes to SCC 30.22.100 Urban Zone Categories Use Matrix

TYPE OF USE	R 9,600 ⁸⁸	R 8,400 ⁸⁸	R 7,200 ⁸⁸	T	LDMR	MR	NB	PCB	CB ¹²⁸	GC ¹²⁸	IP ⁷⁶	BP
Dwelling, Attached Single Family	P	P	P	P	P	P						p51
Dwelling, Cottage Housing	P	P	P	P	P							p51
Dwelling, Duplex	P	P	P	P	P	P						p51
Dwelling, Mobile Home	P	P	P	P	P	P						
Dwelling, Multiple Family					P	P	P	P	P	P		p51
Dwelling, Single Family	P	P	P	P	P	P						p51
Dwelling, Townhouse ⁵			A	P	P	P	P	P	P	P		p51

ANALYSIS

The following analysis provides a summary of the proposed code amendments compliance with state law, regional and countywide planning policies, and county comprehensive plan policies.

The Growth Management Act (GMA) contains planning goals, contained in Revised Code of Washington (RCW) 36.70A.020, which guide the development of local comprehensive plans and development regulations. The following planning goals apply to these proposed code changes:

GMA Goal 1 – “Urban Growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner”

Analysis: The proposed amendments would support the urban growth goal by permitting a variety of housing types within BP, an urban zone. This would encourage development within urban areas.

GMA Goal 4- “Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.”

Analysis: The proposed amendments would support the housing goal by permitting a variety of housing types (single family attached, single family detached, townhouses, cottage houses, duplexes, and multifamily residential) within BP zoning under limited circumstances.

Compliance with the Multi-County Planning Policies

The proposed amendments are consistent with the following multicounty planning policies (MPPs) from the Puget Sound Regional Council VISION 2050:

MPP-H-1 Plan for housing supply, forms, and densities to meet the region’s current and projected needs consistent with the Regional Growth Strategy and to make significant progress towards jobs/housing balance.

Analysis: The proposed changes would expand the opportunities for housing development, which is consistent with the Regional Growth Strategy.

MPP-H-2 – Provide a range of housing types and choices to meet the housing needs of all income levels and demographic groups within the region.

Analysis: The proposed amendments would support this goal by allowing a variety of housing types (single family attached, single family detached, townhouses, cottage houses, duplexes, and multifamily residential) within BP zoning under limited circumstances.

Compliance with the Countywide Planning Policies

The proposed amendments are consistent with the following countywide planning policies:

DP-42 – The County and cities should conserve designated industrial land for future industries and related jobs by:

- a. Protecting industrial land from encroachment by incompatible uses and development on adjacent land;*
- b. Discouraging non-industrial uses on industrial land unless such uses support and enhance existing industrial land uses; and*
- c. Discouraging conversion of industrial land to other land use designations unless it can be demonstrated that a specific site is not suitable for industrial uses.*

Analysis: The proposed code changes limit the expansion of residential uses within BP zoning to properties that are 25 contiguous acres or more, under single ownership or multiple parcels under unified control, and that are zoned BP prior to the adoption of these changes. This would only apply to

Index # 1 File Name: 210003_Staff_Report_BP_Zone_Briefing_20211214.pdf
two parcels within Snohomish County, and therefore would have a limited effect on industrial zoning throughout Snohomish County.

HO-4 – The county and cities should implement policies that allow for the development of moderate density housing to help meet future housing needs, diversity the housing stock, and provide more affordable home ownership and rental opportunities. This approach should include code updates to ensure that zoning designations and allowed densities, housing capacity, and other restrictions do not preclude development of moderate density housing.

Analysis: The proposed amendments would support this policy by allowing a variety of housing types (single family attached, single family detached, townhouses, cottage houses, duplexes, and multifamily residential), many of which are moderate density types, within BP zoning under limited circumstances.

Compliance with the Snohomish County Comprehensive Plan

The proposed amendments would be consistent with and help implement a number of policies contained within the Snohomish County Growth Management Act Comprehensive Plan (GMACP) – General Policy Plan (GPP). The following policies apply to the code amendments as proposed in this report.

Objective LU 2.C – Encourage intensification and revitalization of existing and planned commercial and industrial areas.

Analysis: The proposed code amendments would encourage the development of large BP parcels by allowing a mix of residential, commercial and industrial uses.

Policy ED 2.A.2 – Snohomish County should stress predictability but maintain enough flexibility in the Comprehensive Plan and development codes to allow for timely response to unanticipated and desirable developments.

Analysis: The proposed code amendments would provide greater flexibility for uses within the BP zone by reinstating residential uses as an allowed use. This amendment would help promote vibrant mixed use communities.

Policy HO 1.B.4 – The county shall encourage and support the development of innovative housing types that make efficient use of the county land supply such as residential units in mixed-use developments, accessory dwelling units, cottage housing, co-housing, and live/work units.

Analysis: The proposed code amendments would support this policy by allowing cottage housing to be developed in BP zoning under limited circumstances.

Environmental Review

Staff is in the process of completing a State Environmental Policy Act (SEPA) checklist for this proposed code amendment and will issue a likely Determination of Nonsignificance in late November 2021. The fourteen-day public comment period will conclude prior to the Planning Commission hearing scheduled for January 25, 2022.

Notification of State Agencies

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed regulations and standards was transmitted to the Washington State Department of Commerce on November 24, 2021.

Staff Recommendation:

Staff recommends approval of the proposed code amendments and findings contained in this staff report.

Action Requested

The Planning Commission is requested to hold a public hearing, consider the proposed code amendments, and provide a recommendation to the County Council. The Planning Commission can recommend approval of the amendments with supporting findings of fact as proposed or modified, deny the proposal with findings, or amend the proposal with appropriate findings.

cc: Ken Klein, Executive Director
Mike McCrary, PDS Director
David Killingstad, PDS Manager
Michael Dobesh, PDS Manager
Ryan Countryman, Legislative Analyst



Snohomish County

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 2.0015

FILE ORD 22-014

SNOHOMISH COUNTY PLANNING COMMISSION

February 2, 2022

Snohomish County Council
County Administration Building
3000 Rockefeller Avenue, M/S 609
Everett, WA 98201-4046

SUBJECT: Planning Commission recommendation on proposed code amendments to Residential in the Business Park Zone

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendation on Residential in the Business Park Zone amendments. The Planning Commission had a briefing on this topic on December 14, 2021 and conducted a public hearing on January 25, 2022.

The proposed code amendments would amend regulations related to residential uses within the Business Park (BP) Zone. The proposed amendments seek the following objectives: a) promote flexibility of uses within the BP zone; b) reinstate residential development as an allowed use in the BP zone and update the related criteria for this use; and c) promote the development of a diversity of housing types to provide missing middle housing.

There were four (4) written comments received by the Planning Commission from the public prior to the January 25 hearing.

PLANNING COMMISSION RECOMMENDATION

At the January 25, 2022, Planning Commission meeting, Commissioner Everett made a motion, seconded by Commissioner James, recommending APPROVAL of the proposed Residential in BP amendments contained in the staff report.

Vote (Motion):

8 in favor (*Brown, Campbell, Everett, James, Larsen, Moore, Norcott, Pederson*)

1 opposed (*Sheldon*)

0 abstentions

Motion passed

This recommendation was made following the close of the public hearing and after due consideration of information presented and is based on the findings and conclusions presented in the November 24, 2021, staff report, with which the Commission concurred.

During deliberations on the proposed code amendments, the Planning Commission reached a consensus that the proposal should include consideration of decreasing the acreage minimum for BP parcels to develop residential uses so that more parcels will be able to benefit from the proposed change. Commissioners agreed that further analysis would be required to determine a reasonable minimum.

Residential in Business Park Zone

Planning Commission Recommendation Letter

Index # : File Name: 20015 Planning Commission Recommendation Letter - Residential in BP-Signed_2022

Code Amendments to Chapter 30.24 SCC

February 2, 2022

Respectfully submitted,

Robert Larsen

Robert Larsen (Feb 2, 2022 16:51 PST)

SNOHOMISH COUNTY PLANNING COMMISSION

Robert Larsen, Chairman

cc: Dave Somers, Snohomish County Executive

Mike McCrary, Director, Planning and Development Services

Executive/Council Action Form (ECAF)

EXHIBIT # 3.1.001

FILE ORD 22-014

ITEM TITLE:

..Title

Ordinance 22-014, relating to Growth Management; amending development regulations in Chapters 30.22 and 30.31A SCC pertaining to residential development in the Business Park zone

..body

DEPARTMENT: Planning and Development Services

ORIGINATOR: Amber Piona, Senior Planner

EXECUTIVE RECOMMENDATION: APPROVE – Ken Klein

PURPOSE: Adopt code amendments amending the development regulations related to residential uses within the Business Park (BP) zone to promote flexibility of uses within the BP zone, reinstate residential uses as an allowed use within the BP zone under limited circumstances, and promote the development of a diversity of housing types to provide missing middle housing.

BACKGROUND: The intent and function of the BP zone is to provide for business and industrial uses which are capable of being constructed, maintained, and operated in a manner uniquely designed to be compatible with adjoining residential and retail commercial. The BP zone may also, under limited circumstances, provide for residential development where sites are large and where compatibility can be assured for on-site mixed uses. However, existing regulations do not allow for residential uses within the BP zone. Snohomish County is facing an affordable housing crisis and housing stock shortage. The proposed amendments are intended to provide flexibility for increasing residential development within urban areas. Snohomish County is directed by the CPPs to preserve industrial and commercial land and prevent incompatible development. The proposed amendments are limited in scope to existing parcels zoned BP which are 25 acres or greater. Limiting the proposed amendments to only include existing large parcels preserves the majority of BP parcels for industrial land uses. The Planning Commission held a hearing on this proposal on January 25, 2022, and voted to recommend to approve the proposed amendments, with a planning commission recommendation letter dated February 2, 2022.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

DEPARTMENT FISCAL IMPACT NOTES: Click or tap here to enter text.

CONTRACT INFORMATION:

ORIGINAL _____ CONTRACT# _____ AMOUNT _____
 AMENDMENT _____ CONTRACT# _____ AMOUNT _____

Contract Period

ORIGINAL	START _____	END _____
AMENDMENT	START _____	END _____

OTHER DEPARTMENTAL REVIEW/COMMENTS: Approved as to form by DPA Matt Otten 3/14/22.
Reviewed and approved by Finance.

ANALYSIS OF BUILDING AND LAND USE REGULATION EFFECTS ON HOUSING AND JOBS

Title Ordinance No. 22-014, RELATING TO GROWTH MANAGEMENT; AMENDING DEVELOPMENT REGULATIONS IN CHAPTERS 30.22 AND 30.31A PERTAINING TO RESIDENTIAL DEVELOPMENT IN BUSINESS PARK ZONE

Description This is a non-project proposal to amend the development regulations to introduce regulations in SCC 30.31A.140 with the goal of reinstating residential uses within Business Park (BP) zone for properties that are currently zoned BP, are a minimum of 25 acres, and under single ownership or control. These amendments promote flexibility within BP zone and promote the development of a diversity of housing types to provide middle density housing.

Date: March 14, 2022

Staff Contact: Amber Piona, Senior Planner, amber.piona@snoco.org

	Place an "X" in the appropriate box				Comments
	Increase	Decrease	Neutral	Uncertain	
Housing					
Capacity/Targets	X				The proposed amendments may increase housing capacity by reinstating residential uses within the BP zone, increasing the housing capacity on those properties.
Cost of Housing Development:					
• Infrastructure			X		The proposed amendments will not affect the cost of infrastructure.
• Site			X		The proposed amendments will not affect the cost of housing sites.
• Building const.			X		The proposed amendments will not affect building construction.
• Fees			X		The proposed amendments will not affect fees.
• Yield	X				The proposed amendments may increase the housing yield by allowing, in limited

This form is intended to provide a summary analysis of the impact changes to development regulation may have on Residential, Commercial or Industrial Development.

					circumstances, residential buildings within the BP zone.
Timing			X		The proposed amendments would not affect the timing of residential development.
Jobs					
Capacity/Targets			X		The proposed amendments will not affect job capacity or targets
Cost of Commercial or Industrial Development:					
• Infrastructure			X		The proposed amendments will not affect the cost of infrastructure for commercial or industrial sites.
• Site			X		The proposed amendments will not affect the cost of commercial or industrial sites.
• Building const.			X		The proposed amendments will not affect the cost of building construction for commercial or industrial sites.
• Fees			X		The proposed amendments will not affect industrial or commercial development fees.
• Yield			X		The proposed amendments will not affect the yield of industrial or commercial development.
Time to Create Jobs			X		
# Family Wage Jobs			X		

This form is intended to provide a summary analysis of the impact changes to development regulation may have on Residential, Commercial or Industrial Development.

ANALYSIS OF BUILDING AND LAND USE REGULATION EFFECTS ON CAPITAL FACILITIES AND UTILITIES

Title Ordinance No. 22-014, RELATING TO GROWTH MANAGEMENT; AMENDING DEVELOPMENT REGULATIONS IN CHAPTERS 30.22 AND 30.31A PERTAINING TO RESIDENTIAL DEVELOPMENT IN BUSINESS PARK ZONE

Description This is a non-project proposal to amend the development regulations to introduce regulations in SCC 30.31A.140 with the goal of reinstating residential uses within Business Park (BP) zone for properties that are currently zoned BP, are a minimum of 25 acres, and under single ownership or control. These amendments promote flexibility within BP zone and promote the development of a diversity of housing types to provide middle density housing.

Date: March 14, 2022

Staff Contact: Amber Piona, Senior Planner, amber.piona@snoco.org

	Place an "X" in the appropriate box			Comments
	Increase	Decrease	Neutral	
County Provided				
• Airport			X	As a non-project proposal, there are no direct impacts anticipated to airport operations.
• General Government			X	As a non-project proposal, there are no direct impacts anticipated to general government operations.
• Law and Justice			X	As a non-project proposal, there are no direct impacts anticipated to law and justice operations.
• Parks			X	As a non-project proposal, there are no direct impacts anticipated to parks operations.
• Roads			X	As a non-project proposal, there are no direct impacts anticipated to road operations.
• Solid Waste			X	As a non-project proposal, there are no direct impacts anticipated to solid waste operations.
• Surface Water			X	As a non-project proposal, there are no direct impacts anticipated to surface water operations.

This form is intended to provide a summary analysis of the impact changes to development regulation may have on county and non-county provided capital facilities and utilities.

Non-County Provided				
• Electric Power			X	As a non-project proposal, there are no direct impacts anticipated to electric power operations.
• Fire Suppression			X	As a non-project proposal, there are no direct impacts anticipated to fire suppression operations.
• Public Water Supply			X	As a non-project proposal, there are no direct impacts anticipated to public water supply operations.
• Sanitary Sewer			X	As a non-project proposal, there are no direct impacts anticipated to sanitary sewer operations.
• Telecommunications			X	As a non-project proposal, there are no direct impacts anticipated to telecommunications operations.

This form is intended to provide a summary analysis of the impact changes to development regulation may have on county and non-county provided capital facilities and utilities.

ANALYSIS OF BUILDING AND LAND USE REGULATION EFFECTS ON LOW IMPACT DEVELOPMENT

Title Ordinance No. 22-014, RELATING TO GROWTH MANAGEMENT; AMENDING DEVELOPMENT REGULATIONS IN CHAPTERS 30.22 AND 30.31A PERTAINING TO RESIDENTIAL DEVELOPMENT IN BUSINESS PARK ZONE

Description This is a non-project proposal to amend the development regulations to introduce regulations in SCC 30.31A.140 with the goal of reinstating residential uses within Business Park (BP) zone for properties that are currently zoned BP, are a minimum of 25 acres, and under single ownership or control. These amendments promote flexibility within BP zone and promote the development of a diversity of housing types to provide middle density housing.

Date: March 14, 2022

Staff Contact: Amber Piona, Senior Planner, amber.piona@snoco.org

LID Evaluation:

Does the new policy or regulation support Low Impact Development	Place an "X" in the appropriate box			If "yes" or "no", explain...
	Increase	Decrease	Neutral	
Retention of native vegetation			X	
Minimal disruption of native soils			X	
Preservation of natural drainage			X	
Minimization of impervious surface area			X	
Use of LID facilities			X	
Better site design – using LID principles			X	
Adherence to SWPPP and drainage plan requirements			X	
Provisions for long term maintenance			X	

Retention of native vegetation			X	
Minimal disruption of native soils			X	
Preservation of natural drainage			X	
Minimization of impervious surface area			X	

ECAF NO.:
ECAF RECEIVED:

**ORDINANCE
INTRODUCTION SLIP**

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.1.006

FILE ORD 22-014

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:

~~~~~

N Neh  
\_\_\_\_\_

Councilmember Date

~~~~~

Clerk's Action: Proposed Ordinance No. _____

Assigned to: _____ Date: _____

~~~~~  
**STANDING COMMITTEE RECOMMENDATION FORM**

On \_\_\_\_\_, the Committee considered the item and by \_\_\_\_ Consensus /  
\_\_\_\_ Yeas and \_\_\_\_ Nays, made the following recommendation:

\_\_\_\_\_ Move to Council to schedule public hearing \_\_\_\_\_

**Public Hearing Date** \_\_\_\_\_ **at** \_\_\_\_\_

\_\_\_\_\_ Move to Council as amended to schedule public hearing

\_\_\_\_\_ Move to Council with no recommendation

**This item \_\_\_\_ should/ \_\_\_\_ should not be placed on the Consent Agenda.**

(Consent agenda may be used for routine items that do not require public hearing and do not need discussion at General Legislative Session)

**This item \_\_\_\_ should/ \_\_\_\_ should not be placed on the Administrative Matters Agenda**

(Administrative Matters agenda may be used for routine action to set time and date for public hearings)

N Neh  
\_\_\_\_\_

Committee Chair



## Snohomish County Council

**Committee:** Planning & Community Development      **Analyst:** Ryan Countryman  
**ECAF:** 2022-0276  
**Proposal:** Ordinance 22-014      **Date:** April 5, 2022

### Consideration

Proposed Ordinance 22-014 would allow residential development in the Business Park (BP) zone on sites with at least 25 acres under the same ownership or control.

### Background

Per SCC 30.21.025, the intent of BP zoning is for

business/industrial uses [...] capable of being constructed, maintained, and operated in a manner uniquely designed to be compatible with adjoining residential, retail commercial, or other less intensive land uses, existing or planned [...] **The BP zone, under limited circumstances, may also provide for residential development where sites are large and where compatibility can be assured for on-site mixed uses and for uses on adjacent properties [bolding added.]**

Although mainly a commercial and industrial zone, residential development can take place in BP zoning in certain circumstances. Historically, this has happened in one of two ways. First, development of housing in BP has long been possible as an incidental use associated with a primary commercial use. The Providence medical clinic/Arbor Place retirement center at 12800 19<sup>th</sup> Ave SE is an example of this. Now in Everett, approval and construction of this project was under county jurisdiction and BP zoning. The permit allowed senior apartments and nursing home services next to a medical clinic that served as the primary commercial use.<sup>1</sup> Developing housing in BP zoning in this manner as an incidental use associated with a primary commercial or industrial use in this manner continues to be possible.

---

<sup>1</sup> Permits for the Providence Medical Plaza are under ZA9305110 / 1993-160591 LU.

The second way to develop in BP zoning was on large sites under contiguous ownership. *Former* SCC 30.31A.140 allowed residential development on sites with at least 100 acres of BP zoning. This method was how permitting took place for the Crosswater housing development on a former Agilent/Hewlett Packard business park.<sup>2</sup> Following annexation by Lake Stevens of Crosswater, no remaining unincorporated BP sites met the criteria for *former* SCC 30.31A.140. Repeal of that section took place in 2017.

## **Analysis**

Proposed Ordinance 22-014 would establish a new SCC 30.34A.140, allowing residential development in BP zoning as a primary use or as part of mixed-use development. This new section would set a threshold of at least 25 acres under common control before residential development could be a primary use. Only two locations meet the proposed 25-acre criteria, although assembly of other sites could reach 25 acres.

The first site is part of a larger property known as Cathcart West that Snohomish County sold to a private developer in 2021. This includes approximately 44 acres of BP zoning. The entire property is currently undeveloped, and the BP zoning is located without the arterial frontage or visibility usually necessary to attract typical commercial or industrial uses found in BP. The rest of the Cathcart West property has mostly residential zoning. There is some Neighborhood Business zoning where frontage and arterial access exists.

The second site is a 56-acre parcel controlled by the Northpointe Corporate Center Owners Association. This property contains a large wetland, roads, and utilities for a surrounding business park and has limited remaining development potential.

Currently, there are no other sites with 25-acres of BP zoning under common control. Most BP-zones areas are already fully developed and unlikely to experience assembly and redevelopment for housing. However, there may be potential to assemble 25-acres of underdeveloped BP land east of Beverly Park Road in the vicinity of Center Road. This area developed at rural residential densities starting in the 1930s. Snohomish County rezoned this area to BP in the 1983. Since that time, the west part of this BP-zoned area has developed with warehouse and office uses. In the east part, the presence of streams and fragmented wetlands has slowed development. Protections for these critical areas have increased since 1983. Lack of development in the east suggests that potential for larger warehouses no longer exists in the east part of this BP-zoning. Ordinance 22-014 would allow for assembly of parcels into 25-acres and then new residential development on the developable areas.

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<sup>2</sup> The original name for Crosswater was Campus Park. Approval was under permit 2002-108771 LU.

## **Current Proposal**

*Scope and Summary:* Ordinance 22-014 would allow residential development in BP zoning on sites of at least 25 acres that are under common ownership or control.

*Fiscal Implications:* None

*Deadlines:* None

**Handling:** Normal

**Approved-as-to-form:** Yes

**Risk Management:** Approve

**Finance:** Approve

**Executive Recommendation:** Approve

### **Request:**

Move to General Legislative Session on April 13 to set time and date for a public hearing.

# Residential in Business Park Zone Proposed Code Amendments

Snohomish County Council  
Planning Committee Briefing  
April 5, 2022  
Amber Piona, Senior Planner



# Objectives for Code Amendments

- Promote flexibility of uses within the Business Park (BP) zone
- Reinstate residential development as an allowed use in the BP zone and update the related criteria for this use
- Promote the development of diverse housing types to provide missing middle housing



# Background

- In 2003 Ordinance 03-107 was passed which allowed residential development on large BP zoned sites. These regulations were found in SCC 30.31A.140.
- This section was repealed in 2017 when no sites in the county met the requirements.





# Background (cont.)

- SCC 30.21.025 Intent of zones still states:

“the BP zone, under limited circumstances, may also provide for residential development where sites are large and where compatibility can be assured for on-site mixed uses and for uses on adjacent properties.”
- In 2021 a large site zoned BP was sold by the County and is in private ownership.



# Housing

- Snohomish County is facing significant housing demand.
- Per the Housing Affordability Regional Taskforce report, between 2016 and 2018, the number of new housing units constructed was 61% less than the increase in the number of new households in the county.



# Proposed SCC 30.31A.140

## BP zone performance standards for residential development

- Allows residential development in the BP zone for sites that are 25 or more contiguous acres under same ownership or control.
- The BP zoning must have been approved prior to the effective date of the section.
- Clarifies which standards apply when a mix of residential and commercial/industrial uses are proposed, and which standards apply when only residential is proposed.



# SCC 30.22.100 Urban Zone Categories Use Matrix

| TYPE OF USE                            | R<br>9,600 <sup>88</sup> | R<br>8,400 <sup>88</sup> | R<br>7,200 <sup>88</sup> | T | LDMR | MR | NB | PCB | CB <sup>128</sup> | GC <sup>128</sup> | IP <sup>76</sup> | BP              |
|----------------------------------------|--------------------------|--------------------------|--------------------------|---|------|----|----|-----|-------------------|-------------------|------------------|-----------------|
| Dwelling,<br>Attached Single<br>Family | P                        | P                        | P                        | P | P    | P  |    |     |                   |                   |                  | p <sup>51</sup> |
| Dwelling,<br>Cottage<br>Housing        | P                        | P                        | P                        | P | P    |    |    |     |                   |                   |                  | p <sup>51</sup> |
| Dwelling,<br>Duplex                    | P                        | P                        | P                        | P | P    | P  |    |     |                   |                   |                  | p <sup>51</sup> |
| Dwelling,<br>Mobile Home               | P                        | P                        | P                        | P | P    | P  |    |     |                   |                   |                  |                 |
| Dwelling,<br>Multiple Family           |                          |                          |                          |   | P    | P  | P  | P   | P                 | P                 |                  | p <sup>51</sup> |
| Dwelling,<br>Single Family             | P                        | P                        | P                        | P | P    | P  |    |     |                   |                   |                  | p <sup>51</sup> |
| Dwelling,<br>Townhouse <sup>5</sup>    |                          |                          | A                        | P | P    | P  | P  | P   | P                 | P                 |                  | p <sup>51</sup> |

(51)((RESERVED for future use)) See SCC 30.31A.140

# Questions?

Amber Piona  
Senior Planner  
Planning & Development Services  
[amber.piona@snoco.org](mailto:amber.piona@snoco.org)  
(425) 262-2375



Snohomish County

EXHIBIT 3.2.003

Planning and Community Development Committee Meeting

04/05/22

[Minutes](#) and [Video](#)

Contact Clerk of the Council for recording at 425-388-3494 or [contact.council@snoco.org](mailto:contact.council@snoco.org)