

30.41C.110 Ownership and preservation of restricted and interim open space.

The following provisions shall apply to the ownership and preservation of restricted and interim open space as required in SCC [30.41C.090](#) and [30.41C.140](#):

- (1) Open space requirements must be met with restricted or interim open space tract(s) held in separate ownership from residential lots and marked on the face of the plat with limited uses referenced.
- (2) Restricted or interim open space tracts shall be owned by a single property owner, a homeowners association, a public agency or a not for profit organization.
- (3) When ownership of restricted open space is by a single property owner, the property owner shall:
 - (a) Record a restrictive covenant against the restricted open space tract that runs with the land and restricts the use of the open space tract to those uses allowed in SCC [30.41C.090\(2\)](#); and
 - (b) Provide an open space management plan pursuant to SCC [30.41C.120](#).
- (4) Common ownership shall be by the property owners of the subdivision as a whole, in the form of a homeowners association.
 - (a) The applicant shall provide the county with a description of the association, proof of incorporation of the association, a copy of its bylaws, a copy of the conditions, covenants and restrictions regulating the use of the property and setting forth methods for maintaining the open space.
 - (b) Membership in the homeowners association, and dues or other assessment for maintenance purposes, shall be a requirement of lot ownership within the development.
- (5) All lands classified as natural resource lands, including lands designated mineral resource overlay, that are included in restricted or interim open space areas shall be:
 - (a) Placed under a unified system of property management for the purpose of maximizing their continued or future management for beneficial resource production/conservation purposes; and
 - (b) If the land is designated mineral resource overlay it shall be subject to the requirements of SCC [30.32C.050](#).
- (6) Forest practices within restricted or interim open space shall be permitted, provided that:
 - (a) The activity is consistent with an applicable approved forest practice permit; and
 - (b) The activity is included in the open space management plan. (Added by Amended Ord. 08-087, Feb. 4, 2009, Eff date Apr. 5, 2009; Amended by Amended Ord. 21-060, Oct. 6, 2021, Eff date Oct. 22, 2021; Amended by Amended Ord. 24-021, Aug. 28, 2024, Eff date Sept. 19, 2024).

The Snohomish County Code is current through legislation passed April 8, 2026.

Disclaimer: The Clerk of the Council's Office electronically retains the ordinances as passed by Council and subsequently enacted. The Snohomish County Code is updated on the web as new ordinances become effective, and includes new ordinances through 26-014. New ordinances do not necessarily become effective in chronological or numerical order. Users should contact the Clerk of the Council's Office for information on legislation not yet reflected in the web version.

For questions related to the Snohomish County Code, contact the Code Reviser (Council Office): [425-388-3494](tel:425-388-3494).

Please note that Code Enforcement is not related to the management of County Code.

For questions and information related to Code Enforcement in Planning and Development Services (PDS), please go to the PDS website at

[Code Enforcement | Snohomish County, WA - Official Website \(snohomishcountywa.gov\)](https://www.snohomishcountywa.gov/Code-Enforcement) or call [425-388-3650](tel:425-388-3650).

[County Website: snohomishcountywa.gov](https://www.snohomishcountywa.gov)

[Hosted by General Code](#)

these mitigation fees is required prior to building permit issuance except as provided for in SCC 30.66A.020(4).

12. Chapter 30.66B SCC requires the new lot mitigation payments in the amounts shown below for each dwelling unit:

\$1,895.43 for each dwelling unit (to total \$3,790.86) for mitigation of impacts on county roads paid to the county in accordance with the payment timing provisions of chapter 30.66B SCC.

Payment of these fees is due prior to or at the time of building permit issuance, unless deferment is allowed pursuant to chapter 30.66B SCC, for the individual building permits. Notice of these mitigation payments shall be contained in any deeds involving this subdivision or the lots therein.

13. Membership in the homeowners' association, and payment of dues or other assessment for maintenance purposes, shall be a requirement of lot ownership and shall remain an appurtenance to and inseparable from each lot. If the homeowners' association is dissolved, then each lot shall have an equal and undivided ownership interest in the tracts previously owned by the association as well as responsibility for maintaining the tracts.

14. Tracts 994, 104, and 105 are open space tracts reserved for future development if, as, and when the Urban Growth Area is expanded to include the open space parcel. Future development of this tract may include residential, commercial and industrial uses commonly found in an urban area. The open space tract is not intended to be preserved in perpetuity.^[38]

15. The homeowners' association shall own and maintain tracts established pursuant to chap. 30.41 SCC, unless and until alternative ownership and maintenance responsibility is authorized by the Planning and Development Services department.

16. This real property is on, adjacent to, or within 1,300 feet of designated farmland; therefore, you may be subject to inconveniences or discomforts arising from agricultural activities, including but not limited to, noise, odors, fumes, dust, smoke, the operation of machinery of any kind (including aircraft), the storage and disposal of manure, the application by spraying or otherwise of chemical or organic fertilizers, soil amendments, herbicides and pesticides, hours of operation, and other agricultural activities.

17. Snohomish County has adopted Agricultural Lands Regulations (chap. 30.32B SCC) which may affect you and your land. You may obtain a copy of chapter 30.32B SCC from Snohomish County.

³⁸ SCC 30.41C.140(8) (2024).

1 18. Chapter 30.32B SCC provides that agricultural activities conducted on designated farmland in
2 compliance with acceptable agricultural practices are presumed to be reasonable and shall
3 not be found to constitute a nuisance unless the activities have a substantial adverse effect on
4 the public health or safety.

5 19. This disclosure applies to the real property upon any development or building permit approval;
6 or, in the case of real property transfers, the disclosure applies to the subject property as of
7 the date of the transfer. This disclosure may not be applicable thereafter if areas designated
8 as farmland are changed from the farmland designation.

9 20. Nothing in chapter 30.32B SCC shall affect or impair any right to sue for damages.

10 ***D. Final Plat Approval***

11 Robinett Investment must fulfill the following conditions before approval of the final plat:

12 21. Robinett Investment shall have submitted and obtained PDS' approval of a final open space
13 management plan for the long-term management of designated open space. The final plan
14 shall provide for other qualified and capable parties to succeed to maintenance obligations for
15 designated open space if necessary and provide for indemnification of the county by any
16 person or entity responsible for maintenance if such person or entity does not maintain the
17 open space.

18 22. Robinett Investment shall record the approved final open space management plan separately
19 from the subdivision. The plan may be recorded simultaneously with the recording of the final
20 subdivision. The open space management plan shall be updated with tract numbers
21 consistent with the final plat map.

22 23. Robinett Investment shall have established a homeowners' association as a Washington
23 corporation (profit or non-profit) for the purposes of tract ownership and maintenance.
24 Robinett Investment shall provide PDS with a copy of the articles of incorporation of the
25 homeowners' association filed with the Washington Secretary of State and with the by-laws
26 adopted by the homeowners' association. The homeowners' association shall remain the
27 owner of tracts unless tract ownership by all lots in the subdivision is authorized pursuant to a
28 final plat alteration. The articles of incorporation and by-laws must provide that if the
29 homeowners' association is dissolved, each lot shall have an equal and undivided ownership
30 interest in the tracts previously owned by the association and shall have responsibility for
31 maintaining the tracts. Robinett Investment shall record the by-laws with the County Auditor
32 upon their approval by the county and adoption by the homeowners' association.

33 24. Robinett Investment shall have conveyed tracts to the homeowners' association, recorded the
34 conveyance instruments, and provided PDS with copies of the recorded instruments.