

1 Adopted: 10/08/14
2 Effective: 10/27/14

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 AMENDED ORDINANCE NO. 14-073

8
9 RELATING TO GROWTH MANAGEMENT, AMENDING CHAPTER 30.25 AND
10 SECTIONS 30.23.210, 30.41F.040, 30.42A.100, 30.42B.020, 30.85.090, AND
11 30.85.130 OF THE SNOHOMISH COUNTY CODE TO MODIFY GENERAL
12 DEVELOPMENT STANDARDS FOR LANDSCAPING INCLUDING TREE CANOPY
13 REQUIREMENTS

14
15 WHEREAS, on January 21, 2009, the Snohomish County Council adopted Amended
16 Ordinance No. 08-101, adding tree replacement requirements in section 30.25.016 of the
17 Snohomish County Code (SCC) requiring retention or replacement of 100 percent of significant
18 trees; and

19
20 WHEREAS, some concerns about the difficulty of planting of all the required
21 replacement trees onsite may be addressed by limiting the number of required replacement
22 trees, clarifying when replacement trees must be planted on site, and providing options for
23 replacing trees when they cannot be reasonably accommodated on site; and

24
25 WHEREAS, the Snohomish County Hearing Examiner's Annual Report dated December
26 2013 recognizes that no options for flexibility or deviation from requirements are in place for
27 existing sites heavily forested with significant trees. The report states that current regulations
28 may impede development of such sites and recommends re-examination of the tree retention
29 policy and code; and

30
31 WHEREAS, the International Society of Arboriculture Guidelines for Developing and
32 Evaluating Tree Ordinances recommend jurisdictions regulate tree canopy coverage rather than
33 individual trees; and

34
35 WHEREAS, tree canopy within landscaping mitigates impacts associated with residential
36 development consistent with planned urban densities, protects the character of existing
37 neighborhoods, provides protection of understory plants, filters sunlight, promotes community
38 aesthetics, creates walkable neighborhoods, and creates a sense of place; and

39
40 WHEREAS, the Snohomish County Planning Commission ("Planning Commission") held
41 a public hearing on March 25, 2014, to receive public testimony concerning the code
42 amendments contained in this ordinance; and

43
44 WHEREAS, the Snohomish County Planning Commission held a special session for
45 continued deliberation of the proposed amendments on April 8, 2014; and

46
47 WHEREAS, at the conclusion of the Planning Commission's deliberation, the Planning
48 Commission did not make a recommendation on the code amendments contained in the
49 ordinance, as indicated in its recommendation letter dated May 27, 2014; and

1 WHEREAS, on October 1, 2014 and continued to October 8, 2014, the County Council
2 held a public hearing after proper notice, and considered public comment and the entire record
3 related to the code amendments contained in this ordinance; and
4

5 WHEREAS, following the public hearing, the County Council deliberated on the code
6 amendments contained in this ordinance;
7

8 NOW, THEREFORE, BE IT ORDAINED:
9

10 **Section 1.** The County Council adopts the following findings in support of this ordinance:
11

- 12 A. The foregoing recitals are adopted as findings as if set forth in full herein.
13
14 B. This is a proposal to amend Title 30 SCC to update the county's landscaping standards for
15 trees from regulation of individual significant trees to a more comprehensive approach for
16 maintaining a healthy tree canopy within urban areas of Snohomish County's jurisdiction.
17 The proposed amendments seek to clarify the purpose of chapter 30.25 SCC by including
18 the preservation of tree canopy, to repeal regulations requiring 100 percent retention of
19 significant trees and mandated replanting ratios, to replace tree regulations with canopy
20 requirements for all urban residential development, to remove site clearing language now
21 regulated by chapters 30.63A, 30.63B, and 30.63C SCC, and to delete all cross references
22 to SCC 30.25.016(3).
23
24 C. Current regulations allow planting of replacement trees off-site within the immediate area of
25 the proposed development. Replacement tree sites within the immediate area have been
26 difficult to obtain for most development proposals.
27
28 D. Due to replanting ratios required under current code and the inability to find off-site
29 replanting areas, some applicants have requested variances from tree replacement
30 requirements, or have submitted landscaping plans depicting replacement trees compacting
31 yards and designated landscaped areas or rowed between houses within five feet of outer
32 walls. These landscaping conditions can create weak branches and spindly growth, leading
33 to tree disease and mortality without expert thinning. Some residential applications have
34 been voluntarily withdrawn from review due to inability to provide or plant large amounts of
35 replacement trees. Additionally, research conducted by Department of Planning and
36 Development Services (PDS) staff indicates that full build-out urban densities may not be
37 feasible on sites with a large number of significant trees.
38
39 E. The International Society of Arboriculture concludes that developing ordinances as a
40 response to specific public apprehension frequently leads to ordinances that are not
41 consistent with sound community forest management, thwarts good management efforts,
42 and allows routine destruction of younger trees resulting in an unsustainable community
43 forest. Focusing narrowly on individual trees may contribute to the degradation of the
44 community forest over the long term.
45
46 F. American Forests and the American Planning Association endorse the use of tree canopy
47 within landscaping to promote community aesthetics and to create a sense of place. Tree
48 canopy within landscaping can humanize the built environment by providing shady places
49 for relaxation as well as providing an appealing visual framework through size, texture and
50 colors. Tree canopy within landscaping also helps to provide neighborhood scale through
51 selective planting to either emphasize small structures or de-emphasize large structures

1 allowing them to blend into the neighborhood, helps to define outdoor spaces and increases
2 privacy as well as visually softening corners of structures and lots. These attributes of tree
3 canopy mitigate the impacts of urban residential development on neighboring development
4 and helps preserve the character of existing neighborhoods.
5

6 G. A high-level GIS analysis of the Best Available Land Cover Data provided by the US
7 Geologic Service, determined the unincorporated urban growth areas of Snohomish County
8 contain an estimated 30 percent canopy coverage between public and private lands.
9

10 H. This ordinance seeks to maintain 30 percent canopy coverage in unincorporated urban
11 areas of Snohomish County through retention and replacement of existing tree canopy and
12 significant trees and with supplemental plantings if needed on all residential sites within
13 landscaped areas while providing flexible options for developers to obtain urban densities as
14 prescribed within the Snohomish County Comprehensive Plan.
15

16 I. Under the existing urban residential landscaping code, residential developments are
17 required to dedicate a minimum 10 percent of their gross site area to landscaping. Beta-
18 testing of the proposed code amendments on current landscaping plans resulted in most
19 developments meeting or exceeding proposed canopy requirements through tree retention
20 and planting within these already required landscaped areas. Beta-testing further indicated
21 that modifying proposed landscape plans to reduce required trees and healthy spacing
22 placement would not reduce the applicant's ability to obtain the proposed canopy
23 requirements.
24

25 J. In addition to maintaining the aesthetic natural character of 30 percent tree canopy in urban
26 growth areas, Snohomish County recognizes the multiple functions of tree canopy within
27 landscaped areas in the urban environment, including providing habitat for urban wildlife,
28 improving air quality, providing a buffer for noise, reducing urban heat island effects,
29 providing a reservoir for Carbon sequestration, reducing soil erosion by providing vegetated
30 areas to reduce stormwater run-off, and providing filtration of on-site surface water prior to
31 re-entry to the County's waterways.
32

33 K. Since parcels differ in topography and existing canopy coverage and proposed development
34 applications differ in density and size, the regulations include a sliding scale for gross site
35 tree canopy coverage that will conserve the treed character of the unincorporated urban
36 growth areas while maximizing planned urban densities.
37

38 L. Development applications within unincorporated urban growth areas of less than seven lots
39 are not required to provide open space under the Urban Residential Design Standards
40 (URDS). Tree canopy will provide the mitigation for aesthetic compatibility that otherwise
41 would have been provided through common open space.
42

43 M. Current scientific research in the United States and Canada supports using a mix of different
44 species when placing trees into landscaping in order to increase the tree canopy's
45 resistance to pest or pathogen infestation. Research has also found that including species
46 from an adjacent planting zone in the canopy mix increases the survivability factor of the
47 tree canopy in the case of future climate uncertainty.
48

49 N. Written testimony provided to the Snohomish County Planning Commission by the
50 development community stated that the existing regulations have inhibited urban
51 development and frustrated achievement of the GMA goal to accommodate projected

1 population growth within urban growth areas and that the regulations may be unworkable on
2 many sites with existing vegetation. Oral testimony provided to the Planning Commission
3 from an individual developer stated that developers have lowered offers on sites with
4 existing trees due to the costs incurred for tree surveys and replacement rates required by
5 the current regulations and that the property values of sites with existing trees may be
6 negatively affected. Under the current code, existing vested projects will likely have a high
7 tree mortality rate due to developers' best attempts to meet replanting ratios on-site as off-
8 site areas have not been available. Allowing vested development applications to opt-in to
9 the new regulations will better meet the objective of tree survivability and canopy longevity
10 and better achieve densities contained in the comprehensive plan.

11
12 O. This ordinance is consistent with RCW 36.70A.020 and maintains consistency with GMA.

13
14 P. The proposed code amendments will better achieve, comply with, and implement the
15 following goals, objectives, and policies set forth in the Puget Sound Regional Council's
16 Multicounty Planning Policies (Vision 2040) by providing flexible requirements that regulate
17 urban tree canopy rather than individual trees ensuring the endurance of urban tree canopy
18 for current and future generations, and by incentivizing retention of existing trees and
19 providing options for siting tree canopy within protected areas and designated landscape
20 areas to help achieve urban densities prescribed within the Snohomish County
21 Comprehensive Plan:

22
23 Environmental Stewardship Goal "The region will safeguard the natural environment by
24 meeting the needs of the present without compromising the ability of future generations
25 to meet their own needs."

26
27 En-5 "Locate development in a manner that minimizes impacts to natural features.
28 Promote the use of innovative environmentally sensitive development practices,
29 including design, materials, construction, and on-going maintenance."

30
31 Urban Lands Goal "The region will promote the efficient use of land, prevent
32 urbanization of rural and resource lands, and provide for the efficient delivery of services
33 within the designated urban growth area."

34
35 DP-2 "Encourage efficient use of urban land by maximizing the development potential of
36 existing urban lands, such as advancing development that achieves zoned density."

37
38 DP-15 "Support the transformation of key underutilized lands, such as brownfields and
39 greyfields, to higher density, mixed-use areas to complement the development of
40 centers and the enhancement of existing neighborhoods."

41
42 Q. The proposed code amendments will better achieve, comply with, and implement the
43 following goals, objectives, and policies set forth in the Snohomish County Countywide
44 Planning Policies (CPP) by providing flexibility for obtaining tree canopy requirements in
45 landscaping on all sites within the urban growth area and easing replacement standards to
46 better achieve urban densities prescribed within the Snohomish County Comprehensive
47 Plan:

48
49 Development Patterns Goal "The cities, towns, and Snohomish County will promote and
50 guide well-designed growth into designated urban areas to create more vibrant urban
51 places while preserving our valued rural and resource lands."

1
2 DP-5, which reads, in part: "The County and cities shall adopt comprehensive plans and
3 development regulations (RCW 36.70A.040). In Urban Growth Areas (UGAs), such
4 plans and regulations shall:

- 5
6 (a) Achieve urban uses and densities;
7
8 (b) Provide for urban governmental services and capital facilities sufficient to
9 accommodate the broad range of needs and uses that will accompany the
10 projected urban growth; and
11
12 (c) Permit the urban growth that is projected to occur in the succeeding twenty-year
13 period (RCW 36.70A.110(2))."
14

15 DP-11 "The County and cities should revise development regulations and incentives, as
16 appropriate, to encourage higher residential densities and greater employment
17 concentrations in Urban Growth Areas."
18

19 R. This ordinance complies with and implements the following Snohomish County Growth
20 Management Act Comprehensive Plan (GMA CP) General Policy Plan (GPP) goals,
21 objectives, and policies by providing options for calculating existing canopy and providing
22 incentives to retain existing trees which will ease restrictions on forested sites within urban
23 growth areas, requiring landscaping standards that will maintain the natural aesthetic
24 character of forest canopy within urban growth areas, and by providing flexible options for
25 obtaining canopy requirements within landscaping that will better achieve prescribed urban
26 densities prescribed within the Snohomish County Comprehensive Plan:
27

28 Goal LU 1 "Establish and maintain compact, clearly defined, well designed UGAs."
29

30 Goal LU 2 "Establish development patterns that use urban land more efficiently."
31

32 Objective LU 2.B "Plan for future land use and development patterns that are consistent
33 with countywide and regional planning policies and that complement and support the
34 future transportation system outlined in the Transportation Element."
35

36 Policy LU 2.B.2 "The county shall encourage, and may require, higher minimum
37 densities within designated urban centers, urban villages, and along connecting transit
38 emphasis corridors to support planned transit service."
39

40 Policy LU 4.B.2, which reads, in part: "The county shall explore and consider design
41 guidelines for urban centers and villages that achieve the following objectives:
42

- 43 (j) Well designed urban centers and urban villages that are sensitive to natural and
44 cultural resources so as to preserve them."
45

46 Goal LU 5 "Encourage land use patterns that create connected, identifiable
47 neighborhoods and communities in UGAs through a consolidated system of past and
48 future neighborhood plans."
49

1 Objective LU 5.A "Revitalize or create identifiable, pedestrian-oriented neighborhood
2 areas with focal points, mixed-use centers, and employment areas that are linked with
3 each other."
4

5 Policy LU 5.A.8 "Natural features, open space and critical areas shall be preserved to
6 enhance neighborhood identity."
7

8 Goal LU 10 "Identify and protect open space, natural and scenic resources and shoreline
9 areas."
10

11 Objective LU 10.B "Develop plans and techniques to preserve open space and scenic
12 resources."
13

14 Policy LU 10.B.7 "The county shall consider development of code and site design
15 standards that encourage the preservation of natural and scenic resources."
16

17 Goal NE 1 "Continue existing and develop new county plans and programs which
18 establish priorities to protect and enhance the natural environment through a
19 coordinated policy framework to maintain and improve the quality of life for Snohomish
20 County. The policy framework below provides a non-exclusive list of the core priorities
21 and strategies that must be addressed in all plans and programs that affect the natural
22 environment."
23

24 Objective NE 1.A "Balance the protection of the natural environment with economic
25 growth, housing needs and the protection of property rights."
26

27 Policy NE 1.A.1 "Regulatory programs developed for the protection of the natural
28 environment shall provide certainty, clarity, flexibility, efficiency, public outreach and
29 education so that citizens understand the requirements, permits are processed quickly,
30 and alternative approaches that provide equal or greater protection to the environment
31 may be considered."
32

33 Policy NE 1.A.3 "The county shall provide flexibility in policies and programs so as to
34 protect property rights and minimize impacts to development of property."
35

36 S. Procedural requirements.
37

- 38 1. State Environmental Policy Act (SEPA) requirements with respect to this non-project
39 action have been satisfied through the completion of an environmental checklist and
40 the issuance of a determination of non-significance on June 30, 2014.
41
- 42 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010.
43
- 44 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
45 transmitted to the Washington State Department of Commerce for distribution to
46 state agencies on June 27, 2014.
47
- 48 4. The public participation process used in the adoption of this ordinance has complied
49 with all applicable requirements of the GMA and the SCC.
50

1 5. The Washington State Attorney General last issued an advisory memorandum, as
2 required by RCW 36.70A.370, in December of 2006 entitled "Advisory Memorandum:
3 Avoiding Unconstitutional Takings of Private Property" to help local governments
4 avoid the unconstitutional taking of private property. The process outlined in the
5 State Attorney General's 2006 advisory memorandum was used by Snohomish
6 County in objectively evaluating the regulatory changes proposed by this ordinance.
7

8 T. This ordinance is consistent with the record.
9

- 10 1. This ordinance repeals regulation of individual significant trees and amends Chapter
11 30.25 SCC to include regulations of the overall site tree canopy, applying consistent
12 landscaping requirements to similar types of residential development within urban
13 growth areas of Snohomish County to mitigate the impacts of achieving planned
14 urban densities and maintaining the character of existing neighborhoods.
15
16 2. This ordinance provides flexibility for developers to obtain the required site tree
17 canopy percentages by applying a sliding scale for requirements based on proposed
18 density and development type while offering incentives to retain significant trees.
19
20

21 **Section 2.** The County Council makes the following conclusions:
22

- 23 A. This ordinance is necessary to remedy the competing goals of tree retention and obtaining
24 planned densities within urban growth areas of Snohomish County.
25
26 B. The proposal is consistent with the goals, objectives and policies of the GPP.
27
28 C. The proposal is consistent with Washington State law and the SCC.
29
30 D. The County has complied with all SEPA requirements in respect to this non-project action.
31
32 E. The regulations proposed by this ordinance do not result in an unconstitutional taking of
33 private property for a public purpose.
34

35 **Section 3.** The Snohomish County Council bases its findings and conclusions on the entire
36 record of the county council, including all testimony and exhibits. Any finding, which should be
37 deemed a conclusion, and any conclusion which should be deemed a finding, is hereby adopted
38 as such.
39

40 **Section 4.** Snohomish County Code Section 30.23.210, last amended by Amended Ordinance
41 No. 13-042 on July 10, 2013, is amended to read:
42

43 **30.23.210 Lot size averaging.**
44

45 (1) A subdivision or short subdivision will meet the minimum lot area of the zone in which it is
46 located if the area in lots plus half of the area of all critical areas and their buffers that must be
47 permanently protected under chapter 30.62A SCC, if any, plus and¹ areas designated as open
48 space or recreational uses, if any, divided by the total number of lots equals or exceeds the
49 minimum lot area of the zone in which the property is located. In no case shall the density
50 achieved be greater than the gross site area divided by the underlying zoning.
51

1
2 (2) This section shall only apply to:

3 (a) subdivisions or short subdivisions within zones having a minimum lot area requirement of
4 12,500 square feet or less; and

5 (b) short subdivisions in rural areas within zones having a minimum lot size greater than
6 12,500 square feet but not larger than five acres.

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

10 ~~((4))~~ (3) Roadways shall not count toward the calculations for lot size averaging.

11 ~~((5))~~ (4) Surface detention/retention facilities may count toward calculations for lot size
12 averaging only if the detention/retention facility:

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

14 (b) the facility is either:

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

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

17 ~~((6))~~ (5) For subdivisions and short subdivisions within zones having a minimum lot area
18 requirement of 12,500 square feet or less, the following additional criteria apply:

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

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

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

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

29 ~~((7))~~ (6) For short subdivisions in rural areas within zones having a minimum lot size greater
30 than 12,500 square feet but not larger than five acres, the following additional criteria apply:

31 (a) Each single lot shall be at least 12,500 square feet in area or the minimum area necessary
32 to comply with the Snohomish health district's rules and regulations for on-site sewage disposal
33 and potable water supply, whichever is greater;

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

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

39 ^{1*}Code Reviser Note: The text shown in italic, underline and strikethrough format in 30.23.210
40 subsection (1) above was amended by Amended Ord. 08-101 but was not indicated with
41 deletion and/or addition marks.

42
43 **Section 5.** Snohomish County Code Section 30.25.010, last amended by Amended Ordinance
44 No. 08-101 on January 21, 2009, is amended to read:

45
46 **30.25.010 Purpose.**

47
48 (1) The purpose of this chapter is to establish standards for landscaping (~~(, tree retention and~~
49 ~~tree replacement)) to implement the policies of the comprehensive plan and to achieve the
50 following objectives:~~

1 (a) Enhance neighborhood livability and mitigate potential land use incompatibility through
2 landscaping and screening and by conserving tree canopy and vegetation;

3 (b) ~~((Reduce tree loss during land development and construction))~~ Encourage the
4 conservation of the urban tree canopy and significant trees to retain the county's urban
5 aesthetic character and environment; and

6 (c) ~~((Mitigate tree loss by providing for tree replacement.))~~ Promote the preservation of open
7 space, existing tree canopy and vegetation, and natural diversity and wildlife habitat, using
8 supplemental plantings when necessary.

9 (2) The provisions of this chapter should enhance compatibility between uses and zones and
10 build continuity within neighborhoods while reducing the impacts of new development and
11 minimizing the visual impact of parking areas and detention facilities and other special uses that
12 require screening from residential uses.

13
14 **Section 6.** Snohomish County Code Section 30.25.012, added by Amended Ordinance No. 08-
15 101 on January 21, 2009, is amended to read:

16
17 **30.25.012 Applicability.**

18
19 (1) The landscaping provisions of this chapter shall apply to all development ~~((permits))~~
20 applications, unless specifically exempted in SCC ~~((30.25.012(3)))~~ 30.25.012(2) or elsewhere in
21 this chapter.

22 ~~((2) The tree retention and replacement provisions of this chapter shall apply to all new~~
23 ~~residential development activity within urban growth areas and as required in SCC 30.25.025,~~
24 ~~30.25.030 and 30.25.032, including any activity requiring a grading or other land-disturbing~~
25 ~~activity permit, unless specifically exempted.))~~

26 ~~((3))~~ (2) This chapter shall not apply to:

27 (a) Farms and accessory uses associated with farming;

28 (b) Changes in occupancy where the use would generate a need for five or less additional
29 parking spaces over the number of existing spaces; and

30 (c) Remodels of ~~((multiple family))~~ or additions to residential, commercial, industrial, public
31 facilities and private institutional uses representing less than 50 percent of the valuation of the
32 structure as determined by using the most recent ICBO construction tables, or adding less than
33 20 percent of gross floor area.

34
35 **Section 7.** A new section is added to chapter 30.25 of the Snohomish County Code to read:

36
37 **30.25.013 Allowing A Complete Development Application to Opt-in to the requirements**
38 **of Ordinance No. 14-073.**

39
40 (1) An applicant with a residential development application within unincorporated urban
41 growth areas, determined to be complete between April 21, 2009, and the effective date of
42 Ordinance 14-073, may voluntarily submit a signed waiver to the department requesting the
43 development application be reviewed under the provisions in Amended Ordinance No. 14-073.
44 All other development regulations in effect as of the date the original development application
45 was determined to be complete shall apply.

46 (2) Applicants submitting a signed waiver shall have 12 months from the effective date of
47 Amended Ordinance 14-073 to submit a revised site plan and landscaping plan.

48 (3) Residential site and landscaping plans re-submitted under this section shall require public
49 notice pursuant to chapter 30.70 SCC and any applicable fees.

1 (4) The department shall include in its written decision for a Type 1 permit or staff
2 recommendation on a Type 2 permit a statement explaining which landscaping requirements
3 related to the preservation and replanting of trees apply.

4 (5) This section SCC 30.25.013 is repealed effective 12 months from the date of adoption of
5 Amended Ordinance No. 14-073.

6
7 **Section 8.** A new section is added to chapter 30.25 of the Snohomish County Code to read:

8
9 **30.25.014 Annual Report on Tree Canopy**

10
11 The director shall provide council with an annual report on the implementation of the tree
12 canopy requirements in SCC 30.25.016 by January 31 of every year. The report shall include,
13 at a minimum, the following:

- 14 (1) The number of applications exempted from tree canopy requirements by each of the
15 exemptions in SCC 30.25.016(1).
16 (2) The number of applications to which the tree canopy requirements are applied, subtotaled
17 by type of application.
18 (3) The number of applications using the Tree Survey method and the number using the Aerial
19 Estimation method for estimating existing tree canopy.
20 (4) For each application to which the tree canopy requirements are applied:
21 (a) The tree canopy required by Table 30.25.016(3) prior to any adjustments.
22 (b) Any adjustments to the required tree canopy, the specific type of incentive or other
23 adjustment, and the specific code authority for the adjustment.
24 (c) The required tree canopy after all adjustments.
25 (d) The use and effect of applying any other incentives for tree retention.
26 (e) The result of the calculation of existing canopy.
27 (f) The canopy of trees retained.
28 (g) The number of new trees planted.
29 (h) The result of the calculation of 20-year canopy.
30 (5) For every allowable type of adjustment, the total number of applications that used it and the
31 total reduction in required tree canopy resulting from it.

32
33 **Section 9.** Snohomish County Code Section 30.25.015, last amended by Amended Ordinance
34 No. 08-101 on January 21, 2009, is amended to read:

35
36 **30.25.015 General landscaping requirements.**

37
38 (1) All residential developments located within urban growth areas are required to landscape a
39 minimum of 10 percent of the total gross area of the site to the standards set forth in this
40 chapter unless exempted otherwise. The 10 percent requirement may include perimeter
41 landscaping, parking lot and detention facility landscaping, tree (~~retention~~) canopy areas and
42 street trees not in a public right-of-way.

43 (2) No building permit shall be issued when landscaping is required until a landscaping plan
44 has been submitted and approved by the department, if applicable. Landscaping plan
45 requirements shall be defined by the department in a submittal requirements checklist, as
46 authorized by SCC 30.70.030. The landscaping plan shall be prepared by a qualified landscape
47 designer.

48 ~~((a) Landscaping plan requirements shall be defined by the department in a submittal~~
49 ~~requirements checklist, as authorized by SCC 30.70.030.~~

50 ~~—(b) The landscaping plan shall be prepared by a qualified landscape designer.~~

1 ~~—(c) The landscaping plan shall include an assessment of whether temporary or permanent~~
2 ~~irrigation is required to maintain the proposed landscaping in a healthy condition.~~

3 ~~—(d) Street trees and other right-of-way planting shall be shown on the approved landscaping~~
4 ~~plan.~~

5 ~~—(e) The landscaping plan shall include the location, caliper and species of all significant trees~~
6 ~~located on the site that are proposed to be removed.~~

7 ~~—(f) The landscaping plan shall include the location, caliper or height, and species of all~~
8 ~~replacement trees to be planted.~~

9 ~~—(g) The landscaping plan shall include a description of why significant trees cannot or should~~
10 ~~not be retained.~~

11 ~~—(h) The landscaping plan shall include a description and approximate location of any trees on~~
12 ~~adjoining properties that may be directly affected by any proposed activities.~~

13 ~~—(i) The landscaping plan shall show clearing limits consistent with applicable land disturbing~~
14 ~~activity site plans required pursuant to chapter 30.63B SCC.)~~

15 (3) Planting areas outside of the right-of-way may include landscape features such as
16 decorative paving, sculptures, fountains, rock features, benches, picnic tables, and other
17 amenities; provided that the area devoted to such features may count toward no more than 20
18 percent of the total required perimeter and parking lot landscaping area. Use of bark, mulch,
19 gravel, and similar non-vegetative material shall be minimized and used only to assist plant
20 growth and maintenance or to visually complement plant material.

21 (4) An accessible route of travel meeting construction code barrier free requirements may
22 cross a required landscape area at a 90 degree angle or as close to a 90 degree angle to the
23 road right-of-way as conditions allow. The area devoted to an accessible route of travel in a
24 required perimeter area may be included to satisfy the requirements of SCC 30.25.020.

25 (5) The following minimum planting standards apply, except that street trees required pursuant
26 to SCC 30.25.015(8) shall comply with planting standards in the EDDS:

27 (a) Evergreen and deciduous trees shall be at least ~~((eight))~~ six feet high at the time of
28 planting;

29 (b) Deciduous trees shall have a minimum diameter of one and one-half inches caliper at the
30 time of planting; provided that the combined diameter measurements of groupings of under-
31 story trees, such as vine maples, may be used to meet this requirement;

32 (c) Evergreen and deciduous shrubs shall be at least 18 inches high at the time of planting;

33 (d) Trees shall be of a size and type projected to reach a height of at least 20 feet in 10
34 years, except where under-story or low-growing trees are specifically approved or required by
35 the director;

36 (e) Trees shall be planted at least five feet from adjoining property lines ~~((, except as may be~~
37 ~~approved for landscaping along road frontages pursuant to the EDDS and road frontage~~
38 ~~requirements))~~.

39 (6) All landscape materials shall meet or exceed current United States standards for nursery
40 stock published by the American Nursery and Landscape Association and consist of native
41 species. The applicant shall use a list of acceptable species prepared by the director or may
42 substitute a species with similar characteristics not on the list with the director's approval.

43 (7) To promote stabilization and continued healthy growth of the landscape areas required by
44 this section, a qualified landscape designer shall determine the need for irrigation. An irrigation
45 plan shall be submitted together with the required landscape plan.

46 (8) Street trees are required to be planted as frontage improvements along public ~~((and~~
47 ~~private))~~ roads and along private roads and drive aisles in residential developments within urban
48 growth areas ~~((on land developed for residential use according to the road cross section and~~
49 ~~general landscaping standards of the EDDS))~~. Street trees are not required around turnarounds
50 at the end of ~~((roads))~~ road network elements less than 150 feet in length.

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2 (9) ~~((Street tree maintenance shall be as follows:~~

3 (a)) Property owners shall be responsible for the maintenance (including pruning) and
4 liability of street trees on their property, or where responsibility has been assumed by the owner
5 through a recorded agreement with the county ~~((; and))~~ .

6 ~~((b) Utility work affecting street trees shall be limited to the actual necessities of the services
7 of the company and such work shall be done in a neat and professional manner.))~~

8 (10) Utility work shall minimize impact to street trees, both above ground and to root
9 systems below ground.

10
11 **Section 10.** Snohomish County Code Section 30.25.016, last amended by Amended
12 Ordinance No. 08-101 on January 21, 2009, is amended to read:

13
14 **30.25.016 ~~((General tree retention and replacement))~~ Tree canopy requirements.**

15
16 (1) ~~((No person, corporation, or other entity engaged in residential land development or
17 construction within unincorporated urban growth areas shall remove a significant tree without
18 first obtaining county approval, except as provided in SCC 30.25.016(2). County approval shall
19 be integrated into the permit review process for any activity requiring a county permit on a site
20 where any significant trees are present))~~ Tree canopy requirements shall apply to all new
21 residential development applications within unincorporated urban growth areas. The following
22 activities are exempt from the tree canopy requirements of this section:

23 (a) Removal of any hazardous, dead or diseased trees, and as necessary to remedy an
24 immediate threat to person or property as determined by a letter from a qualified arborist;

25 (b) Construction of a single-family dwelling, duplex, accessory or non-accessory storage
26 structure on an individual lot created prior to April 21, 2009 or created by a subdivision or short
27 subdivision for which a complete application was submitted prior to April 21, 2009;

28 (c) Construction or maintenance of public or private road network elements, and public or
29 private utilities including utility easements not related to development subject to chapters
30 30.23A, 30.34A, 30.41G or 30.42E SCC;

31 (d) Construction or maintenance of public parks and trails when located within an urban
32 residential zone; and

33 (e) Pruning and maintenance of trees.

34 (2) ~~((The following are exempt from the general tree and replacement requirements of SCC
35 30.25.016:~~

36 ~~—(a) Removal of any hazardous, dead or diseased trees, and as necessary to remedy an
37 immediate threat to person or property as determined by a letter from a qualified arborist ;~~

38 ~~—(b) Removal of trees within or adjacent to existing public rights-of-way or easements, at the
39 direction of the county or public or private utility for the protection of the public safety, such as
40 obstructions inhibiting visibility at intersections;~~

41 ~~—(c) Removal of trees for construction of a single-family dwelling, duplex, accessory or non-
42 accessory storage structure on an individual lot created prior to April 21, 2009;~~

43 ~~—(d) Removal of trees that have been grown for the purpose of sales of Christmas trees or
44 commercial landscaping materials by commercial nurseries and tree farms; and~~

45 ~~—(e) Any forest practices occurring on forest land as those terms are defined in RCW
46 76.09.020 of the Forest Practices Act, chapter 76.09 RCW.))~~ All significant trees within any
47 perimeter landscaping required pursuant to SCC 30.25.020, critical area protection areas and
48 required buffers shall be retained, except for trees exempted by SCC 30.25.016(1).

49 (3) ~~((Certain types of applications are subject to special requirements so that neighborhoods
50 are not adversely affected by increased density on sites where significant trees were removed
51 prior to the application.~~

1 —(a) These special requirements are applicable to all applications for the following:
2 —(i) Single family detached unit development pursuant to chapter 30.41F SCC;
3 —(ii) Planned residential development pursuant to chapter 30.42B SCC;
4 —(iii) Subdivision or short subdivision using lot size averaging pursuant to SCC 30.23.210;
5 and
6 —(iv) Rezones pursuant to chapter 30.42A SCC, but only if the requested zoning designation
7 allows a greater number of dwelling units per acre than the current zoning designation.
8 —(b) The applicant shall attest in writing, to be acknowledged by a notary public, that no
9 significant trees other than hazardous trees were removed from the site after January 7, 2009,
10 and within six years prior to the date of the submission of the application.
11 —(c)) If any significant trees other than hazardous trees were removed after January 7, 2009,
12 and within six years prior to the date of the submission of the application, then the application
13 shall not be approved; provided that the application may be approved if:
14 —(i) The removal of trees was authorized by a forest practices permit issued by the State
15 Department of Natural Resources;
16 —(ii) The public is notified of the prior removal of trees consistent with the posting,
17 publication, and mailing requirements of SCC 30.70.045, and this notice may be combined with
18 the notice for the underlying application;
19 —(iii) A tree survey of all significant trees is completed and significant trees are replaced as
20 required in Table 30.25.016(3);
21 —(iv) All significant trees within any perimeter landscaping required under SCC 30.25.020
22 and all significant trees within critical area protection areas and required buffers are retained;
23 —(v) All significant trees on site are retained on five percent of the site in addition to those
24 retained as required in SCC 30.25.016(3)(c)(iv); and
25 —(vi) The owner of the property at the time of tree removal is not a person, corporation, or
26 other entity engaged in residential land development or construction within unincorporated
27 urban growth areas.) Development subject to the requirements of SCC 30.25.016(1) shall
28 meet the minimum tree canopy coverage requirements set forth in SCC Table 30.25.016(3),
29 except as provided in SCC 30.25.016(5) and SCC 30.25.016(8). On sites that do not meet the
30 requirements of SCC Table 30.26.016(3) through existing tree canopy or where an applicant
31 removes the existing tree canopy, new plantings to meet the requirements of SCC Table
32 30.25.016(3) shall be planted pursuant to SCC 30.25.015(5) through (7) and SCC 30.25.016(6).
33 For sites requiring new plantings to attain the required tree canopy percentage, tree canopy
34 coverage requirements listed in SCC Table 30.25.016(3) shall be calculated according to
35 projected growth at 20 years maturity consistent with Table 30.25.016(4).
36 (a) Tree canopy shall include all evergreen and deciduous trees six feet in height or greater,
37 excluding invasive species or noxious weeds, within the gross site area.
38 (b) Existing or planted tree canopy may include street trees and may be located within
39 perimeter landscaping, site landscaping, critical area protection areas and required buffers, and
40 open space tracts or easements.
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Table 30.25.016(3)

Tree Canopy Coverage Requirements

<u>Type of Development</u>	<u>Required Tree Canopy Coverage of Development Site (gross site area)</u>
<u>Subdivisions for Single Family Residential</u> <u>10 or more lots</u>	<u>30 percent</u>
<u>Short Subdivisions for Single Family Residential</u> <u>4 to 9 lots</u>	<u>25 percent</u>
<u>Short Subdivisions for Single Family Residential</u> <u>Less than 4 lots</u>	<u>20 percent</u>
<u>Single Family Detached Units, Cottage Housing, Townhouse, Multi-family</u> <u>10 or more units</u>	<u>20 percent</u>
<u>Single Family Detached Units, Cottage Housing, Townhouse, Multi-family</u> <u>Less than 10 units</u>	<u>15 percent</u>
<u>Urban Center (residential and mixed use projects only)</u>	<u>15 percent</u>

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(4) ~~((All significant trees within any perimeter landscaping required pursuant to SCC 30.25.020, on-site recreation space pursuant to SCC 30.23A.080, or critical area protection areas and required buffers shall be retained, except for trees exempted by SCC 30.25.016(1). All other significant trees that are removed shall be replaced by a number of new trees as set forth in SCC Table 30.25.016(3), except as may be modified by the provisions of SCC 30.25.016(5) and (6. The director may allow the removal of significant trees from the active on-site recreation space when it is determined to be necessary to allow for recreational facilities provided that all such trees are replaced in accordance with SCC Table 30.25.016(3).))~~ Site tree canopy shall be measured according to SCC Table 30.25.016(4). Calculation of existing and new tree canopy shall be submitted in writing by a qualified landscape designer or a licensed land surveyor.

~~((Table 30.25.016(3) – Tree Replacement Schedule~~

Caliper of Tree Removal	Number of Replacement Trees Required
10 – 16 inches	4
16.1 – 24 inches	2
Over 24 inches	3

Notes: Multiple stem trees shall be counted as one significant tree.))

Table 30.25.016(4)

Measuring Tree Canopy

<u>Existing Canopy</u>		<u>New Canopy</u>
<u>Option 1 Tree Survey</u>	<u>Option 2 Aerial Estimation</u>	<u>20-Year Canopy Calculation</u>
<ul style="list-style-type: none"> • <u>Measure average canopy radius (r) for each tree to be retained</u> • <u>Calculate existing canopy area using the formula: Canopy Area (CA)=πr^2</u> • <u>Total the sum of tree canopy areas and divide by gross site area to obtain canopy coverage percentage</u> 	<ul style="list-style-type: none"> • <u>Obtain aerial imagery of site</u> • <u>Measure site boundaries</u> • <u>Measure canopies of individual trees or stand area using leading edges as the forest boundary</u> • <u>Divide total canopy measurement by the gross site area to obtain canopy coverage percentage</u> 	<p>For each proposed species:</p> <ul style="list-style-type: none"> • <u>Calculate radius (r) of canopy at 20 years maturity</u> • <u>Calculate canopy coverage using the formula: $CA=\pi r^2$</u> • <u>Multiply by the proposed quantity to be planted to obtain total species canopy area</u> • <u>Total the sum of species canopy area for all proposed species and divide by gross site area to obtain 20-year canopy coverage percentage</u>

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~~((5) The number of required replacement trees shall be reduced by 30% if an additional buffer of 15 feet is provided around the edge of a subdivision and all significant trees and native understory in the buffer are retained. This buffer must be in addition to all buffer and landscaping requirements in the code, and it must be provided around the entire subdivision except where roads and other required infrastructure enter the subdivision.))~~

~~((6)) (5) To assist in the preservation and retention of significant trees and existing tree canopy outside of critical area protection areas and required buffers and perimeter landscaping, the ((director)) applicant may ((apply one of)) utilize the following ((incentives)) credits:~~

~~(a) ((The on-site recreation space required by SCC 30.23A.080 may be reduced by up to 10 percent when at least 10 percent of site's significant trees (outside of any required perimeter landscaping or critical area protection areas and required buffers) are retained;)) Individual significant trees retained on site shall be counted at 125 percent of their actual canopy area.~~

~~(b) ((The lot width or size may be reduced by up to 20 percent of that required by the underlying zone when at least 10 percent of the site's significant trees (outside of any required~~

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1 ~~perimeter landscaping or critical area protection areas and required buffers) are retained;))~~ For
2 clusters or stands of five or more trees, each tree shall be counted at 150 percent of its actual
3 canopy area.

4 ~~(c) ((The overall landscape requirements may be reduced by up to 10 percent when at least~~
5 ~~40 percent of site's significant trees (outside of any required perimeter landscaping or critical~~
6 ~~area protection areas and required buffers) are retained.))~~ For clusters or stands of five or more
7 significant trees, each tree shall be counted at 200 percent of its actual canopy area.

8 (d) Retained trees located within no more than twenty feet of a rain garden or a bio-swale on
9 site shall be counted at 150 percent of their actual canopy area.

10 (e) Retained significant trees qualified to receive flow control credits under Appendix III-C of
11 the Snohomish County Drainage Manual shall be counted at 150 percent of their actual canopy
12 area.

13 (f) The on-site recreation space required by SCC 30.23A.080 may be reduced by 100
14 percent if 40 percent or more of the site has existing tree canopy that is retained along with all
15 native vegetation under that canopy area.

16 (g) A project may be exempted from all other requirements of SCC 30.25.015 and 30.25.016
17 if the canopy area of significant trees retained onsite is 45 percent or more of the gross site area
18 and the majority of the canopy is provided by evergreen species.

19 (h) The minimum required lot area in subdivisions or short subdivisions not using the lot size
20 averaging provisions of SCC 30.23.210 may be reduced by 20 percent when at least 20 percent
21 of the site, not including any critical area protection areas and perimeter buffers, is put into a
22 separate tract or tracts that have at least 20 significant trees per acre and where at least 60
23 percent of the significant trees within the tract or tracts are retained. This does not change the
24 tree canopy requirements.

25 (i) For subdivisions or short subdivisions using the lot size averaging provisions of SCC
26 30.23.210(5), the minimum size for each single lot in SCC 30.23.210(5)(a) may be reduced by
27 20 percent when at least 20 percent of the site, not including any critical area protection areas
28 and perimeter buffers, is put into a separate tract or tracts that have at least 20 significant trees
29 per acre and where at least 60 percent of the significant trees within the tract or tracts are
30 retained. This does not change the tree canopy requirements.

31 ~~((7) Replacement trees))~~ (6) In addition to the requirements of SCC 30.25.015(5) through (7),
32 trees planted to meet tree canopy requirements in SCC Table 30.25.016(3) shall ((must)) meet
33 the following criteria:

34 ~~(a) ((Replacement trees shall be planted on the site from which significant trees are~~
35 ~~removed, provided that replacement trees may be planted on another site in the immediate area~~
36 ~~approved by the director when a certified arborist finds, and the director concurs, that replacing~~
37 ~~those trees on the original site will result in increased likelihood of the trees not surviving;))~~
38 Sites must be planted or replanted with a minimum of 50 percent evergreen species, except:

39 (i)The evergreen portion of the required planting mix may be reduced to 37.5 percent when
40 the deciduous mix contains exclusively indigenous species to the Puget Sound region, not
41 including Alder; and

42 (ii) Sites obtaining tree canopy requirements solely through street trees are exempt from the
43 requirement to include evergreen species in the planting mix;

44 (b) Sites requiring planting or replanting of tree canopy must plant no more than 30 percent
45 of trees from the same species and no more than 60 percent of trees from the same taxonomic
46 family.

47 (c) Replacement trees shall be planted in locations appropriate to the species' growth habit
48 and horticultural requirements;

49 (d) When preparing the landscaping plan, applicants are encouraged to meet the
50 requirements of SCC Table 30.25.016(3) by conserving existing tree canopy including
51 significant trees and other vegetation located on the site and place new plantings in protected

1 areas (such as street trees, perimeter landscaping, open spaces and critical area protection
2 areas and required buffers) at healthy spacing densities before placing trees within individual
3 lots or yards; and

4 ~~((e))~~ (e) Replacement trees shall be located in such a manner to minimize damage to trees
5 or ~~((dwellings))~~ structures on the project site and on properties adjoining the project site ~~((;and))~~

6
7 ~~((d))~~ Significant evergreen trees proposed for removal must be replaced with a comparable
8 evergreen native species as determined by the director.)

9 ~~((8))~~ (7) The following tree protection measures shall be taken during clearing or
10 construction:

11 (a) Tree protective fencing shall be installed along the outer edge of the drip line surrounding
12 the ~~((significant))~~ trees retained in order to protect the trees during any land disturbance
13 activities, and fencing shall not be moved to facilitate grading or other construction activity within
14 the protected area;

15 (b) Tree protective fencing shall be a minimum height of three feet, visible and of durable
16 construction; orange polyethylene laminar fencing is acceptable; and

17 (c) Signs must be posted on the fence reading "Tree Protection Area."

18 ~~((9))~~ (8) ~~((The Director))~~ An applicant may reduce the tree canopy requirements of SCC
19 Table 30.25.016(3) by no more than five percent through a landscape modification when all of
20 the following criteria and those in SCC 30.25.040 are met:

21 (a) The applicant demonstrates in writing that they have made a good faith effort to comply
22 with the tree canopy requirements within the physical constraints of the site by:

23 (i) Retaining as much of the tree canopy as possible on site consistent with best
24 management practices for maintaining the health of trees; or

25 (ii) Replanting as much of the tree canopy as possible on site consistent with best
26 management practices for maintaining the health of trees;

27 (b) The applicant proposes to plant additional understory vegetation or ground cover area,
28 excluding lawn cover, invasive species or noxious weeds, to fulfill the remaining canopy
29 requirement in SCC Table 30.25.016(3) not met by retention or replanting of tree canopy; and

30 (c) When critical areas protection area buffers exist on site and those buffers are not highly
31 functioning, the applicant proposes to enhance the buffers by removing invasive species and
32 noxious weeds and/or planting vegetation indigenous to the Pacific Northwest, spaced for
33 maximum survivability.

34 (9) On sites without any existing tree canopy, the director may reduce the requirements of
35 SCC Table 30.26.016(3) by no more than five percentage points (for example, 30 percent
36 requirement can be reduced to 25 percent) when an applicant provides a 25 percent increase in
37 the area of open space than that required under SCC Table 30.23A.080(2). The following shall
38 not be eligible for this reduction:

39 (a) Short subdivisions less than seven lots;

40 (b) Single family detached units, cottage housing, townhouse, multi-family less than 10
41 units; and

42 (c) Urban center development.

43 ~~((9))~~ (10) ~~((the director))~~ County Engineer may ~~((allow a modification to the design of))~~
44 modify required frontage improvements to retain significant trees as street trees.

45 (11) Retained significant trees, trees planted as replacements for significant trees, and trees
46 planted to meet requirements in SCC 30.25.016(3) may not be removed except when
47 determined in writing by a certified arborist to constitute a hazard. Any replacement or
48 significant trees removed without proper documentation from a certified arborist shall be subject
49 to a fine as determined under chapter 30.85 SCC.

50 (12) Any significant trees identified in a landscape plan to be retained and subsequently
51 damaged or removed during site development shall be replaced at a rate of three trees for each

1 one damaged or removed significant tree. Failure to replace damaged or removed significant
2 trees shall be subject to a fine as determined under chapter 30.85 SCC.

3 ~~((10) A fine shall be imposed pursuant to SCC 30.85.090 for the removal of each significant~~
4 ~~tree in violation of SCC 30.25.016(1), unless the tree is replaced with a tree of the same size~~
5 ~~and type within the time period specified in a warning notice issued pursuant to SCC~~
6 ~~30.85.080.))~~

7
8 **Section 11.** Snohomish County Code Section 30.41F.040, last amended by Amended
9 Ordinance No. 10-072 on September 8, 2010, is amended to read:

10
11 **30.41F.040 Approvals.**

12
13 (1) Administrative site plan. In order to approve an administrative site plan, the department
14 must find ((:
15 ~~—(a))~~) that the site plan is consistent with the requirements of this chapter and other applicable
16 regulations as determined by the department ((;
17 ~~—(b) no significant trees other than hazardous trees were removed after January 7, 2009, and~~
18 ~~within six years prior to the date of the submission of the application, pursuant to SCC~~
19 ~~30.25.016(3))).~~

20 (2) Final inspection and occupancy shall not be completed until the following requirements are
21 met for those units included in the inspection:

22 (a) Fire lane signs and/or striping are completed for all access ways to the units;

23 (b) Address signs, street signs and unit addressing is completed;

24 (c) All landscaping, site amenities, fencing, pedestrian facilities, lighting, and other
25 requirements for the units, pursuant to this chapter, are installed and approved; and

26 (d) Parking restrictions, common facilities, drive aisles, fire lanes and other vehicle and
27 pedestrian facilities, and all other commonly-owned and operated property shall be protected in
28 perpetuity by a recorded covenant, in a form approved by the director.

29 (3) Director's discretion. For the purpose of achieving greater innovation and design flexibility,
30 the director and Public Works director shall have the authority to grant modifications or
31 deviations as follows:

32 (a) Modifications or deviations may be granted to the following provisions of the county code
33 if the applicant demonstrates that its proposal is consistent with the requirements of this chapter
34 and the requested modification or deviation is consistent with the intent and purpose of this
35 chapter and its provisions:

36 (i) Chapter 30.24;

37 (ii) Chapter 30.25;

38 (iii) Chapter 30.26; and

39 (iv) Chapter 30.27

40 (b) The director shall retain administrative authority over the request. The director's decision
41 shall be final and not subject to appeal to the hearing examiner.

42 (c) Nothing in this section limits the director's and/or Public Works directors' authority to grant
43 modifications as provided in chapter 30.63C SCC if an applicant incorporates low impact
44 development techniques into the design of single family detached units.

45 (4) An approved administrative site plan shall expire pursuant to SCC 30.23A.100(6).

46
47 **Section 12.** Snohomish County Code Section 30.42A.100, last amended by Amended
48 Ordinance No. 08-101 on January 21, 2009, is amended to read:

1
2 **30.42A.100 Decision criteria.**
3

4 The hearing examiner may approve a rezone only when all the following criteria are met:

- 5 (1) The proposal is consistent with the comprehensive plan;
6 (2) The proposal bears a substantial relationship to the public health, safety, and welfare; and
7 ~~(((3) The proposal would not increase the allowed density of residential development on any~~
8 ~~site where any significant trees other than hazardous trees were removed after January 7, 2009,~~
9 ~~and within six years prior to the date of the submission of the application, pursuant to SCC~~
10 ~~30.25.016(3); and))~~
11 ~~(((4)))~~ (3) Where applicable, minimum zoning criteria found in chapters 30.31A through 30.31F
12 SCC are met.
13

14 **Section 13.** Snohomish County Code Section 30.42B.020, last amended by Amended
15 Ordinance No. 10-072 on September 8, 2010, is amended to read:
16

17 **30.42B.020 Applicability.**
18

- 19 (1) A PRD is permitted only within UGAs in the R-9,600, R-8,400, R-7,200, LDMMR, and MR
20 zones.
21 (2) A retirement apartment or retirement housing PRD is permitted only within the LDMMR, MR,
22 NB, PCB, CB, and GC zones.
23 (3) A PRD is not permitted in the rural area, except in the R-5 zone when consistent with
24 Policy LU 6.A.3 of the comprehensive plan.
25 ~~(((4) A PRD is not permitted on any site where any significant trees other than hazardous~~
26 ~~trees were removed after January 7, 2009, and within six years prior to the date of the~~
27 ~~submission of the application, pursuant to SCC 30.25.016(3).))~~
28 ~~(((5)))~~ (4) Except for the retirement apartment and retirement housing PRDs, the density of a
29 PRD shall be consistent with the land use designation identified in the comprehensive plan.
30

31 **Section 14.** Snohomish County Code Section 30.85.090, last amended by Amended
32 Ordinance No. 08-101 on January 21, 2009, is amended to read:
33

34 **30.85.090 Citation.**
35

- 36 (1) Violations of the following provisions of Snohomish County Code shall be subject to the
37 citation and/or criminal provisions set forth in this chapter:
38 (a) Junkyard conditions in urban zones (SCC 30.22.100 or SCC 30.65.285);
39 (b) Recreational vehicle occupancy (SCC 30.22.100, 30.22.110, 30.22.120 or
40 30.22.130(19)(b) and (c) or SCC 30.65.285);
41 ~~(((c) Tree retention (SCC 30.25.016(1))))~~
42 ~~(((d)))~~ (c) Illegal signs (chapter 30.27 SCC);
43 ~~(((e)))~~ (d) Noise standards (chapter 10.01 SCC, except public disturbance noises as defined
44 by SCC 10.01.040);
45 ~~(((f)))~~ (e) Fence height (SCC 30.52A.148(1)(c) or SCC 30.23.100(3));
46 ~~(((g)))~~ (f) Erosion control measures and best management practices (chapter 30.63A SCC);
47 ~~(((h)))~~ (g) Overcrowding beyond building capacity or blocking means of egress (SCC
48 30.53A.382);
49 ~~(((i)))~~ (h) Obstruction of fire apparatus access roads (SCC 30.53A.512);
50 ~~(((j)))~~ (i) Means of egress (SCC 30.53A.010, Section 1028 IFC);
51 ~~(((k)))~~ (j) Burn permit (SCC 30.53A.298);

- 1 ~~((H))~~ (k) Stop work order (SCC 30.85.230); and
2 ~~((M))~~ (l) Emergency order (SCC 30.85.240).
3 (2) Issuance of the citation is a final determination and a fine will be assessed in accordance
4 with SCC Table 30.85.130.
5 (3) Payment of a fine assessed under the citation shall not relieve the person(s) named in the
6 citation of any obligation to cure, abate or stop the violation(s).
7 (4) A citation may be modified or withdrawn by the department at any time it was issued in
8 error.
9 (5) Each day a person violates or fails to comply with a provision of this section may be
10 considered a separate violation for which a citation may be issued, including the period pending
11 a contested hearing.

12
13 **Section 15.** Snohomish County Code Section 30.85.130, last amended by Amended
14 Ordinance No. 08-101 on January 21, 2009, is amended to read:

15
16 **30.85.130 Fines for citations.**

Table 30.85.130 Fines for Citations

CODE PROVISION	FIRST VIOLATION		REPEAT VIOLATION ²		MULTIPLE REPEAT VIOLATIONS ²	
	Non-commercial ¹	Commercial	Non-commercial ¹	Commercial	Non-commercial ¹	Commercial
Junkyard conditions in Urban Zone SCC 30.22.100 or SCC 30.65.285	\$150	\$250	\$300	\$500	\$500	\$700
RV occupancy SCC 30.22.100, 30.22.110, 30.22.120, 30.22.130(19)(b)&(c) or SCC 30.65.285	\$150	\$250	\$300	\$500	\$500	\$700
Tree ((Retention)) Canopy (per tree)⁽³⁾ SCC 30.25.016(((4)))(11)	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Non-permitted sign Chapter 30.27 SCC	\$150	\$250	\$300	\$500	\$500	\$700
Noise prevention Chapter 10.01 SCC	\$150	\$250	\$300	\$500	\$500	\$700
Fence height SCC 30.52A.148(1)(c), or SCC 30.23.100(3)	\$150	\$250	\$300	\$500	\$500	\$700

Erosion control measures Chapter 30.63A SCC	\$150	\$250	\$300	\$500	\$500	\$700
Overcrowding building or egress SCC 30.53A.382	NA	\$250	NA	\$500	\$500	\$700
Obstruction of fire access roads SCC 30.53A.512	\$150	\$250	\$300	\$500	\$500	\$700
Means of egress SCC 30.53A.010; Section 1028 IFC	NA	\$250	NA	\$500	\$500	\$700
Burn permit SCC 30.53A.298	\$150	\$250	\$300	\$500	\$500	\$700
Stop work order SCC 30.85.230	\$300	\$500	\$600	\$1,000	\$1,000	\$1,500
Emergency order SCC 30.85.240	\$450	\$750	\$500	\$1,500	\$700	\$2,100

¹ See SCC 30.85.135 as definition

² Pursuant to SCC 30.85.280.

³ (*If the trees removed constitute no more than the lesser of 5 significant trees or 5% of the total number of significant trees on the site the fine shall be \$1,000 per tree.**)

(*Code Reviser Note: The text shown in 30.85.130 footnote 3 above, in italic font, was added by Amended Ord. 08-101 but was not shown with addition marks.)

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


PASSED this 8th day of October, 2014.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Dave Somers, Council Chair

ATTEST:

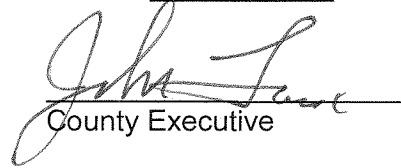


Debbie Eco, Clerk of the Council


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APPROVED
 EMERGENCY
 VETOED

DATE: 10/17/14


County Executive

ATTEST:



Approved as to form only:

Deputy Prosecuting Attorney