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SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

AMENDED ORDINANCE NO. 01-105

AMENDING SNOHOMISH COUNTY CODE  
CHAPTERS 18.32, 18.90 AND 27.36 PURSUANT TO CHAPTER 32.07  
RELATING TO DEVELOPMENT REGULATIONS TO IMPLEMENT THE 2001 DOCKET

WHEREAS, RCW 36.70A.130 and .470 direct planning under the Growth Management Act (GMA) to adopt procedures for interested persons to propose amendments and revisions to the comprehensive plan or development regulations; and

WHEREAS, the Snohomish County Council adopted chapter 32.07 SCC to comply with the requirements of RCW 36.70.A130 and .470; and

WHEREAS, the Snohomish County Department of Planning and Development Services (PDS) staff, pursuant to SCC 32.07.040, reviewed all remaining proposals of the 1996, 1998, 2000 and 2001 dockets and determined that 13 of the proposals could be reviewed and analysis could be completed within the time frame of the 2001 final docket review cycle; and

WHEREAS, the 2001 final docket includes a proposed development regulation amendment by Keith Orr to revise Title 18 (Zoning) to require screening of junk and inoperable vehicles in urban growth areas; and

WHEREAS, the 2001 final docket includes a proposed development regulation amendment by George Ross to revise Title 18 (Zoning) to allow second hand stores as a permitted use in the Neighborhood Business (NB) zone; and

WHEREAS, the 2001 final docket includes a proposed development regulation amendment by the Seattle-Snohomish Mill to revise Title 27 (Special Flood Hazard Areas) to permit log storage within designated density fringe areas; and

WHEREAS the 2001 final docket includes a proposed development regulation amendment alternative by PDS, applicable to the David Sennett docket proposal, to revise Title 18 (Zoning) to allow expansion of an existing Rural Business (RB) zoned site under certain criteria; and

WHEREAS, pursuant to chapter 32.07 SCC, PDS completed final review and evaluation of the 2001 final docket, including the proposals to amend development regulations, and forwarded a recommendation to the Snohomish County Planning Commission; and

WHEREAS, the planning commission held public hearings on 2001 final docket, including proposals to amend development regulations, on August 28, 2001 and September 4, 2001 and forwarded a recommendation to the county council; and

WHEREAS, the county council held public hearings on December 5, 12 and 19, 2001 to consider the entire record and hear public testimony on Amended Ordinance 01-105, adopting amendments to development regulations.

THEREFORE, BE IT ORDAINED:

**Section 1.** The county council makes the following findings of fact and conclusions:

- A. The GMA requires the county to adopt development regulations that are consistent with the county's adopted GMA Comprehensive Plan.
- B. The proposed amendment to the county's zoning regulations by Keith Orr to reduce the threshold for the outdoor storage of junk in urban growth areas and to define inoperable vehicles is consistent with Housing goals, objectives and policies in the county's adopted GMA Comprehensive Plan which recommend the development and maintenance of safe and decent residential neighborhoods.
- C. The proposed amendment to the county's zoning regulations by George Ross to allow second hand stores as a permitted use in the Neighborhood Business (NB) zone is consistent with Land Use goals, objectives and policies in the county's adopted GMA Comprehensive Plan which recommend a variety of small-scale commercial uses in neighborhood commercial centers.
- D. The proposed amendment to the county's zoning regulations by David Sennett to allow expansion of an existing RB zoned site that is located within a two and one-half mile radius of another existing RB, RFS or RI zoned site does not have adequate support in the record to demonstrate compliance with the rural element provisions in RCW 36.70A.070(5) at this time. Further review of the proposal is required in order to adequately show that this code amendment will result in permissible rural development under the GMA. Accordingly, the County Council will defer this item to the 2002 GPP compliance review and final docket.
- E. The proposed amendment to the county's special flood hazard area regulations by the Seattle Snohomish Mill is consistent with GPP Policy LU 1.A.11 which recommends that urban growth areas which are located in the floodplain, as identified in SCC Title 27, should allow sawmill storage yards in density fringe areas through a code amendment when located adjacent to existing sawmill uses.
- F. The county has notified and consulted with cities regarding proposed amendments that affect General Policy Plan (GPP) Future Land Use Map (FLUM) designations within UGAs and implementing development regulations.
- G. There has been early and continuous public participation in the review of the proposed amendments:
- H. Addendum No. 25 to the Final Environmental Impact Statement (FEIS) for the Snohomish County Comprehensive Plan was prepared for the proposed amendments to satisfy the State Environmental Policy Act (SEPA) requirements. The purpose of this addendum to the FEIS and associated adopted environmental documents is to add information and analysis of significant impacts and alternatives in the county's GMA Comprehensive Plan/General Policy Plan EIS dated April 11, 1994 (Draft EIS) and June 21, 1995 (Final EIS) to the non-project action.
- I. The SEPA requirements with respect to this proposed action have been satisfied by this document.
- J. The county council held public hearings on December 5, 12 and 19, 2001 to consider the planning commission's recommendations.

**Section 2.** The county council bases its findings of fact and conclusions on the entire record of the planning commission and the count council, including all testimony and exhibits.

**Section 3.** Snohomish County Code Section 18.32.040, last amended by Ordinance No. 00-003 on March 20, 2000 is **AMENDED** to read:

**18.32.040 - Use Matrix**

(A) The following key applies to the use matrix. Reference notes are found in SCC 18.32.040(B). Use Matrix Key

P -- Permitted use

C -- Conditional use

T -- Temporary use

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AMENDING TITLE 18 SCC PURSUANT TO CHAPTER 32.07 SCC RELATING TO DEVELOPMENT REGULATIONS TO IMPLEMENT THE 2001

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	F	F&R	A	R-5	RRT	RC&	RD	SA-1	RU	R	R	R	R	R	R	WFB	T	LDMR	MR	FS	NB	PCB	CB	GC	IP	BP	LI	HI	MC	RB	RFS	RI				
Mini-Equestrian Center				10	10	RR			20,000		9,600	8,400	7,200											80												
Mini-Self-Storage	P	P	75	P	P	P																														
Mobile Home Park																																				
Mobile Home & Travel Trailer Sales																																				
Model Hobby Park																																				
Model House/Sales Office	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P													
Motor Vehicle & Equipment Sales																																				
Mortuary																																				
Museum			65	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
Nursing Home																																				
Office, General																																				
Park, Public	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Pet Shop																																				
Personal Services Shop																																				
Park-and-Pool Lot, Small																																				
Park-and-Rifle Lot	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Petroleum Products & Gas Storage - Bulk																																				
Petroleum Refining																																				
Photo Processing Shop																																				
Printing Plant																																				
Printshop																																				
Railroad Right-of-way	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Recreational Facility Not Otherwise Listed																																				
Rendering of Fat, Tallow or Lard																																				
Resort																																				
P - Permitted Use																																				
C - Conditional Use																																				
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Note: Numbers within matrix identify reference notes in SCC 18.32.040(B) which indicate special conditions.

	F	F&R	A-	R-5	RRT	RC&	RD	SA-1	RU	R	R	R	R	R	R	R	WFB	T	LOMR	MR	FS	NB	PCB	CB	GC	IP	BP	LI	HI	MC	RB	RFS	RT			
Restaurant			10		10				20,000	12,500	9,800	8,400	7,200												80	80										
Retail Store																					P	P	P	P	52	52	P	P		84	P					
Retirement Apartments																																				
Retirement Housing																																				
Rolling or Blooming Mills																																				
Rooming & Boarding house	1	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15																				
5	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P																				
Rural Industries	44						27	P																												
Sanitary Landfill	C																																			
Sawmill	P	28	C	C	28	C	28	C	28	C	C	C	C	C	C	C																				
Schools																																				
K-12 & Preschool																																				
Other																																				
Second Hand Store																																				
Service Station																																				
Shooting Range	C																																			
Sludge Utilization	42	C																																		
Small Animal Husbandry	44	P	P	P	P	P	P	P	40	40	40	40	40	40	40	40																				
Social Services Center	17																																			
Specialty Store																																				
Stables																																				
Stockyard or Slaughter House		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P																				
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Travel Trailer Court			10																																																			
Ultrasound Airpark		C																																																				
Utility Facilities:																																																						
Electromagnetic Transmission & Receiving Fac.		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C														
29																																																						
Transmission Wires or Pipes & Supports		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P											
28																																																						
All Other Structures		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C									
29,44																																																						
Veterinary Clinic			C	C		C	P	C	P																																													
Warehousing																																																						
Wedding Facility,																																																						
Rural-Resource ZZ			C	C	C																																																	
Wholesale																																																						
Establishment																																																						
Woodwaste																																																						
Recycling			C	C		C																																																
61																																																						
Storage																																																						
61																																																						
Yacht/Boat Club																																																						
All other uses not otherwise mentioned																																																						
P - Permitted Use																																																						
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(B) Reference notes for use matrix.

(1) Airport, Stage 1 Utility:

- (a) Not for commercial use and for use of small private planes, and
- (b) In the RU zone, they shall be primarily for the use of the resident property owner.

(2) Day Care Center:

- (a) In WFB, R 7200, R 8400, R 9600, 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) Private, Noncommercial Docks and Boathouses:

- (a) The height of any covered overwater structure shall not exceed 12 feet as measured from the line of ordinary high water,
- (b) The total roof area of covered, overwater 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 overwater structure shall extend beyond the mean low water mark a distance greater than the average length of all preexisting overwater structures along the same shoreline and within 300 feet of the parcel on which 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.

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

(5) Townhouse dwellings shall be:

- (a) Subject to all conditions of the chapter 18.53 SCC;
- (b) Subject to the maximum density allowed by the appropriate implementing zone for the comprehensive plan designation applied to the site;
- (c) A permitted use when placed on individual lots created by the formal subdivision process;
- (d) A conditional use when located on individual lots not created through the formal subdivision process.

(6) Mobile Home:

- (a) Shall be multi-sectioned by original design, with a width of 20 feet or greater along its entire body length,
- (b) Shall be constructed with a non-metallic type, pitched roof,
- (c) Except where the base of the mobile home is flush to ground level shall be installed either with:
  - (i) skirting material which is compatible with the siding of the mobile home, or
  - (ii) a perimeter masonry foundation,
- (d) Shall have the wheels and tongue removed, and
- (e) In the RU zone the above only applies if the permitted lot size is less than 20,000 square feet.

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

- (a) Side and rear yard requirements may be waived by the department of planning and development services along the boundaries lying between the properties involved with the proposal, and zone PROVIDED That its function as a shelter is not impaired.

(8) Family Day Care Home:

- (a) No play yards or equipment shall be located in any required setback from a street, and
- (b) Outdoor play areas shall be fenced or otherwise controlled.

(9) Farm Stand:

- (a) There shall be only one stand on each lot,
- (b) The maximum size in the A-10 zone shall be 500 square feet,
- (c) The maximum size in all other zones shall be 300 square feet, and
- (d) At least 75 percent (by value) of the products sold must be grown or raised in Snohomish County.

(10) Farm Worker Dwelling:

- (a) At least one person residing in each farm worker dwelling unit shall be employed full time in the farm operation,
- (b) An agricultural farm worker dwelling unit affidavit must be signed and recorded with the county attesting to the need for such dwellings to continue the farm operation,

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

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

(11) Home Occupation:

(a) Not more than one person outside the family shall be employed;

(b) The occupation shall be secondary to the use of the dwelling for dwelling purposes;

(c) There shall be no external display of merchandise. No sales or fees for the use of merchandise except that produced by the inhabitants shall be made in the dwelling or on the premises;

(d) The maximum nameplate horsepower rating of any single piece of mechanical equipment used in the home occupation shall be five horsepower, and no equipment shall be three-phase motors. The electrical service for the home occupation shall not exceed 200 amps;

(e) Not more than one-fourth of the total square footage of the dwelling may be used in the occupation;

(f) Signs in connection with the occupation shall be unlighted, shall not exceed two square feet, and shall be attached flat to the building;

(g) The home occupation shall in no way affect the appearance of the building as a residence; and

(h) The home occupation shall be fully enclosed within the residence with no outside storage of equipment or materials.

(12) Kennel, commercial: There shall be a five acre minimum lot size.

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

(14) Parks, publicly owned and operated:

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

(b) All lighting shall be shielded so as not to produce glare which would be unduly annoying to adjoining uses, and

(c) No amusement devices for hire are permitted.

(15) Rooming and Boarding House: There shall be accommodations for no more than two persons,

(16) Deleted.

(17) Social Service Center: Hours of operation shall be restricted to that compatible with the neighborhood and proposed usage of the facility.

(18) Swimming and Wading Pool, not to include hot tubs and spas for the sole use of occupants and guests:

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

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

(19) Temporary Dwelling, for a relative:

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

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

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

(d) The temporary dwelling shall be occupied by not more than two persons,

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

(f) The temporary dwelling shall be situated not less than 20 feet from the permanent dwelling on the same lot and shall not be located in any required yard of the principal dwelling,

(g) A land use permit binder shall be executed by the landowner, recorded with the Snohomish County auditor and a copy of the recorded document submitted to the department of planning and development services for inclusion in the permit file,

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

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

(j) An agreement to terminate such temporary use at such time as the need no longer exists shall be executed by the

applicant and recorded with the Snohomish County auditor, and

(k) Only one temporary dwelling may be established on a lot. The temporary dwelling shall not be located on a lot on which a detached accessory apartment, as defined in SCC 18.90.018, is located.

(20) Temporary Emergency Use or Structures:

(a) Such approvals shall apply only to uses or structures normally requiring a conditional or special use permit, and

(b) The request shall be approved only where action must be taken immediately, or within a time too short to allow processing of a permit, to avoid imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation.

(21) Travel Trailer:

(a) There shall be no more than one per lot, and

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

(22) Ultralight Airparks:

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

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

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

(i) create a hazard for other persons or property,

(ii) occur between sunset and sunrise,

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

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

(23) Craft Shop:

(a) Articles shall not be manufactured by chemical processes,

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

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

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

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

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

(27) Rural Industry.

(a) The number of employees shall not exceed 10,

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

(c) The owner of the rural industry must reside on the same premises as the rural industry and, in the RD zone, the residence shall be considered as a caretaker's quarters as defined in SCC 18.90.170, and

(d) Outside storage, loading or employee parking in the RD zone shall provide 15 feet of type "II" buffer as defined in SCC 18.43.040.

(28) Sawmill, Shake and Shingle Mill:

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

(b) The number of employees shall not exceed 25 during any eight hour work shift,

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

(d) Sawmills and shakemills adjacent to a state highway in the RU zone shall provide 25 feet of type "II" buffer as defined in SCC 18.43.040.

(29) Governmental and Utility Structures and Facilities: Special lot area requirements for this use are contained in SCC 18.42.050.

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(30) Excavation and Processing of Minerals:

- (a) All such operations shall comply with the provisions of Chapter 18.54 SCC, Mineral Excavation Procedures and standards, and
- (b) The extraction and processing of rock and gravel exclusively for forest practices shall be permitted outright in the F zone,
- (c) This use shall allow only the primary reduction, treatment, and processing of minerals and materials, together with any necessary buildings,
- (d) At least one of the major mineral or material constituents being exploited shall be from said property,
- (e) Allowed uses shall include but not be limited to rock crushers, concrete batching, asphalt mixing, and the manufacturing of terra cotta, tile, brick, and concrete products,
- (f) The use shall only be allowed in undeveloped areas and shall not be detrimental to the existing, developing, or projected land uses,
- (g) In the A-10 zone, the excavation shall not reduce the area of prime agricultural soils which are located on parcels designated local, uplands, or riverway commercial farmland by the comprehensive plan; UNLESS all of the following conditions can be demonstrated to the satisfaction of the county:
  - (i) The prime agricultural soils as defined by SCC 18.90.690 constitute no more than 25 percent of the proposed excavation,
  - (ii) Excavation of said soils is necessary to the conduct of the excavation on portions overlain by other than prime agricultural soils, and
  - (iii) It can be demonstrated that the use of the land underlying prime agricultural soils does not threaten other prime agricultural soils beyond the proposed excavation through encroachment or disruptions due to operation of the excavation.
- (h) If a property is designated both Rural Residential-10 and Mineral Lands on the General Policy Plan Future Land Use Map, excavation and processing of materials does not require a rezone to MC, but is subject to the requirements for a conditional use permit on sites zoned MC as set forth in chapter 18.54.

(31) Clinic, Hospital, Licensed Practitioner, Hotel/Motel:

- (a) Where the abutting property is designated for residential use, type "I" or "II" buffer, as defined in SCC 18.43.040, is required, and
  - (b) A prescription pharmacy may be permitted when located within the main building containing licensed practitioner(s).
- (32) Forest Industries, (except harvesting) adjacent to property lines in the RU zone shall provide a 15-foot type "III" buffer as defined in SCC 18.43.040.

(33) Boat Launch Facilities, commercial or non-commercial:

- (a) The examiner may regulate, among other factors, required launching depth, lengths of existing docks and piers,
- (b) Off-street parking shall be provided in an amount suitable to the expected usage of the facility. When used by the general public, the guideline should be 32 to 40 spaces capable of accommodating both a car and boat trailer for each ramp lane of boat access to the water,
- (c) A level vehicle-maneuvering space measuring at least 50 feet square shall be provided,
- (d) Pedestrian access to the water separate from the boat launching lane or lanes may be required where it is deemed necessary in the interest of public safety,
- (e) Safety buoys shall be installed and maintained separating boating activities from other water-oriented recreation and uses where this is reasonably required for public safety, welfare and health, and
- (f) All site improvements for boat launch facilities shall comply with all other requirements of the zone in which it is located.

(34) Campground:

- (a) The maximum overall density shall be seven camp or tent sites per acre, and
- (b) The minimum site size shall be 10 acres.

(35) Commercial Vehicle Home Basing:

- (a) The vehicles may be parked and maintained only on the property wherein resides a person who uses them in their business,
- (b) Two or more vehicles may be so based, and
- (c) The vehicles shall be in operable conditions.

(36) Distillation of Alcohol:

- (a) The distillation shall be from plant products, for the purpose of sale as fuel, and for the production of methane from animal waste produced on the premises,
- (b) Such distillation shall be only one of several products of normal agricultural activities occurring on the premises, and
- (c) By-products created in this process shall be used for fuel or fertilizer on the premises.

(37) Group Care Facility:

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- (a) The number of persons to reside in the facility shall be generally consistent with the maximum allowed residential density in the zone,
- (b) The allowing of the proposed use must be found to not adversely affect the surrounding area as to present use or character of future development, and
- (c) In other than single family residences, yard requirements shall be as set forth for apartment structures in the allowed zone.

**(38) Mobile Home and Travel Trailer Sales:**

- (a) Property shall directly front upon a principal or minor arterial in order to reduce encroachment into the interior of IP designated areas,
- (b) The hearing examiner shall consider the visual and aesthetic characteristics of the use proposal and determine whether nearby business and industrial uses, existing or proposed, would be potentially harmed thereby. A finding of potential incompatibility shall be grounds for denial,
- (c) The conditional use permit shall include a condition requiring mandatory review by the hearing examiner at intervals not to exceed five years for the express purpose of evaluating the continued compatibility of the use with other IP uses. The review required herein is in addition to any review which may be held pursuant to SCC 18.72.190,
- (d) Such use shall not be deemed to be outside storage for the purpose of SCC 18.43.060, and
- (e) Such use shall be temporary until business or industrial development is timely on the site or on nearby IP designated property.

**(39) Farm Product Processing:**

- (a) Where a lot of nonconforming size has been previously developed for residential use and the owner resides therein, farm product processing may be permitted by the hearing examiner when the following criteria are met:
  - (i) No more than one person outside of immediate family shall be employed full time in farm product processing at any one time.
  - (ii) Nature of operation and any structures shall not adversely affect adjacent properties. Physical scale and use intensity must be compatible with surrounding neighborhood.
- (b) Retail sales of products produced on the premises for off-site consumption may be allowed.

**(40) Small Animal Husbandry:** There shall be a five acre minimum site size.

**(41) Mobile Home Park:** Such development must fulfill the requirements of Chapter 18.55 SCC.

**(42) Sludge Utilization:**

- (a) Minimum total project area including setbacks is 20 acres,
- (b) Access to the site shall be controlled in an acceptable manner using measures such as fences, gates, posting, etc.,
- (c) For the following applications, minimum setbacks between the utilization area and the property boundary shall be observed (unless a lesser setback is agreed to by the adjoining property owner(s) outside of the project boundaries):
  - (i) Spray application: 500 feet,
  - (ii) Surface application: 300 feet, and
  - (iii) Sub-surface injection: 200 feet,
- (d) Minimum setbacks from year-round surface waters shall be 200 feet, or greater if deemed necessary to protect water quality,
- (e) A joint site inspection shall be arranged by representatives of the Snohomish health district and the Snohomish County department of planning and development services at the time of initial application. The applicant shall provide said agencies with at least 10 days advance notice of such initial application,
- (f) The applicant shall submit for approval by the hearing examiner a monitoring schedule suitable to the Snohomish health district, and
- (g) Provided that sludge utilization at a completed sanitary landfill or on a completed cell within a sanitary landfill shall not be subject to the minimum area requirement of subsection (a).

**(43) Homestead Parcels:** Lot area and width requirements may be reduced, PROVIDED That:

- (a) The parcel is designated as agricultural land of primary or secondary significance in the Snohomish County agricultural preservation plan or as agriculture in an adopted subarea comprehensive plan,
- (b) The resultant non-homestead parcel shall not be less than the minimum lot area permitted in the zone,
- (c) A dwelling currently exists on the parcel, and must have existed on the parcel prior to the effective date of this amendment,
- (d) The homestead parcel shall include no more than two acres of land, unless soil conditions, topography or other unique circumstances require a greater land area,
- (e) Concurrent with application under this section, the applicant shall submit an application under the Snohomish County short subdivision code, Title 20 SCC or Snohomish County boundary line adjustment, Title 29 SCC, where appropriate, and

(f) Approval shall be dependent upon a determination by the hearing examiner that the proposed use is for the purpose of consolidation of existing agricultural lands or operations, minimizes interference with the usual and normal farm practices on adjacent agricultural lands, and further that the following conditions are imposed:

(i) a declaration shall be recorded with the homestead parcel which states that the homestead parcel is located in an agricultural area which experiences activities customarily associated with agricultural practices,

(ii) the non-homestead parcel created by subdivision shall not be subdivided further for a period of 10 years following creation of the initial homestead parcel, except as provided for herein,

(iii) no dwelling shall be constructed on the non-homestead parcel created by subdivision for a period of 10 years from approval of the conditional use permit except for farm worker dwellings.

(44) Special setback requirements for this use are contained in SCC 18.42.100.

(45) Minimum lot size for duplexes shall be one and one half times the minimum lot size for single-family dwellings. In the RU zone, this provision only applies when the minimum lot size for single-family dwellings is 12,500 square feet or less.

(46) Bulk Storage of Petroleum Products and Gas:

(a) All above ground storage tanks shall be located 150 feet from all property lines, and

(b) Storage tanks below ground shall be located no closer to the property line than a distance equal to the greatest dimensions (diameter, length or height) of the buried tank.

(47) Auto Wrecking Yards and Junk Yards: A sight-obscuring fence a minimum of seven feet high shall be established and maintained in the LI zone. For landscaping requirements for these uses, SCC 18.43.050 and 18.43.070 apply.

(48) Antique shops when established as a home occupation as regulated by SCC 18.32.040 (B)(11); PROVIDED FURTHER, That all merchandise sold or offered for sale shall be predominantly "antique" as defined in SCC 18.90.060, and antique related objects.

(49) See SCC 18.44.090 for specific requirements for billboards.

(50) Wholesale Nursery: In R-20,000 zone, a wholesale nursery is permitted on three acres or more; a conditional use permit is required on less than three acres.

(51) Stockyard and Livestock Auction Facility: The minimum lot size is 10 acres.

(52) Restaurants and Personal Service Shops: Located to service principally the constructed industrial park uses.

(53) Sludge Utilization: A conditional use permit is required for manufacture of materials by a non-governmental agency containing stabilized or digested sludge for a public utilization.

(54) Single family dwellings are a prohibited use, except that such dwellings that are nonconforming as a result of a county-initiated rezone to BP may make improvements or additions provided such improvements are consistent with the bulk regulations contained in Chapter 18.42 SCC; and PROVIDED FURTHER, That such improvements do not increase the ground area covered by the structural portion of the nonconforming use by more than 100 percent of that existing at the existing date of the nonconformance.

(55) Greenhouses, lath houses, and nurseries:

(a) Incidental sale of soil, bark, fertilizers, plant nutrients, rocks and similar plant husbandry materials is permitted,

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

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

(56) See SCC 18.60.130 for specific requirements for retail stores in the BP zone.

(57) Kennel, exhibitor/breeding: Where the animals comprising the kennel are housed within the dwelling, the yard or some portion thereof shall be fenced and maintained in good repair or to contain or to confine the animals upon the property and restrict the entrance of other animals. Where the number of animals kept is 10 or more, a five acre minimum lot size and a conditional use permit are required.

(58) Retail sales of hay, grain, and other livestock feed are permitted on-site in conjunction with a livestock auction facility.

(59) Noise of machines and operations in the LI and HI zones shall comply with Chapter 10.01 SCC, Noise Control, and machines and operations shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness.

(60) Sludge utilization only at a completed sanitary landfill or on a completed cell within a sanitary landfill, subject to the provision of subsection 18.32.040(B)(42).

(61) Woodwaste Recycling and Woodwaste Storage Facilities: These two uses are subject to the following minimum requirements except when incidental to a primary use allowed in the applicable zone:

(a) Siting Criteria. Woodwaste recycling and woodwaste storage shall be located in compliance with the following:

(i) The minimum site size shall be 10 acres.

(ii) Outside storage, recycling and processing activity areas, parking areas and other outside activity areas shall be located at least 100 feet from adjacent properties used, zoned or designated for residential purposes and at least 200 feet from any stream or wetland or land designated as an environmentally sensitive area by the Snohomish County comprehensive land use plan; PROVIDED, HOWEVER, That where such activities are fully enclosed within a structure,

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the minimum 200-foot setback shall be reduced to 50 feet. The character of the minimum setback area and the potential need for a greater setback shall be determined by the hearing examiner in accordance with adopted county plans and policies, including the applicable area comprehensive plan.

(b) Submittal Requirements to accompany a conditional use application: An application for a conditional use permit to allow a woodwaste recycling or woodwaste storage facility shall include the following submittals:

(i) A site development plan showing all woodwaste storage areas (active and reserve areas), recycled material storage areas, proposed structures, equipment, parking areas, access drives/fire lanes, delineation of existing vegetation, extent of clearing, buffer widths, on-site sewage disposal areas (if proposed), and existing site structures/facilities that are to remain or be removed.

(ii) A water quality control and monitoring plan. The applicant shall prepare a water quality control plan which demonstrates adequate protections for surface and groundwater quality consistent with the requirements of Snohomish health district regulation, EHD 8-30, "regulations governing solid waste handling"; contains provisions for minimizing stormwater runoff contact with woodwaste and recycled materials; and includes an independently-produced hydrogeologic report which analyzes the potential for surface water contamination, groundwater infiltration, or other types of water degradation (on-site or off-site) resulting from leachate produced by the proposal and recommends preventative measures if such contamination is anticipated.

(iii) An operational plan which contains the following elements:

(A) a fire prevention and protection plan which contains adequate provisions for the prevention of on-site fires and includes specific measures to prevent the spread of fires and protect adjacent properties. Approval of said plan shall be obtained from the county fire marshal prior to conditional use approval.

(B) a materials inspection plan which will insure control over the type of woodwaste entering the site. This plan shall include provisions for the visual inspection of all materials brought to the site during placement in the designated storage area and procedures for the immediate removal of waste material other than woodwaste and demolition or construction debris as defined by this title. The operator shall be responsible for insuring that such material does not enter the site.

(C) for woodwaste recycling, a requirement for use of specific equipment (crushers, chippers, etc.) capable of woodwaste processing at a rate in conformance with Snohomish health district regulation, EHD 8-30, "regulations governing solid waste handling", section EHD 8-30-300-3(c)(i).

(D) a landscaping and screening plan which demonstrates maximum retention of natural vegetation around the perimeter of the site and augmentation with planted landscaping materials as necessary to assure site screening capability.

(iv) The applicant shall be required to post a performance bond for site reclamation and other bonds as determined by the hearing examiner, including, but not limited to bonds for facility maintenance, water quality control and monitoring equipment, and recovery of fire extinguishment costs.

(c) Minimum Performance Standards: A conditional use permit shall be subject to the following minimum performance standards:

(i) All woodwaste and demolition and construction debris shall be stored at or above ground level. Natural or artificially created depressions in the earth shall not be used.

(ii) The applicant shall demonstrate that an adequate water supply is available at the site to sustain necessary fire flow pressure for purposes of fire protection as determined by the applicable local fire district in consultant with the county fire marshal.

(iii) The proposed operation shall be carried out so as to avoid the emission of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water pollution, or other emissions which are unduly or unreasonably offensive or injurious to properties, residents or improvements in the vicinity.

(iv) The applicant shall provide on-site leachate collection/treatment system designed, constructed and operated in a manner that disposes of the leachate when one or more of the following circumstances exist:

(A) the hydrogeologic report prepared in accordance with SCC 18.32.040 (B)(61)(b)(ii) recommends a leachate collection/treatment system due to site characteristics of topography, underlying geology and hydrology; or

(B) a treatment/collection system is recommended by the Snohomish health district to satisfy the requirements of Snohomish health district regulation, EHD 8-30, "regulations governing solid waste handling" relating to surface and groundwater protection.

(v) A 30-foot wide, type II buffer as described by SCC 18.43.040(2) is required around the perimeter of the proposed site. All outside activity areas and buildings used in recycling or processing shall be screened from view from the surrounding roadways. Where feasible, natural vegetation shall be used for screening purposes. If the natural buffer is inadequate to provide sight screening, additional landscaping will be required.

(vi) Woodwaste and recycled materials shall be placed in piles, and piles must be stored and recycled in compliance with the Snohomish health district's criteria for waste recycling facilities, as contained in Snohomish health district regulation, EHD 8-30, "regulations governing solid waste handling", section 8-30-300-3(c)(i).

(vii) Woodwaste and recycled material in a pile shall be stored in piles no more than 40 feet high and not more than one-half acre in size. Piles shall be separated by a fire lane with a minimum width of 40 feet.

(iii) For purposes of fire prevention, no more than 40 percent of the designated storage area shall be devoted to active storage at any one time. At least 60 percent of the designated storage area shall be cleared and identified as a reserve storage area at all times.

(ix) Except in the LI and HI zones, a proposed woodwaste storage or woodwaste recycling facility shall be limited to wholesale distribution only, with retail sales of any woodwaste recycled product being prohibited.

(62) Bed and breakfast guesthouses and bed and breakfast inns.

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

(b) Submittal requirements to accompany a conditional use or building permit application:

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

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

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

(B) If an outbuilding or outbuildings are proposed, a grading plan, showing the extent of clearing activity, is required. Site design shall be sensitive to the natural features of the site. The use of manufactured and mobile homes is prohibited.

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

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

(c) Minimum performance standards:

(i) Parking requirements shall be in accordance with subsection SCC 18.45.040(35). No on-street parking shall be allowed.

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

(iii) The owner shall operate the facility and reside on the premises.

(iv) One sign for business identification and advertising shall be permitted in conjunction with the bed and breakfast establishment in accordance with SCC 18.44.070.

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

(vi) Guests shall be permitted to stay at the establishment for not more than 10 consecutive days at a time.

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

(viii) The applicant shall comply with all applicable county codes for fire, health and building requirements and any applicable food service regulations and on-site sewage disposal requirements of the Snohomish health district. The applicant shall comply with the applicable requirements of Chapter 258-54 WAC, "public water system rules and regulations", as now written or hereafter amended, if a water system is to be developed or connected to an existing public water system.

(ix) If three or more guest rooms are proposed, the applicant shall also meet state requirements for a "transient accommodation license", as required by Chapter 212-52 WAC, as now written or hereafter amended.

(x) If six guest rooms are proposed, the applicant shall meet all requirements for a hotel occupancy pursuant to the Uniform Building Code and the Uniform Fire Code.

(xi) If outbuilding(s) are proposed for guest rooms, each outbuilding shall be a minimum of one hundred thirty square feet. The aggregate outbuilding square footage for guest use shall not exceed eight hundred fifty square feet.

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

(d) A certificate of occupancy, to ensure compliance with applicable codes, shall be obtained from the department of

planning and development services prior to allowing guests at the establishment. The certificate of occupancy shall be subject to an annual inspection and renewal pursuant to SCC 16.04.060.

(d) In the Forestry (F) zone, bed and breakfast establishments shall not be permitted if the GPP designates the property as "Commercial Forest." In the F zone, up to three outbuildings for guest use may be permitted, provided that the aggregate outbuilding square footage does not exceed eight hundred and fifty square feet.

(63) Storage structure over 1,000 sq. ft. on less than three acres: This use is subject to the following requirements:

(a) Special setback requirements for this use are contained in SCC 18.42.100.

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

(c) The applicant shall submit building elevations that document a residential appearance through the design and through depiction of appropriate building materials for the exterior finish.

(d) The applicant shall propose a screening plan which will result in a building screened from the view of neighboring property owners. Landscaping will be required on the subject property's boundary line or lines and/or around the building sides, as necessary, to effectively accomplish this objective.

(64) Storage structures over 1,000 sq. ft. in the R-7,200 and R-8,400 zones are limited to 20 feet in building height.

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

(66) Accessory apartments -- Attached and detached:

(a) An owner-occupant of a single-family dwelling unit may establish only one accessory apartment, which may be either attached to, or detached from, the single-family dwelling. A detached accessory apartment may not be located on a lot on which a temporary dwelling, as defined in SCC 18.90.305, is located.

(b) The single-family dwelling unit to which an attached accessory apartment is to be added, or which is located on the same lot as the detached accessory apartment, must be owner-occupied on the date of application and remaining owner-occupied for as long as the attached or detached accessory apartment exists.

(c) The minimum floor area for an attached or detached accessory apartment shall be 360 square feet, but in no case shall the original single-family dwelling unit be reduced below 900 square feet. These floor areas shall be exclusive of garages, porches, or unfinished basements. The floor area of an attached accessory apartment shall not exceed the following percentage of the floor area of the single-family dwelling unit to which it is accessory, or the following fixed amount, whichever is applicable:

<b>If the floor area of the single-family dwelling unit is:</b>	<b>the floor area of the attached accessory apartment shall not exceed:</b>
Under 2,000 sq. ft.	40%
2,000 sq. ft. or more, but less than 3000 sq. ft.	35% or 800 sq. ft. whichever is greater
3,000 sq. ft. or more, but less than 5,000 sq. ft.	30% or 1,050 sq. ft. whichever is greater
over 5,000 sq. ft.	20% or 1,500 sq. ft., whichever is greater

The floor area of a detached accessory apartment shall not exceed 40 percent of the floor area of the single-family dwelling unit to which it is accessory, or 850 square feet, whichever is less.

(d) For an attached accessory apartment, the architectural character of the single-family dwelling shall be preserved. Exterior materials, roof form, and window spacing and proportions shall match that of the existing single-family dwelling. Only one main entrance shall be permitted on the front (street face) of the dwelling. Entrances for the attached accessory apartment shall be on the side or in the rear of the dwelling.

(e) For a detached accessory apartment located within a new structure, the exterior materials, roof form, and window spacing and proportions of the detached accessory apartment structure shall approximate those of the existing single-family dwelling. For a detached accessory apartment located within an existing structure, the structure is not required to approximate the exterior features of the existing single-family dwelling.

(f) In zones categorized as residential, multiple family or commercial, no portion of a detached accessory apartment shall extend beyond the building front of the existing single-family dwelling, unless screening, landscaping or other measures are provided to insure compatibility with the immediate neighborhood.

(g) An applicant must provide documentation that the water supply is potable and of adequate flow and that the existing or proposed sewage or septic system is capable of handling the additional demand placed upon it by the attached or detached accessory apartment.

(h) One off-street parking space shall be provided and designated for the attached or detached accessory apartment (in addition to the two off-street parking spaces required for the primary single-family dwelling unit). Additional spaces shall be provided to accommodate any additional vehicles owned and/or used by occupants of the attached or detached accessory apartment. Driveways may be counted as one parking space but no parking areas other than driveways shall be created in front yards.

(i) An owner-occupant of a single-family dwelling with an attached or detached accessory apartment shall file, on a form available from the community development department, a declaration of owner occupancy with the community development department prior to issuance of the building permit for the attached or detached accessory apartment and shall renew the declaration annually. The initial declaration of owner occupancy shall be recorded with the county auditor prior to filing the declaration with the community development department.

(j) The owner-occupant(s) may reside in the single-family dwelling unit, the accessory apartment, or both.

(67) Temporary woodwaste recycling and temporary woodwaste storage facilities: These two uses require a temporary use permit and are subject to the following minimum requirements except when incidental to a primary use allowed in the applicable zone:

(a) An application for a temporary use permit to allow a woodwaste recycling and/or woodwaste storage facility shall include the following:

(i) A site development plan showing all woodwaste storage areas (active and reserve areas), recycled material storage areas, equipment, parking areas, access drives/fire lanes, extent of vegetation clearing, buffer widths, on-site sewage disposal areas (if proposed), proposed site structures, existing site structures that are to remain or be removed, natural drainage courses and probable alterations which will be necessary to handle the expected drainage from the site.

(ii) Operational information which demonstrates that:

(A) Adequate fire prevention and protection measures have been incorporated into the proposal. Approval of said measures shall be obtained from the county fire marshal prior to temporary use approval;

(B) Adequate provisions have been incorporated into the proposal which will ensure that the type of woodwaste brought to the site consists only of materials authorized by this title and does not contain wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, copper-chrome-arsenate, paints or stains; the operator shall be responsible for insuring that such material does not enter the site;

(C) The woodwaste material is being stored in conformance with Snohomish health district regulation, EHD 8-30, "regulations governing solid waste handling", section EHD 8-30-300(3)(c)(i);

(b) A temporary use permit shall be subject to the following minimum performance standards:

(i) All woodwaste and demolition and construction debris shall be stored at or above ground level. Natural or artificially created depressions in the earth shall not be used. All woodwaste material shall be limited to temporary storage at a rate in conformance with the Snohomish health district regulation, EHD 8-30-300(3)(c)(i);

(ii) The applicant shall demonstrate that an adequate water supply is available at the site to sustain necessary fire flow pressure for purposes of fire protection as determined by the applicable fire district in consultation with the county fire marshal.

(iii) The proposed operation shall be carried out in conformance with all applicable provisions of county code and state law and shall avoid the emission of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water pollution, or other emissions which are unduly or unreasonably offensive or injurious to properties, residents or improvements in the vicinity.

(iv) A type I buffer as described in SCC 18.43.040(1) is required around the perimeter of all storage, recycling, processing, parking and other outside activity areas. When the subject property is zoned LI or HI, this type I buffer shall supersede the LI and HI buffer requirements described in the landscaping requirements matrix in SCC 18.43.050 for outside storage or waste areas, where the abutting property is designated commercial, or where the abutting property or use is residential.

(v) Woodwaste and recycled material placed in a pile shall be stored in piles no more than 30 feet high and not more than one-half acre in size. Piles shall be separated by a fire lane with a minimum width of 40 feet.

(vi) The combined total storage area for woodwaste and recycled materials shall not exceed two acres.

(vii) Except in the LI and HI zones, a proposed woodwaste storage or woodwaste recycling facility shall be limited to wholesale distribution only, with retail sales of any woodwaste recycled product being prohibited.

(viii) Outside storage, recycling and processing activity areas, parking areas and other outside activity areas shall be setback at least 20 feet from adjacent properties; PROVIDED, That where such activities are adjacent to properties containing an existing residential use, properties where the existing zoning is categorized as residential, multiple family or rural, or adjacent to any stream or wetland designated by Snohomish County, the minimum setback shall be 100 feet;

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PROVIDED FURTHER, That where such activities are fully enclosed within a structure, the minimum setback may be reduced to 50 feet depending on the sensitivity of the resource. The character of the minimum setback area shall be determined by the planning director in accordance with adopted county regulations, plans and policies.

(68) Home occupations may be conducted in an accessory building and/or an attached garage in accordance with the following:

(a) The provisions of SCC 18.32.040 (B)(11)(a), (c), (d) and (f) shall be met;

(b) A minimum lot size of one acre is required;

(c) The following table identifies the maximum allowable combined accessory building and attached garage area and the minimum required building setback for the garage and/or the accessory building from adjacent residentially zoned properties according to the home occupation lot or parcel size; except that, in the rural business zone the requirements of the table shall not apply, and a maximum allowable combined accessory building and attached garage area of 1000 square feet shall be permitted, and the minimum building setback from adjacent residentially zoned properties shall be 30 feet:

	One ac.	Two ac.	Three ac.	Four ac.	Five or more ac.
Area (sq. ft.)	500	600	700	800	900
Setback (ft.)	30	40	50	60	70

(d) The home occupation shall in no way affect the appearance of the accessory building and/or the attached garage as accessory to the residential dwelling;

(e) The home occupation shall be fully enclosed within the accessory building and/or the attached garage including no outside storage of equipment or materials;

(f) The home occupation shall not create a level of noise vibration, smoke, dust, odors, heat, light, or glare beyond that which is acceptable in a residential area;

(g) The following activities, including any similar activities, are prohibited as home occupations: minor or major automobile, truck or heavy equipment fueling, maintenance or repair; auto-body work or painting; parking or storage of heavy equipment; and any Group H occupancies as defined in the Uniform Building Code except for woodworking and spray finishing in conjunction with woodworking activities;

(h) The home occupation hours of operation shall be limited to: 8:00 a.m. to 8:00 p.m., Monday through Friday; and 9:00 a.m. to 5:00 p.m., Saturday and Sunday;

(i) A certificate of occupancy shall be obtained from the community development division prior to commencing the home occupation to ensure building and fire code compliance. The certificate of occupancy shall be subject to an annual inspection and renewal pursuant to SCC 16.04.060.

(69) On-site hazardous waste treatment and storage facilities are allowed only as an incidental use to any use generating hazardous waste which is otherwise allowed, PROVIDED, That such facilities demonstrate compliance with the state siting criteria for dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter amended.

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

(71) Adult entertainment uses must meet the following requirements:

(a) Adult entertainment businesses or uses are prohibited within the area circumscribed by a circle which has the radius shown below from any public or private school, preschool, educational institution, church or other religious facility, public or private park, youth oriented facility, establishment serving alcohol by the drink, or from the following zones: R-5, RC, RU, RD, SA-1, R-20,000, R-12,500, R-9,600, R-8,400, R-7,200, A-10, F, F and R, WFB, T, LDMR, and MR.

(1) Adult entertainment book stores-- 330';

(2) Adult entertainment dance studios-- 660';

(3) Adult entertainment movie theaters-- 330';

(4) Adult hotels--330';

(5) Adult tanning salons--330';

(6) Escort businesses--0';

(7) Nude house cleaning businesses-- 0';

(8) Panoram premises--660';

(9) Public bathhouses and hot tub premises--660';

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(10) All other adult entertainment uses--660'.

(b) The distances specified in this section shall be measured horizontally by following a straight line from the nearest point of the building in which the proposed adult entertainment use is to be located, to the nearest point of the parcel of property which contains a use from which the proposed adult entertainment use is to be separated, and to the nearest point of a zone listed in subsection (a).

(c) Violation of the use provisions of this section is:

(1) Declared to be a public nuisance per se, which may be abated by the county by way of civil abatement procedures only, and not by criminal prosecution; or

(2) Subject to enforcement in accordance with the provisions of Title 28 SCC but shall not be subject to SCC 28.08.080.

(d) Nothing in this section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any Snohomish County ordinance or statute of the State of Washington regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

(72) Special building height provisions for this use are contained in SCC 18.42.030(4).

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

(74) Equestrian centers are allowed with a conditional use permit on all lands zoned A-10 except in that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated density fringe as described in Chapter 27.36 SCC.

(75) Mini-equestrian centers are allowed as a permitted use on all lands zoned A-10 except in that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated density fringe as described in Chapter 27.36 SCC.

(76) Equestrian centers and mini-equestrian centers require the following:

(a) Ten acre minimum site size for an equestrian center.

(b) Five acre minimum site size for a mini-equestrian center.

(c) Covered riding arenas shall not exceed 15,000 square feet for a mini-equestrian center, provided that stabling areas, whether attached or detached, shall not be included in this calculation.

(d) Any lighting of an outdoor or covered arena shall be shielded so as not to glare on surrounding properties or rights-of-way.

(e) On sites located in RC, and R-5 zones, a type I or II buffer as described in SCC 18.43.040 is required to screen any outside storage, including animal waste storage, and parking areas from adjacent properties.

(f) Riding lessons, rentals or shows shall only occur between 8 a.m. and 9 p.m.

(g) Outside storage, including animal waste storage, and parking areas shall be set back at least 30 feet from any adjacent property line. All structures shall be set back as required in SCC 18.42.100(15).

(h) Dust emissions shall be controlled by an approved dust suppression plan.

(i) The facility shall comply with all applicable county building, health and fire code requirements.

(77) Temporary Residential Sales Coach (TRSC):

(a) The commercial coach shall be installed in accordance with all applicable provisions within Chapter 17.28 SCC.

(b) The TRSC shall be set back a minimum of 20 feet from all existing and proposed road rights-of-way and 5 feet from proposed and existing property lines.

(c) Vehicular access to the temporary residential sales coach shall be approved by the county or state.

(d) Temporary residential sales coaches may be permitted in approved preliminary plats, prior to final plat approval, when the following additional conditions have been met:

(i) plat construction plans have been approved,

(ii) the fire marshal has approved the TRSC proposal,

(iii) proposed lot lines for the subject lot are marked on-site, and

(iv) the site has been inspected for TRSC installation to verify compliance with all applicable regulations and plat conditions, and to assure that grading, drainage, utilities infrastructure and native growth protection areas are not adversely affected.

(78) Golf Course and Driving Range: In the A-10 zone, artificial lighting of the golf course or driving range shall not be allowed. Grading shall be limited in order to preserve prime agricultural soils. At least 75% of prime agricultural soils on-site shall remain undisturbed.

(79) Model Hobby Park:

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

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

AMENDED ORDINANCE NO. 01-105 - As Adopted by Council

AMENDING TITLE 18 SCC PURSUANT TO CHAPTER 32.07 SCC RELATING TO DEVELOPMENT REGULATIONS TO IMPLEMENT THE 2001 DOCKET - 24

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

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

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

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

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

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

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

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

(h) In the A-10 zone, grading shall be limited in order to preserve prime agricultural soils. At least 75% of prime agricultural soils on-site shall remain undisturbed.

(i) A model hobby park permit application shall be processed in accordance with the provisions of SCC 18.72.155.

(80) Commercial retail uses are not allowed in the Light Industrial and Industrial Park zones when said zones are located in the Maltby UGA of the comprehensive plan, and where such properties are, or can be served by railway spur lines.

(81) Studio: Studio uses may require the imposition of special conditions to ensure compatibility with adjacent residential, multiple family, or rural zoned properties. The hearing examiner may impose such conditions when deemed necessary pursuant to the provisions of SCC 18.72.060. The following criteria are provided for hearing examiner consideration when specific circumstances necessitate the imposition of conditions:

(a) The number of nonresident artists and professionals permitted to use a studio at the same time may be limited to no more than 10 for any lot 200,000 square feet or larger in size, and limited to 5 for any lot less than 200,000 square feet in size.

(b) The hours of facility operation may be limited.

(c) Landscape buffers may be required to visually screen facility structures or outdoor storage areas when the structures or outdoor storage areas are proposed within 100 feet of adjacent residential, multiple family, and rural zoned properties.

The buffer shall be an effective site obscuring screen consistent with Type II buffer standard of SCC 18.43.040(2).

(82) The gross floor area of the use shall not exceed 1000 square feet.

(83) The gross floor area of the use shall not exceed 2000 square feet.

(84) The gross floor area of the use shall not exceed 4000 square feet.

(85) The building contractor use in the Rural Business zone shall be subject to the following requirements:

(a) The use complies with all of the performance standards required by SCC 18.65.040.

(b) Not more than 1,000 square feet of outdoor storage of materials shall be allowed and shall be screened in accordance with SCC 18.43.050.

(c) In addition to the provisions of subsection (85)(b), not more than five commercial vehicles or construction machines shall be stored outdoors and shall be screened in accordance with SCC 18.43.050.

(d) The on-site fueling of vehicles shall be prohibited.

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

(86) Home occupations that are related to mineral, agriculture or forestry resources; or related to rural residential land uses may use the provisions of this subsection instead of the provisions of SCC 18.32.040(B)(68). When the provisions of this subsection are used, the provisions of SCC 18.32.040(B)(68) shall not be used and all provisions of this subsection shall be met. Home occupations shall be subject to the following:

(a) A resource related home occupation shall be a resource-based business that is dependent upon mineral, agriculture, or forestry resources for its existence;

(b) A home occupation related to a rural residential land use shall be a rural residential-based business that either provides a service or creates a product primarily used in a rural area;

(c) The provisions of SCC 18.32.040 (B)(11)(f) shall be met;

(d) The home occupation shall in no way affect the appearance of the accessory building and/or attached garage as accessory to the residential dwelling;

(e) The home occupation hours shall be limited to: 7:00 AM to 8:00 PM, Monday through Friday; and 9:00 AM to 5:00 PM, Saturday and Sunday;

(f) A certificate of occupancy shall be obtained from the department of planning and development services prior to commencing the home occupation to ensure building and fire code compliance. The certificate of occupancy shall be subject to an annual inspection and renewal pursuant to SCC 16.04.060;

(g) Except for the outside storage area permitted in SCC 18.32.040(B)(86)(j), the home occupation shall be fully enclosed within an accessory building and/or an attached garage;

(h) A minimum lot size of one acre is required;

(i) Table 1 identifies the maximum allowable combined accessory building and attached garage area and maximum allowable outside storage area that may be used for the home occupation, and minimum side and rear yard setback required for the garage and/or accessory building from adjacent residentially zoned properties:

	one ac.	two ac.	three ac.	four ac.	five ac.	ten or more ac.
Building Area (sq. ft)	1000	2000	3000	4000	5000	7000
Storage Area (sq. ft)	2500	2500	3000	4000	5000	7000
Setback (ft)	40	50	60	75	85	100

(j) Outside storage shall be enclosed with a solid fence or landscaped with a sight-obscuring vegetative screen effective in screening the area from adjacent properties and public roads;

(k) The combined accessory building and attached garage area used for the home occupations shall not exceed 7000 square feet. Any accessory building 4000 square feet or larger used for a home occupation pursuant to this subsection shall be screened from adjacent rural residential properties by a Type II landscape buffer consistent with chapter 18.43 SCC provisions along the length of the building when any portion of the building is within 100 feet of a property boundary or public rights-of-way;

(l) The parking area for any commercial vehicles used in the conduct of the home occupation and all but three vehicles of persons employed in the home occupation shall be located either indoors or within the outside storage area specified in SCC 18.32.040(B)(86)(j);

(m) The home occupation shall comply with applicable county code pertaining to maximum noise levels, drainage and dust control, and shall shield outdoor lighting and glare from adjacent residential properties;

(n) The home occupation shall not employ more than three persons outside the family who perform work on the site and;

(o) The following activities, including any similar activities, are prohibited as rural home occupations: processing of minerals, sawmills, retail or wholesale sale of motor vehicles, major and minor automobile repair (except repair of vehicles and equipment used in a rural residential based or resource-based home occupation business), motor vehicle body work or painting, and any Group H occupancies as defined in the uniform building code, except for woodworking and spray finishing in conjunction with woodworking activities.

(87) A single-family dwelling may have only one guest house.

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

(89) Wedding Facility, Rural-Resource:

(a) Such use is permitted only on undeveloped land or in structures which are legally existing on January 1, 2001.

(b) The applicant shall demonstrate that the activities related to the use, including the hours of operation, have no adverse impact on surrounding uses.

(c) In the A-10 zone, the applicant must demonstrate that the activities related to the use are subordinate to the use of the site for agricultural purposes.

(d) In the A-10 zone, any grading or disturbances required to support the use shall be limited to preserve prime agricultural soils. At least 90% of prime agricultural soils on-site shall remain undisturbed.

**Section 4.** A new section is **ADDED** to Snohomish County Code Chapter 18.90 as follows:

18.90.487 Inoperable vehicle.

"Inoperable vehicle" means a motor vehicle or the remains or remnant parts of a motor vehicle which is mechanically inoperative and cannot be made operative without the addition of vital parts or mechanisms, including, but not limited to, wheels, tires, motor and transmission, or the application of a substantial amount of labor.

**Section 5.** Snohomish County Code Section 18.90.495, last amended by Ordinance No. 88-054 on July 27, 1988, is **AMENDED** to read:

**18.90.495 Junkyard.**

"Junkyard" means the use of more than 300 square feet of area, or more than 50 cubic feet of junk in urban growth areas, of any lot where junk is bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking yards, and places or yards devoted to the storage of inoperable vehicles, salvaged house wrecking and structural steel materials and equipment. A junkyard does not include such uses when conducted entirely within an enclosed building, nor pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition or the processing of used, discarded or salvaged materials as part of a manufacturing operation.

**Section 6.** Snohomish County Code Section 27.36.070, last amended by Ordinance No. 86-092 on September 10, 1986, is **AMENDED** to read:

**27.36.070 Permitted Uses.**

The following uses are permitted in the density fringe area:

- (1) Agriculture, including:
  - (a) Accessory agricultural structures such as but not limited to barns, milking parlors, silos, manure tanks, and loafing sheds;
  - (b) Livestock protection mounds, PROVIDED That said mounds do not consist of solid waste as defined by this title; and
  - (c) Manure pits and lagoons;
- (2) Forestry, including processing of forest products with portable equipment;
- (3) Preserves and reservations;
- (4) Parks and recreational activities;
- (5) Removal of rock, sand and gravel providing that the applicant can provide clear and convincing evidence that such a use will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flood threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of chapter 18.54 SCC, mineral conservation zone and the Snohomish county shoreline management master program;
- (6) Utility transmission lines, under the same terms and conditions of SCC 27.28.010(2);
- (7) Water-dependent utilities. Examples of such uses are dams for domestic/industrial water supply, flood control and/or hydroelectric production; water diversion structures and facilities for water supply, irrigation and/or fisheries enhancement; flood water and drainage pumping plants and facilities; hydroelectric generating facilities and appurtenant structures; and structural and non-structural flood damage reduction facilities, and stream bank stabilization structures and practices;
- (8) Improvements to existing residential structures that are not substantial improvements per SCC 27.08.095;
- (9) Single family farmhouse structures (excluding mobile homes): PROVIDED, That the following conditions are met:
  - (a) The farmhouse is necessary to the operation of a commercial farm engaged in agriculture where occupants of the farmhouse derive their principal livelihood from the farmsite upon which the farmhouse will be located;
  - (b) A potential building site for the farmhouse on the same farmsite is not available outside the density fringe area;
  - (c) Earthfill utilized for building foundation shall be emplaced and stabilized in a manner that will prevent erosion from flood water flow;

- (d) New and replacement water supply systems are designed to eliminate or minimize infiltration of flood waters into the system;
- (e) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood waters into the system and to eliminate or minimize discharge from the system into the flood waters;
- (f) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage;
- (g) An egress plan for vacating the structure during the base flood occurrence shall be provided;
- (10) Marinas;
- (11) Dikes, PROVIDED, That the applicant can provide clear and convincing evidence that:
  - (a) Adverse effects upon adjacent properties will not result relative to increased floodwater depths and velocities during the base flood or other more frequent flood occurrences;
  - (b) Natural drainage ways are minimally affected in that their ability to adequately drain floodwaters after a flooding event is not impaired; and
  - (c) The proposal has been coordinated through the appropriate diking district where applicable, and that potential adverse effects upon other affected diking districts have been documented;
- (12) Utility facilities;
- (13) Public works, limited to:
  - (a) Roads,
  - (b) Bridges,
  - (c) Docks, and
  - (d) Port facilities; and
- (14) In urban growth areas only, sawmill storage yards when located adjacent to existing sawmill uses.

**Section 7. Severability.** If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (Board), or 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 19<sup>th</sup> day of December, 2001.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington


  
Chairperson

ATTEST:

  
Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE: 12/24/01

  
Snohomish County Executive  
GARY WEIKEL  
Deputy Executive  
Approved as to form only:

ATTEST:



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Deputy Prosecuting Attorney

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