

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



CO00003083

AMENDED ORDINANCE NO. 03-051

AMENDING SNOHOMISH COUNTY CODE CHAPTERS 30.21 and 30.22 RELATING
TO IMPLEMENTING ZONES FOR THE PUBLIC/INSTITUTIONAL USE DESIGNATION

WHEREAS, on December 20, 2000, the Snohomish County Council adopted Amended Ordinance No. 091 and Ordinance No. 00-094, which amended the General Policy Plan (GPP) and Future Land Use (FLU) Map, both of which are part of the Snohomish County Growth Management Act (GMA) Comprehensive Plan;

WHEREAS, these ordinances expanded the Maltby UGA by approximately 13 acres, for the sole purpose of accommodating a church and church-related uses to be built by Maltby Christian Assembly and used by the residents of the Maltby and Clearview communities;

WHEREAS, in order to preclude residential, commercial, or industrial uses on their property, Maltby Christian Assembly entered into a concomitant agreement with the county that restricted use of their property to a church and church-related facilities;

WHEREAS, because the site was limited to church and church-related uses, the county concluded that the UGA expansion requirements set forth in GPP Policy L.U. 1.A.9 and Countywide Planning Policy UG-14 did not apply, as those requirements relate solely to commercial, residential, and industrial UGA expansions;

WHEREAS, although the concomitant agreement restricted use of the Maltby site solely to church-related uses, adding it to the UGA required the County to re-designate the site to an urban land use designation;

WHEREAS, because the County did not have a public use or institutional designation in its GMA Comprehensive Plan, the Maltby site was re-designated from Rural Residential and Rural/Urban Transition Area, which can only be used outside UGAs, to Urban Commercial;

WHEREAS, Corinne Hensley appealed Amended Ordinance No. 00-091 and Ordinance No. 00-094 to the Central Puget Sound Growth Management Hearings Board (Board), which issued its final decision and order on August 15, 2001, under the caption *Hensley IV*, CPSGMHB Case No. 01-3-0004c;

WHEREAS, the Board's decision held that concomitant agreements were not a legitimate GMA planning tool and invalidated the portions of Amended Ordinance No. 00-091 and Ordinance No. 00-094 expanding the UGA and re-designating the Maltby

site to Urban Commercial, with instructions to take appropriate legislative action by November 14, 2001;

WHEREAS, the Board's decision in *Hensley IV* included a concurring opinion by Boardmember Joseph Tovar, in which he suggested that amending the comprehensive plan and future land use map to include an institutional use designation would be one of several ways to allow the proposed UGA expansion in compliance with the GMA;

WHEREAS, Maltby Christian Assembly did not receive notice of the hearing before the Board until after the Board issued its decision, at which time it appeared before the Board as an intervenor and appealed the decision to Snohomish County Superior Court, under cause number 01-2-07907-5;

WHEREAS, the Court remanded the case to the Board for a de novo hearing on the grounds that Maltby Christian Assembly had been entitled to notice of the Board hearing, but the Court also stated that it agreed with the Board's decision invalidating the UGA expansion;

WHEREAS, following a de novo hearing in response to the Court's remand, the Board re-affirmed its prior decision invalidating the UGA expansion and instructed the County to take appropriate legislative action by March 24, 2003;

WHEREAS, in response to the County's request, the Board extended the compliance deadline to June 20, 2003; and

WHEREAS, in response to the Board's order the County Council held a public hearing on June 4, 2003 to consider the entire record and hear public testimony on Ordinance No. 03-051, which amends the County's zoning code.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The County Council adopts and incorporates the foregoing recitals as findings and conclusions.

Section 2. The County Council makes the following additional findings and conclusions:

- A. The amendments to the GMA Comprehensive Plan adopted by Ordinance No. 03-049 create a Public/Institutional Use (P/IU) designation that can be used in areas of the County for planned or existing public or institutional uses. Such uses include schools, churches, parks, government buildings, utility plants or other government operations. The requirements for applying the P/IU designation in connection with a UGA expansion are more restrictive than the requirements for applying the designation to areas that are already within a UGA or located adjacent to a UGA.

- B. If the P/IU designation created by Ordinance No. 03-049 is applied to an area prior to or concurrent with the addition of that area to a UGA, then the UGA expansion is not subject to the requirements of GPP Policy LU 1.A.9 or Countywide Planning Policy UG-14, which apply solely to commercial, residential, and industrial UGA expansions. Under these amendments, when land added to a UGA is designated P/IU, any subsequent re-designation to commercial, residential, or industrial requires compliance with the UGA expansion requirements of GPP Policy LU 1.A.9. When the P/IU designation is used in connection with a UGA expansion, these amendments also limit the implementing zones to R-7,200, R-8,400, and R-9,600, with all uses except churches and school instructional facilities prohibited unless the P/IU designation is changed. Except when used in connection with a UGA expansion, the P/IU designation created by Ordinance No. 03-049 has no specific implementing zones or use restrictions beyond those normally applicable for the underlying zone.
- C. This ordinance amends the zoning code to prohibit all uses except churches and school instructional facilities within the R-7,200, R-8,400, and R-9,600 zones when these zones are used to implement the P/IU designation for land being added to a UGA. These restrictions ensure that land added to the UGA under the P/IU designation will not generate additional residential, commercial, or industrial capacity in contravention of the GMA Comprehensive Plan and Countywide Planning Policies.
- D. In order to help permitting counter staff be aware of use restrictions applicable to the P/IU implementing zones, this ordinance amends the zoning code to require that the County's official zoning maps reflect areas that are subject to the P/IU designation.
- E. The amendments adopted by this ordinance do not supplement, modify, or otherwise alter the requirements for siting essential public facilities under the County's GMA Comprehensive Plan or county code. These amendments provide for implementation of the P/IU designation adopted by Ordinance No. 03-049, but they do not allow development that would not otherwise be permitted under county code or affect the process for obtaining development approval.
- F. The review and evaluation criteria set forth in county code for planning department review of docket proposals provide a useful framework for analyzing these amendments under the applicable GMA requirements. These amendments clearly satisfy the review criteria, which are set forth at Snohomish County Code (SCC) Section 30.74.060(a)-(f):
1. The amendments maintain consistency with other elements of the GMA Comprehensive Plan.
 2. All applicable elements of the GMA Comprehensive Plan support the proposed amendments, including the transportation element and the capital facilities plan.
 3. The amendments more closely meet the goals, objectives, and policies of the GMA Comprehensive Plan, particularly GPP Policy LU 1.A.9.

4. The amendments are consistent with the Snohomish County Countywide Planning Policies, including UG-14.
 5. The amendments comply with the substantive and procedural requirements of the GMA.
 6. The Board's final decision and order in *Hensley IV*, which was not available to the County at the time the UGA was initially expanded, supports the use restrictions adopted by these amendments for the P/IU designation.
- G. Because these amendments are adopted in response to the Board's final decision and order in *Hensley IV* and its subsequent order of noncompliance, no hearing before the planning commission is required under SCC 30.73.040(2)(d)-(e). The hearing held before the County Council on June 4, 2003 satisfies the public participation requirements of county code for amending development regulations.
- H. The public hearing held for these amendments, as well as the published notice for the hearing, satisfy the public participation requirements of state law, including RCW 36.70A.020(11), RCW 36.70A.035, RCW 36.70A.130, and RCW 36.70A.140.
- I. On September 12, 2000, the Snohomish County Department of Planning and Development Services (PDS) issued a Draft Supplemental Environmental Impact Statement (DSEIS) for, among other actions, the 13-acre expansion of the Maltby UGA and related FLU Map amendments adopted as part of the 2000 docket. PDS issued a Final SEIS, including response to comments on the DSEIS, on November 28, 2000 following the 30-day comment period. The purpose of the SEIS was to supplement the GMA Comprehensive Plan Final EIS, adopted June 21, 1995, by analyzing potential significant adverse environmental impacts of the proposals and any alternatives that were not previously identified in the two EIS documents.
- J. On September 20, 2002, PDS issued Addendum No. 33 to the Final EIS for the GMA Comprehensive Plan. This document analyzed eight docket proposals, including Snohomish County Council-Initiated Amendment B, which amended GPP Policy LU 1.A.9 to clarify that the UGA expansion requirements set forth in that policy do not apply to expansions that are solely for church or school instructional facilities. This addendum apprised the County and the public of refinements to the original GMA Comprehensive Plan but did not substantially change the analysis of significant impacts and alternatives analyzed in the existing adopted environmental documents.
- K. On May 29, 2003, PDS issued Addendum No. 37 to the Final EIS for the GMA Comprehensive Plan. This document analyzed the amendments to the GMA Comprehensive Plan adopted by Ordinance No. 03-049, which creates the P/IU designation and amends the FLU Map, as well as the related zoning code amendments adopted by this ordinance. The addendum apprises the County and the public of refinements to the original GMA Comprehensive Plan and zoning code

but does not substantially change the analysis of significant impacts and alternatives analyzed in the existing adopted environmental documents.

- L. The zoning code amendments adopted by this ordinance are non-project actions within the scope of analysis contained in the FSEIS and associated environmental documents adopted by the County.
- M. The zoning code amendments adopted by this ordinance satisfy the requirements of the State Environmental Policy Act, chapter 43.21C RCW, and chapter 30.61 SCC.
- N. The zoning code amendments adopted by this ordinance are consistent with the Vision 2020 regional growth and transportation plan, the multi-county policies adopted in March 1993 by the Puget Sound Regional Council for King, Kitsap, Pierce, and Snohomish counties as amended thereafter.

Section 3. The County Council bases its findings of facts and conclusions on the entire record before the council, including all testimony and exhibits relating to these amendments, as well as the entire record before the Planning Commission and the County Council in the adoption of Amended Ordinance No. 00-091, and Ordinance No. 00-094.

Section 4. Snohomish County Code Section 30.21.025, last amended on December 9, 2002 by Amended Ordinance No. 02-064, is **AMENDED** to read:

30.21.025 Intent of zones.

This section describes the intent of each use zone. Snohomish County's use zones are categorized and implemented consistent with the comprehensive plan. The comprehensive plan establishes guidelines to determine compatibility and location of use zones. The intent of each zone is established pursuant to SCC Table 30.21.020 and is set forth below in SCC 30.21.025(1) - (4).

(1) **Urban Zones.** The urban zones category consists of residential, commercial, and industrial zoning classifications in Urban Growth Areas (UGAs) located outside of cities in unincorporated Snohomish County. These areas are either already characterized by, or are planned for, urban growth consistent with the comprehensive plan.

(a) **Single Family Residential.** The intent and function of single family residential zones is to provide for predominantly single family residential development that achieves a minimum net density of four dwelling units per net acre. These zones may be used as holding zones for properties that are designated urban medium-density residential, urban high-density residential, urban commercial, urban industrial, public/institutional use (P/IU), or other land uses in the comprehensive plan. The official Snohomish County zoning maps prepared pursuant to SCC 30.21.030 shall use the suffix "P/IU" to indicate all areas in which these zones implement the P/IU

designation (e.g., R-7,200-P/IU). Single family residential zones consist of the following:

- (i) Residential 7,200 sq. ft. (R-7,200);
- (ii) Residential 8,400 sq. ft. (R-8,400); and
- (iii) Residential 9,600 sq. ft. (R-9,600).

(b) **Multiple Family Residential.** Multiple family residential zones provide for predominantly apartment and townhouse development in designated medium- and high-density residential locations. Multiple family residential zones consist of the following:

- (i) Townhouse (T). The intent and function of the townhouse zone is to:
 - (A) provide for single family dwellings, both attached and detached, or different styles, sizes, and prices at urban densities greater than those for strictly single family detached development, but less than multifamily development;
 - (B) provide a flexible tool for development of physically suitable, skipped-over or under-used lands in urban areas without adversely affecting adjacent development; and
 - (C) provide design standards and review which recognize the special characteristics of townhouses, to ensure the development of well-planned communities, and to ensure the compatibility of such housing developments with adjacent, existing, and planned uses. Townhouses are intended to serve the housing needs of a variety of housing consumers and producers. Therefore, townhouses may be built for renter occupancy of units on a site under single ownership, owner agreements pursuant to chapters 64.32 or 64.34 RCW, or owner or renter occupancy of separately conveyed units on individual lots created through formal subdivision pursuant to chapter 58.17 RCW;

- (ii) Low-Density Multiple Residential (LDMR). The intent and function of the low-density multiple residential zone is to provide a variety of low-density, multifamily housing including townhouses, multifamily structures, and attached or detached homes on small lots; and

- (iii) Multiple Residential (MR). The intent and function of the multiple residential zone is to provide for high-density development, including townhouses and multifamily structures generally near other high-intensity land uses.

(c) **Commercial.** The commercial zones provide for neighborhood, community and urban center commercial, and mixed use developments that offer a range of retail, office, personal service and wholesale uses. Commercial zones consist of the following:

- (i) Neighborhood Business (NB). The intent and function of the neighborhood business zone is to provide for local facilities that serve the everyday needs of the surrounding neighborhood, rather than the larger surrounding community;

- (ii) Planned Community Business (PCB). The intent and function of the planned community business zone is to provide for community business enterprises in areas desirable for business but having highly sensitive elements of vehicular circulation, or natural site and environmental conditions while minimizing impacts upon these elements through the establishment of performance criteria. Performance criteria for this zone are intended to control external as well as internal effects of commercial

development. It is the goal of this zone to discourage "piecemeal" and strip development by encouraging development under unified control;

(iii) Community Business (CB). The intent and function of the community business zone is to provide for businesses and services designed to serve the needs of several neighborhoods;

(iv) General Commercial (GC). The intent and function of the general commercial zone is to provide for a wide variety of retail and nonretail commercial and business uses. General commercial sites are auto-oriented as opposed to pedestrian- or neighborhood- oriented;

(v) Freeway Service (FS). The intent and function of the freeway service zone is to provide for needed freeway commercial facilities in the vicinity of on/off ramp frontages and access roads of limited access highways with a minimum of traffic congestion in the vicinity of the ramp. Allowed uses are limited to commercial establishments dependent upon highway users. Certain performance standards, subject to hearing examiner review, are contained in chapter 30.31B SCC to protect freeway design;

(vi) Business Park (BP). The intent and function of the business park zone is to provide for those business/industrial uses of a professional office, wholesale and manufacturing nature which are capable of being constructed, maintained, and operated in a manner uniquely designed to be compatible with adjoining residential, retail commercial, or other less intensive land uses, existing or planned. Strict zoning controls must be applied in conjunction with private covenants and unified control of land; many business/industrial uses otherwise provided for in the zoning code will not be suited to the BP zone due to an inability to comply with its provisions and achieve compatibility with surrounding uses;

(vii) Light Industrial (LI). The intent and function of the light industrial zone is to promote, protect, and provide for light industrial uses while also maintaining compatibility with adjacent nonindustrial areas;

(viii) Heavy Industrial (HI). The intent and function of the heavy industrial zone is to promote, protect, and provide for heavy industrial uses while also maintaining compatibility with adjacent nonindustrial areas; and

(ix) Industrial Park (IP/PIP). The intent and function of the industrial park and planned industrial park zones is to provide for heavy and light industrial development under controls to protect the higher uses of land and to stabilize property values primarily in those areas in close proximity to residential or other less intensive development. The IP and remaining Planned Industrial Park (PIP) zones are designed to ensure compatibility between industrial uses in industrial centers and thereby maintain the attractiveness of such centers for both existing and potential users and the surrounding community. Vacant/undeveloped land which is currently zoned PIP shall be developed pursuant to industrial park zone regulations (chapter 30.31A SCC).

(d) **Industrial Zones.** The industrial zones provide for a range of industrial and manufacturing uses and limited commercial and other nonindustrial uses necessary for the convenience of industrial activities. Industrial zones consist of the following:

- (i) Business Park (BP). See description under SCC 30.21.025(1)(c)(vi);
- (ii) Light Industrial (LI). See description under SCC 30.21.025(1)(c)(vii);

- and
- (iii) Heavy Industrial (HI). See description under SCC 30.21.025(1)(c)(viii);
 - (iv) Industrial Park (IP). See description under SCC 30.21.025(1)(c)(ix).

(2) **Rural Zones.** The rural zones category consists of zoning classifications applied to lands located outside UGAs that are not designated as agricultural or forest lands of long-term commercial significance. These lands have existing or planned rural services and facilities, and rural fire and police protection services. Rural zones may be used as holding zones for properties that are primarily a transition area within UGAs on steep slopes adjacent to non-UGA lands designated rural or agriculture by the comprehensive plan. Rural zones consist of the following:

(a) **Rural Diversification (RD).** The intent and function of the rural diversification zone is to provide for the orderly use and development of the most isolated, outlying rural areas of the county and at the same time allow sufficient flexibility so that traditional rural land uses and activities can continue. These areas characteristically have only rudimentary public services and facilities, steep slopes and other natural conditions, which discourage intense development, and a resident population, which forms an extremely rural and undeveloped environment. The resident population of these areas is small and highly dispersed. The zone is intended to protect, maintain, and encourage traditional and appropriate rural land uses, particularly those which allow residents to earn a satisfactory living on their own land. The following guidelines apply:

(i) a minimum of restrictions shall be placed on traditional and appropriate rural land uses;

(ii) the rural character of these outlying areas will be protected by carefully regulating the size, location, design, and timing of large-scale, intensive land use development; and

(iii) large residential lots shall be required with the intent of preserving a desirable rural lifestyle as well as preventing intensive urban- and suburban-density development, while also protecting the quality of ground and surface water supplies and other natural resources;

(b) **Rural Resource Transition – 10 Acre (RRT-10).** The intent and function of the rural resource transition - 10 acre zone is to implement the rural residential-10 (resource transition) designation and policies in the comprehensive plan, which identify and designate rural lands with forestry resource values as a transition between designated forest lands and rural lands;

(c) **Rural-5 Acre (R-5).** The intent and function of the rural-5 acre zone is to maintain rural character in areas that lack urban services;

(d) **Rural Business (RB).** The intent and function of the rural business zone is to permit the location of small-scale commercial retail businesses and personal services which serve a limited service area and rural population outside established UGAs. This zone is to be implemented as a "floating zone" and will be located where consistent with specific locational criteria. The rural business zone permits small-scale retail sales and services located along county roads on small parcels that serve the immediate rural

residential population, and at least one mile from an existing UGA boundary and two and one-half miles from an existing rural business, rural freeway service or rural industrial zone, or commercial designation in the rural area. Rural businesses, which serve the immediate rural population, may be located at crossroads of county roads, state routes, and major arterials;

(e) **Clearview Rural Commercial (CRC).** The intent and function of the CRC zone is to permit the location of commercial businesses and services that primarily serve the rural population within the defined boundary established by the CRC land use designation. Uses and development are limited to those compatible with existing rural uses that do not require urban utilities and services.

(f) **Rural Freeway Service (RFS).** The intent and function of the rural freeway service zone is to permit the location of small-scale, freeway-oriented commercial services in the vicinity of on/off ramp frontages and access roads of interstate highways in areas outside a designated UGA boundary and within rural areas of the county. Permitted uses are limited to commercial establishments dependent upon highway users; and

(g) **Rural Industrial (RI).** The intent and function of the rural industrial zone is to provide for small-scale light industrial, light manufacturing, recycling, mineral processing, and resource-based goods production uses that are compatible with rural character and do not require an urban level of utilities and services.

(3) **Resource Zones.** The resource zones category consists of zoning classifications that conserve and protect lands useful for agriculture, forestry, or mineral extraction or lands which have long-term commercial significance for these uses. Resource zones consist of the following:

(a) **Forestry (F).** The intent and function of the forestry zone is to conserve and protect forest lands for long-term forestry and related uses. Forest lands are normally large tracts under one ownership and located in areas outside UGAs and away from residential and intense recreational use;

(b) **Forestry and Recreation (F&R).** The intent and function of the forestry and recreation zone is to provide for the development and use of forest land for the production of forest products as well as certain other compatible uses such as recreation and to protect publicly-owned parks in UGAs;

(c) **Agriculture-10 Acre (A-10).** The intent and function of the agriculture-10 acre zone is to preserve those portions of the county which contain prime farmland for agricultural purposes. Since those portions of the county containing the proper combination of soil and topographical characteristics for intense agricultural development are limited and irreplaceable, the prime function of this zone will be to establish the proper area standards and permitted uses which will encourage the use and preservation of this land for agricultural purposes; and

(d) **Mineral Conservation (MC).** The intent and function of the mineral conservation zone is to comprehensively regulate excavations within Snohomish County. The zone is designed to accomplish the following:

(i) preserve certain areas of the county which contain minerals of commercial quality and quantity for mineral conservation purposes and to prevent

incompatible land use development prior to the extraction of such minerals and materials and to prevent loss forever of such natural resources;

(ii) preserve the goals and objectives of the comprehensive plan by setting certain guidelines and standards for location of zones and under temporary, small-scale conditions to permit other locations by conditional use permit;

(iii) permit the necessary processing and conversion of such material and minerals to marketable products;

(iv) provide for protection of the surrounding neighborhood, ecological and aesthetic values, by enforcing controls for buffering and for manner and method of operation; and

(v) preserve the ultimate suitability of the land from which natural deposits are extracted for rezones and land usages consistent with the goals and objectives of the comprehensive plan.

(4) **Other Zones:** The other zones category consists of existing zoning classifications that are no longer primary implementing zones but may be used in special circumstances due to topography, natural features, or the presence of extensive critical areas. Other zones consist of the following:

- (a) Suburban Agriculture-1 Acre (SA-1);
- (b) Rural Conservation (RC);
- (c) Rural Use (RU);
- (d) Residential 20,000 sq. ft. (R-20,000);
- (e) Residential 12, 500 sq. ft. (R-12,500); and
- (f) Waterfront beach (WFB).

Section 5. Snohomish County Code Section 30.22.100, last amended on December 9, 2002 by Amended Ordinance 02-064, is **AMENDED** to read:

30.22.100 Urban Zone Categories: Use Matrix

| Type of Use | Urban Zones | | | | | | | | | | | | | | |
|---|---|----------------------|----------------------|---|----------|----|-----------------|-----|-----------------|----|----|------------------|----|----------------------|------------------|
| | R9,600 ⁸² | R8,400 ⁸² | R7,200 ⁸² | T | LD MR | MR | NB | PCB | CB | GC | FS | IP ⁷⁷ | BP | LI ^{56, 77} | HI ⁵⁶ |
| Accessory Apartment ⁶³ | A | A | A | A | A | A | A | | A | A | | | | | |
| Adult Entertainment Business/Use ⁶⁸ | | | | | | | | | | | | P | | P | P |
| Agriculture ⁴² | P | P | P | | P | P | P | | P | P | | P | P | P | P |
| Airport, Stage 1 Utility ¹ | C | C | C | | | | | | P | P | | P | P | P | P |
| Airport-All Others | | | | | | | | | | | | P | P | P | P |
| Amusement Facility ⁴² | | | | | | | | P | P | P | | P | | P | P |
| Antique Shop | | | | | | | P | | P | P | | | | P | P |
| Art Gallery ⁴² | C | C | C | | C | C | P | P | P | P | | P | P | P | P |
| Asphalt Batch Plant & Continuous Mix Asphalt Plant | | | | | | | | | | | | P | | | P |
| Auto Repair, Major | | | | | | | | | | P | | P | P | P | P |
| Auto Repair, Minor | | | | | | | P | P | P ⁸⁷ | P | P | P | P | P | P |
| Auto Towing | | | | | | | | | | | | | | P | P |
| Auto Wrecking Yard | | | | | | | | | | | | | | C ⁴⁵ | P ⁴⁵ |
| Bakery | | | | | | | P ⁷⁰ | P | P | P | | P | P | P | P |
| Bed and Breakfast Guesthouse ⁵⁹ | C | C | C | C | C | C | | | | | | | | | |
| Billboards ⁴⁷ | | | | | | | | | | P | | | | P | P |
| Boarding House | P ¹⁵ | P ¹⁵ | P ¹⁵ | | P | P | P | | P | P | | | | | |
| Boat Launch, Commercial ³¹ | | | | | | | | | C | C | | | | C | C |
| Boat Launch, Non-commercial ³¹ | C | C | C | | C | C | | | C | C | | | | C | C |
| Boat Sales | | | | | | | | | | P | | | | P | P |
| Caretaker's Quarters | | | | | | | | | | | | P | P | P | P |
| Carport | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Cemetery, Columbarium, Crematorium, Mausoleum ⁴² | C | C | C | | C | C | | | P | P | | P | P | P | P |
| Church ⁴² | C | C | C | | P | P | P | P | P | P | | P | P | P | P |
| Cleaning Establishment | | | | | | | P | P | P | P | | P | P | P | P |
| Clubhouse | | | | | C | C | C | P | P | P | | P | P | P | P |
| Cold Storage | | | | | | | | | | P | | P | P | P | P |
| Commercial Vehicle Storage Facility | | | | | | | | | | P | | P | P | P | P |
| Community Club | C | C | C | | C | C | C | | P | P | | P | P | P | P |
| Construction Contracting | | | | | | | | | | P | | P | P | P | P |
| Country Club | C | C | C | | | | | | | | | P | P | P | P |
| Craft Shop ²¹ | | | | | | | | | P ⁸⁷ | P | | P | P | P | P |
| P - Permitted Use | Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above. | | | | | | | | | | | | | | |
| A - Administrative Conditional Use | | | | | | | | | | | | | | | |
| C - Conditional Use | | | | | | | | | | | | | | | |

| Type of Use | Urban Zones | | | | | | | | | | | | | | |
|---|---|-------------------|-------------------|----------------|----------|----|----------------|----------------|-----------------|----------------|-----------------|------------------|-----------------|----------------------|------------------|
| | R9,600 89 | R8,400 89 | R7,200 89 | T | LD MR | MR | NB | PCB | CB | GC | FS | IP ⁷⁷ | BP | LI ^{56, 77} | HI ⁵⁶ |
| Day Care Center ² | C | C | C | | C | C | P | P | P | P | P | P | P | P | P |
| Department Store | | | | | | | | P | P ⁸⁷ | P | | | | P | P |
| Distillation of Alcohol | | | | | | | | | | | | P | P | P | P |
| Distillation of Wood, Coal, Bones or Manufacturing of Their By-products | | | | | | | | | | | | P | | | P |
| Dock & Boathouse, Private, Non-commercial ^{3, 42} | P | P | P | P | P | P | P | | P | P | | P | P | P | P |
| Drug Store | | | | | | | P | P | P | P | P ²² | | | P | P |
| Dwelling, Duplex | P ⁴³ | P ⁴³ | P ⁴³ | P | P | P | P | | P | P | | | | | |
| Dwelling, Mobile Home | P ⁶ | P ⁶ | P ⁶ | P ⁶ | P | P | P ⁶ | | P ⁶ | P ⁶ | | | | | |
| Dwelling, Multifamily | | | | | P | P | P | P | P | P | | | | | |
| Dwelling, Single Family | P | P | P | P | P | P | P | P ⁴ | P | P | | | P ⁵² | | |
| Dwelling, Townhouse | C, P ⁵ | C, P ⁵ | C, P ⁵ | P ⁵ | P | | P | P | P | P | | | | | |
| Excavation & Processing of Minerals ²⁸ | C | C | C | | C | C | C | | C | C | | C | C | C | C |
| Explosives, Manufacturing | | | | | | | | | | | | P | | | P |
| Explosives, Storage | | | | | | | | | | | | P | | | P |
| Extraction of Animal or Fish Fat or Oil | | | | | | | | | | | | P | | | P |
| Funerary Home | | | | | | | | | | P | | P | P | P | P |
| Playgrounds | | | | | | | | | | P | | P | P | P | P |
| Fallout Shelter, Individual | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Fallout Shelter, Joint ⁷ | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Family Care Home | P | P | P | P | P | P | P | | P | P | | | | | |
| Family Day Care Home ⁸ | P | P | P | P | P | P | P | | P | P | | | | | |
| Family Rehabilitation Home | C | C | C | | C | C | | | P | P | | | | | |
| Farm Product Processing | | | | | | | | | | | | P | | P | P |
| Farm Stand ⁹ | P | P | P | | | | | | | | | | | | |
| Financial Institutions | | | | | | | P | P | P | P | | P | P | P | P |
| Fish Farm | | | | | | | | | | | | P | P | P | P |
| Fix-it Shop | | | | | | | | P | P ⁸⁷ | P | | P | P | P | P |
| Forestry | | | | | | | | | | | | P | | P | P |
| Forge, Foundry, Blast Furnace for Melting of Ore | | | | | | | | | | | | | | | P |
| Foster Home | P | P | P | P | P | P | P | | P | P | | | | | |
| Fuel & Coal Yard | | | | | | | | | | P | | P | P | P | P |
| P - Permitted Use | Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above. | | | | | | | | | | | | | | |
| A - Administrative Conditional Use | | | | | | | | | | | | | | | |
| C - Conditional Use | | | | | | | | | | | | | | | |

| Type of Use | Urban Zones | | | | | | | | | | | | | |
|--|---|--------------|--------------|---|----------|----|----|-----|-----------------|----|-----------------|----------|-----------------|---|
| | R9,600 89 | R8,400 89 | R7,200 89 | T | LD MR | MR | NB | PCB | CB | GC | FS | IP 77 | BP | LI ^{56,77} HI ⁵⁶ |
| Garage, Private | P | P | P | P | P | P | P | P | P | P | | P | P | P |
| Golf Course and Driving Range | C | C | C | | | | | | P | P | | P | P | P |
| Government Structures & Facilities ^{27, 42} | C | C | C | C | C | C | C | P | P | P | | P | P | P |
| Greenhouse, Lath House, & Nurseries: ⁵³ Retail | | | | | | | P | P | P | P | | | | P |
| Greenhouse, Lath House, & Nurseries: ⁵³ Wholesale ⁴⁸ | | | | | | | P | P | P | P | | P | P | P |
| Grocery Store | | | | | | | P | P | P ⁸⁷ | P | P ²² | | | P |
| Grooming Parlor | | | | | | | P | P | P | P | | | P ⁵⁴ | P |
| Group Care Facility ³⁵ | | | | | C | C | | | C | C | | | | |
| Guesthouse ⁸⁶ | P | P | P | | P | P | P | P | P | P | | | | |
| Gymnasium | | | | | | | | P | P | P | | P | P | P |
| Hardware Store | | | | | | | P | P | P | P | | | | P |
| Hazardous Waste Storage & Treatment Facilities, Offsite ⁶⁷ | | | | | | | | | | | | C | C | C |
| Hazardous Waste Storage & Treatment Facilities, Onsite ⁶⁶ | | | | | | | P | P | P | P | P | P | P | P |
| Home Improvement Center | | | | | | | P | P | P ⁸⁷ | P | | | | P |
| Home Occupation ¹¹ | P | P | P | P | P | P | P | | P | P | | | | |
| Hospital ^{29, 42} | C | C | C | | C | C | | P | C | C | | | P | |
| Hotel/Motel ²⁹ | | | | | C | C | | P | P | P | P | | | |
| Industrial Use, Heavy ⁸³ | | | | | | | | | | | | P | | P |
| Junkyard | | | | | | | | | | | | | | C ⁴⁵ P ⁴⁵ |
| Kennel, ⁴² Commercial ¹² | C | C | C | | | | | | P | P | | P | P | P |
| Kennel, ⁴² Private-Breeding ¹³ | P | P | P | | P | P | P | | P | P | | P | P | P |
| Kennel, ⁴² Private-Non-Breeding ¹³ | P | P | P | | P | P | P | | P | P | | P | | |
| Laboratory | | | | | | | | | | P | | P | P | P |
| Library ⁴² | C | C | C | | C | C | C | P | P | P | | P | P | P |
| Licensed Practitioner ^{29, 42} | | | | | C | C | P | P | P | P | | P | P | P |
| Livestock Auction Facility | | | | | | | | | | | | P | | P |
| Locksmith | | | | | | | P | P | P ⁸⁷ | P | | P | P | P |
| Lumberyard | | | | | | | | | | P | | P | P | P |
| Manufacturing, Heavy | | | | | | | | | | | | P | | P |
| P - Permitted Use | Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above. | | | | | | | | | | | | | |
| A - Administrative Conditional Use | | | | | | | | | | | | | | |
| C - Conditional Use | | | | | | | | | | | | | | |

| Type of Use | Urban Zones | | | | | | | | | | | | | | |
|---|---|----------------------|----------------------|---|----------|----|----|-----|-----------------|-----------------|----|------------------|-----------------|----------------------|------------------|
| | R9,600 ⁸⁹ | R8,400 ⁸⁹ | R7,200 ⁸⁹ | T | LD MR | MR | NB | PCB | CB | GC | FS | IP ⁷⁷ | BP | LI ^{56, 77} | HI ⁵⁶ |
| Manufacturing-All Other Forms Not Specifically Listed ⁸⁴ | | | | | | | | | | | | P | P | P | P |
| Massage Parlor | | | | | | | | | P | P | | P | P | P | P |
| Medical Clinic ²⁹ | | | | | C | C | P | P | P | P | | P | P | P | P |
| Mini Self-Storage | | | | | | | | P | | P | | P | P | P | P |
| Mobile Home Park ³⁹ | | | | | C | C | | | C | C | | | | | |
| Mobile Home & Travel Trailer Sales | | | | | | | | | | P | | C ³⁶ | | P | P |
| Model Hobby Park ⁷⁶ | | | | | | | | | | | | | A | A | A |
| Model House/Sales Office | P | P | P | P | P | P | P | P | P | P | | | | | |
| Mortuary | | | | | C | C | | | P | P | | P | P | P | P |
| Motor Vehicle & Equipment Sales | | | | | | | | | P ²³ | P | | | | P | P |
| Museum ⁴² | C | C | C | | C | C | C | P | P | P | | P | P | P | P |
| Nursing Home ⁴² | C | C | C | | C | C | | | P | P | | | | | |
| Office, General | | | | | | | P | P | P | P | | P | P | P | P |
| Park, Public ¹⁴ | P | P | P | | P | P | P | P | P | P | | P | P | P | P |
| Park-and-Pool Lot | C | C | C | C | C | P | P | P | P | P | P | P | P | P | P |
| Park-and-Ride Lot | C | C | C | C | C | P | P | P | P | P | P | P | P | P | P |
| Personal Services Shop | | | | | | | P | P | P ⁸⁷ | P | | P ⁵⁰ | P ⁵⁰ | P | P |
| Pharmacy Shop | | | | | | | P | P | P | P | | | P ⁵⁴ | P | P |
| Petroleum Products & Gas Storage - Bulk | | | | | | | | | | P ⁴⁴ | | P | P ⁴⁴ | P ⁴⁴ | P ⁴⁴ |
| Petroleum Refining ⁴² | | | | | | | | | | | | P | | | |
| Print Shop | | | | | | | | | P ⁸⁷ | P | | P | P | P | P |
| Printing Plant | | | | | | | | P | | P | | P | P | P | P |
| Race Track ^{24, 42} | | | | | | | | | | C | | P | P | P | P |
| Railroad Right-of-way | C | C | C | C | C | C | P | P | P | P | P | P | P | P | P |
| Recreational Facility Not Otherwise Listed | C | C | C | | C | C | P | P | P | P | | P | P | P | P |
| Recreational Vehicle Park | | | | | | | | | C | C | P | | | | |
| Rendering of Fat, Tallow, or Lard | | | | | | | | | | | | P | | | P |
| Restaurant | | | | | | | P | P | P | P | P | P ⁵⁰ | P ⁵⁰ | P | P |
| Retail Store | | | | | | | P | P | P ⁸⁷ | P | | | P ⁵⁴ | P | P |
| Retirement Apartments | | | | P | P | P | P | P | P | P | | | | | |
| Retirement Housing | | | | P | P | P | P | P | P | P | | | | | |
| P - Permitted Use | Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above. | | | | | | | | | | | | | | |
| A - Administrative Conditional Use | | | | | | | | | | | | | | | |
| C - Conditional Use | | | | | | | | | | | | | | | |

| Type of Use | Urban Zones | | | | | | | | | | | | | | |
|---|---|-----------------|-----------------|---|-----------------|-----------------|----|-----|-----------------|-----------------|----|------------------|----|--------------------------|-----------------------------|
| | R9,600 89 | R8,400 89 | R7,200 89 | T | LD MR | MR | NB | PCB | CB | GC | FS | IP ⁷⁷ | BP | LI ⁵⁶ , 77 | HI ⁵⁶ |
| Rolling or Blooming Mills | | | | | | | | | | | | P | | | P |
| Sanitary Landfill | C | C | C | | | | | | C | C | | C | C | C | C |
| Sawmill | | | | | | | | | | P | | P | P | P | P |
| Schools | | | | | | | | | | | | | | | |
| K-12 & Preschool ^{42, 69} | C | C | C | | C | C | | | P | P | | P | P | P | P |
| College ^{42, 69} | C | C | C | | C | C | | | P | P | | P | P | P | P |
| Other ^{42, 69} | | | | | C | C | | | P | P | | P | P | P | P |
| Second Hand Store | | | | | | | | | P ⁸⁷ | P | | | | P | P |
| Service Station ⁴² | | | | | | | P | P | P ⁸⁷ | P | P | | | P | P |
| Shake & Shingle Mill | | | | | | | | | | P | | P | P | P | P |
| Shooting Range | | | | | | | | | | | | P | P | P | P |
| Sludge Utilization ⁴⁰ | C ⁵⁷ | C ⁵⁷ | C ⁵⁷ | | C ⁵⁷ | C ⁵⁷ | | | C ⁵⁷ | C ⁵⁷ | | C ⁵⁷ | | C ⁵⁷ | P ^{C⁵¹} |
| Small Animal Husbandry ⁴² | C ³⁸ | C ³⁸ | C ³⁸ | | | | P | | P | P | | P | P | P | P |
| Social Service Center ¹⁶ | | | | | C | C | | | P | P | | P | P | P | P |
| Specialty Store | | | | | | | P | P | P ⁸⁷ | P | | | | P | P |
| Stables | P | P | P | | P | P | P | P | P | P | | P | P | P | P |
| Stockyard or Slaughter House | | | | | | | | | | | | P | | | P |
| Storage, Retail Sales Livestock Feed | | | | | | | | | P | P | | | | P | P |
| Storage Structure Over 1,000 sq. ft. Or Less Than Three Acres ^{42, 60} | C | C 61 | C61 | C | C | C | P | P | P | P | P | P | P | P | P |
| Studio ⁴² | C ⁷⁸ | C ⁷⁸ | C ⁷⁸ | | C ⁷⁸ | C ⁷⁸ | P | P | P ⁸⁷ | P | | P | P | P | P |
| Swimming/Wading Pool ^{17, 42} | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Tannery | | | | | | | | | | | | P | | | P |
| Tar Distillation or Manufacturing | | | | | | | | | | | | P | | | P |
| Tavern ⁴² | | | | | | | | P | P | P | | | | P | P |
| Television/Radio Stations | | | | | | | | | | | | | | P | P |
| Temporary Dwelling During Construction | A | A | A | A | A | A | A | A | A | A | A | | | | |
| Temporary Dwelling For Relative ¹⁸ | A | A | A | A | A | A | A | A | A | A | A | | | | |
| Temporary Residential Sales Coach ⁷⁴ | A | A | A | | | | | | | | | | | | |
| Temporary Woodwaste Recycling ⁶⁴ | | | | | | | | | | | | | | A | A |
| P - Permitted Use | Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above. | | | | | | | | | | | | | | |
| A - Administrative Conditional Use | | | | | | | | | | | | | | | |
| C - Conditional Use | | | | | | | | | | | | | | | |

| Type of Use | Urban Zones | | | | | | | | | | | | | | |
|--|---|--------------|--------------|---|----------|----|----|-----|-----------------|----|----|----------|----|--------------|----------|
| | R9,600 89 | R8,400 89 | R7,200 89 | T | LD MR | MR | NB | PCB | CB | GC | FS | IP 77 | BP | LI 56, 77 | HI 56 |
| Temporary Woodwaste Storage ⁶⁴ | | | | | | | | | | | | | | A | A |
| Tire Store | | | | | | | P | P | P ⁸⁷ | P | | | | P | P |
| Tool Sales & Rental | | | | | | | | | P ⁸⁷ | P | | | | P | P |
| Transit Center | C | C | C | C | C | P | P | P | P | P | P | P | P | P | P |
| Ultralight Airpark ²⁰ | | | | | | | | | | | | P | | | |
| Utility Facilities, Electromagnetic Transmission & Receiving Facility ²⁷ | C | C | C | C | C | C | C | P | P ⁸⁷ | P | C | P | P | P | P |
| Utility Facilities, Transmission Wires, Pipes & Supports ²⁷ | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Utility Facilities-All Other Structures ^{27, 42} | C | C | C | C | C | C | C | P | P ⁸⁷ | P | C | P | P | P | P |
| Veterinary Clinic | | | | | C | C | P | P | P ⁸⁷ | P | | P | P | P | P |
| Warehousing | | | | | | | | | | P | | P | P | P | P |
| Wholesale Establishment | | | | | | | | P | P ⁸⁷ | P | | P | P | P | P |
| Woodwaste Recycling ⁵⁸ | | | | | | | | | | | | | | C | C |
| Woodwaste Storage ⁵⁸ | | | | | | | | | | | | | | C | C |
| Yacht/Boat Club | | | | | | | | | | | | P | P | P | P |
| All other uses not otherwise mentioned | | | | | | | | | | | | P | P | P | P |
| P - Permitted Use | Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above. | | | | | | | | | | | | | | |
| A - Administrative Conditional Use | | | | | | | | | | | | | | | |
| C - Conditional Use | | | | | | | | | | | | | | | |

Section 6. Snohomish County Code Section 30.22.130, last amended on December 9, 2002 by Amended Ordinance 02-064, is **AMENDED** to read:

30.22.130 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-7,200, R-8,400, R-9,600, R-12,500, R-20,000, and SA-1 zones, shall only be permitted in connection with and secondary to a school facility or place of worship; and

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

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

- (a) The height of any covered over-water structure shall not exceed 12 feet as measured from the line of ordinary high water;
- (b) The total roof area of covered, over-water structures shall not exceed 1,000 square feet;
- (c) The entirety of such structures shall have a width no greater than 50 percent of the width of the lot at the natural shoreline upon which it is located;
- (d) No over-water structure shall extend beyond the mean low water mark a distance greater than the average length of all preexisting over-water structures along the same shoreline 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) Dwelling, Single family: In PCB zones, shall be allowed only if included within the same structure as a commercial establishment.

(5) Dwelling, Townhouse shall be:

- (a) Subject to all conditions of chapter 30.31E 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 subdivision process; and
- (d) A conditional use when located on individual lots not created through the subdivision process.

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

Side and rear yard requirements may be waived by the department 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: See SCC 30.28.050(1).

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

(13) Kennel, Private-breeding, and Kennel, Private Non-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.

(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 to protect adjacent properties; and

(c) No amusement devices for hire are permitted.

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

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

(17) Swimming/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.

(18) 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 for inclusion in the permit file;

(h) Adequate screening, landscaping, or other measures shall be provided to protect surrounding property values and ensure 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 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 is located.

(19) Recreational Vehicle:

(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.

(20) Ultralight Airpark:

(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 airpark; and

(c) Approval shall be dependent upon a determination by the county decision maker 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; or

(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.

(21) 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.

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

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

(24) 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.

(25) 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; and
- (d) Outside storage, loading or employee parking in the RD zone shall provide 15-foot wide Type A landscaping as defined in SCC 30.25.017.

(26) 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 A landscaping as defined in SCC 30.25.017.

(27) Governmental and Utility Structures and Facilities: Special lot area requirements for this use are contained in SCC 30.23.200.

(28) Excavation and Processing of Minerals: See SCC 30.28.035.

(29) Medical Clinic, Hospital, Licensed Practitioner, Hotel/Motel:

- (a) Where the abutting property is designated for residential use, Type A landscaping as defined in SCC 30.25.017 is required; and
- (b) A prescription pharmacy may be permitted when located within the main building containing licensed practitioner(s).

(30) Forest Industry Storage & Maintenance Facility (except harvesting) adjacent to property lines in the RU zone shall provide 15-foot wide Type A landscaping as defined in SCC 30.25.017.

(31) Boat Launch Facilities, Commercial or Non-commercial:

- (a) The hearing 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.

(32) 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.

(33) 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.

(34) 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.

(35) Group Care Facility:

(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 allowance 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.

(36) 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 chapter 30.42C SCC;

(d) Such use shall not be deemed to be outside storage for the purpose of SCC 30.25.024; and

(e) Such use shall be temporary until business or industrial development is timely on the site or on nearby IP designated property.

(37) 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; and

(ii) nature of operation and any structures shall not adversely affect adjacent properties; and

(iii) 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.

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

(39) Mobile Home Park: Such development must fulfill the requirements of chapter 30.42E SCC.

- (40) **Sludge Utilization:** See SCC 30.28.085.
- (41) **Homestead Parcel:** See SCC 30.28.055.
- (42) **Special Setback Requirements** for this use are contained in SCC 30.23.110.
- (43) **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.
- (44) **Petroleum Products and Gas, Bulk Storage:**
- (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.
- (45) **Auto Wrecking Yards and Junkyards:** A sight-obscuring fence a minimum of seven feet high shall be established and maintained in the LI zone. For requirements for this use, SCC 30.25.020 and 30.25.050 applies.
- (46) **Antique Shops** when established as a home occupation as regulated by SCC 30.28.050(1); provided further that all merchandise sold or offered for sale shall be predominantly "antique" and antique-related objects.
- (47) **Billboards:** See SCC 30.27.080 for specific requirements.
- (48) **Nursery, Wholesale:** 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.
- (49) **Stockyard and Livestock Auction Facility:** The minimum lot size is 10 acres.
- (50) **Restaurants and Personal Service Shops:** Located to service principally the constructed industrial park uses.
- (51) **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.
- (52) **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 30.23 SCC; 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.
- (53) **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; and
 - (c) There shall be no on-site signs advertising other than the principal use.
- (54) **Retail Store:** See SCC 30.31A.120 for specific requirements for retail stores in the BP zone.
- (55) **Retail Sales of Hay, Grain, and Other Livestock Feed** are permitted on site in conjunction with a livestock auction facility.
- (56) **Noise of Machines and Operations** in the LI and HI zones shall comply with chapter 10.01 SCC and machines and operations shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness.
- (57) **Sludge Utilization** only at a completed sanitary landfill or on a completed cell within a sanitary landfill, subject to the provision of SCC 30.22.130(42):
- (58) **Woodwaste Recycling and Woodwaste Storage Facility:** See SCC 30.28.095.
- (59) **Bed and Breakfast Guesthouses and Bed and Breakfast Inns:** See SCC 30.28.020.

(60) **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 30.23.110;
- (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; and
- (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.

(61) **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.

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

(63) **Accessory Apartments:** See SCC 30.28.010.

(64) **Temporary Woodwaste Recycling and Temporary Woodwaste Storage Facilities:** See SCC 30.28.090.

(65) **Home Occupation:** See SCC 30.28.050(2).

(66) **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.

(67) **An application for a conditional use permit** to allow an off-site 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.

(68) **Adult Entertainment Uses:** See SCC 30.28.015.

(69) **Special Building Height** provisions for this use are contained in SCC 30.23.050(4).

(70) **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.

(71) **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 30.65 SCC.

(72) **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 30.65 SCC.

(73) **Equestrian Centers and Mini-equestrian Centers** require the following:

- (a) Five-acre minimum site size for a mini-equestrian center;
- (b) 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;
- (c) Any lighting of an outdoor or covered arena shall be shielded so as not to glare on surrounding properties or rights-of-way;
- (d) On sites located in RC and R-5 zones, Type A landscaping as defined in SCC 30.25.017 is required to screen any outside storage, including animal waste storage, and parking areas from adjacent properties;

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

(f) 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 30.23.110(8); and

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

(74) Temporary Residential Sales Coach (TRSC):

(a) The commercial coach shall be installed in accordance with all applicable provisions within chapter 30.54A SCC;

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

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

(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.

(75) 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 farmland. At least 75 percent of prime farmland on site shall remain undisturbed.

(76) Model Hobby Park: SCC 30.28.060.

(77) 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.

(78) 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 chapter 30.42C SCC. 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 five for any lot less than 200,000 square feet in size;

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

(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 A landscaping as defined in SCC 32.25.017

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

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

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

(82) The construction contracting 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 30.31F.100 and 30.31F.110;

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

(c) In addition to the provisions of SCC 30.22.130(82)(b), not more than five commercial vehicles or construction machines shall be stored outdoors and shall be screened in accordance with SCC 30.25.020 and 30.25.032;

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

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

(83) **Manufacturing, Heavy** includes the following uses: Distillation of wood, coal, bones, or the manufacture of their by-products; explosives manufacturing; manufacture of fertilizer; extraction of animal or fish fat or oil; forge, foundry, blast furnace or melting of ore; manufacturing of acid, animal black/black bone, cement or lime, chlorine, creosote, fertilizer, glue or gelatin, potash, pulp; rendering of fat, tallow and lard, rolling or booming mills; tannery; or tar distillation and manufacturing. See SCC 30.91M.026.

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

(85) **Home Occupations:** See SCC 30.28.050(3).

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

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

(88) **Wedding Facility:**

(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 following criteria are met with respect to the activities related to the use:

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

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

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

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

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

(e) 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; and

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

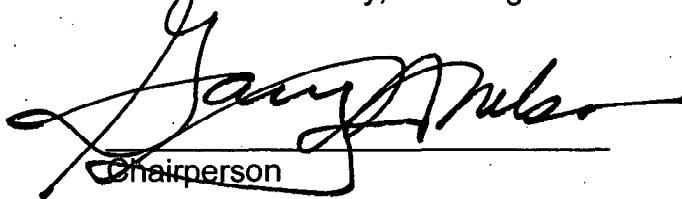
(89) **Public/Institutional Use Designation (P/IU):** When applied to land that is (a) included in an Urban Growth Area and (b) designated P/IU on the Snohomish County Future Land Use Map concurrent with or prior to its inclusion in a UGA, the R-7,200, R8,400 and R- 9,600 zones shall allow

only the following permitted or conditional uses: churches and school instructional facilities. All other uses are prohibited within areas that meet criteria (a) and (b), unless the P/IU designation is changed.

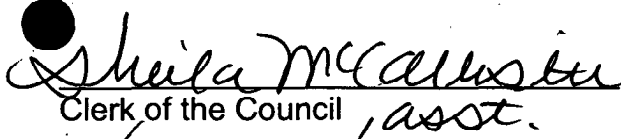
Section 7. Severability. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth Management Hearings Board (Board), or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality 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 4th day of June, 2003.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

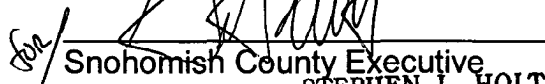

Chairperson

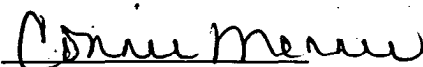
ATTEST:


Clerk of the Council, asst.

- (☒) APPROVED
(☐) EMERGENCY
(☐) VETOED

DATE: 6-17-03


for/ Snohomish County Executive
STEPHEN L. HOLT
Executive Director

ATTEST: 

Approved as to form only:

Deputy Prosecuting Attorney

D-7