



SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

EMERGENCY ORDINANCE NO. 03-145

ADOPTING A MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR PERMITS FOR CERTAIN WASTEWATER TREATMENT FACILITIES AND WASTEWATER CONVEYANCE SYSTEMS, AND AN INTERIM ZONING ORDINANCE AND OFFICIAL CONTROL RELATING TO SUCH FACILITIES; DECLARING AN EMERGENCY; AMENDING CHAPTER 30.22. SCC; AND SETTING A HEARING DATE

WHEREAS, RCW 36.70A.200 requires counties and cities planning under the Growth Management Act (hereinafter "GMA") to include a process for identifying and siting essential public facilities in county and city comprehensive plans and development regulations; and

WHEREAS, a siting process for essential public facilities was developed cooperatively by the county and its cities through the interjurisdictional planning process known as Snohomish County Tomorrow (hereinafter "SCT"); and

WHEREAS, this siting process was incorporated into the county Comprehensive Plan as Appendix B of the General Policy Plan by Amended Ordinance No. 95-117; and

WHEREAS, the County Council adopted implementing regulations that were held invalid by the Central Puget Sound Growth Management Hearings Board in King County, et al v. Snohomish County, Case No. 03-0011, on October 13, 2003; and

WHEREAS, the County Council is currently considering adoption of new or revised plans and implementing regulations to address the siting of essential public facilities; and

WHEREAS, RCW 36.70A.390 provides that the County Council may adopt a moratorium, interim zoning ordinance and interim official control; and

WHEREAS, moratoria, interim zoning ordinances, and interim official controls enacted under RCW 36.70A.390 are methods by which local governments may preserve the status quo so that new plans and regulations will not be rendered moot by intervening development; and

WHEREAS, the County Council finds that an emergency exists within the County, and that a moratorium on acceptance of applications for permits for wastewater treatment facilities having a planned capacity exceeding 10 million gallons/day (mgd) and related wastewater conveyance systems is necessary for the immediate preservation of the public peace, health, and safety and for the support of county government and its existing public institutions;

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THEREFORE, BE IT ORDAINED:

Section 1. The County Council adopts the following findings of fact and conclusions:

A. Snohomish County adopted a siting process for essential public facilities as Amended Ordinance No. 03-006 on February 19, 2003.

B. Various parties appealed the adoption of Amended Ordinance No. 03-006 to the Central Puget Sound Growth Management Hearings Board (hereinafter the "Board") in King County, et al. v. Snohomish County, Case No. 03-3-0011.

C. The Board issued its Final Decision and Order (FDO) in the King County case on October 13, 2003, and entered a determination of invalidity for Amended Ordinance No. 03-006.

D. As part of the FDO, the Board stated:

The Board concludes therefore that Snohomish's action was clearly erroneous, and will remand Ordinance No. 03-006 to Snohomish County to take appropriate legislative action to comply with the GMA as interpreted in this Order.

E. In response to the Board's order, it is necessary and desirable to study and consider a range of alternatives, consistent with the County's countywide planning policies, GMA comprehensive plan, and development regulations, to be developed by the Department of Planning and Development Services (PDS), reviewed by the Snohomish County Planning Commission, and considered by the County Council.

F. The County is acting in good faith to comply with the Board's order.

G. It is necessary and desirable to preserve the status quo on lands within Snohomish County while the County considers adoption of new or revised plans and implementing regulations to address the siting of essential public facilities.

H. RCW 36.70A.390 authorizes the enactment of a moratorium, interim zoning map, interim zoning ordinance or interim official control by emergency action without first holding a public hearing. A public hearing must be held and findings of fact must be made supporting the emergency action within 60 days of such action. The moratorium, interim zoning map, interim zoning ordinance or interim official control may extend up to one year if a work plan is established for related study.

I. If the County were to begin public consideration of new or revised plans and implementing regulations without first adopting a moratorium, those involved in the process of siting these wastewater treatment facilities and related wastewater conveyance systems with a planned capacity exceeding 10 mgd could frustrate effective land use planning by submitting applications for these facilities, thereby rendering the proposed amendments moot.

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J. If the County were to follow its regular non-emergency public participation procedures to adopt new countywide planning policies or development regulations concerning these facilities, the filing of one or more such permit applications prior to amendment of the countywide planning policies or development regulations would likely undermine the County's ability to regulate such activity.

K. If a moratorium were not invoked, the filing of applications during the time necessary to conduct any necessary studies and activities would likely impact effective long range planning and result in the status quo not being preserved during consideration of necessary plan and code amendments.

L. It is in the best interests of the health, safety, and welfare of the citizens of Snohomish County to suspend temporarily the acceptance of applications for permits for wastewater treatment facilities and related wastewater conveyance systems.

M. The time necessary to complete the reviews, and to develop and consider proposed amendments to the County's countywide planning policies, GMA comprehensive plan and development regulations as described above is likely to take between six (6) months and one (1) year.

N. Pursuant to WAC 197-11-880 and SCC 30.61.020, the adoption of this ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act.

O. This ordinance is exempt from the public participation requirements of Chapter 30.73 SCC, subject to the requirements of RCW 36.70A.390.

P. A moratorium on acceptance of applications for wastewater treatment facilities with a planned capacity exceeding 10 mgd and related wastewater conveyance systems, and an interim zoning ordinance and interim official control relating to such facilities is necessary for the immediate preservation of the public peace, health, and safety and for the support of county government and its existing public institutions. Based on the foregoing, the County Council declares that an emergency exists and that this ordinance should take effect immediately.

Section 2. The County Council hereby declares a moratorium on the acceptance and processing of applications for any county development, use, or other permit for a wastewater treatment facility with a planned capacity exceeding 10 mgd or for a related wastewater conveyance system, and adopts an interim zoning ordinance and interim official control providing that no such facilities shall be defined or permitted as permitted or conditional uses under the Snohomish County Code, or recognized or established as a nonconforming use or structure.

Section 3. The County Council hereby adopts a moratorium and interim zoning ordinance and official control as follows:

A. The County shall not accept any application for a development, use, or other permit for a wastewater treatment facility with a planned capacity exceeding 10 mgd or

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for a related wastewater conveyance system, and the County shall not define or permit such facilities as conditional or permitted uses or recognize or establish any asserted nonconforming right to such use or structure;

B. The County Council requests that prior to the public hearing to be held on this ordinance, the County Executive devise a work plan to study the need for a process for identifying and siting essential public facilities, including wastewater treatment facilities with a planned capacity exceeding 10 mgd and related wastewater conveyance systems, and expeditiously review existing regulations and propose any policies and regulations deemed appropriate to serve the public health, safety, and welfare in Snohomish County;

C. The County Council requests the Director of PDS to immediately initiate a study of these issues and to expeditiously develop and recommend proposed amendments to the County's countywide planning policies, GMA comprehensive plan, and development regulations in accordance with the findings and conclusions stated in this ordinance;

D. The work plan shall provide that the Director of PDS shall process any recommendations for amendment to the County's countywide planning policies, GMA comprehensive plan, and development regulations pursuant to this ordinance through the full public participation process required by Chapter 30.73 SCC;

E. Pursuant to RCW 36.70A.390, the County Council shall hold a public hearing on the moratorium, interim zoning ordinance, and interim official control within 60 days of the adoption of this ordinance;

F. This moratorium, interim zoning ordinance, and interim official control shall be effective for at least six months and up to one year with the adoption of a work plan as a part of the findings adopted after the public hearing; and

G. The moratorium, interim zoning ordinance and interim official control may be renewed for one or more six (6) month periods if subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 4. Snohomish County Code Section 30.22.130, adopted by Amended Ordinance No. 02-064 on December 9, 2002, and last amended by Ordinance No. 03-107 on September 10, 2003, 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.

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(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:
- (a) Special lot area requirements for this use are contained in SCC 30.23.200.
 - (b) Certain uses may be subject to special restrictions contained in SCC 30.22.145.
- (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 and Multifamily Dwellings are a prohibited use, except for the following:

(a) Existing 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; and

(b) New single family and multifamily dwellings in the BP zone authorized pursuant to the provisions of SCC 30.31A.140.

- (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, R-8,400 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 5. A new section is added to Chapter 30.22 of the Snohomish County Code to read:

30.22.145 Moratorium on certain wastewater treatment facilities and wastewater conveyance systems.

Pursuant to Emergency Ordinance No. 03-145, a moratorium, interim zoning ordinance, and interim official control have been adopted to allow time for the amendment of the county's countywide planning policies, GMA comprehensive plan, and development regulations to address the siting and use of certain facilities within Snohomish County. During the pendency of the moratorium, interim zoning ordinance, and interim official control, the following uses shall not constitute permitted, conditional, or temporary uses: wastewater treatment facilities with planned capacity exceeding 10 mgd and related wastewater conveyance systems. During the pendency of the moratorium, interim zoning ordinance, and interim official control the County will not accept any application for a development, use, or other permit for a wastewater treatment facility with planned capacity exceeding 10 mgd and/or a wastewater conveyance system, and the County shall not define or permit such facilities as permitted or conditional uses or recognize or establish any asserted nonconforming right to such use or facility. During the pendency of this moratorium, this section shall suspend any existing provision of the Snohomish County Code affected by Emergency Ordinance No. 03-145.

Section 6. The County Council hereby adopts this ordinance as a moratorium, interim zoning ordinance, and official control declaring that the uses identified in this ordinance are not permitted or conditional uses in any zone under the Snohomish County Code, or recognized or established as a nonconforming use or structure.

Section 7. This ordinance shall take effect immediately upon passage by the County Council.

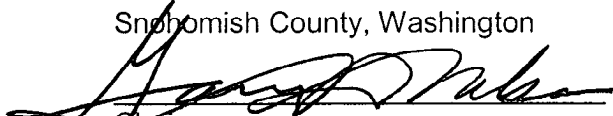
Section 8. The County Council will hold a public hearing on this matter on December 3, 2003 at 1:30 p.m. in Everett, Washington, at a location to be determined and announced at a later date, for the purpose of hearing public testimony on this matter in accordance with RCW 36.70A.390.

EMERGENCY ORDINANCE NO. 03-145
ADOPTING A MORATORIUM ON ACCEPTANCE OF APPLICATIONS
FOR WASTEWATER TREATMENT FACILITIES AND WASTEWATER
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Section 9. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

PASSED by a vote of 5 to 0 this 22nd day of October, 2003.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

ATTEST:


Clerk of the Council, *Asst.*

- () APPROVED
() EMERGENCY
() VETOED

DATE: _____

County Executive

ATTEST:

Approved as to form only:


Deputy Prosecuting Attorney

D-1

EMERGENCY ORDINANCE NO. 03-145
ADOPTING A MORATORIUM ON ACCEPTANCE OF APPLICATIONS
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