

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



AMENDED ORDINANCE NO. 04-010

AMENDING TITLE 30 OF THE SNOHOMISH COUNTY CODE RELATING TO HEALTH AND SOCIAL SERVICE FACILITY USES, AND ADDING A NEW CHAPTER 30.43E RELATING TO A REASONABLE ACCOMMODATION PROCESS FOR THE DISABLED

WHEREAS, pursuant to the Snohomish County Charter and the Growth Management Act (GMA), Chapter 36.70A RCW, the County Council has adopted the Snohomish County GMA Comprehensive Plan - General Policy Plan and Subtitle 30.2 SCC, the Snohomish County Zoning Code for the unincorporated area of Snohomish County; and

WHEREAS, certain social service facility uses regulated by Subtitle 30.2 SCC, including family care homes, family rehabilitation homes, group care facilities, and social service centers are not consistent with state definitions relating to such uses; and

WHEREAS, present treatment of social service facility uses by 30.2 SCC, including the definition of family in SCC 30.91F.080, needs to be updated consistent with the provisions of the Federal Fair Housing Act; and

WHEREAS, proposed amendments are consistent with the Federal Fair Housing Act, State of Washington Housing Policy Act, and the Americans with Disabilities Act; and

WHEREAS, the proposed amendments expand the housing opportunities for disabled persons and senior citizens, including their use of day care facilities; and

WHEREAS, the proposed amendments include reasonable accommodation provisions for disabled persons that will permit Snohomish County code provisions pertaining to the housing of the disabled to be waived or varied to provide such accommodation; and

WHEREAS, in 2001 the Washington State Legislature amended chapter 71.09 RCW to define "secure community transition facility", codified at RCW 71.09.020(10), and to include minimum requirements for the siting of secure community transition facilities, codified at RCW 71.09.285 through 71.099.340; and

WHEREAS, in 2001 the Washington State Legislature amended chapter 36.70A RCW to define secure community transition facilities as essential public facilities, codified at RCW 36.70A.200(1); and

WHEREAS, in 2002 the Washington State Legislature amended chapter 71.09 RCW to partially preempt the County's authority to regulate secure community transition facilities; and

WHEREAS, Snohomish County is prohibited by state law from "precluding" the siting of secure community transition facilities its jurisdictional boundaries; and

WHEREAS, the rulings of the Growth Management Hearings Board have made it clear that while a zoning entity may not preclude the siting of an essential public facility, it may require the examination of any permit and/or site at the expense of the applicant, and that such reasonably related expense does not "preclude" the siting of such an essential public facility; and

WHEREAS, the Snohomish County Council does not wish to adopt a specific siting process for secure community transition facilities, but does wish to maintain siting authority for other private and/or governmental health and social service facilities; and

WHEREAS, RCW 71.09.342 permits the County to provide input to the state on matters of public safety during the process of siting a secure community transition facility; and

WHEREAS, Snohomish County Council wishes to accommodate residential living arrangements and other facilities for the disabled to the full extent required by the Federal Fair Housing Act and the Washington Housing Policy Act by recognizing as outright permitted uses in residential zones consensual living arrangements for the disabled which, pursuant to state and federal law, have been defined as the equivalent of a single-family unit; and

WHEREAS, the Snohomish County Council wishes to provide for the siting of institutional and commercial uses designed to provide social and health services to the citizens of Snohomish County in appropriate commercial and similar zones;

THEREFORE, BE IT ORDAINED:

Section 1. The County Council makes the following findings and conclusions.

A. The foregoing recitals are adopted as findings.

B. Existing county regulations pertaining to a wide range of health and social service facility uses in the county zoning code need to be updated. Regulations pertaining to uses including, but not limited to family care homes, family rehabilitation homes, group care facilities, and social service centers require revision for necessary compliance with the Federal Fair Housing Act, Washington State Housing Policy Act, and the American Disabilities Act.

C. Health and social service facility uses are most efficiently organized by grouping such uses into several broad categories so that similar facilities are located and regulated in a like manner.

D. Residential living arrangements and other facilities for the disabled must be accommodated to the fullest extent required by the Federal Fair Housing Act and the Washington Housing Policy Act by recognizing as outright permitted uses in residential zones consensual living arrangements for the disabled which, pursuant to state and federal law, have been defined as the equivalent of a single-family dwelling unit.

E. Institutional and commercial health and social service facilities designated to provide services to the citizens of Snohomish County must be accommodated in appropriate commercial and similar zones.

F. The county is obligated to provide a reasonable accommodation to disabled persons in order to provide him/her full enjoyment of a dwelling unit. Provisions included in the proposed amendments are necessary to allow the county to waive or vary county code requirements to provide an accommodation that may be necessary.

G. On January 31, 2001, the county adopted Emergency Ordinance 01-007, pertaining to the prohibition of facilities that house sexually violent predators. The term of the ordinance was extended to July 31, 2002 by Ordinance 01-129. The emergency ordinance provisions were necessary to allow the county necessary time to draft and adopt provisions pertaining to facilities that may house sexually

violent predators (secure community transition facilities) and provide regulations consistent with applicable state regulations governing such facilities.

H. Provisions contained in chapter 71.09 RCW clarify the extent of the county's authority to regulate the siting of secure community transition facilities. Current applicable state provisions do not allow the county to adopt regulations pertaining to the siting of secure community transition facilities that are more restrictive than those already contained in chapter 71.09 RCW.

I. Implementation of a county siting process for secure community transition facilities in accordance with the provisions of chapter 71.09 RCW would have no practical value since the county has little or no authority to prohibit or substantively condition such projects beyond that which is already required under state code. Therefore, the county chooses to accept the preemption for siting secure community transition facilities in accordance with chapter 71.09 RCW.

J. The county will participate in the review of any secure community transition facility proposed by the state to the fullest extent permitted by applicable state code.

K. The proposed amendments will accommodate various health and social service facilities in categories defined by the state.

L. The proposed amendments will expand services and housing for disabled persons and seniors.

M. The proposed amendments will bring regulations governing health and social service facilities into compliance with applicable state and federal regulations, and establish an appropriate level of regulation for such uses.

N. A determination of nonsignificance was issued for the proposed action on April 7, 2002, pursuant to the provisions of the State Environmental Policy Act (SEPA, chapter 197-11 WAC) and Title 23 SCC, and satisfies the requirements of SEPA.

O. The proposed amendments are in the best interest of the county and will promote the general public health, safety and welfare.

Section 2. Snohomish county code Section 30.22.100, adopted by Amended Ordinance 02-064, on December 9, 2002, is amended to read:

30.22.100 Urban Zone Categories: Use Matrix

Type of Use	Urban Zones														
	R9,600	R8,400	R7,200	T	LDMR	MR	NB	PCB	CB	GC	FS	IP ⁷⁹	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
Electronics 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
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
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															

30.22.100 Urban Zone Categories: Use Matrix

Type of Use	Urban Zones														
	R9,600	R8,400	R7,200	T	LDMR	MR	N B	PCB	CB	GC	FS	IP ⁷⁹	BP	LI ^{56,77}	HI ⁵⁶
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 ² ₂			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
Fabrication Shop										P		P	P	P	P
Fairgrounds										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
Garage, Private	P	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	P
Government Structures & Facilities ^{27,42}	C	C	C	C	C	C	C	P	P	P		P	P	P	P
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC														
A - Administrative Conditional Use	30.22.130. Check other matrices in this chapter if your use is not listed above.														
C - Conditional Use															

30.22.100 Urban Zone Categories: Use Matrix

Type of Use	Urban Zones														
	R9,600	R8,400	R7,200	T	LDMR	MR	N B	PCB	CB	G C	FS	IP ⁷⁹	BP	LI ^{56,77}	HI ⁵⁶
Greenhouse, Lath House, & Nurseries : ⁵³ Retail							P	P	P	P				P	P
Greenhouse, Lath House, & Nurseries. ⁵³ Wholesale ⁴⁸							P	P	P	P		P	P	P	P
Grocery Store							P	P	P ⁸⁷	P	P ²²			P	P
Grooming Parlor							P	P	P	P			P ⁵⁴	P	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	P
Hardware Store							P	P	P	P				P	P
Hazardous Waste Storage & Treatment Facilities, Offsite ⁶⁷												C	C	C	C
Hazardous Waste Storage & Treatment Facilities, Onsite ⁶⁶							P	P	P	P	P	P	P	P	P
Health and Social Service Facility ⁽⁸⁹⁾															
Level I	P	P	P	P	P	P	P	P	P	P			P	P	P
Level II ⁽⁴²⁾	C	C	C		C	C	C	C	C	C			P	P	P
Level III															
Home Improvement Center							P	P	P ⁸⁷	P				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	P
Kennel, ⁴² Private-Breeding ¹³	P	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	P
Library ⁴²	C	C	C		C	C	C	P	P	P		P	P	P	P
Licensed Practitioner ^{29,42}					C	C	P	P	P	P		P	P	P	P
Livestock Auction Facility												P		P	P
Locksmith							P	P	P ⁸⁷	P		P	P	P	P
Lumberyard										P		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															

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Type of Use	Urban Zones														
	R9,600	R8,400	R7,200	T	LDMR	MR	NB	PCB	CB	GC	F S	IP ⁷⁹	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 Home⁴²))	((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
Pet 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					
Retirement Housing					P	P	P	P	P	P					
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC														
A - Administrative Conditional Use	30.22.130. Check other matrices in this chapter if your use is not listed above.														
C - Conditional Use															

30.22.100 Urban Zone Categories: Use Matrix

Type of Use	Urban Zones														
	R9,600	R8,400	R7,200	T	LDMR	MR	NB	PCB	CB	GC	FS	IP ⁷⁹	B P	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, C ⁵¹
Small Animal Husbandry ⁴²	C ³⁸	C ³⁸	C ³⁸				P		P	P		P	P	P	P
((Social Service Center¹⁶))					((G))	((G))			((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. On Less Than Three Acres ^{42, 60}	C	C ⁶¹	C ⁶¹	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															
Conditional Use															

30.22.100 Urban Zone Categories: Use Matrix

Type of Use	Urban Zones														
	R9,600	R8,400	R7,200	T	LDMR	M R	N B	PC B	CB	GC	FS	IP ⁷⁹	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														
A - Administrative Conditional Use	30.22.130. Check other matrices in this chapter if your use is not listed above.														
C - Conditional Use															

Section 3. Snohomish county code Section 30.22.110, adopted by Amended Ordinance 02-06, on December 9, 2002, is amended to read:

30.22.110 Rural and Resource Zone Categories: Use Matrix

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Accessory Apartment ⁶³	A	A	A	A	P			A	A	A	A
Agriculture ⁴²	P	P	P	P	P	P	P	P	P	P	P
Airport: Stage 1 Utility ¹	C	C	C					C			
Antique Shop	C		C ⁴⁶	P ⁸⁰	P						
Art Gallery ⁴²	C		C	P ⁸⁰	P						
Asphalt Batch Plant & Continuous Mix Asphalt Plant											P
Auto Repair, Minor				P ⁷⁹	P	P					
Auto Towing	C		C								
Bakery				P ⁷⁹	P						
Bed and Breakfast Guesthouse ⁵⁹	C		C	P				C	C	A	
Bed and Breakfast Inn ⁵⁹	C		C	P				C	C	C	
Boarding House	P ¹⁵	P ¹⁵	P ¹⁵					P ¹⁵		P ¹⁵	
Boat Launch, Commercial ³¹		C							C		
Boat Launch, Non-commercial ³¹	C		C	C				C	C		
Campground									C ³²		
Caretaker's Quarters	P		C				P				P
Carport	P	P	P	P	P	P	P	P	P	P	P
Cemetery, Columbarium, Crematorium, Mausoleum ⁴²	P		C								
Church ⁴²	P		C	C	P						
Cleaning Establishment					P						
((Clinic ³¹))					((P))						
Club					P						
Cold Storage							P				
Commercial Vehicle Home Basing			C ³³								
Commercial Vehicle Storage Facility				C			P				
Community Club	P		C	P	P						
Construction Contracting				P ^{81, 82}							
Country Club	C		C	P							
Craft Shop ²¹				P	P						
Dams, Power Plants, & Associated Uses									P		
Day Care Center ²				P	P	P					
Distillation of Alcohol	C ³⁴		C ³⁴							C ³⁴	
Dock & Boathouse, Private, Non-commercial ^{3, 42}	P	P	P	P				P	P	P	
Drug Store				P ⁸⁰	P						
P - Permitted Use	Note: Reference numbers within matrix indicate special										
A - Administrative Conditional Use	conditions apply; see SCC 30.22.130. Check other matrices in										
C - Conditional Use	this chapter if your use is not listed above.										

30.22.110 Rural and Resource Zone Categories: Use Matrix

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Dwelling, Duplex	P		P					P		P	
Dwelling, Mobile Home	P	P	P		P ⁶			P	P	P	P
Dwelling, Single Family	P	P	P		P			P	P	P	P
Equestrian Center ^{42, 73}	P	C	C					C	P	C ⁷¹	
Excavation & Processing of Minerals ²⁸	C	C	C				C	P,C	C	C	C
Explosives, Manufacturing		C									
Explosives, Storage	C		C				C	P	C		C
Fabrication Shop							P				
Fallout Shelter, Individual	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
((Family Care Home))	((P))		((P))	((P))	((P))			((P))		((P))	
Family Day Care Home ⁸	P		P	P	P			P		P	
((Family Rehabilitation Home))	((C))		((C))	((P))	((P))						
Farm Product Processing	C ³⁷		C ³⁷				P			C ³⁷	
Farm Stand ⁹	P	P	P	P		P	P	P	P	P	P
Farm Workers Dwelling										P ¹⁰	
Financial Institutions					P						
Fish Farm	P	P	P					P	P	P	
Fix-it Shop				P ⁷⁹	P		P				
Forestry	P	P	P				P	P	P	P	P
Forestry Industry Storage & Maintenance Facility	P ³⁰	P					P	P	P		
Foster Home	P	P	P	P	P			P		P	
Garage, Private	P	P	P	P	P			P	P	P	P
Golf Course and Driving Range	C		C							C ⁷⁵	
Government Structures & Facilities ^{27, 42}	C	C	C	C	P		C	C	C		C
Greenhouse, Lath House, Nurseries: ⁵³ Retail	P	P	P	P	P		P	P		P	
Greenhouse, Lath House, Nurseries: ⁵³ Wholesale ⁴⁸	P	P	P	P	P		P	P		P	
Grocery Store				P ⁸¹	P	P ⁸⁰					
Grooming Parlor					P						
((Group Care Facility ³⁵))	((C))		((C))								
Guesthouse ⁸⁶	P	P	P	P	P			P	P	P	
Gym					P						
Hardware Store				P ⁸¹	P						
Hazardous Waste Storage & Treatment Facilities Onsite ⁶⁶	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											

30.22.110 Rural and Resource Zone Categories: Use Matrix

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Health and Social Service Facility ⁽⁸⁹⁾											
Level I	P	P	P	P	P			P	P	P	P
Level II ^{(42) (90)}			C	C							
Level III											
Home Improvement Center				P ⁸¹	P						
Home Occupation ^{11, 85}	P ⁶⁵	P ⁶⁵	P ⁶⁵	P ⁶⁵	P			P ⁶⁵	P ⁶⁵	P ⁶⁵	P ⁶⁵
Homestead Parcel ⁴¹	C		C							C	
((Hospital ^{29, 42}))	((C))		((C))								
Hotel/Motel ²⁹				P		P					
Kennel, ⁴² Commercial ¹²	P	P	P		P			P		C	
Kennel, ⁴² Private-Breeding ¹³	P	P	P		P			P		P	
Kennel, ⁴² Private-Non-Breeding ¹³	P	P	P	P	P			P		P	
Library ⁴²	C		C	P	P						
Licensed Practitioner ^{29, 42}				P ⁸⁰	P						
Livestock Auction Facility	C ⁴⁹		C ⁴⁹		P		P			C ⁴⁹	
Locksmith				P	P						
Log Scaling Station	C	C	C				P	P	P	P	
Lumberyard							P				
Manufacturing-All Other Forms Not Specifically Listed				C			C				
Medical Clinic ²⁹					P						
Metal Working Shop				P ⁷⁹			P				
Mini-equestrian Center ^{42, 73}	P	P	P	P			P	P	P	P ⁷²	
Model Hobby Park ⁷⁶			A							A	
Model House/Sales Office	P	P	P					P	P		
Motor Vehicle & Equipment Sales					P ²⁵						
Museum ⁴²	C		C	P	P					C ⁶²	
Office, General				P	P						
Park, Public ¹⁴	P	P	P	P	P		P	P	P	P	P
Park-and-Pool Lot				P	P	P	P				
Park-and-Ride Lot	C	C	C	P	P	P		C	C	C	
Personal Services Shop				P ⁸⁰	P						
Pet Shop					P						
Petroleum Products & Gas Storage - Bulk							P ⁴⁴				
Photo Processing Shop					P						
Print shop				P	P						
Race Track ^{24, 42}			C								
Railroad Right-of-way	C	C	C		P		P	C	C	C	C
Recreational Facility Not Otherwise Listed	C		C		P		P ⁸⁰				
Recreational Vehicle ¹⁹	P	P	P					P	P	P	
Recreational Vehicle Park									C		
P - Permitted Use	Note: Reference numbers within matrix indicate special										
A - Administrative Conditional Use	conditions apply; see SCC 30.22.130. Check other matrices in										
C - Conditional Use	this chapter if your use is not listed above.										

30.22.110 Rural and Resource Zone Categories: Use Matrix

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Resort									C		
Restaurant				P ⁸¹	P	P					
Retail Store				P ⁸¹	P						
Rural Industries ⁴²	P ²⁵										
Sanitary Landfill	C	C	C					C			C
Sawmill	C ²⁶	C ²⁶	C ²⁶				P	P	P		
Schools K-12 & Preschool ^{42, 69} College ^{42, 69} Other ^{42, 69}	C C		C C	P C						C	
Second Hand Store				P ⁷⁹	P						
Service Station ⁴²				P	P	P					
Shake & Shingle Mill	C ²⁶	C ²⁶	C ²⁶				P	P			
Shooting Range	C	C	C					C			
Sludge Utilization ⁴⁰	C	C, P	C					C		C	C ⁵⁷
Small Animal Husbandry ⁴²	P		P		P			P	P	P	P
((Social Service Center ⁴⁶))	((C)))		((C)))		((P))						
Specialty Store				P ⁷⁹	P						
Stables	P	P	P	P			P	P	P	P	
Stockyard or Slaughter House							C ⁴⁹				
Storage, Retail Sales Livestock Feed			P ⁵⁵	P	P		P			P	
Storage Structure Over 1,000 sq. ft. On Less Than Three Acres ^{42, 60}	C	C	C	P ⁸⁰	P		P ⁷⁹	C	C	C	P
Studio ⁴²	C ⁷⁸		C ⁷⁸		P						
Swimming/Wading Pool ^{17, 42}	P	P	P					P	P	P	P
Tavern ⁴²				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
Temporary Logging Crew Quarters								P	P		
Temporary Residential Sales Coach ⁷⁴	A		A								
Temporary Woodwaste Recycling ⁶⁴	A						A	A			
Temporary Woodwaste Storage ⁶⁴	A							A			
Tire Store					P						
Tool Sales & Rental				P	P						
Transit Center	C	C	C	P	P	P		C	C	C	
Ultralight Airpark ²⁰	C	C	C					C			
P - Permitted Use	Note: Reference numbers within matrix indicate special										
A - Administrative Conditional Use	conditions apply; see SCC 30.22.130. Check other matrices										
C - Conditional Use	in this chapter if your use is not listed above.										

30.22.110 Rural and Resource Zone Categories: Use Matrix

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Utility Facilities, Electromagnetic Transmission & Receiving Facilities ²⁷	C	C	C	C	P	C	P	C	C	C	C
Utility Facilities, Transmission Wires or Pipes & Supports ²⁷	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities-All Other Structures ^{27, 42}	C	C	C	C	P	C	P	C	C	C	C
Veterinary Clinic	P		C	P	P					C	
Wedding Facility ⁸⁸		P	P							P	
Woodwaste Recycling ⁵⁸	C	C	C				C	C			
Woodwaste Storage ⁵⁸	C	C	C				C	C			
Yacht/Boat Club				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 4. Snohomish county code Section 30.22.120, adopted by Amended Ordinance 02-064, on December 9, 2002, is amended to read:

30.22.120 Other Zone Categories: Use Matrix

Type of Use	Other Zones					
	SA-1	RC	RU	R20,000	R12,500	WFB
Accessory Apartment ⁶³	A	A	A	A	A	A
Agriculture ⁴²	P	P	P	P	P	P
Airport, Stage 1 Utility ¹	C	C	C	C	C	C
Antique Shop			C ⁴⁶			
Art Gallery ⁴²	C	C	P	C	C	C
Bed and Breakfast Guesthouse ⁵⁹	C	C	C	C	C	C
Bed and Breakfast Inn ⁵⁹		C				
Boarding House	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵
Boat Launch, Non-commercial ³¹	C	C	C	C	C	C
Caretaker's Quarters		C				
Carport	P	P	P	P	P	P
Cemetery, Columbarium, Crematorium, Mausoleum ⁴²	C	C	C	C	C	C
Church ⁴²	C	C	P	C	C	C
Community Club	C	C	P	C	C	C
Country Club	C	C	C	C	C	C
Day Care Center ²	C		P	C	C	C
Distillation of Alcohol		C ³⁴	C ³⁴			
Dock & Boathouse, Private, Non-commercial ^{3, 42}	P	P	P	P	P	P
Dwelling, Duplex	P	P	P ⁴³	P	P ⁴³	P ⁴³
Dwelling, Mobile Home	P	P	P ⁶	P	P ⁶	P ⁶
Dwelling, Single Family	P	P	P	P	P	P
Dwelling, Townhouse						P, C ⁵
Equestrian Center ^{42, 73}		P				
Excavation & Processing of Minerals ²⁸	C	C	C	C	C	C
Explosives Storage		C	C			
Fallout Shelter, Individual	P	P	P	P	P	P
Fallout Shelter, Joint ⁷	P	P	P	P	P	P
((Family Care Home))	((P))	((P))	((P))	((P))	((P))	((P))
Family Day Care Home ⁸	P	P	P	P	P	P
((Family Rehabilitation Home))	((C))	((C))	((C))	((C))	((C))	((C))
Farm Product Processing		C ³⁷	C ³⁷			
Farm Stand ⁹	P	P	P	P	P	P
Fish Farm	P	P	P			
Forestry	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						

30.22.120 Other Zone Categories: Use Matrix

Type of Use	Other Zones					
	SA-1	RC	RU	R20,000	R12,500	WFB
Foster Home	P	P	P	P	P	P
Garage, Private	P	P	P	P	P	P
Golf Course and Driving Range	C	C	C	C	C	C
Government Structures & Facilities ^{27, 42}	C	C	C	C	C	C
Greenhouse, Lath House, Nurseries: ⁵³ Retail	P					
Greenhouse, Lath House, Nurseries: ⁵³ Wholesale ⁴⁸	P		P	C		
Group Care Facility ³⁵		((C))				
Guesthouse ⁸⁶	P	P	P	P	P	P
Health and Social Service Facility ⁽⁸⁹⁾ <u>Level I</u> <u>Level II</u> ^{(42) (90)} <u>Level III</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>
Home Occupation ¹¹	P ^{65, 85}	P ^{65, 85}	P ^{65, 85}	P	P	P
Homestead Parcel ⁴¹		C				
Hospital ^{29, 42}	((G))	((G))	((G))	((G))	((G))	((G))
Kennel, ⁴² Commercial	C	C	P	C	C	C
Kennel, ⁴² Private-Breeding ¹³	C	P	P	P	P	P
Kennel, ⁴² Private-Non-Breeding ¹³	P	P	P	P	P	P
Library ⁴²	C	C	P	C	C	C
Livestock Auction Facility		C ⁴⁹	C ⁴⁹			
Log Scaling Station		C				
Mini-equestrian Center ^{42, 73}		P				
Model House/Sales Office	P	P	P	P	P	P
Museum ⁴²	C	C	P	C	C	C
Nursing Home ⁴²	((G))			((G))	((G))	((G))
Park, Public ¹⁴	P	P	P	P	P	P
Park-and-Pool Lot				C	C	
Park-and-Ride Lot	C	C	C	C	C	
Petroleum Products & Gas Storage - Bulk			C ⁴⁴			
Race Track ^{24, 42}		C	C			
Railroad Right-of-way	C	C	C	C	C	C
Recreational Facility Not Otherwise Listed	C	C	P	C	C	C
Recreational Vehicle ¹⁹	P	P	P			
Sanitary Landfill	C	C	C	C	C	C
Sawmill			C ²⁶			
Schools K-12 & Preschool ^{42, 69} College ^{42, 69}	C C	C C	C C	C C	C C	C C
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions					
A - Administrative Conditional Use	apply; see SCC 30.22.130. Check other matrices					
C - Conditional Use	in this chapter if your use is not listed above.					

30.22.120 Other Zone Categories: Use Matrix

Type of Use	Other Zones					
	SA-1	RC	RU	R20,000	R12,500	WFB
Shake & Shingle Mill			C ²⁶			
Shooting Range		C	C			
Sludge Utilization ⁴⁰	C	C	C	C	C ⁵⁷	C ⁵⁷
Small Animal Husbandry ⁴²	P	P	P	C ³⁸	C ³⁸	C ³⁸
((Social Services Center⁴⁶))		((C))	((C))			
Stables	P	P	P	P	P	P
Stockyard or Slaughter House			C ⁴⁹			
Storage, Retail Sales Livestock Feed		P ⁵⁵				
Storage Structure Over 1,000 sq. ft. On Less Than Three Acres ^{42, 60}	C	C	P	C	C	C
Studio ⁴²	C ⁷⁸	C ⁷⁸	P	C ⁷⁸	C ⁷⁸	C ⁷⁸
Swimming/Wading Pool ^{17, 42}	P	P	P	P	P	P
Temporary Dwelling During Construction	A	A	A	A	A	A
Temporary Dwelling For Relative ¹⁸	A	A	A	A	A	A
Temporary Residential Sales Coach ⁷⁵	A	A	A	A	A	A
Transit Center	C	C	C	C	C	
Ultralight Airpark ²⁰		C				
Utility Facilities, Electromagnetic Transmission & Receiving Facilities ²⁷	C	C	C	C	C	C
Utility Facilities, Transmission Wires, Pipes & Supports ²⁷	P	P	P	P	P	P
Utility Facilities-All Other Structures ^{27, 42}	C	C	C	C	C	C
Veterinary Clinic	C	C	P			
Yacht/Boat Club						C
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 5. Snohomish county code Section 30.22.130, adopted by Amended Ordinance 02-064, on December 9, 2002, 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) Health and social service facilities regulated under this title do not include secure community transition facilities (SCTFs) proposed pursuant to chapter 71.09 RCW. See SCC 30.91H.095.

(a) Snohomish County is preempted from regulation of SCTFs. In accordance with the requirements of state law the county shall take all reasonable steps permitted by chapter 71.09 RCW to ensure that SCTFs comply with applicable siting criteria of state law. Every effort shall be made by the county through the available state procedures to ensure strict compliance with all relevant public safety concerns, such as emergency response time, minimum distances to be maintained by the SCTF from "risk potential" locations, electronic monitoring of individual residents, household security measures and program staffing.

(b) Nothing herein shall be interpreted as to prohibit or otherwise limit the county from evaluating, commenting on, or proposing public safety measures to the state of Washington in response to a proposed siting of a SCTF in Snohomish County.

(c) Nothing herein shall be interpreted to require or authorize the siting of more beds or facilities in Snohomish County than the county is otherwise required to site for its SCTFs pursuant to the requirements of state law.

(90) Level II health and social service uses are allowed outside the UGA only when the use is not served by public sewer.

Section 6. Snohomish county code Section 30.23.110, adopted by Amended Ordinance 02-064, on December 9, 2002, is amended to read:

30.23.110 Special setbacks for certain uses.

This section supplements the normal setbacks required by the underlying zone for the specified use.

(1) **Agriculture:** All structures used for housing or feeding animals, not including household pets, shall be located at least 30 feet from all property lines and dwellings.

(2) **Amusement Facilities:** Theaters must be at least 300 feet from the property line of any preschool or K-12 school. Other amusement facilities must be at least 500 feet from the property line of any park, playground, preschool, or K-12 school. Distances shall be measured horizontally by following a straight line from the nearest point in the building in which the amusement facility will be located, to the nearest property line of a parcel which contains a park, playground, preschool, or K-12 school.

(3) **Art Gallery:** All buildings must be at least 20 feet from any other lot in a residential zone.

(4) **Cemetery, Mausoleum, and Crematoriums:** All buildings must be at least 50 feet from external boundaries of the property.

(5) **Church:** All buildings must be at least 25 feet from any other lot in a residential zone.

(6) **Dock and Boathouse:** Covered structures must be at least three feet from any side lot line or extension thereof. No setback from adjacent properties is required for any uncovered structure, and no setback from the water is required for any structure permitted hereunder.

(7) **Educational Institutions:**

(a) All buildings must be at least 35 feet from all external property lines; and

(b) All buildings must be at least 75 feet from the centerlines of all street rights-of-way, or 45 feet from the edges of all such rights-of-way, whichever is greater.

(8) **Equestrian Center and Mini-Equestrian Center:** Open or covered arenas must be at least 50 feet from any external property line. New structures located on or adjacent to lands subject to chapter 30.32A SCC shall comply with all applicable setbacks.

(9) **Governmental Structure or Facility:** All structures must be at least 20 feet from any other lot in a residential zone.

(10) ~~((Hospital))~~ **Health and Social Service Facility, Level II:** All buildings must be at least 30 feet from all external property boundaries.

(11) **Kennel, Commercial; Kennel, Private-Breeding; or Kennel, Private-Non-Breeding:** All animal runs, and all buildings and structures devoted primarily to housing animals, must be at least 30 feet from all external property lines.

(12) **Library:** All buildings must be at least 20 feet from any other lot in a residential zone.

(13) **Museum:** All buildings must be at least 20 feet from any other lot in a residential zone.

~~((14) **Nursing Home:** All buildings must be at least 30 feet from all external property boundaries.))~~

~~((15))~~ **14) Office, Licensed Practitioners:** All buildings must be at least 20 feet from any other lot in a residential zone.

~~((16))~~ **15) Race Track:** The track must be at least 50 feet from all external property lines.

~~((17))~~ **16) Rural Industry:** All buildings and structures, storage areas, or other activities (except sales stands) occurring outside of a residential structure must be at least 20 feet from any property line.

~~((18))~~ **17) School - Preschool and K-12:**

(a) All buildings must be at least 35 feet from all external property lines; and

(b) All buildings must be at least 75 feet from the centerlines of all street rights-of-way, or 45 feet from the edges of all such rights-of-way, whichever is greater.

~~((19))~~ **18) Service Station:**

(a) Where the right-of-way is less than 60 feet, pump islands shall meet a minimum setback of 45 feet from the centerline of the right-of-way. Where the right-of-way is 60 feet or more, pump islands shall meet a minimum set-back on one-half the right-of-way plus 15 feet. Setbacks shall apply to private rights-of-way and easements.

(b) Where the right-of-way is less than 60 feet, canopies shall meet a minimum setback of 35 feet from the centerline of the right-of-way. Where the right-of-way is 60 feet or more, canopies shall meet a minimum setback of one-half the right-of-way plus five feet. Setbacks shall apply to private rights-of-way and easements.

~~((20))~~ **19) Small Animal Husbandry:** All structures used for housing or feeding animals must be at least 30 feet from all property lines.

~~((24))~~ **20) Storage structure over 1,000 square feet on less than three acres:** The building must be at least 15 feet from any external property line.

~~((22))~~ **21) Studio:** All buildings must be at least 20 feet from any other lot in a residential, multiple-family, or rural zone. The hearing examiner may require an additional setback distance when necessary to maintain compatibility of the proposed building with residential uses on adjoining properties.

~~((23))~~ **22) Swimming or Wading Pool:** The pool must be at least five feet from any property line.

~~((24))~~ **23) Tavern:** The use must be at least 500 feet from the external property lines of all public school grounds and public parks or playgrounds.

~~((25))~~ **24) Utility Structures:** All structures must be at least 20 feet from any other lot in a residential zone.

Section 7 Snohomish county code Section 30.26.030, adopted by Amended Ordinance 02-064, on December 9, 2002, is amended to read:

30.26.030 Number of spaces required.

(1) The required number of off-street parking spaces shall be as set forth in SCC Table 30.26.030(1) subject to provisions, where applicable, regarding:

- (a) effective alternatives to automobile access (SCC 30.26.040);
- (b) joint uses (SCC 30.26.050 and 30.26.055); and
- (c) accessible routes of travel (SCC 30.26.065(7)).

(2) The abbreviations in the table have the following meanings:

- (a) "gfa" means gross floor area;
- (b) "GLA" means gross leasable area; and
- (c) "sf" means square feet.

**Table 30.26.030(1)
NUMBER OF SPACES REQUIRED**

USE	NO. OF SPACES REQUIRED	NOTES
Single family, duplex, mobile home, multifamily, townhouse	2 per dwelling; see note	Driveways at least 19' long between garage doors and roads, private roads, or designated fire lanes or access aisles may be counted as one parking space.
Mobile home parks	2 per dwelling plus guest parking	See chapter 30.42E SCC.
Retirement apartments	2 per dwelling	See SCC 30.26.040(1).
Retirement housing	1 per dwelling or 1/3 per dwelling	See SCC 30.26.040(2).
Bed and breakfast guesthouses and inns	2 plus 1 per guest room	
Motels and hotels	1 per unit or room; see note	Additional parking required in accordance with this schedule for restaurants, conference or convention facilities and other businesses, facilities, or uses associated with the motel or hotel.
Boarding houses, including fraternities and sororities	1 per sleeping room	
Correctional institutions	Determined by the department on a case by case basis	See SCC 30.26.035.
Day care centers	1 per employee plus load/unload space; see note	An off street load and unload area equivalent to one space for each 10 children is also required.
((Hospitals))	((Determined by the department on a case by case basis))	((See SCC 30.26.035.))
((Nursing homes, institutions for the aged or children)) <u>Health and social service facilities, Level II and Level III</u>	Determined by the department on a case by case basis	See SCC 30.26.035.

Auto repair, machinery repair	5 : 1,000 sf gfa; see note	Note: service bays and work areas inside repair facilities do not count as parking spaces.
Financial institutions, office buildings, public utility and governmental buildings, real estate offices, <u>excluding health and social service facilities</u>	3 : 1,000 sf gfa; see note	A minimum of 5 spaces required for all sites. Drive-up windows at financial institutions must have clear queuing space, not interfering with parking areas, for at least three vehicles per drive up window.
Medical and dental clinics	5 : 1,000 sf gfa	
Personal service shops or uses	4.5 : 1,000 sf GLA	
Drive-in restaurants and similar uses primarily for auto-borne customers	13.3 : 1,000 sf gfa; see note	Clear queuing space, not interfering with the parking areas, for at least five vehicles is required in front of any drive up window.
Mobile home and RV sales	1 : 3,000 sf of outdoor display area	
Motor vehicle sales or sales and service	1 : 1,000 sf gfa plus 1 : 1,500 sf of outdoor display area	
Restaurants, taverns or bars for on-premises consumption	10 : 1,000 sf gfa; see note	Minimum of five spaces required.
Retail stores	4.5 : 1,000 sf GLA	
Shopping centers	4.5 : 1,000 sf GLA; see note	Where two or more permitted tenant uses share employee and customer parking.
Athletic clubs, gymnasiums, health clubs	4 : 1,000 sf gfa	
Bowling alleys	5 per lane	
Churches, clubs, and lodges	Determined by the department on a case by case basis	See SCC 30.26.035.
Colleges, commercial or technical schools for adults	Determined by the department on a case by case basis	See SCC 30.26.035.
Equestrian centers and mini-equestrian centers	1 : 4 seats or 8 feet of bench; see note	One space accommodating a vehicle and horse trailer for every two horses expected at equestrian or mini-equestrian center events.
Funeral parlors, mortuaries, cemeteries	1 : 4 seats or 8 feet of bench, or 25 : 1,000 sf of assembly room with no fixed seats	
Libraries, art galleries, museums	4 : 1,000 sf gfa	
Passenger terminals (bus, rail, air)	10 : 1,000 sf gfa of waiting areas	

Schools, elementary and junior high, public and private	1 space for each 12 seats in the auditorium or assembly room; see note.	Sufficient off-street space for safe loading and unloading of students from school buses and cars is also required.
Schools, senior high, public and private	Determined by the department on a case by case basis; see note	See SCC 30.26.035. Sufficient off-street space for safe loading and unloading of students from school buses and cars is also required.
Stadiums, sports arenas, auditoriums, and other assembly areas with fixed seats	1 : 4 seats or 8 feet of bench	
Swimming pools, indoor and outdoor	1 : 10 swimmers, based on pool capacity as defined by the State Dept. of Health.	
Tennis courts, racquet or handball clubs, and similar commercial recreation	25 : 1,000 sf assembly area plus 2 per court	
Theaters, cinemas	1 : 4 seats or 8 feet of bench	
All other places of assembly without fixed seats including dance halls and skating rinks.	13.3 : 1,000 sf gfa	
Wholesale distribution facilities	1 : 1,000 sf gfa	
Manufacturing uses	3 : 1,000 sf gfa	May also be determined by the department on a case-by-case basis per SCC 30.26.035 when the employee to sf gfa ratio for the proposed use is less than 3 : 1,000
Industrial uses except warehousing and storage	1 : 1,000 sf gfa	
Warehouse and storage except mini-self-storage	.5 : 1,000 sf gfa	
Mini-self-storage	2 : 50 storage units; see note	Half the spaces to be distributed equally around the site, half to be located at the project office.
Utility and communication uses without regular employment	1 space	
Auto wrecking yards	15 spaces for yards less than 10 acres in size; 25 spaces for yards 10 acres or larger	

Section 8. A new chapter 30.43E is added to Snohomish county code to read:

Chapter 30.43E
REASONABLE ACCOMMODATION

Sections:

- 30.43E.010 Purpose.
- 30.43E.020 Applicability.
- 30.43E.030 Reasonable accommodation.
- 30.43E.040 Level of safety to be maintained.
- 30.43E.050 Accommodations personal to the applicant.

30.43E.010. Purpose.

The purpose of this chapter is to allow the director the authority to waive or vary provisions of Subtitle 30.2 SCC, or other applicable county code provisions when necessary to reasonably accommodate the statutory rights of the disabled under the Americans With Disabilities ACT (ADA), the Federal Fair Housing Act (FHA), or the Washington Law Against Discrimination (WLAD).

30.43E.020. Applicability.

(1) The provisions of this chapter shall be applied when necessary to provide a disabled person full enjoyment of a dwelling unit that otherwise could not be achieved without a waiver or variation in regulations pertaining to the construction or occupancy of the dwelling unit.

(2) The process established by this chapter shall be administered in a manner that will ensure the full exercise and enjoyment of a disabled person's right to the residential housing of his or her choosing.

(3) The provisions of this chapter shall not apply to commercial activities or zones, provided that, nothing herein shall be interpreted to limit the exercise of a disabled person's right by or through a residential care provider. In the event of any conflict, or if interpretation of this chapter is required, it shall be implemented and interpreted in accordance with the provisions of the American With Disabilities Act, the Federal Fair Housing Act and the Washington Law Against Discrimination.

30.43E.030. Reasonable accommodation.

(1) Upon application by a disabled person or individual or entity providing services to the disabled in a residential facility or other group living arrangement, the director or his designee is hereby authorized to vary, modify, or waive the provisions of the Snohomish County Code in order to provide a reasonable accommodation as necessary to provide a disabled person or care provider to the disabled person full enjoyment of a dwelling unit.

(2) The review may, at the discretion of the director, include citizen input into the administrative process. The department shall provide written notice of the accommodation to the applicant and property owners adjacent to the subject site.

(3) When applying the reasonable accommodation process to the Snohomish County Code, including subtitle 30.5 SCC and other regulations adopted pursuant to the

Snohomish County Code, the department shall avoid the stereotypical assumptions regarding the disabled and shall attempt to ascertain the actual physical and/or mental limitation of the disabled individual in order to craft an accommodation which best suits the exercise of that individual's rights.

30.43E.040. Level of safety to be maintained.

No reasonable accommodation shall be provided by a waiver or variance of the provisions of subtitle 30.5 SCC which does not substantially accomplish the purposes of those chapters or which would reduce the safety of any structure. Modifications, waivers or variances of the provisions of subtitle 30.5 SCC shall provide at least the same level of safety as that required by the respective state code. The applicant shall have the burden of establishing that the proposed modification, waiver or variance accomplishes substantially the same purpose without reduction of safety.

30.43E.050. Accommodations personal to the applicant.

(1) Any reasonable accommodation made pursuant to this chapter shall accommodate the disability of, and be personal to the applicant, and shall not run with the land, unless all the following are met:

- (a) the accommodation is a change to a residential structure;
- (b) the accommodation is necessary to a disabled person using the structure or to the operation of a residential care provider to the disabled; and
- (c) if applicable, any future operator of similar facilities at the site has established the same use within six months of the date of discontinuation of the use for which the accommodation was allowed.

(2) If a residential structure possessing a physical change that was the result of a reasonable accommodation made pursuant to this chapter is vacated, sold or transferred to a person or entity not qualifying for the reasonable accommodation, the director may require that the structure be brought into compliance with the standards that were modified, varied or waived pursuant to this chapter.

Section 9. Snohomish county code Section 30.91D.040, adopted by Amended Ordinance 02-064, on December 9, 2002, is amended to read:

30.91D.040 "Day care" means any type of group day care programs licensed by the state of Washington for the care of children during part of a 24-hour day, including nurseries for children of working parents, nursery schools for children under minimum age for education in public schools, and programs covering after school care for school children. The definition shall also include programs providing similar services in a group setting during normal working hours to adults, including senior citizens and the disabled.

Section 10. Snohomish county code Section 30.91D.050, adopted by Amended Ordinance 02-064, on December 9, 2002, is amended to read:

30.91D.050 "Day care center" means either a facility other than an occupied dwelling unit which receives ~~((children))~~ persons for day care or an occupied dwelling unit which receives 13 or more ~~((children))~~ persons for day care. In the event a facility houses children, senior citizens and/or the disabled, the total number of persons received shall be used to determine the number of persons served.

Section 11. A new section 30.91D.285 is added to Snohomish county code to read:

30.91D.285. "Disabled" means qualified persons with a disability as that term is defined by the federal Fair Housing Act Amendments, 42 USC Section 12131(2), 42 USC 3602(h) and (i) and 42 USC Section 12210(b)(1) and (2). The term includes persons with a handicap as that term is defined by applicable federal and state law as the same exists or is hereafter amended. A handicap is:

- (1) a physical or mental impairment which substantially limits one or more of a person's major life activities;
- (2) a record of having such an impairment; or
- (3) being regarded as having such an impairment.

The term disabled includes alcoholics and recovering drug addicts but does not include those who currently and illegally use controlled substances.

Section 12. Snohomish county code Section 30.91F.080, adopted by Amended Ordinance 02-064, on December 9, 2002, is amended to read:

30.91F.080 "Family" means one or more persons related by blood, marriage, or adoption, or a group of not more than six persons (excluding servants), not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit. The term "family" shall also include consensual living arrangements of any number of disabled persons living in a family-like setting which are protected by the provisions of the Federal Fair Housing Act and the Washington Housing Policy Act, RCW 36.70.990 and 36.70A.410.

Section 13. Snohomish county code section 30.91F.090, adopted by Amended Ordinance 02-064, on December 9, 2002, is repealed.

Section 14. Snohomish county code Section 30.91F.100, adopted by Amended Ordinance 02-064, on December 9, 2002, is amended to read:

30.91F.100 "Family day care home" means an occupied dwelling unit in which the full-time occupant provides day care for ~~((children))~~ persons other than from his/her own family and the ~~((children))~~ family of close relatives. Such care in a family day care home is limited to 12 or fewer ~~((children))~~ persons, including children living in the home or children ~~((ef))~~ and other close relatives cared for in the home. The numerical limitation for the facility shall be determined by totaling the number of children and adults being cared for within the home.

Section 15. Snohomish county code section 30.91F.110, adopted by Amended Ordinance 02-064, on December 9, 2002, is repealed.

Section 16. Snohomish county code section 30.91G.120, adopted by Amended Ordinance 02-064, on December 9, 2002, is repealed.

Section 17. A new section 30.91H.095 is added to Snohomish county code to read:

30.91H.095. "Health and social service facilities – Levels I, II and III" means:

(1) Level I Health and Social Service Facility (Level I HSSF). A Level I HSSF means a use which occupies a residential structure used by the disabled as a residence along with their family members and caregivers. By way of illustration and not limitation, this definition shall include:

(a) Group homes for the disabled and consensual living arrangements equivalent to a familial setting which are protected by state or federal law as residential uses;

(b) Adult family homes, licensed pursuant to chapter 70.128 RCW;

(c) Foster homes licensed pursuant to chapter 74.15 RCW for the placement of youth, disabled or expectant mothers in a residential setting, including but not limited to foster family homes, community group care facilities and crisis residential centers; and

(d) Any other residential facilities for the disabled which must be accommodated in a single family zone pursuant to RCW 36.70.990 or 36.70A.410.

(2) Level II Health and Social Service Facility (Level II HSSF). A Level II HSSF means a use which is licensed or regulated by the state to provide emergency medical treatment on a 24-hour per day basis or which houses persons in an institutional setting that provides chronic care or medical service on regular recurring basis to its residents and which includes, but are not limited to a:

(a) Hospital (including acute alcoholism/drug, psychiatric and state mental hospitals);

(b) Nursing home;

(c) Private adult treatment home;

(d) Mental health facility, adult and child residential;

- (e) Soldiers' home and veterans' home;
- (f) Large institutional boarding home for the care of senior citizens and the disabled sometimes known as assisted living facilities or continuous care retirement communities with emphasis on assisted living that may also include independent living and congregate care;
- (g) State residential school for hearing and visually impaired;
- (h) Alcoholism and drug residential treatment facility;
- (i) Child birthing center/facility; and
- (j) Hospice.

(3) Level III Health and Social Service Facility (Level III HSSF). A Level III HSSF means a use, including commercial enterprises and charitable institutions, which provides social, medical, counseling or other forms of treatment in a clinical setting or on an outpatient basis. Shelters providing services to the homeless or other transients shall be included in this category. Level III HSSF includes, but are not limited to an:

- (a) Ambulatory surgical center;
- (b) Blood bank;
- (c) Medical claims processing facility;
- (d) Counseling, psychological and psychiatric treatment clinics in an office setting;
- (e) Eye bank;
- (f) Renal disease center and kidney dialysis treatment center;
- (g) Home health care agency;
- (h) Medical laboratory;
- (i) Occupational and physical therapy facility;
- (j) Rehabilitation facility; and
- (k) Homeless and transient shelter.

(4) The terms used herein are based upon categories established by the State of Washington through its various licensing agencies. As the director interprets the provisions of this title pursuant to chapter 30.83 SCC, or classifies unlisted uses pursuant to SCC 30.22.040, the director shall use and/or analogize to the applicable licensing categories and definitions developed by the state of Washington and agencies such as the Department of Social and Health Services in order to determine whether or not any particular use falls within the categories established for health and social service facilities.

(5) The term "Health and social services facilities – Level I, II and III" shall not include:

- (a) Correctional facilities, including but not limited, to prisons and jails when proposed as a governmental facility pursuant to this title;
- (b) Community facilities as defined in RCW 72.05.020; and
- (c) secure community transition facilities proposed under the authority of, and consistent with the provisions of chapter 71.09 RCW.

(6) Nothing herein is intended to preclude the housing of children in the custody of the state within health and social service facilities, levels I, II, and III as defined in this section, provided that such facility is not a community facility as defined in RCW 72.05.020.

Section 18. Snohomish county code Section 30.91H.160, adopted by Amended Ordinance 02-064, on December, 2002, is amended to read:

30.91H.160. "Hospital" means an institution specializing in ~~((giving))~~ providing persons clinical, temporary and emergency services of a medical ~~((or surgical nature to human patients and injured persons and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice as distinguished from treatment of mental and nervous disorders, but not excluding surgical and post-surgical treatment of mental cases))~~, psychiatric, psychological or surgical nature.

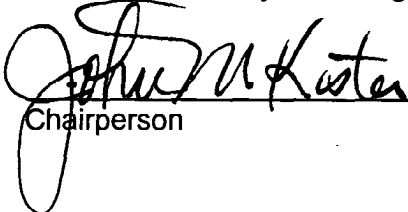
Section 19. Snohomish county code section 30.91N.130, adopted by Amended Ordinance 02-064, on December 9, 2002, is repealed.

Section 20. Snohomish county code section 30.91S.450, adopted by Amended Ordinance 02-064, on December 9, 2002, is repealed.

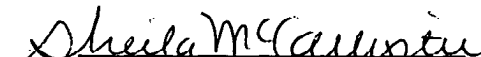
Section 21. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

PASSED this 3rd day of March, 2004.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Chairperson

ATTEST:

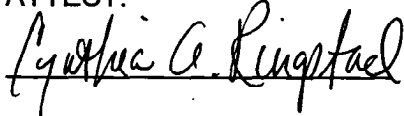

Clerk of the Council, *asst.*

APPROVED
 EMERGENCY
 VETOED

Date: 3/05/04


County Executive

ATTEST:



Approved as to form only:

Deputy Prosecuting Attorney