

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington



CO00013382

AMENDED ORDINANCE NO. 05-038

RELATING TO LAND USE DEVELOPMENT, PROVIDING FOR REGULATION OF PERSONAL WIRELESS TELECOMMUNICATIONS SERVICES AND FACILITIES, AMENDING EXISTING SECTIONS IN CHAPTERS 30.22, 30.23, 30.41A, 30.41B, 30.41D, AND 30.91U SCC, ADDING A NEW SECTION TO CHAPTER 30.25 SCC, ADDING A NEW CHAPTER 30.28A SCC DEVELOPMENT STANDARDS AND SITING PROCESS FOR PERSONAL WIRELESS TELECOMMUNICATIONS SERVICES FACILITIES AND ADDING NEW SECTIONS TO SUBTITLE 30.9 SCC.

WHEREAS, the personal wireless telecommunications industry has developed and grown throughout the country in recent years; and

WHEREAS, such development and growth has also occurred in Snohomish County; and

WHEREAS, Snohomish County has had no regulations specifically relating to such telecommunications services and facilities; and

WHEREAS, it is in the best interests of both the citizens of Snohomish County and the purveyors of personal wireless telecommunications facilities for the County to have development regulations relating to the siting of such telecommunications facilities; and

WHEREAS, the Planning Commission held a public hearing on November 30, 2004, and forwarded a recommendation to the County Council recommending approval of the ordinance with certain revisions.

NOW, THEREFORE, BE IT ORDAINED:

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

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

- A. The Ordinance is consistent with the Land Use and Utilities elements of the General Policy Plan, and, in particular, implements the recognition of the growing importance of the telecommunications industry in the GPP (Narrative on "Telecommunications" following Objective UT 4.B).

- B. Pursuant to the State Environmental Policy Act (SEPA) Chapter 43.21C RCW and Chapter 30.61 SCC, the Snohomish County Environmental Review Ordinance, the County issued a Determination of Non-Significance on October 13, 2004. Comments were received until November 1, 2004.
- C. The requirements of Chapter 30.61 SCC and SEPA, with respect to this proposed action, have been satisfied.
- D. A public hearing was held before the County Council on November 16, 2005 continued to November 30, 2005, which meets state and local public participation requirements for the adoption of an ordinance under the Growth Management Act (Chapter 36.70A RCW) (GMA).
- E. The County Council considered the entire hearing record, including the Planning Commission's recommendation, and written and oral testimony submitted during public hearings before the Planning Commission and County Council.

Section 3. Snohomish County Code Section 30.22.100, last amended by Amended Ordinance No. 04-074, on July 28, 2004, is amended to read:

30.22.100 Urban Zone Categories: Use Matrix


Type of Use	Urban Zones														
	R9,600 <sup>88</sup>	R8,400 <sup>88</sup>	R7,200 <sup>88</sup>	T	LDM R	M R	NB	PCB	CB	GC	FS	IP <sup>76</sup>	BP	LI <sup>55, 76</sup>	HI <sup>5</sup>
Accessory Apartment <sup>62</sup>	A	A	A	A	A	A	A		A	A					
Adult Entertainment Business/Use <sup>67</sup>												P		P	P
Agriculture <sup>41</sup>	P	P	P		P	P	P		P	P		P	P	P	P
Airport, Stage 1 Utility <sup>1</sup>	C	C	C						P	P		P	P	P	P
Airport-All Others												P	P	P	P
Amusement Facility <sup>41</sup>								P	P	P		P		P	P
Antique Shop							P		P	P				P	P
Art Gallery <sup>41</sup>	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 <sup>86</sup>	P	P	P	P	P	P
Auto Towing														P	P
Auto Wrecking Yard														C <sup>44</sup>	P <sup>44</sup>
Bakery							P <sup>69</sup>	P	P	P		P	P	P	P
Bed and Breakfast Guesthouse <sup>58</sup>	C	C	C	C	C	C									
Billboards <sup>46</sup>										P				P	P
Boarding House	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>		P	P	P		P	P					
Boat Launch, Commercial <sup>31</sup>									C	C				C	C
Boat Launch, Non-Commercial <sup>31</sup>	C	C	C		C	C			C	C				C	C
Boat Sales										P				P	P
Caretaker's Quarters												P	P	P	P
Carport	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Cemetery, Columbarium, Crematorium, Mausoleum <sup>41</sup>	C	C	C		C	C			P	P		P	P	P	P
Church <sup>41</sup>	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 <sup>21</sup>									P <sup>86</sup>	P		P	P	P	P
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.														
A - Administrative Conditional Use															
C - Conditional Use															

Type of Use	Urban Zones														
	R9,600 <sup>88</sup>	R8,400 <sup>88</sup>	R7,200 <sup>88</sup>	T	LDMR	MR	N B	PCB	CB	G C	FS	IP <sup>76</sup>	BP	LI <sup>55, 76</sup>	HI <sup>55</sup>
Day Care Center <sup>2</sup>	C	C	C		C	C	P	P	P	P	P	P	P	P	P
Department Store								P	P <sup>86</sup>	P				P	P
Distillation of Alcohol												P	P	P	P
Distillation of Wood, Coal, Bones or Manufacturing of Their By-products												P			P
Dock & Boathouse, Private, Non-commercial <sup>3, 41</sup>	P	P	P	P	P	P	P		P	P		P	P	P	P
Drug Store							P	P	P	P	P <sup>22</sup>			P	P
Dwelling, Duplex	P <sup>42</sup>	P <sup>42</sup>	P <sup>42</sup>	P	P	P	P		P	P					
Dwelling, Mobile Home	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P	P	P <sup>6</sup>		P <sup>6</sup>	P <sup>6</sup>					
Dwelling, Multifamily					P	P	P	P	P	P			P <sup>51</sup>		
Dwelling, Single Family	P	P	P	P	P	P	P	P <sup>4</sup>	P	P			P <sup>51</sup>		
Dwelling, Townhouse	C, P <sup>5</sup>	C, P <sup>5</sup>	C, P <sup>5</sup>	P <sup>5</sup>	P		P	P	P	P					
Excavation & Processing of Minerals <sup>28</sup>	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
Fa <del>ct</del> Foundries										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 <sup>7</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Family Day Care Home <sup>8</sup>	P	P	P	P	P	P	P		P	P					
Farm Product Processing Up to 5000 sq ft Over 5000 sq ft <sup>94</sup>									P A	P P				P P	P P
Farm Stand Up to 400 sq ft <sup>9</sup> 401 to 5,000 sq ft <sup>99</sup>	P	P	P						P	P				P	P
Farmers Market <sup>93</sup>										P			P	P	P
Financial Institutions							P	P	P	P		P	P	P	P
Fish Farm												P	P	P	P
Fix-it Shop								P	P <sup>86</sup>	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
<b>P - Permitted Use</b>	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.														
<b>A - Administrative Conditional Use</b>															
<b>C - Conditional Use</b>															

Type of Use	Urban Zones														
	R9,600 <sup>88</sup>	R8,400 <sup>88</sup>	R7,200 <sup>88</sup>	T	LDMR	M R	N B	PCB	CB	G C	FS	IP <sup>76</sup>	BP	LI <sup>55,76</sup> <sub>5</sub>	HI <sup>5</sup>
Garage, Private	P	P	P	P	P	P	P	P	P	P		P	P	P	P
Golf Course and Driving Range <sup>74</sup>	C	C	C						P	P		P	P	P	P
Government Structures & Facilities <sup>27, 41</sup>	C	C	C	C	C	C	C	P	P	P		P	P	P	P
Greenhouse, Lath House, & Nurseries : <sup>52</sup> Retail							P	P	P	P				P	P
Greenhouse, Lath House, & Nurseries: <sup>52</sup> Wholesale <sup>47</sup>							P	P	P	P		P	P	P	P
Grocery Store							P	P	P <sup>86</sup>	P	P <sup>22</sup>			P	P
Grooming Parlor							P	P	P	P			P <sup>53</sup>	P	P
Guesthouse <sup>85</sup>	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 <sup>66</sup>												C	C	C	C
Hazardous Waste Storage & Treatment Facilities, Onsite <sup>65</sup>							P	P	P	P	P	P	P	P	P
Health and Social Service Facility <sup>90</sup>															
Level I	P	P	P	P	P	P	P	P	P	P			P		
Level II <sup>41</sup>	C	C	C		C	C	C	P	P	P			P		
Level III						C	C	P	P	P		P		P	P
Home Improvement Center							P	P	P <sup>86</sup>	P				P	P
Home Occupation <sup>11</sup>	P	P	P	P	P	P	P		P	P					
Hotel/Motel <sup>89</sup>					C	C		P	P	P	P			P <sup>89</sup>	
Industrial Use, Heavy <sup>82</sup>												P			P
Junkyard														C <sup>44</sup>	P <sup>44</sup>
Kennel, <sup>41</sup> Commercial <sup>12</sup>	C	C	C						P	P		P	P	P	P
Kennel, <sup>41</sup> Private-Breeding <sup>13</sup>	P	P	P		P	P	P		P	P		P	P	P	P
Kennel, <sup>41</sup> Private-Non-Breeding <sup>13</sup>	P	P	P		P	P	P		P	P		P			
Laboratory										P		P	P	P	P
Library <sup>41</sup>	C	C	C		C	C	C	P	P	P		P	P	P	P
Licensed Practitioner <sup>29, 41</sup>					C	C	P	P	P	P		P	P	P	P
Livestock Auction Facility												P		P	P
Locksmith							P	P	P <sup>86</sup>	P		P	P	P	P
Lumberyard										P		P	P	P	P
Manufacturing, Heavy <sup>82</sup>												P			P
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.														
A - Administrative Conditional Use															
C - Conditional Use															

Type of Use	Urban Zones														
	R9,600 <sup>88</sup>	R8,400 <sup>88</sup>	R7,200 <sup>88</sup>	T	LDM R	MR	NB	PCB	CB	GC	FS	IP <sup>76</sup>	BP	LI <sup>55, 76</sup>	HI <sup>51</sup>
Manufacturing-All Other Forms Not Specifically Listed <sup>83</sup>												P	P	P	P
Massage Parlor									P	P		P	P	P	P
Medical Clinic <sup>29</sup>					C	C	P	P	P	P		P	P	P	P
Mini Self-Storage								P		P		P	P	P	P
Mobile Home Park <sup>38</sup>					C	C			C	C					
Mobile Home & Travel Trailer Sales										P		C <sup>36</sup>		P	P
Model Hobby Park <sup>75</sup>													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 <sup>23</sup>	P				P	P
Museum <sup>41</sup>	C	C	C		C	C	C	P	P	P		P	P	P	P
Office, General							P	P	P	P		P	P	P	P
Park, Public <sup>14</sup>	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 <sup>86</sup>	P		P <sup>49</sup>	P <sup>49</sup>	P	P
Personal Wireless Communications Facilities <sup>27, 41, AA, BB</sup>	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P
Pet Shop							P	P	P	P			P <sup>53</sup>	P	P
Petroleum Products & Gas Storage - Bulk										P <sup>43</sup>		P	P <sup>43</sup>	P <sup>43</sup>	P <sup>43</sup>
Petroleum Refining <sup>41</sup>												P			
Print Shop									P <sup>87</sup>	P		P	P	P	P
Printing Plant								P		P		P	P	P	P
Race Track <sup>24, 41</sup>										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 <sup>49</sup>	P <sup>49</sup>	P	P
Retail Store							P	P	P <sup>86</sup>	P			P <sup>53</sup>	P	P
Retirement Apartments				P	P	P	P	P	P	P					
Retirement Housing				P	P	P	P	P	P	P					
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC														
A - Administrative Conditional Use	30.22.130. Check other matrices in this chapter if your use is not listed above.														
C - Conditional Use															

Type of Use	Urban Zones														
	R9,600 <sup>88</sup>	R8,400 <sup>88</sup>	R7,200 <sup>88</sup>	T	LDM R	M R	NB	PCB	CB	GC	FS	IP <sup>76</sup>	BP	LI <sup>55, 76</sup>	HI <sup>55</sup>
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 <sup>41, 68</sup>	C	C	C		C	C			P	P		P	P	P	P
College <sup>41, 68</sup>	C	C	C		C	C			P	P		P	P	P	P
Other <sup>41, 68</sup>					C	C			P	P		P	P	P	P
Second Hand Store									P <sup>86</sup>	P				P	P
Service Station <sup>41</sup>							P	P	P <sup>86</sup>	P	P			P	P
Shake & Shingle Mill										P		P	P	P	P
Shooting Range <sup>93</sup>												P	P	P	P
Sludge Utilization <sup>39</sup>	C <sup>56</sup>	C <sup>56</sup>	C <sup>56</sup>		C <sup>56</sup>	C <sup>56</sup>			C <sup>56</sup>	C <sup>56</sup>		C <sup>56</sup>		C <sup>56</sup>	P <sup>C50</sup>
Small Animal Husbandry <sup>41</sup>	C <sup>37</sup>	C <sup>37</sup>	C <sup>37</sup>				P		P	P		P	P	P	P
Specialty Store							P	P	P <sup>86</sup>	P				P	P
Stables	P	P	P		P	P	P	P	P	P		P	P	P	P
Stockyard or Slaughter House												P			P
Storage, Retail Sales Livestock Feed									P	P				P	P
Storage Structure Over 1,000 sq. ft. Or Less Than Three Acres <sup>41, 59</sup>	C	C <sup>60</sup>	C <sup>60</sup>	C	C	C	P	P	P	P	P	P	P	P	P
Studio <sup>41</sup>	C <sup>77</sup>	C <sup>77</sup>	C <sup>77</sup>		C <sup>77</sup>	C <sup>77</sup>	P	P	P <sup>86</sup>	P		P	P	P	P
Swimming/Wading Pool <sup>17, 42</sup>	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 <sup>41</sup>								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 <sup>18</sup>	A	A	A	A	A	A	A	A	A	A	A				
Temporary Residential Sales Coach <sup>73</sup>	A	A	A												
Temporary Woodwaste Recycling <sup>63</sup>														A	A
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.														
A - Administrative Conditional Use															
C - Conditional Use															

 Type of Use	Urban Zones														
	R9,600 <sup>88</sup>	R8,400 <sup>88</sup>	R7,200 <sup>88</sup>	T	LDMR	M R	N B	PC B	CB	GC	FS	IP <sup>76</sup>	BP	LI <sup>55, 76</sup>	HI <sup>55</sup>
Temporary Woodwaste Storage <sup>63</sup>														A	A
Tire Store							P	P	P <sup>86</sup>	P				P	P
Tool Sales & Rental									P <sup>86</sup>	P				P	P
Transit Center	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P
Ultralight Airpark <sup>20</sup>												P			
Utility Facilities, Electromagnetic Transmission & Receiving Facility <sup>27</sup>	C	C	C	C	C	C	C	P	P <sup>86</sup>	P	C	P	P	P	P
Utility Facilities, Transmission Wires, Pipes & Supports <sup>27</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities-All Other Structures <sup>27, 41</sup>	C	C	C	C	C	C	C	P	P <sup>86</sup>	P	C	P	P	P	P
Veterinary Clinic					C	C	P	P	P <sup>86</sup>	P		P	P	P	P
Warehousing										P		P	P	P	P
Wholesale Establishment								P	P <sup>86</sup>	P		P	P	P	P
Woodwaste Recycling <sup>57</sup>														C	C
Woodwaste Storage <sup>57</sup>														C	C
Yacht/Boat Club												P	P	P	P
All other uses not otherwise mentioned												P	P	P	P
P - Permitted Use	Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.														
A - Administrative Conditional Use															
C - Conditional Use															

Section 4. Snohomish County Code Section 30.22.110, last amended by Amended Ordinance 04-074, on July 28, 2004, 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	M C
Accessory Apartment <sup>62</sup>	A	A	A	A				A	A	A	A
Agriculture <sup>41</sup>	P	P	P	P	P	P	P	P	P	P	P
Airport: Stage 1 Utility <sup>1</sup>	C	C	C					C			
Antique Shop	C		C <sup>45</sup>	P <sup>79</sup>	P						
Art Gallery <sup>42</sup>	C		C	P <sup>79</sup>	P						
Asphalt Batch Plant & Continuous Mix Asphalt Plant											P
Auto Repair, Minor				P <sup>78</sup>	P	P					
Auto Towing	C		C								
Bakery				P <sup>78</sup>	P						
Bakery, Farm <sup>97</sup>	P	P	P	P			P		P	P	
Bed and Breakfast Guesthouse <sup>58</sup>	C		C	P				C	C	A	
Bed and Breakfast Inn <sup>58</sup>	C		C	P				C	C	C	
Boarding House	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>					P <sup>15</sup>		P <sup>15</sup>	
Boat Launch, Commercial <sup>31</sup>		C							C		
Boat Launch, Non-commercial <sup>31</sup>	C		C	C				C	C		
Campground									C <sup>32</sup>		
Caretaker's Quarters	P		C				P				P
Carport	P	P	P	P	P	P	P	P	P	P	P
Cemetery, Columbarium, Crematorium, Mausoleum <sup>41</sup>	P		C								
Church <sup>41</sup>	P		C	C	P						
Cleaning Establishment											
Club											
Cold Storage							P				
Commercial Vehicle Home Basing			C <sup>33</sup>								
Commercial Vehicle Storage Facility				C			P				
Community Club	P		C	P	P						
Construction Contracting				P <sup>80, 81</sup>							
Country Club	C		C	P							
Craft Shop <sup>21</sup>				P							
Dams, Power Plants, & Associated Uses									P		
Day Care Center <sup>2</sup>				P	P	P					
Distillation of Alcohol	C <sup>34</sup>		C <sup>34</sup>							C <sup>34</sup>	
Dock & Boathouse, Private, Non-commercial <sup>3, 41</sup>	P	P	P	P				P	P	P	
Drug Store				P <sup>79</sup>	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
Dwelling, Duplex	P	P	P					P		P	
Dwelling, Mobile Home	P	P	P		P <sup>6</sup>			P	P	P	P
Dwelling, Single Family	P	P	P		P			P	P	P	P
Equestrian Center <sup>41, 70, 72</sup>	P	C	C					C	P	C <sup>70</sup>	
Excavation & Processing of Minerals <sup>28</sup>	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 <sup>7</sup>	P		P	P	P	P	P	P	P	P	P
Family Day Care Home <sup>8</sup>	P		P	P	P			P		P	
Farm Product Processing											
Up to 5,000 sq ft	P	P	P	P			P	P		P	
Over 5,000 sq ft <sup>94</sup>	A	A	A	A			A	A		A	
Farm Support Business <sup>94</sup>	A	A	A	A			P			A	
Farm Stand											
Up to 400 sq ft <sup>9</sup>	P	P	P <sup>100</sup>	P	P	P	P	P	P	P	P
401 – 5,000 sq ft <sup>99, 100</sup>	P	P	P, A <sup>100</sup>	P	P	P	P	P	P	P	
Farm Workers Dwelling										P <sup>10</sup>	
Farmers Market <sup>93</sup>	P	P	P <sup>101</sup> A <sup>101</sup>	P	P	P	P			P	
Farmland Enterprises <sup>95</sup>		A	A							A	
Financial Institutions											
Fish Farm	P	P	P					P	P	P	
Fix-it Shop				P <sup>78</sup>	P		P				
Forestry	P	P	P				P	P	P	P	P
Forestry Industry Storage & Maintenance Facility	P <sup>30</sup>	P					P	P	P		
Foster Home	P	P	P	P				P		P	
Garage, Private	P	P	P	P	P			P	P	P	P
Golf Course and Driving Range <sup>74</sup>	C		C							C <sup>74</sup>	
Government Structures & Facilities <sup>27, 41</sup>	C	C	C	C	P		C	C	C		C
Greenhouse, Lath House, Nurseries: <sup>52</sup> Retail	P	P	P	P	P		P	P		P	
Greenhouse, Lath House, Nurseries: <sup>52</sup> Wholesale <sup>48</sup>	P	P	P	P	P		P	P		P	
Grocery Store				P <sup>80</sup>	P	P <sup>79</sup>					
Grooming Parlor					P						
Guesthouse <sup>85</sup>	P	P	P	P				P	P	P	
Gym											
Hardware Store				P <sup>80</sup>	P						
Hazardous Waste Storage & Treatment Facilities Onsite <sup>65</sup>	P			P		P	P	P	P		
<b>P - Permitted Use</b>	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.										
<b>A - Administrative Conditional Use</b>											
<b>C - Conditional Use</b>											

### 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 <sup>90</sup>											
Level I	P	P	P	P	P			P	P	P	P
Level II <sup>41 91</sup>			C	C							
Level III											
Home Improvement Center				P <sup>80</sup>	P						
Home Occupation <sup>11, 84</sup>	P <sup>64</sup>	P <sup>64</sup>	P <sup>64</sup>	P <sup>64</sup>	P			P <sup>64</sup>	P <sup>64</sup>	P <sup>64</sup>	P <sup>64</sup>
Homestead Parcel <sup>40</sup>	C		C							C	
Hotel/Motel <sup>89</sup>				P		P					
Kennel, <sup>41</sup> Commercial <sup>12</sup>	P	P	P					P		C	
Kennel, <sup>41</sup> Private-Breeding <sup>13</sup>	P	P	P					P		P	
Kennel, <sup>41</sup> Private-Non-Breeding <sup>13</sup>	P	P	P	P				P		P	
Kitchen, farm	P	P	P	P			P			P	
Library <sup>41</sup>	C		C	P							
Licensed Practitioner <sup>29, 41</sup>				P <sup>79</sup>							
Livestock Auction Facility	C <sup>48</sup>		C <sup>48</sup>		P		P			C <sup>48</sup>	
Locksmith				P	P						
Log Sealing Station	C	C	C				P	P	P	P	
Lumberyard							P				
Manufacturing-All Other Forms Not Specifically Listed				C			C				
Metal Working Shop				P <sup>78</sup>			P				
Mini-equestrian Center <sup>41, 71, 72</sup>	P	P	P	P			P	P	P	P <sup>71</sup>	
Model Hobby Park <sup>75</sup>			A							A	
Model House/Sales Office	P	P	P					P	P		
Motor Vehicle & Equipment Sales					P <sup>23</sup>						
Museum <sup>41</sup>	C		C	P						C <sup>61</sup>	
Office, General				P	P						
Park, Public <sup>14</sup>	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		C	C	C	
Personal Services Shop				P <sup>79</sup>	P						
Personal Wireless Communications Facilities <sup>27, 41, AA, BB, CC</sup>	C	C	C	C	C	C	C	C	C	C	C
Pet Shop											
Petroleum Products & Gas Storage – Bulk							P <sup>43</sup>				
Photo Processing Shop											
Print shop				P							
Public Events/Assemblies on Farmland <sup>96</sup>										P <sup>96</sup>	
Race Track <sup>24, 41</sup>			C								
Railroad Right-of-way	C	C	C		P		P	C	C	C	C
Recreational Facility Not Otherwise Listed <sup>98</sup>	C		C		P		P <sup>79</sup>			C	
Recreational Vehicle <sup>19</sup>	P	P	P					P	P	P	
Recreational Vehicle Park									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											

# 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 <sup>80</sup>	P	P					
Retail Store				P <sup>80</sup>	P						
Rural Industries <sup>41</sup>	p <sup>25</sup>										
Sanitary Landfill	C	C	C					C			C
Sawmill	C <sup>26</sup>	C <sup>26</sup>	C <sup>26</sup>				P	P	P		
Schools											
K-12 & Preschool <sup>41, 68</sup>	C		C	P							
College <sup>41, 68</sup>	C		C								
Other <sup>41, 68</sup>				C			C				
Second Hand Store				P <sup>78</sup>	P						
Service Station <sup>41</sup>				P	P	P					
Shake & Shingle Mill	C <sup>26</sup>	C <sup>26</sup>	C <sup>26</sup>				P	P			
Shooting Range <sup>93</sup>	C	C	C					C			
Sludge Utilization <sup>39</sup>	C	C, P	C					C		C	C <sup>56</sup>
Small Animal Husbandry <sup>41</sup>	P		P		P			P	P	P	P
Specialty Store				P <sup>78</sup>	P						
Stables	P	P	P	P			P	P	P	P	
Stockyard or Slaughter House							C <sup>48</sup>				
Storage, Retail Sales Livestock Feed			P <sup>54</sup>	P			P			P	
Storage Structure Over 1,000 sq. ft. On Less Than Three Acres <sup>41, 59</sup>	C	C	C	P <sup>79</sup>			P <sup>78</sup>	C	C	C	P
Studio <sup>41</sup>	C <sup>77</sup>		C <sup>77</sup>								
Swimming/Wading Pool <sup>17, 41</sup>	P	P	P					P	P	P	P
Tavern <sup>41</sup>				P	P						
Temporary Dwelling During Construction	A	A	A	A	T	A	A	A	A	A	A
Temporary Dwelling For Relative <sup>18</sup>	A	A	A					A	A	A	A
Temporary Logging Crew Quarters								P	P		
Temporary Residential Sales Coach <sup>73</sup>	A		A								
Temporary Woodwaste Recycling <sup>63</sup>	A						A	A			
Temporary Woodwaste Storage <sup>63</sup>	A							A			
Tire Store					P						
Tool Sales & Rental				P	P						
Transit Center	C	C	C	P		P		C	C	C	
Ultralight Airpark <sup>20</sup>	C	C	C					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											

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 <sup>27</sup>	C	C	C	C	P	C	P	C	C	C	C
Utility Facilities, Transmission Wires or Pipes & Supports <sup>27</sup>	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities-All Other Structures <sup>27, 41</sup>	C	C	C	C	P	C	P	C	C	C	C
Veterinary Clinic	P		C	P	P					C	
Wedding Facility <sup>87</sup>		P	P							P	
Woodwaste Recycling <sup>57</sup>	C	C	C				C	C			
Woodwaste Storage <sup>57</sup>	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 5. Snohomish County Code Section 30.22.120, last amended by Amended Ordinance No. 04-074, on July 28, 2004, 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 <sup>62</sup>	A	A	A	A	A	A
Agriculture <sup>41</sup>	P	P	P	P	P	P
Airport, Stage 1 Utility <sup>1</sup>	C	C	C	C	C	C
Antique Shop			C <sup>45</sup>			
Art Gallery <sup>41</sup>	C	C	P	C	C	C
Bakery, Farm <sup>97</sup>		P				
Bed and Breakfast Guesthouse <sup>58</sup>	C	C	C	C	C	C
Bed and Breakfast Inn <sup>58</sup>		C				
Boarding House	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>
Boat Launch, Non-commercial <sup>31</sup>	C	C	C	C	C	C
Caretaker's Quarters		C				
Carport	P	P	P	P	P	P
Cemetery, Columbarium, Crematorium, Mausoleum <sup>41</sup>	C	C	C	C	C	C
Church <sup>41</sup>	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 <sup>2</sup>	C		P	C	C	C
Distillation of Alcohol		C <sup>34</sup>	C <sup>34</sup>			
Dock & Boathouse, Private, Non-commercial <sup>3, 42</sup>	P	P	P	P	P	P
Dwelling, Duplex	P	P	P <sup>42</sup>	P	P <sup>42</sup>	P <sup>42</sup>
Dwelling, Mobile Home	P	P	P <sup>6</sup>	P	P <sup>6</sup>	P <sup>6</sup>
Dwelling, Single Family	P	P	P	P	P	P
Dwelling, Townhouse						P, C <sup>5</sup>
Equestrian Center <sup>41, 70, 72</sup>		P				
Excavation & Processing of Minerals <sup>28</sup>	C	C	C	C	C	C
Explosives Storage		C	C			
Fallout Shelter, Individual	P	P	P	P	P	P
Fallout Shelter, Joint <sup>7</sup>	P	P	P	P	P	P
Family Day Care Home <sup>8</sup>	P	P	P	P	P	P
Farm Product Processing Up to 5,000 sq ft Over 5,000 sq ft		P P	A			
Farm Support Businesses <sup>94</sup>		A				
Farm Stand Up to 400 sq ft <sup>9</sup> 401 to 5,000 sq ft <sup>99</sup>	P	P P <sup>100</sup> A <sup>100</sup>	P	P	P	P
Farmers Market <sup>93</sup>		P <sup>101</sup> A <sup>101</sup>				
Farmland Enterprises <sup>95</sup>		A				
Fish Farm	P	P	P			
Forestry	P	P	P			
Foster Home	P	P	P	P	P	P
Garage, Private	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						

# 30.22.120 Other Zone Categories: Use Matrix

Type of Use	Other Zones					
	SA-1	RC	RU	R20,000	R12,500	WFB
Golf Course and Driving Range <sup>74</sup>	C	C	C	C	C	C
Government Structures & Facilities <sup>27, 41</sup>	C	C	C	C	C	C
Greenhouse, Lath House, Nurseries: <sup>52</sup> Retail	P					
Greenhouse, Lath House, Nurseries: <sup>52</sup> Wholesale <sup>47</sup>	P		P	C		
Guesthouse <sup>85</sup>	P	P	P	P	P	P
Health and Social Service Facility <sup>90</sup> Level I Level II <sup>41, 91</sup> Level III	P C	P C	P C	P C	P C	P C
Home Occupation <sup>11</sup>	P <sup>64, 84</sup>	P <sup>64, 84</sup>	P <sup>64, 84</sup>	P	P	P
Homestead Parcel <sup>40</sup>		C				
Kennel, <sup>41</sup> Commercial	C	C	P	C	C	C
Kennel, <sup>41</sup> Private-Breeding <sup>13</sup>	C	P	P	P	P	P
Kennel, <sup>41</sup> Private-Non-Breeding <sup>13</sup>	P	P	P	P	P	P
Kitchen, Farm		P	P			
Library <sup>41</sup>	C	C	P	C	C	C
Livestock Auction Facility		C <sup>48</sup>	C <sup>48</sup>			
Log Scaling Station		C				
Mini-equestrian Center <sup>41, 71, 72</sup>		P				
Model House/Sales Office	P	P	P	P	P	P
Museum <sup>41</sup>	C	C	P	C	C	C
Park, Public <sup>14</sup>	P	P	P	P	P	P
Park-and-Pool Lot				C	C	
Park-and-Ride Lot	C	C	C	C	C	
Personal Wireless Communications Facilities <sup>27, 41, AA, BB, CC</sup>	C	C	C	C	C	C
Petroleum Products & Gas Storage - Bulk			C <sup>43</sup>			
Race Track <sup>24, 41</sup>		C	C			
Railroad Right-of-way	C	C	C	C	C	C
Recreational Facility Not Otherwise Listed <sup>95</sup>	C	C	P	C	C	C
Recreational Vehicle <sup>19</sup>	P	P	P			
Sanitary Landfill	C	C	C	C	C	C
Sawmill			C <sup>26</sup>			
Schools K-12 & Preschool <sup>41, 68</sup> College <sup>41, 68</sup>	C C	C C	C C	C C	C C	C C
Shake & Shingle Mill			C <sup>26</sup>			
Shooting Range <sup>93</sup>		C	C			
Sludge Utilization <sup>39</sup>	C	C	C	C	C <sup>56</sup>	C <sup>56</sup>
Small Animal Husbandry <sup>41</sup>	P	P	P	C <sup>37</sup>	C <sup>37</sup>	C <sup>37</sup>
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
Stables	P	P	P	P	P	P
Stockyard or Slaughter House			C <sup>48</sup>			
Storage, Retail Sales Livestock Feed		P <sup>54</sup>				
Storage Structure Over 1,000 sq. ft. On Less Than Three Acres <sup>41, 59</sup>	C	C	P	C	C	C
Studio <sup>41</sup>	C <sup>77</sup>	C <sup>77</sup>	P	C <sup>77</sup>	C <sup>77</sup>	C <sup>77</sup>
Swimming/Wading Pool <sup>17, 41</sup>	P	P	P	P	P	P
Temporary Dwelling During Construction	A	A	A	A	A	A
Temporary Dwelling For Relative <sup>18</sup>	A	A	A	A	A	A
Temporary Residential Sales Coach <sup>73</sup>	A	A	A	A	A	A
Transit Center	C	C	C	C	C	
Ultralight Airpark <sup>20</sup>		C				
Utility Facilities, Electromagnetic Transmission & Receiving Facilities <sup>27</sup>	C	C	C	C	C	C
Utility Facilities, Transmission Wires, Pipes & Supports <sup>27</sup>	P	P	P	P	P	P
Utility Facilities-All Other Structures <sup>27, 41</sup>	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 6. Snohomish County Code Section 30.22.130, last amended by Ordinance No. 04-074, on July 28, 2004, 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; and

(b) At least 50% by farm product unit of the products sold shall be grown, raised or harvested in Snohomish County, and 75% by farm product unit of the

products sold shall be grown, raised or harvested in the State of Washington.

(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) RESERVED for future use (Social Service Center - DELETED by Amended Ord. 04-010 effective March 15, 2004)

(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, Licensed Practitioner:

- (a) 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) RESERVED for future use (Group Care Facility - DELETED by Amended Ord. 04-010 effective March 15, 2004)

(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 - DELETED by Amended Ord. 04-074 effective August 23, 2004)

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

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

(39) Sludge Utilization: See SCC 30.28.085.

(40) Homestead Parcel: See SCC 30.28.055.

(41) Special Setback Requirements for this use are contained in SCC 30.23.110.

(42) 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.

(43) 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.

(44) 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.

(45) 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.

(46) Billboards: See SCC 30.27.080 for specific requirements.

(47) 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.

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

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

(50) 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.

(51) 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.

(52) 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.

(53) Retail Store: See SCC 30.31A.120 for specific requirements for retail stores in the BP zone.

(54) Retail Sales of Hay, Grain, and Other Livestock Feed are permitted on site in conjunction with a livestock auction facility.

(55) 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.

(56) 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(39):.

(57) Woodwaste Recycling and Woodwaste Storage Facility: See SCC 30.28.095.

(58) Bed and Breakfast Guesthouses and Bed and Breakfast Inns: See SCC 30.28.020.

(59) 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.

(60) 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.

- (61) Museums: Museums within the agriculture A-10 zone are permitted only in structures which are legally existing on October 31, 1991.
- (62) Accessory Apartments: See SCC 30.28.010.
- (63) Temporary Woodwaste Recycling and Temporary Woodwaste Storage Facilities: See SCC 30.28.090.
- (64) Home Occupation: See SCC 30.28.050(2).
- (65) 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.
- (66) 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.
- (67) Adult Entertainment Uses: See SCC 30.28.015.
- (68) Special Building Height provisions for this use are contained in SCC 30.23.050(4).
- (69) 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.
- (70) 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.
- (71) 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.
- (72) 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.

(73) 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.

(74) 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.

(75) Model Hobby Park: SCC 30.28.060.

(76) 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.

(77) 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

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

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

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

(81) 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(81)(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.

(82) 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.

(83) "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.

(84) Home Occupations: See SCC 30.28.050(3).

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

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

(87) 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.

(88) 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.

(89) Hotel/Motel uses are permitted in the Light Industrial zone when the following criteria are met:

- (a) The Light Industrial zone is located within a municipal boundary;
- (b) The municipal airport boundary includes no less than 1000 acres of land zoned light industrial; and
- (c) The hotel/motel use is served by both public water and sewer.

(90) 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.

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

(92) The area of the shooting range devoted to retail sales of guns, bows, and related equipment shall not exceed one-third (1/3) of the gross floor area of the shooting range and shall be located within a building or structure.

(93) Farmers Market: See SCC 30.28.036.

(94) Farm Product Processing and Farm Support Business: See SCC 30.28.038.

(95) Farmland Enterprise: See SCC 30.28.037.

(96) Public Events/Assemblies on Farmland: Such event or assembly shall:

- (a) Comply with the requirements of Chapter 6.37 SCC; and
- (b) Not exceed two events per year. No event shall exceed two weeks in duration.

(97) Bakery, Farm: The gross floor area of the use shall not exceed 1,000 square feet.

(98) Recreational Facility Not Otherwise Listed: See SCC 30.28.076.

(99) Farm Stand: See SCC 30.28.039.

(100) Farm Stand: Allowed as a Permitted Use (P) when sited on land designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan. Allowed as an Administrative Conditional Use (A) when sited on land not designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan.

(101) Farmers Market: Allowed as a Permitted Use (P) when sited on land designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan. Allowed as an Administrative Conditional Use (A) when sited on land not designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan.

(AA) Personal wireless telecommunications service facilities: See chapter 30.28A SCC and landscaping standards in SCC 30.25.025.

(BB) Personal wireless telecommunications service facilities are subject to a building permit pursuant to SCC 30.28A.020 and the development standards set forth in chapter 30.28A SCC and landscaping standards in SCC 30.25.025.

(CC) A building permit only is required for facilities co-locating on existing utility poles, towers, and/or antennas unless otherwise specified in 30.28A SCC.

Section 7. Snohomish County Code Section 30.23.110, last amended by Ordinance No. 04-010, on March 3, 2004, 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) 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) Office, Licensed Practitioners: All buildings must be at least 20 feet from any other lot in a residential zone.

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

(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.

(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.

(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.

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

(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.

(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.

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

(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.

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

(25) Personal Wireless Telecommunications Service Facilities: The setbacks of a wireless communications support structure used for a personal wireless telecommunications service facility shall be measured from the base of the structure to the property line of the parcel on which it is located. Where guy wire supports are used, setbacks shall be measured from the base of the guy wire anchored to the ground, rather than the base of the structure except as provided for in SCC 30.23.110(25)(a).

(a) In zones categorized as Rural or Resource under SCC 30.21.020, any road right-of-way may be included in the setback calculation. In all other zones categorized under SCC 30.21.020, road right-of-way shall not be included in the setback calculation.

(b) Wireless communications support structures shall be setback from a property line with a minimum of 50 feet except as provided for in SCC 30.23.110(25)(c) through 30.23.110(25)(e). For the purposes of this subsection, a wireless communications support structure lease area boundaries shall not be considered property lines.

(c) Setbacks may be modified by the approval authority to no less than 20 feet from a property line only if there is significant existing vegetation, topography, or some other land feature that will provide a higher level of screening of the facility. In accordance with SCC 30.25.025(2), a Native Vegetation Retention Area (NVRA) shall be established and maintained when this provision is used.

(d) Wireless communications support structures located on utility support structures shall have no specific setback requirement.

(e) Wireless communications support structures located on parcels adjacent to forest lands or lands designated local forest shall be set back in accordance with SCC 30.32A.110.

(f) To minimize the potential for birds to collide into antenna support structures, personal wireless telecommunications services facilities shall not be located within the recommended construction buffer zone for birds listed as priority species by the Washington Department of Fish and Wildlife as described in its Management Recommendations for Washington's Priority Species –

Volume IV: Birds (May 2004), or listed as endangered or threatened species under the federal Endangered Species Act (64 FR 14307), and as amended, unless the applicant demonstrates that the proposed location will not have a significant impact on such birds.

(g) In no case shall a wireless communications support structure be constructed so that its base is closer to an existing dwelling than a distance equal to the height of the wireless communications support structure, unless the owner of such dwelling consents in writing that a closer distance is permitted.

Section 8. Snohomish County Code Section 30.25.020, last amended by Ordinance No. 02-064, on December 9, 2002, is amended to read:

**30.25.020 Perimeter landscaping requirements**

(1) Perimeter landscaping is required as set forth in SCC Table 30.25.020(1).

(2) Any development permitted as a conditional use in a zone not listed in SCC Table 30.25.020(1) shall provide at least 20 feet of Type A perimeter landscaping and 10 feet of Type B road frontage landscaping except as provided in SCC 30.25.025 for personal wireless telecommunications service facilities.

(3) Perimeter width averaging is allowed in the RB, FRS, RI, and CRC zones, as long as the minimum perimeter width remains at least 50 percent of the required width and the total area equals or exceeds the required area.

Section 9. A new section is added to Snohomish County Code Chapter 30.25 to read:

**30.25.025 Personal wireless telecommunications services facilities landscaping and screening.**

The visual impacts of a personal wireless telecommunications services facility shall be mitigated to the greatest extent possible through landscaping or other screening methods as follows:

(1) A minimum 20-foot wide Type A landscape screening area as set forth in SCC 30.25.017(1) shall be planted around the perimeter of the wireless communications support structure lease area except that:

(a) deciduous trees shall be a minimum diameter of 2 inches at the time of planting;

(b) all trees shall be planted ten feet on center in at least three (3) offsetting rows; and

(c) all existing trees 10 inches in diameter and larger shall be retained in any Type A landscaping area when preservation of such trees does not pose a safety hazard, as determined by a certified arborist.

(2) The approval authority may permit a modified plan in accordance with 30.25.040 that combines landscaping, existing vegetation, berming, topography, walls, decorative fences, or other features if they achieve the same degree of screening as Type A landscaping. If existing vegetation is used, a 20-foot Native Vegetation Retention Area (NVRA) shall be established and maintained for the life of the project around the outer face of the fenced area or the wireless communications support structure lease area, whichever is greater. All existing

trees and vegetation shall be retained unless a report and clearing plan for removal and replacement is prepared by a certified arborist and the plan is approved by the department. The plan shall identify the trees and vegetation to be removed and explain the reason for removal. Trees removed shall be replaced with evergreen trees at a minimum ratio of two replacement trees for each tree removed. Replacement trees shall be a minimum of eight feet tall at the time of planting. The removal shall not diminish the intended screening effect.

(3) The approval authority may modify or waive landscaping requirements in accordance with SCC 30.25.040 when wireless communications support structures are located within rights-of-way or other county-owned property.

(4) Perimeter landscaping is not required for wireless communications support structures located in industrial zones of the county except when the wireless communications support structure is located adjacent to residential zones listed in SCC 30.28A.120(7).

Section 10. A new chapter is added to Snohomish County Code Title 30 to read:

## **Chapter 30.28A**

### **DEVELOPMENT STANDARDS AND SITING PROCESS FOR PERSONAL WIRELESS TELECOMMUNICATIONS SERVICES FACILITIES**

#### **Sections:**

- 30.28A.010 Purpose and applicability.
- 30.28A.020 Interpretation of this chapter.
- 30.28A.030 Personal wireless telecommunications services facilities - Procedure.
- 30.28A.040 Exemptions.
- 30.28A.050 Conditional use permit application package requirements.
- 30.28A.060 Building permit application requirements.
- 30.28A.070 Prohibited locations.
- 30.28A.080 Co-location encouraged.
- 30.28A.090 Co-location cooperation.
- 30.28A.100 Requirements for third party review.
- 30.28A.110 Site selection criteria.
- 30.28A.120 Priority of locations.
- 30.28A.130 Requirements for siting on Snohomish County property.
- 30.28A.140 Inspection, noise, and federal requirements.
- 30.28A.150 Wireless communications support structure design criteria.
- 30.28A.160 Antenna and wireless communications support structure siting criteria.
- 30.28A.170 Support facilities design.
- 30.28A.180 Landscaping and screening.
- 30.28A.190 Security device
- 30.28A.200 Notice and emergency contact.
- 30.28A.210 Ownership transfer, non-use and abandonment.



#### **30.28A.010 Purpose and applicability.**

The purpose of this chapter is to provide the standards and regulations for siting personal wireless telecommunications services facilities. This chapter applies to all applications for the placement, construction and modification of personal wireless telecommunications service facilities.

#### **30.28A.020 Interpretation of this chapter.**

This chapter shall not be interpreted in a manner inconsistent with the Telecommunications Act of 1996. Further, this chapter shall not be interpreted to prohibit the provision of personal wireless communications services, or in a manner that unreasonably discriminates between or among providers of functionally equivalent personal wireless services.

#### **30.28A.030 Personal wireless telecommunications facilities - Procedure.**

(1) Building permits shall be required to construct new or modify existing personal wireless telecommunications service facilities in all zoning districts.

(2) Building permits shall be required for co-location or expansion projects on existing wireless communications support structure or electrical utility support structures located within any zoning district. For purposes of this section only, a building permit does not trigger a development permit application for a shoreline substantial development permit under Chapter 30.44 SCC when the application is to co-locate on an existing, previously permitted wireless communications support structure and there are no additional support structures proposed to be built on the ground.

(3) Additional land use permit approvals may be necessary as set forth in SCC 30.22.100 through 30.22.120.

(4) Notice is required to be provided to the FAA, on a form prescribed by the FAA, if the facility falls under the notification requirements mentioned in 14 CFR Part 77. The applicant is responsible for researching Part 77 to determine whether notification is required.

#### **30.28A.040 Exemptions.**

The following facilities and activities are exempt from the provisions of this chapter (except for FAA notification requirements):

(1) Radar systems for military and civilian communications and navigation;  
(2) Wireless radio utilized for temporary emergency communications in the event of a disaster declared by the County Executive pursuant to SCC 2.36.055; and

(3) Temporary mobile cellular towers used for testing wireless or cellular site performance not to exceed fourteen days within a 180-day time period. The equipment for these activities shall not be located in public rights-of-way unless a right-of-way permit is obtained in accordance with Title 13 SCC.

**30.28A.050 Conditional Use Permit application package requirements.**

When required by SCC 30.22.100 through .120, an application form for a conditional use permit provided by the department shall be completed with supporting documents as identified in the Commercial and Land Use Application Process for Wireless Communications Facilities submittal details section on file at the department. Additional information shall be submitted as set forth in Chapters 30.70 and 30.42C SCC. At the discretion of the department, all personal wireless telecommunications service facilities applicants shall be required to submit any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the information to determine compliance with adopted rules and regulations.

**30.28A.060 Building Permit Requirements.**

The applicant must submit a completed building permit application package as specified in the Commercial and Land Use Application Process for Wireless Communications Facilities on file in the department. When a conditional use permit is required, an applicant must obtain the conditional use permit approval prior to issuance of a building permit for a personal wireless telecommunications service facility.

**30.28A.070 Prohibited Locations.**

Personal wireless telecommunications services facilities and other wireless communications support structures are prohibited in the following locations:

- (1) Sites or structures which are on federal, state or county recognized historic registers, state and local wildlife refuges, and permanently protected archaeological sites regulated under Chapter 30.32D SCC, and
- (2) Resource protection areas established pursuant to SCC 30.32A.020(3).

**30.28A.080 Co-location encouraged.**

To minimize visual impacts associated with the proliferation of wireless communications support structures, co-location of personal wireless telecommunications service facilities on existing or new wireless communications support structures is encouraged as follows:

(1) Providers are encouraged to co-locate onto existing wireless communications support structures. If such co-location is accomplished in a manner consistent with the performance standards contained in this chapter, and the original wireless communications support structure permit provides adequate space for co-location equipment, then such co-locations are permitted and new or additional conditional use permit review approval is not required, except that any other permit, license, lease, or franchise requirements must be satisfied. This provision shall apply to pre-existing support structures with an approved conditional use permit.

(2) The county will not consider an application complete to construct new facilities unless the applicant has shown that it has made a diligent effort to mount the facilities on an existing structure or wireless communications support structure that is within a one mile radius of the chosen site.

(3) When co-location on an existing facility is not feasible and a new wireless communications support structure is proposed:

(a) An applicant's site plan shall show a reserve area for potential future providers' equipment near the base of the applicant's wireless communications support structure; and

(b) The site plan for wireless communications support structures in excess of 100 feet must propose the height and ground space for a minimum of two additional providers, while the site plan for wireless communications support structures 100 feet or less in height must propose space for a minimum of one additional provider.

(4) To provide further incentive for co-location, an existing wireless communications support structure may be modified to accommodate co-location without new or additional conditional or special use permits. The following conditions shall also be met:

(a) An existing wireless communications support structure may be modified or rebuilt to a taller height, not to exceed 20 feet over the wireless communications support structure's existing height and subject to the other provisions of this section. The height change may occur only once per structure.

(b) No banners or similar materials may be attached to the antenna or wireless communications support structure.

#### **30.28A.090 Co-location Cooperation.**

No personal wireless telecommunications services provider or lessee thereof shall act to exclude or attempt to exclude any other personal wireless telecommunications services provider from using the same building, structure or location. Personal wireless telecommunications service providers or lessees or agents thereof shall cooperate in good faith to achieve co-location of personal wireless telecommunications service facilities and equipment with other personal telecommunications wireless service providers. Documentation of co-location attempts shall be submitted as specified in the Commercial and Land Use Application Process for Wireless Communications Facilities on file in the department. If a dispute arises about the feasibility of co-locating, the county may require a third party technical study at the expense of the applicant to resolve the dispute.

#### **30.28A.100 Requirements for third party review.**

The county may require that the applicant pay for expert review of technical data, submitted by the applicant, for the personal wireless telecommunications service facilities. The selection of the third party expert shall be by mutual agreement between the applicant and the county, or at the discretion of the county if there is no agreement. The expert review is intended to be a site-specific review of technical aspects of the personal wireless telecommunications service facilities and not a subjective review of the site selection. Such a review shall address the accuracy and completeness of the technical data, possible interference problems and whether the analysis techniques and methodologies are legitimate. A determination on the validity of the applicant's conclusions, and any specific technical issues outlined by the department, or other county staff or other interested parties shall be made. Based on the results of the third party review, the county may require changes to the application for the personal wireless

telecommunications services facilities that comply with the recommendations of the expert.

**30.28A.110 Site selection criteria.**

In addition to using the highest priority locations set forth in SCC 30.28A.120 the following site selection criteria shall govern the issuance of permits and must be demonstrated by the applicant:

(1) Any applicant proposing to construct a wireless communications support structure, or mount an antenna on an existing structure, shall demonstrate by a propagation map that the facility must be located at the site to satisfy its function in the applicant's grid system. An analysis by a radio frequency expert documenting these demonstrations shall accompany the propagation maps.

(2) Further, the applicant must demonstrate by a propagation map that the height requested is no greater than the minimum height necessary to fulfill the facility site's function within the applicant's grid system. An analysis by a radio frequency expert documenting these demonstrations shall accompany the propagation maps.

(3) Personal wireless telecommunications service facilities shall be located and designed on the site to minimize aesthetic impacts on residential property. Facilities shall be placed in locations on the wireless communications support structure site where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening in accordance with SCC 30.23.110(25)(b).

**30.28A.120 Priority of locations.**

The order of priorities for locating new personal wireless telecommunications services facilities shall be in accordance with SCC 30.28A.120(1) through (7) below. The applicant shall demonstrate that all other locations with a higher priority on the list are not feasible. Priorities rank from highest to lowest as set forth below. The zones listed in SCC 30.28A.120(4) through (7) are prioritized in order of preference within each subsection.

(1) On existing wireless communications support structures.

(2) Place on appropriate rights-of-way and existing structures such as buildings, towers, water towers and smokestacks located on non-residentially zoned property or in utility corridors. Wireless communications support structures for personal wireless telecommunications service facilities locating under this subsection shall secondarily consider the priorities established in SCC 30.28A.120(4) through (7).

(3) Place on other public property if practical and allowed, i.e., Snohomish County property, etc.

(4) Place in districts zoned:

- (a) Heavy Industrial (HI);
- (b) Light Industrial (LI);
- (c) General Commercial (GC); and
- (d) Community Business (CB).

(5) Place in districts zoned:

- (a) Industrial Park (IP);
- (b) Business Park (BP);

- (c) Freeway Service (FS);
- (d) Rural Freeway Service (RFS);
- (e) Planned Community Business (PCB);
- (f) Neighborhood Business (NB);
- (g) Rural Industrial (RI);
- (h) Clearview Rural Commercial (CRC); and
- (i) Rural Business (RB).
- (6) Place in districts zoned:
  - (a) Rural Use (RU);
  - (b) Rural Diversification (RD);
  - (c) Rural Resource Transition-10 Acre (RRT-10);
  - (d) Forestry (F);
  - (e) Mineral Conservation (MC);
  - (f) Forestry and Recreation (F&R); and
  - (g) Agricultural-10 (A-10).
- (7) Place in districts zoned:
  - (a) Rural 5 Acres (R-5);
  - (b) Rural Conservancy (RC);
  - (c) Suburban Agriculture – 1 (SA-1);
  - (d) Residential 20,000 (R-20,000);
  - (e) Residential 12,500 (R-12,500);
  - (f) Waterfront Beach (WFB);
  - (g) Multiple Residential (MR);
  - (h) Low-density Multiple Residential (LDMR);
  - (i) Townhouse (T);
  - (j) Residential 9,600 (R-9,600);
  - (k) Residential 8,400 (R-8,400); and
  - (l) Residential 7,200 (R-7,200).

**30.28A.130 Requirements for siting on Snohomish County property.**

The county reserves the right to deny the use of any or all county property by any or all applicants for siting locations. Consideration of property located within county rights-of-way is subject to the provisions of Title 13 SCC, including franchise approval in accordance with Chapter 13.80 SCC. Consideration of the use of property that is owned or otherwise controlled by county through rent, lease, easement, etc., will be the following:

- (1) The placement of personal wireless service facilities on county property shall comply with the following special requirements in addition to all applicable requirements of this chapter:
  - (a) The custodial department, as set forth in chapter 4.46 SCC, has reviewed and made a recommendation regarding the proposed personal wireless telecommunications service facilities to be located on county property, and this recommendation has been forwarded to Property Management.
  - (b) The facilities will not interfere with the purpose for which the county property is intended;
  - (c) The applicant is to obtain adequate liability insurance pursuant to SCC 13.10.100;

(d) The applicant will submit a letter of credit, performance bond or other security acceptable to the county to cover the costs of removing the facilities in accordance with Title 13 SCC;

(e) The facilities will not interfere with other users who have a higher priority as discussed under SCC 30.28A.120;

(f) The applicant must reimburse the county for any related costs that the county incurs because of the presence of the applicant's facilities;

(g) The applicant may be required to pay rent to license or lease county property for a personal wireless telecommunications services facility according to a rate established by the custodial department after consultation with a state licensed certified general real estate appraiser.

(h) The applicant must obtain all necessary right-of-way permit, land use permit, and building permit approvals.

(i) The applicant must execute a written license or lease agreement with the county that sets forth the terms under which the applicant may use the county property.

(2) The placement of personal wireless telecommunications service facilities in a park will be allowed only when the following additional requirements are met;

(a) Personal wireless telecommunications service facilities shall not be allowed in designated critical areas unless they are with existing facilities.

(b) Personal wireless telecommunications service facilities may only be located in public parks if screening as regulated in SCC 30.28A.180 minimizes visual and noise impacts, and normal public use will not be disrupted as approved by the director of the Parks Department.

(c) Personal wireless telecommunications service facilities may be located in park maintenance facilities.

#### **30.28A.140 Inspection, noise, and federal requirements.**

The following general requirements shall apply to antennas and wireless communications support structures construction:

(1) Each year after a personal wireless telecommunications service facility becomes operational, the facility operator shall conduct a safety inspection and file a report with the county within 60 days of the inspection. A report documenting that the facility complies with FCC Non-Ionizing Electromagnetic Radiation (NIER) limits shall be submitted with the report when any modifications to the facility have been made subsequent to the any previous NIER report submittal. This requirement shall be a condition of any permit.

(2) Noise generated by a personal wireless telecommunications service facility shall be subject to the provisions in Chapter 10.01 SCC. In addition, noise from air conditioners or other equipment associated with personal wireless service facilities and appurtenant structures shall not exceed 45dBA "EDNA" in accordance with Chapter 173-60 WAC at the adjacent residential property line, except for emergency situations requiring the use of a backup generator where the noise standards may be exceeded on a temporary basis in accordance with SCC 10.01.030(3). The owner or operator shall conduct tests when determined by the department to be necessary to demonstrate compliance with all applicable local regulations regarding the noise emissions of the facility. All tests shall be performed by or under the supervision of an engineer qualified to perform the

tests and interpret the data. Failure to bring personal wireless telecommunications service facilities into compliance with the revised standards and regulations shall constitute grounds for the county to require removal or remove the provider's facilities at the provider's expense subject to the enforcement regulations and procedures set forth in Chapters 10.01 and 30.85 SCC.

(3) All antennas, wireless communications support structures, and facilities must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC) and any other agency of the federal government with the authority to regulate personal wireless telecommunications service facilities. If the standards and regulations are changed, then the personal wireless telecommunications services providers governed by this chapter shall bring the antennas and wireless communications support structures into compliance within the timelines provided by the revised standards and regulations. The revised standards and regulations are not retroactively applicable to existing providers unless otherwise provided or permitted by federal law. Failure to bring personal wireless telecommunications service facilities into compliance with the revised standards and regulations shall constitute grounds for the county to require removal or remove the provider's facilities at the provider's expense subject to the enforcement regulations and procedures set forth in Chapter 30.85 SCC.

**30.28A.150 Wireless communications support structure design criteria.**

Wireless communications support structures for new personal wireless telecommunications service facilities shall be designed to accommodate co-location unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons. Thus, the applicant shall address the following design criteria:

(1) The applicant shall provide 3-dimensional, visual simulation of the facilities or other appropriate graphics to demonstrate the visual impact on the view of the county's foothills, mountains, open space areas, or other scenic resources within the county. Due considerations shall be given so that placement of personal wireless telecommunications service facilities do not obstruct or diminish these views. In determining a significant visual impact on a view listed above, the department shall, at a minimum, consider the following:

(a) the degree to which the wireless communications support structure is screened by topographic features from the views listed above;

(b) whether trees and vegetation can be preserved in a manner that would substantially limit the visibility of the proposed wireless communications support structure from the views listed above;

(c) whether background features in the line of sight to the proposed wireless communications support structure would obscure it or make it more conspicuous;

(d) whether the proposed design would reduce the silhouette of the portion of the wireless communications support structure extending above surrounding trees, landforms, or structures; and

- (e) whether the facility is designed to blend into the surroundings.
- (2) Setbacks shall be in accordance with SCC 30.23.110(25) (wireless communications support structures).
- (3) No signals, lights or signs shall be permitted on wireless communications support structures unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). If the FCC or the FAA updates the requirements for lighting, the provider or wireless communications support structure owner is authorized to install the required lighting without any further county approvals.
- (4) The applicant shall demonstrate that the antenna is no greater than the minimum height required to function satisfactorily. No wireless communications support structure that is taller than this maximum height shall be approved except as allowed by co-location.
- (5) Security fencing no less than 6 feet in height with access through a locked gate shall be required around each wireless communications support structure and its related equipment and other support structures unless the entire wireless communications support structure area is fenced in a manner meeting these specifications, in which case the Department may grant relief from this requirement.
- (6) The parking requirements for personal wireless telecommunications service facilities shall be in accordance with SCC 30.26.030 for utility and communications uses without regular employment. Alternate parking provisions may be approved by the approval authority when the applicant demonstrates vehicle parking is in proximity but may not be appropriate on the facility site.
- (7) Site location and development shall preserve the preexisting character of the site as much as possible. Existing vegetation shall be preserved or improved, and disturbance of the existing topography of the site shall be minimized unless such disturbance would result in less visual impact of the site on the surrounding area.
- (8) To ensure the structural integrity of wireless communications support structures, the owner of a structure or facility shall ensure that it is maintained in compliance with all applicable federal standards (i.e., FCC and FAA standards), state and local regulations, the applicable standards of the Electronic Industries Association (EIA), and the applicable building codes, as amended from time to time.
- (9) If, upon inspection, the county concludes that a wireless communications support structure fails to comply with the standards, the applicable building codes or constitutes a danger to persons or property, written notice will be provided to the owner of the structure or facility in accordance with Chapter 30.85 SCC.
- (10) Wireless communications support structures shall be constructed to the EIA Standards that may be amended from time to time and all applicable construction/building codes. Further, any improvements or additions to existing wireless communications support structures shall require submission of site plans, structural plans, and structural calculations stamped by a structural engineer registered or licensed in the State of Washington, which demonstrate compliance with the EIA Standards and all other applicable building codes. The plans shall be submitted and reviewed at the time building permits are requested.



**30.28A.160 Antenna and wireless communications support structure siting criteria.**

The antenna on or above a structure shall be subject to the following requirements:

- (1) The antenna must be architecturally compatible with the building and wall on which it is mounted, and designed and located so as to minimize any aesthetic impacts.
- (2) The maximum height allowed for a wireless communications support structure including antennas shall be as follows:
  - (a) 150 feet within urban growth areas;
  - (b) 180 feet outside urban growth areas;
  - (c) The approval authority may authorize up to an additional ten feet in height as necessary to allow adequate separation of antennas from power lines if the applicant demonstrates that the antenna is no greater than the minimum height required to function satisfactorily. The owner of antennas pursuant to SCC 30.28A.080 or as authorized under the regulated franchise agreement provisions set forth in Title 13 SCC when located in a public right-of-way, shall be allowed the additional height increase and shall not be required to provide such documentation.
  - (d) An existing height non-conforming wireless communications support structure may not be subject to height limitations set forth in SCC 30.28A.160 when being reconstructed as a result of destruction as defined in SCC 30.28.075(2)(b). The structure may exceed this height provisions to no greater than the original permitted height.
- (3) The antenna may be mounted on the roof of a building if the following additional criteria are satisfied:
  - (a) The department finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.
  - (b) No portion of the antenna or base station causes the height of the building to exceed not to exceed 15 feet above the building heights of the applicable zone as set forth in SCC 30.23.030(1).
  - (c) Roof-mounted antennas are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.

**30.28A.170 Support facilities design.**

Support facilities should be designed to complement or maintain the integrity of the surrounding landscape and built environment.

- (1) Facilities shall be architecturally compatible with the surrounding buildings and land uses in the zoning district or screened or otherwise integrated through location and design to blend in with the existing characteristics of the site to the greatest extent possible.
- (2) Antennas and wireless communications support structures shall have a color generally matching the building, surroundings or background that minimized their visibility, unless the FCC or FAA requires a different color. Muted colors, earth tones and subdued colors shall be used wherever possible.
- (3) Ground level equipment, related base stations for mounted antennas, buildings and the wireless communications support structures base shall be

screened from public view. For the purposes of this chapter, equipment buildings shall include cabinets or any other structure used to shelter supporting equipment. The standards for the equipment structures are as follows:

(a) Equipment mounted on a roof shall have a finish similar to the exterior building walls.

(b) When equipment structures are located in residential or rural zones listed in SCC 30.28A.120(6) and (7) or on property developed for single family residential use, they shall comply with setback requirements of SCC 30.23.110(25) and shall be designed so as to conform in appearance with nearby residential structures, or be completely screened from view. Support facilities located in public rights-of-way may be exempt from the setback requirements as determined by the approval authority when co-located on existing utility facilities.

(c) A proposed equipment structure must blend with the surrounding buildings in architectural character and color. The structure must be architecturally and visually (color, size and bulk) compatible with surrounding existing buildings, structures, vegetation and uses. Such facilities will be considered architecturally and visually compatible if they are adequately screened to completely disguise the facilities.

(4) Height limitations shall be in accordance with SCC 30.28A.160(2).

#### **30.28A.180 Landscaping and screening.**

Landscaping used to screen a personal wireless telecommunications service facility shall be in accordance with SCC 30.25.025.

#### **30.28A.190 Security Device.**

The director may require a bond or other appropriate security device pursuant to Chapter 30.84 SCC.

#### **30.28A.200 Notice and emergency contact.**

All personal wireless telecommunications service providers shall provide to the department a current emergency contact name (or title) and phone number available 24 hours a day, seven days a week. The providers shall immediately notify the applicable department of any change in the notice address or emergency contact name (or title) and phone number. The same current emergency contact information shall be posted on the fence or structure of the facility where it is clearly visible from the outside.

#### **30.28A.210 Ownership Transfer, Non-Use, and Abandonment.**

(1) In the event a personal wireless telecommunications services provider or owner transfers ownership of a facility to a different provider or owner, the previous and new service provider or owner shall notify the department no less than 10 days from the date of transfer. The new provider or owner shall include the name, address and phone number of the person to be contacted related to the service or the wireless communications support structure. The new provider shall notify the department with the required information set forth in 30.28A.200

(2) No less than 30 days prior to the date that a personal wireless telecommunications services provider plans to abandon or discontinue operation of a facility, the provider must notify the county by certified U.S. Mail of the

proposed date of abandonment or discontinuation of operations. In the event that a provider fails to give notice, the facility shall be considered abandoned upon the county's discovery of discontinuation of operations. Upon such abandonment, the provider shall have 60 days, or an additional period of time determined in the reasonable discretion of the county, within which to:

(a) Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility; or

(b) Dismantle and remove the facility. If the antenna, wireless communications support structure, foundation and facility are not removed within the 60-day time period, or an additional period of time allowed by the county, the county may remove such tower, antenna, foundation and related facility at the provider's expense in accordance with the enforcement provisions of Chapter 30.85 SCC. If there are two or more providers co-locating on a facility, then this provision shall not become effective until all providers cease using the facility.

(3) If abandonment of a facility occurs by all of the permittees, licensees or owners of the wireless communications support structure, the owner of the wireless communications support structure shall remain primarily responsible if the wireless communications support structure ceases to be used for its intended purposes by either it or other permittees or licensees for the transmission or reception of personal wireless telecommunications services. The owner of the wireless communications support structure shall maintain the prescribed painting and/or illumination of such tower, if applicable, until is dismantled. The county may be drawn upon the security required in SCC 30.28A.190, as necessary, to cover the costs of removal of the facility.

Section 11. Snohomish County Code Section 30.41A.020, last amended by Ordinance No. 04-017 on March 31, 2004, is amended to read:

**30.41A.020 Exemptions.**

The provisions of this chapter shall not apply to:

- (1) Cemeteries and other burial plots while used for that purpose;
- (2) Divisions made by testamentary provisions or the laws of descent;
- (3) Division of land for the purpose of lease, when used for a mobile home park or recreational vehicle park pursuant to the binding site plan provisions of chapter 30.41D SCC;
- (4) Boundary line adjustments completed pursuant to chapter 30.41E SCC;
- (5) Condominiums, when prepared and filed in accordance with the Horizontal Property Regimes Act, chapter 64.32 RCW, or the Condominium Act, chapter 64.34. RCW;
- (6) Assessor's plats, when prepared and filed in accordance with the provisions of RCW 58.18.010 and when the lot size requirements of this code have been met;
- (7) Division of land into lots, tracts or parcels each of which is at least one eighth of a section of land or larger, or 80 acres or larger in size if not definable as a fraction of a section of land; and
- (8) Divisions of land pursuant to the binding site plan provisions of chapter 30.41D SCC.

(9) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.

Section 12. Snohomish County Code Section 30.41B.020, last amended by Ordinance No. 02-064 on December 9, 2002, is amended to read as follows:

**30.41B.020 Exemptions.**

The provisions of this chapter shall not apply to:

- (1) Cemeteries and other burial plots while used for that purpose;
- (2) Divisions made by testamentary provisions or the laws of descent;
- (3) Any division of land regulated by chapter 30.41A SCC;
- (4) Boundary line adjustments completed pursuant to chapter 30.41E SCC;
- (5) Condominiums when prepared and filed in accordance with the Horizontal Property Regimes Act, chapter 64.32 RCW or the Condominium Act, chapter 64.34 RCW;
- (6) Assessor's plats, when prepared and filed in accordance with the provisions of RCW 58.18.010 and when the lot size requirements of this code have been met;
- (7) Division of land into lots, tracts, or parcels each of which is at least one-eighth of a section of land or larger, or 80 acres or larger in size if the land is not capable of subdivisional description;
- (8) Divisions of land pursuant to the binding site plan provisions of chapter 30.41D SCC;
- (9) Divisions of land due to condemnation or sale under threat thereof, by an agency or division of government vested with the power of condemnation;
- (10) Any division where no permanent road may be constructed and where restrictive covenants or lease provisions prohibit construction of buildings of a type that permits human occupancy, overnight camping, or other human habitation;
- (11) Transfers of land to the county for open space, conservation, or park purposes. Any remaining area must meet the minimum requirements of SCC 30.23.030(1). The land remaining must meet the minimum access requirements of SCC 30.24.052; and
- (12) Sales of tax title property to an adjoining property owner by the county pursuant to SCC 4.46.160(5).
- (13) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.

Section 13. Snohomish County Code Section 30.41D.010, last amended by Ordinance No. 04-024 on March 10, 2004, is amended to read:

**30.41D.010 Purpose and applicability.**

(1) The purpose of this chapter is to provide an alternative method for the division of land as authorized by RCW 58.17.035 and 58.17.040(4), (5), and (7). A binding site plan ensures through covenants, conditions, restrictions, easements, and other requirements binding upon all lot owners that the collective

lots continue to function as one site concerning but not limited to public roads, improvements, open spaces, drainage, and other elements specified in this chapter.

(2) The provisions of this chapter shall apply to:

(a) The division of commercial or industrial zoned land for sale or lease when used for commercial or industrial purposes, or the division of land for lease when used as a mobile home park, or recreational vehicle park;

(b) The division of land resulting from subjecting a portion of a parcel or tract to the Horizontal Property Regimes Act, chapter 64.32 RCW, or the Condominium Act, chapter 64.34 RCW; and

(c) The division of land for the creation of special purpose tracts pursuant to chapter 30.42B SCC.

(3) The provisions of this title do not apply to:

(a) Divisions of commercial or industrially-zoned property for lease during exhibitions or other special events of a temporary, short-term nature, not to exceed six months duration;

(b) Boundary line adjustments;

(c) Housing cooperatives;

(d) Divisions for commercial or industrial zoned land when such lands are being used only for single family or multifamily residential purposes, or proposed for such residential purposes, except when the division is proposed pursuant to SCC 30.41D.010(2)(b); and

(e) A division for the purpose of leasing land for facilities providing personal wireless services while used for that purpose.

Section 14. A new section is added to Snohomish County Code Chapter 30.91C to read:

**30.91C.135 Co-location.**

"Co-location" means the use of a personal wireless service telecommunications service facility or site or other structure by more than one personal wireless telecommunications services provider.

Section 15. A new section is added to Snohomish County Code Chapter 30.91E to read:

**30.91E.075 EIA**

"EIA" means the Electronic Industries Association.

Section 16. A new section is added to Snohomish County Code Chapter 30.91F to read:

**30.91F.005 FAA**

"FAA" means the Federal Aviation Administration.

Section 17. A new section is added to Snohomish County Code Chapter 30.91F to read:

**30.91F.185 FCC**

"FCC" means the Federal Communications Commission.

Section 18. A new section is added to Snohomish County Code Chapter 30.91N to read:

**30.91N.013 Native Vegetation Retention Area (NVRA)**

"Native Vegetation Retention Area" (NVRA) means an encumbered portion of a site protecting existing trees and vegetation used to satisfy landscape screening requirements on a project. The NVRA may not extend across property lines unless the adjoining property is included within the boundaries of the initial permit.

Section 19. A new section is added to Snohomish County Code Chapter 30.91P to read:

**30.91P.185 Personal Wireless Telecommunications Services**

"Personal Wireless Telecommunications Services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in 47 U.S.C. 332 (c)(7)(C) and as they may be amended.

Section 20. A new section is added to Snohomish County Code Chapter 30.91P to read:

**30.91P.186 Personal Wireless Telecommunications Services Facilities.**

"Personal Wireless Telecommunications Services Facilities" means facilities for the provision of personal wireless telecommunications services defined in 47 U.S.C. 332 (c)(7)(C) and as they may be amended.

Section 21. A new section is added to Snohomish County Code Chapter 30.91S to read:

**30.91S.755 Support facilities.**

"Support facilities" means any equipment, buildings, antennas, or other accessory uses associated with a personal wireless telecommunications service facility.

Section 22. Snohomish County Code Section 30.91U.110, last amended by Ordinance No. 02-064, December 9, 2002, is amended to read:

**30.91U.110 Utility.**

"Utility" means any public or private entity whose principal purpose is to provide electricity, water, sewer, storm drainage, gas, radio, television, telephone and/or

other forms of communications utilizing the electromagnetic spectrum to the public except personal wireless telecommunications services.

Section 23. A new section is added to Snohomish County Code Chapter 30.91V to read:

**30.91V.025 View corridor.**

"View corridor" means a corridor that visually enhances or preserves the scenic integrity of the county's scenic resources.

Section 24. A new section is added to Snohomish County Code Chapter 30.91W to read:

**30.91W.085 Wireless communications support structure.**

"Wireless communications support structure" means a freestanding tower, monopole, or other structure used to support wireless communications (including pagers), or automated meter reading antennas and/or repeaters. It includes new or replacement utility poles that would exceed the height of adjacent poles for the purpose of providing sufficient elevation to accommodate antennas. It does not include existing buildings or other structures not specifically listed above that serve a primary function other than to support antennas (including, but not limited to, water tanks, existing utility poles, and light standards).

Section 25. A new section is added to Snohomish County Code Chapter 30.91W to read:

**30.91W.086 Wireless communications support structure lease area.**

"Wireless communications support structure lease area" means the leased area only of a tract or parcel, as legally described, that contains the personal wireless telecommunications service facilities, including any antenna, support structure, accessory buildings and parking, and may include other uses associated with and ancillary to personal wireless telecommunications services

Section 26. A new section is added to Snohomish County Code Chapter 30.91W to read:

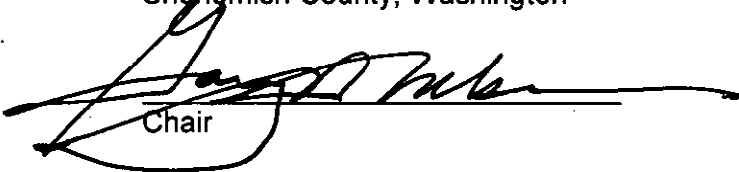
**30.91W.088 Wireless communications support structure site.**

"Wireless communications support structure site" means a tract or parcel of land that contains the personal wireless telecommunications service facilities, including any antenna, support structure, accessory buildings and parking, and may include other uses associated with and ancillary to personal wireless telecommunications services.

Section 27. **Severability.** If any provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance. Provided, however, that if any provision of this ordinance is held invalid or unconstitutional, then the provision in effect prior to the effective date of this ordinance shall be in full force and effect for that individual provision as if this ordinance had never been adopted.

PASSED this 30<sup>th</sup> day of November, 2005.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
Chair

ATTEST:

  
Clerk of the Council asst.

- ( ☒ ) APPROVED  
( ) EMERGENCY  
( ) VETOED

DATE:

12/6/05

  
County Executive

ATTEST:

  
Approved as to form only:

\_\_\_\_\_  
Deputy Prosecuting Attorney

D-15