



CO00014142

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 05-146

RELATING TO OFF-ROAD VEHICLE USE AREAS;  
AMENDING SNOHOMISH COUNTY CODE (SCC) SECTION 30.22.110;  
AMENDING SCC 30.22.130; AMENDING SCC 30.27.060; AMENDING  
CHAPTER 30.28 SCC TO ADD A NEW SECTION 30.28.080; AMENDING  
CHAPTER 30.910 SCC TO ADD NEW SECTIONS 30.910.005, 30.910.006,  
30.910.007, AND 30.910.050

WHEREAS, pursuant to the Snohomish County Charter and the Growth Management Act (GMA), chapter 36.70A RCW, the county council has adopted the Snohomish County GMA Comprehensive Plan – General Policy Plan (GPP) for the unincorporated area of Snohomish County; and

WHEREAS, pursuant to the county charter and GMA, the county council has adopted development regulations, including zoning, that are consistent with its GMA Comprehensive Plan; and

WHEREAS, the Snohomish County Code (SCC) does not recognize off-road vehicle (ORV) use areas as an allowed land use; and

WHEREAS, user demand for off-road vehicle use areas is growing; and

WHEREAS, an ORV use area outside of a public park cannot be developed until the zoning code is amended to allow such use; and

WHEREAS, the Snohomish County Planning Commission held a public hearing on December 9, 2003; and

WHEREAS, the Snohomish County Council held public hearings on January 18, 2006; and

WHEREAS, the county council considered the entire hearing record, including the planning commission's recommendation, and written and oral testimony submitted during the hearings before the county council and planning commission;

NOW, THEREFORE, BE IT ORDAINED:

**Section 1.** Based on the entire record before the planning commission and the county council, including all testimony and exhibits, the council adopts the foregoing recitals as findings and makes the following additional findings:

- A. Although ORV use is a growing recreational activity with over half a million participants statewide, Snohomish County currently has no permitted ORV use areas. Two of the closest facilities are the Walker Valley ORV Park in Skagit County and Tahuya Park in Mason County, both of which are on state trust lands. According to *Estimates of Future Participation in Outdoor Recreation in Washington State*, a March 2003 report by the Interagency Committee for Outdoor Recreation, ORV use is anticipated to increase by ten percent in the next ten years and by 20 percent over the next twenty years.
- B. *The Snohomish County Off-Road Vehicle Study*, a 1987 report prepared for the City of Everett and Snohomish County, concluded that numerous public and private properties throughout the county experience ORV activity. Although this study is dated, unsanctioned ORV use still occurs in the county and the issue of unmet recreational needs remains a problem. According to the Snohomish County Parks and Recreation Plan, ORV trails are a displaced recreational use due to a lack of facilities.
- C. The development regulations adopted by this ordinance authorize the creation of restricted off-road vehicle (ORV) use areas within portions of the Forestry and Recreation (F&R) zone that are designated Forest on the GPP Future Land Use Map. ORV use areas are identified by an R & F ORV suffix on the zoning map.
- D. The development regulations adopted by this ordinance establish a conditional use permitting process for ORV use areas that protects the environment and ensures compatibility with surrounding land uses by requiring review and approval of ORV site and operations plans, as well as compliance with locational criteria and environmental restrictions. These regulations are consistent with sound forest management practices and will help to conserve forest land by reducing development pressures on designated forest land and diminishing the incentive for unpermitted ORV activity, which is subject to none of the regulatory protections required by this ordinance.
- E. Land within the F&R zone is uniquely well-suited for ORV use areas by virtue of its topography and large distance from developed residential areas. ORV use areas are compatible with the underlying forest land use designation and are authorized as conditional uses on designated forest land located in other counties. See, e.g., Skagit County Code Sections 14.16.410(5)(h) and 14.16.420(5)(h); Whatcom County Code Section 20.42.154.
- F. A Determination of Nonsignificance was issued for this proposed non-project action on October 30, 2003, pursuant to the State Environmental Policy Act (SEPA), chapter 43.21C RCW and chapter 197-11 WAC, and chapter 30.61

SCC. Pursuant to chapter 30.61 SCC, project-level environmental review may be required in connection with individual CUP applications.

- G. The county has conducted early and continuous public participation in the process of adopting this ordinance. The planning commission was briefed on November 18, 2003, and public participation included public hearings before the Snohomish County Planning Commission on December 9, 2003, and Snohomish County Council on January 18, 2006. The county published notice of the hearing and opportunity for written comments.
- H. Allowing ORV use areas, consistent with the regulations adopted by this ordinance, is in the best interests of Snohomish County and promotes the general public health, safety and general welfare.

**Section 2.** Based on the entire record before the planning commission and the county council, including all testimony and exhibits, the county council makes the following conclusions:

- A. The development regulations adopted by this ordinance are consistent with the goals and requirements of the GMA, including but not limited to:
  - 1. Enhancing recreational opportunities and developing recreational facilities pursuant to the GMA planning goal codified at RCW 36.70A.020(9).
  - 2. Maintaining and enhancing natural resource-based industries and encouraging the conservation of productive forest lands, while discouraging incompatible uses, pursuant to the GMA planning goal codified at RCW 36.70A.020(8).
  - 3. Encouraging economic development pursuant to the GMA planning goal codified at RCW 36.70A.020(5).
  - 4. The requirement to conserve designated forest lands pursuant to RCW 36.70A.060(1) and the administrative guidelines promulgated at chapters 365-190 WAC and 365-195 WAC.
- B. The development regulations adopted by this ordinance are consistent with and further the goals, objectives, and requirements of the Snohomish County Countywide Planning Policies (CPPs), including CPP RU-7, which encourages the reduction of conversion pressures on forest lands.
- C. The development regulations adopted by this ordinance are consistent with and further the goals, objectives, and requirements of the GPP, including:
  - 1. Objective LU 8.C, which requires establishing regulations that encourage multiple use of forest lands for a variety of activities that are especially suited to forest lands because of physical and topographical

characteristics, remoteness from populated areas, and the quality of the forest environment.

2. LU Policy 8.C.1, which includes provides for recreation as a primary use of designated forest lands.
- D. The development regulations adopted by this ordinance are consistent with the purpose and intent of the Multiple Use Act, codified RCW 79.10.100-.280. The Act authorizes the Department of Natural Resources (DNR) to provide for multiple uses on state trust lands, including ORV use areas pursuant to RCW 79.10.120(2). The development regulations adopted by this ordinance may be considered by DNR in the development of a multiple use land resource allocation plan pursuant to RCW 79.10.200.
- E. The public hearings and related public notices before the planning commission and county council satisfy the public participation requirements of the GMA, including RCW 36.70A.020(11), RCW 36.70A.035, and RCW 36.70A.140, as well as the requirements chapter 30.73 SCC.
- F. The SEPA process conducted for this ordinance satisfies the requirements of the State Environmental Policy Act, codified at chapter 43.21C RCW, as implemented by chapter 197-11 WAC and 30.61 SCC.
- G. The amendments adopted by this ordinance are within the range of alternatives analyzed in the DEIS and the scope of additional analysis contained in the FEIS and related environmental documents issued for the ten-year update to the county's GMA Comprehensive Plan.
- H. This ordinance is adopted pursuant to the GMA, the Snohomish County Charter, and the Washington State Constitution, art. XI, sec. 11.

**Section 3.** Snohomish County Code Section 30.22.110, Rural and Resource Zone Categories: Use Matrix, adopted by Amended Ordinance No. 05-035 on November 30, 2005, is amended to read:

### 30.22.110 Rural and Resource Zone Categories: Use Matrix

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Accessory Apartment <sup>42</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>41</sup>	C		C	P <sup>79</sup>	P						
Asphalt Batch Plant & Continuous Mix Asphalt Plant											P
Auto Repair, Minor				P <sup>76</sup>	P	P					
Auto Towing	C		C								
Bakery				P <sup>76</sup>	P						
Bakery, Farm <sup>47</sup>	P	P	P	P			P		P	P	
Bed and Breakfast Guesthouse <sup>44</sup>	C		C	P				C	C	A	
Bed and Breakfast Inn <sup>44</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						
Cold Storage							P				
Commercial Vehicle Home Basing			C <sup>33</sup>								
Commercial Vehicle Storage Facility				C			P				
Community Club	P		C	P	P						
Community Facilities for Juveniles <sup>102</sup> 1 to 8 residents			P	P	P						
9 to 24 residents			S	P	P						
Construction Contracting				P <sup>60, 61</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		C	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						
<b>P - Permitted Use</b>	A blank box indicates a use is not allowed in a specific zone. Note: Reference numbers within matrix indicate special										
<b>A - Administrative Conditional Use</b>	conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.										
<b>C - Conditional Use</b> <b>S - Special Use</b>											

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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, 73</sup>	P	C	C					C	P	C <sup>70</sup>	
Excavation & Processing of Minerals <sup>21</sup>	C	C	C				C	P,C	C	C	C
Explosives, Storage	C	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 Over 5,000 sq ft <sup>14</sup>	P A	P A	P A	P A			P A	P A		P A	
Farm Support Business <sup>14</sup>	A	A	A	A			P			A	
Farm Stand Up to 400 sq ft <sup>9</sup> 401 - 5,000 sq ft <sup>99, 100</sup>	P P	P P	P <sup>100</sup> P, A 100	P P	P P	P P	P P	P P	P P	P P	P
Farm Workers Dwelling										P <sup>10</sup>	
Farmers Market <sup>13</sup>	P	P	P <sup>101</sup> A <sup>101</sup>	P	P	P	P			P	
Farmland Enterprises <sup>18</sup>		A	A							A	
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	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>42</sup> Retail	P	P	P	P	P		P	P		P	
Greenhouse, Lath House, Nurseries: <sup>42</sup> Wholesale	P	P	P	P	P		P	P		P	
Grocery Store				P <sup>60</sup>	P	P <sup>60</sup>					
Grooming Parlor					P						
Guesthouse <sup>68</sup>	P	P	P	P				P	P	P	
Hardware Store				P <sup>60</sup>	P						
Hazardous Waste Storage & Treatment Facilities Onsite <sup>45</sup>	P			P		P	P	P	P		
P - Permitted Use	A blank box indicates a use is not allowed in a specific zone. Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130.										
A - Administrative Conditional Use	Check other matrices in this chapter if your use is not listed above.										
C - Conditional Use											
S - Special Use											

### 30.22.110 Rural and Resource Zone Categories: Use Matrix

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Health and Social Service Facility <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>60</sup>	P						
Home Occupation <sup>11, 54</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				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>28, 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 Scaling Station	C	C	C				P	P	P	P	
Lumberyard							P				
Manufacturing-All Other Forms Not Specifically Listed <sup>43</sup>				C			C				
Metal Working Shop				P <sup>78</sup>			P				
Mini-equestrian Center <sup>41, 72</sup>	P	P	P	P			P	P	P	P <sup>71</sup>	
Model Hobby Park <sup>78</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						
Off-road vehicle use area, private									C <sup>xx</sup>		
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	P		C	C	C	
Personal Services Shop				P <sup>79</sup>	P						
Personal Wireless Communications Facilities <sup>27, 41, 104, 106, 108</sup>	C	C	C	C	C	C	C	C	C	C	C
Petroleum Products & Gas Storage – Bulk							P <sup>43</sup>				
Print shop				P							
Public Events/Assemblies on Farmland <sup>98</sup>										P	
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>76</sup>			C	
Recreational Vehicle <sup>18</sup>	P	P	P					P	P	P	
Recreational Vehicle Park									C		
Resort									C		
Restaurant				P <sup>80</sup>	P	P					
P - Permitted Use	A blank box indicates a use is not allowed in a specific zone.										
A - Administrative Conditional 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.										
C - Conditional Use											
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	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
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>28</sup>	C <sup>28</sup>	C <sup>28</sup>				P	P	P		
Schools											
K-12 & Preschool <sup>41, 48</sup>	C		C	P							
College <sup>41, 48</sup>	C		C				C				
Other <sup>41, 48</sup>				C							
Second Hand Store				P <sup>78</sup>	P						
Service Station <sup>41</sup>				P	P	P					
Shake & Shingle Mill	C <sup>28</sup>	C <sup>28</sup>	C <sup>28</sup>				P	P			
Shooting Range <sup>32</sup>	C	C	C					C			
Sludge Utilization <sup>33</sup>	C	C, P <sup>50</sup>	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, 48</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		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>43</sup>	A						A	A			
Temporary Woodwaste Storage <sup>43</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	A blank box indicates a use is not allowed in a specific zone.										
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C - Conditional Use											
S - Special Use											



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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>27</sup>		P	P							P	
Woodwaste Recycling <sup>27</sup>	C	C	C				C	C			
Woodwaste Storage <sup>27</sup>	C	C	C				C	C			
Yacht/Boat Club				P			P				
<b>P - Permitted Use</b>	A blank box indicates a use is not allowed in a specific zone.										
<b>A - Administrative Conditional 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>C - Conditional Use</b>											
<b>S - Special Use</b>											

**Section 4.** SCC 30.27.060, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.27.060 Signs for particular uses.**

(1) The department may approve on-site signs for identifying residential subdivisions provided the following criteria are met:

(a) The subdivision identification sign message does not exceed six feet in height from adjacent finished grade nor have a surface area greater than 40 square feet. Surface area is measured as the smallest rectangle or circle that encloses the total message;

(b) There are a maximum of two such identification signs for each road entrance to the subdivision;

(c) Signs are located so they permit an unobstructed sight distance along road rights-of-way in accordance with the EDDS;

(d) SCC 30.23.100(3) provisions are met;

(e) Signs are stationary; and

(f) Any lighting for the sign must be indirect and may not be flashing, blinking, or of variable intensity.

(2) The hearing examiner may approve on-site or off-site subdivision identification signs in conjunction with preliminary plat approval. The hearing examiner may approve signs that do not meet the criteria in SCC 30.27.060(1) only when such sign(s) are compatible with the immediate neighborhood and surrounding property values are not adversely affected.

(3) Schools, churches, community clubs, and public structures/buildings, shall display two single- or double-faced signs for identification purposes subject to the

following conditions:

(a) The signs shall not exceed 20 square feet per face and total signage shall not exceed 60 square feet of surface area;

(b) Freestanding signs shall not be more than eight feet in height and are to be stationary;

(c) Lighting which is flashing, blinking, or of variable intensity is prohibited; and

(d) A portion of the identification sign allotment may be used for activity reader boards. Reader boards shall not result in glare when viewed from surrounding properties or road rights-of-way. In no case shall a reader board or illuminated identification sign be located within 50 feet of an urban residential zone and the R-5 zone.

(4) A sign for a bed and breakfast guesthouse or inn may be allowed in conjunction with a conditional use permit if the sign is stationary and if illuminated, is lit with indirect lighting. Lighting which is flashing, blinking, or of variable intensity is prohibited.

(a) In the MR, LDMR, R-20,000, R-12,500, R-9,600, R-8,400, and R-7,200 zones, the sign shall be a single-faced sign with dimensions not exceeding four square feet in area.

(b) In the F, F&R, A-10, R-5, RC, RD, and SA-1 zones, the sign may be single- or double-faced with dimensions not exceeding 15 square feet per face. The applicant shall submit, as part of the application for a conditional use permit, sign designs and elevations that are compatible with the bed and breakfast structure and the surrounding rural character and neighborhood in which the guesthouse or inn is located.

(5) Off-road vehicle use areas shall be permitted to display two single or double-faced signs for identification purposes subject to the following conditions:

(a) The signs shall not exceed 20 square feet per face and total signage shall not exceed 60 square feet of surface area;

(b) Freestanding signs shall be no more than eight feet in height and are to be stationary;

(c) Lighting which is flashing, blinking, or of variable intensity is prohibited;  
and

(d) Internal boundary, interpretive, regulatory, safety and directional signage shall be permitted if approved in conjunction with a conditional use permit.

**Section 5.** A new section is added to Chapter 30.28 SCC to read:

**30.28.080 Off-road vehicle (ORV) use areas—authorization and minimum locational and size requirements.**

(1) ORV use areas authorized. Subject to the requirements of this section and SCC 30.28.085, ORV use areas are allowed as a conditional use pursuant to SCC 30.22.110 and chapter 30.42C SCC in portions of the Forestry and Recreation zone which are designated Forest on the comprehensive plan map; provided, however, that ORV use areas are prohibited in the following areas:

- (a) forestry planting areas;
- (b) natural area preserves identified by DNR;
- (c) natural resource conservation areas;
- (d) old growth research areas identified in forest management plans; and
- (d) areas currently under harvest.

(2) Minimum size and locational restrictions. Proposed ORV use areas must meet the following minimum requirements in order to be eligible for a conditional use permit:

(a) ORV use areas shall be at least 20 acres in size, except that no minimum size shall be required for expansions of existing ORV use areas or where the location of a new ORV use area will develop trail connections with an existing ORV use area.

(b) ORV use areas shall be located no closer than 3 miles from the boundary of another ORV use area, except where (i) an existing ORV use area is expanded, or (ii) a new ORV use area is proposed for purposes of providing connected corridors and trails with an adjacent ORV use area.

**Section 6.** A new section is added to Chapter 30.28 SCC to read:

**30.28.085 Off-road vehicle (ORV) use areas—submittal requirements and development standards for ORV use areas.**

(1) Submittal requirements. Conditional use permit applications for a proposed ORV use area are subject to the submittal requirements of SCC 30.70.030 and shall include the following additional information:

(a) A proposed ORV site plan pursuant to subsection 3 of this section, which shall be clear, precise, and drawn to scale.

(b) A proposed ORV operations plan pursuant to subsection 4 of this section.

(c) The following maps, which may be submitted separately or included with the proposed ORV site plan required by subsection 3 of this section:

(i) a vicinity map;

(ii) a zoning map of the proposed site and surrounding properties;

(iii) a DNR forest grade map of the property, if available; and

(iv) a map depicting surrounding land uses at a scale no smaller than fifty feet to one inch. Distances from residential dwellings, bed and breakfast inns or guesthouses, schools, resorts, hospitals, sanitarium, nursing or convalescent facilities shall be noted on the site plan. Owners of such properties located within 2,000 feet of the ORV use area boundaries shall be identified by name and address on a map.

(d) A signed statement agreeing to indemnify and hold harmless the county, its employees, agents, representatives, and elected and appointed officials from any and all claims made against them arising from the operation or use of the ORV use area. If the ORV use area operator designated pursuant to SCC 30.28.085(2)(a) is a person or an entity other than the applicant for the ORV use area permit, than that person or entity shall also

submit a signed statement agreeing to indemnify and hold harmless the county, its employees, agents, representatives, and elected and appointed officials from any and all claims made against them arising from the operation or use of the ORV use area.

(2) Development standards. Conditional use permits for ORV use areas shall require compliance with the site plan and operations plan approved by the hearing examiner pursuant to subsections 3 and 4 of this section, respectively, and shall include conditions that ensure compliance with the following requirements:

(a) ORV use areas shall be located so as to minimize impacts to nearby communities and other land uses. ORV use areas shall be located no ~~((closer))~~ less than ~~((2,000))~~ 250 feet from the boundary of any existing residential dwelling unit, bed and breakfast inn or guesthouse, school, hospital, sanitarium, resort, church, or nursing or convalescent facility, unless the conditional use permit application includes a written affidavit from the current owner of the residence or facility approving of the proposed ORV use area.

(b) ORV use areas shall be planned and designed so as to minimize the disturbance and conversion of commercial forest land. To the greatest extent possible, development activity shall be located on the lowest feasible timber land grade available on the subject property as graded by DNR or other grading system approved by the department. The ORV use area shall be subject to conditions that minimize impacts to forest practices and avoid forest practice conversion.

(c) Trailheads shall be located on access roads that adequately meet projected travel demand.

(d) Trail design shall meet U.S. Forestry Standards and Specifications for Construction and Maintenance of Trails, United States Department of Interior, USFS for control of erosion, drainage management, soil stability and safety.

(e) No land clearing shall be allowed for the primary purpose of providing spectator seating or viewing areas.

(f) Off-road vehicle use shall comply with all applicable county codes.

(g) Parking shall only be allowed in the ORV park trailhead, or other approved parking areas in campgrounds, and shall not be permitted in the rights-of-way of county access roads.

(h) Signage shall be allowed pursuant to SCC 30.27.060(5).

(i) Campgrounds may be located within an ORV use area boundary. The area included in the campground shall not be considered in determining whether a proposed ORV use area satisfies the minimum size or locational requirements in SCC 30.28.080(2). Campground design shall be considered in conjunction with an ORV park conditional use permit review subject to all applicable regulations including, but not limited to SCC 30.22.130 (32).

(j) Conditional use permit contact information, indemnification documentation, and required affidavits shall be kept current. Within two weeks of any transfer of ownership or responsibility, the contact information, indemnification documentation, including the agency name, contact name,

address, and telephone and fax numbers, shall be submitted to the department referencing the conditional use permit file number.

(3) ORV site plan. Site plans submitted for a proposed ORV use area pursuant to subsection 1 of this section shall approved by the hearing examiner, consistent with ORV permit conditions imposed pursuant to subsection 2 of this section. An ORV site plan must include the following:

(a) One or more maps showing:

- (i) The area and dimension of the proposed ORV use area.
- (ii) All adjoining right-of-ways and access points.
- (iii) The location of all existing and proposed uses, public road crossings, and perimeter setbacks required by SCC 30.32A.120, as well as the dimensions of any existing or proposed structure, trailhead, camping area, or special activity area.
- (iv) The general location of trails and any alternate trails and their design standards.
- (v) Critical areas located in proposed ORV use area, as well as all applicable buffers and proposed stream crossings.
- (vi) The location of all signage, including boundary, interpretative, regulatory, safety and directional signage.
- (vii) The location of on-site waste collection facilities, which shall be required.

(b) Narrative text addressing each of the following:

- (i) The location and physical features of the proposed ORV use area.
- (ii) The existing and proposed uses of the proposed ORV use area.
- (iii) The types of special events, if any, which would occur at the proposed ORV use area.
- (iv) Trail construction standards and classes of trails for the proposed ORV use area.
- (v) If the trails are proposed for organized competitive events, a statement describing how the trail designs for the proposed ORV use area comply with insurance industry standards;
- (vi) If the proposed ORV use area is to be developed in phases, a description of each project phase and a timetable for completion.
- (vii) The name of the proposed ORV use area.
- (viii) The name of the owner and operator, with address and phone numbers.
- (ix) A legal description of the proposed ORV use area.
- (x) The name, address and telephone number of the firm that prepared the site plan.

(4) ORV operations plan. Operations plans submitted for a proposed ORV use area pursuant to subsection 1 of this section shall be approved by the hearing examiner, consistent with permit conditions imposed pursuant to subsection 2 of this section. An ORV operations plan must address the following:

(a) The name, address and phone number of the property owner, or an entity authorized by the property owner, that will be responsible for operation of the proposed ORV use area.

(b) Best management practices for proposed ORV use area, including trail design, construction, and maintenance, as well as forest practices stewardship.

(b) Environmental monitoring to evaluate trail usage problems and environmental impacts of the proposed ORV use area, as well as a description of expected impacts on critical areas, visual resources, cultural sites, wildlife and surrounding land uses.

(c) Park development and management of the proposed ORV use area, including required or proposed insurance policies.

(d) Safety training and education for the proposed ORV use area, to be coordinated with dedicated clubs and user groups.

(e) Security measures to be implemented for the proposed ORV use area, including fencing (if any), boundary protection, accident reporting procedures, and trespassing management plans.

(f) Special event programming and management for the proposed ORV use area, which must comply with the requirements of chapter 6.37 SCC for events and assemblies.

(g) Park rules and regulations for the proposed ORV use area, which must be posted at trailheads and trail access points. At a minimum, the rules and regulations for an ORV use area must address the following :

(i) Hours of operation for the proposed ORV use area and a prohibition on ORV use outside of those hours.

(ii) Schedules for facility and trail maintenance, as well as waste collection.

(iii) A prohibition on ORV use in or upon any waters of any stream, bog, river, creek, wetland, or marsh unless specifically permitted by the ORV use area permit.

(iv) A requirement that all lighting be directed away from adjoining properties.

(5) Alterations to approved ORV site plan or operations plan. Proposed alterations to a site plan or operations plan approved for an ORV use area pursuant to this section shall be considered a minor permit revision pursuant to SCC 30.42C.110, provided that the revision would minimize environmental damage or improve safety. All other revisions shall be considered major revisions and shall require approval pursuant to the requirements of this section.

**Section 7.** SCC 30.22.130, last amended by Amended Ordinance No. 05-038 on November 30, 2005, 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 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 SCC 30.42B.100, SCC 30.42C.100 and SCC 30.43A.100;

(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) 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 rezoning 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 30.28.085.

(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(20);

(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 30.25.017.

(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.028.

(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 in Ag-10 zone: 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.

(102) Community Facilities for Juveniles in R-5 zones must be located within one mile of an active public transportation route at the time of permitting.

(103) All community facilities for juveniles shall meet the performance standards set forth in SCC 30.28.025.

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

(105) 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.

(106) 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.

(107) Privately operated off-road vehicle (ORV) use areas shall be allowed by conditional use permit on Forestry and Recreation (F&R) zoned property designated Forest on the comprehensive plan future land use map. These areas shall be identified by an F&R ORV suffix on the zoning map. Privately operated ORV use areas are regulated pursuant to SCC 30.28.080, SCC 30.28.085 other applicable county codes.

**Section 8.** A new section is added to Chapter 30.910 SCC to read:

**30.910.005 “Off-road vehicle (ORV) use area, private”**

means the entire area of a parcel of land and approved buffer areas posted or designated for use in accordance with rules adopted by a managing authority. ORV use areas are planned, permitted and managed specialized recreational areas that serve more than an immediate family living on the site. An ORV use area may include trailheads, parking, information kiosks, loading/unloading ramps, dispersed trail system, trail courses, campgrounds, picnic areas and shelters, refuse collection areas, restroom facilities, signage, lighting, caretaker or manager’s house, administrative/concession structures that do not exceed 900 square feet, maintenance storage areas, and incidental accessory features such as fencing, phone booths and water fountains.

**Section 9.** A new section is added to Chapter 30.910 SCC to read:

**30.910.006 “Off-road vehicle trail”**

means a corridor designated and maintained for recreational travel by off-road vehicles. Such trails are not normally suitable for travel by conventional two-wheel drive vehicles and are posted or designated by the managing authority of the property to permit ORV travel.

**Section 10.** A new section is added to Chapter 30.910 SCC to read:

**30.910.007 “Off-road vehicle”** means any self-propelled motor driven vehicle not used primarily for transporting persons or property upon public highways not required to be licensed under RCW 46.16.010. “Off-road vehicle” shall not include special construction vehicles. Such vehicles generally include, but are not limited to any motorized vehicle used for recreational travel on trails and non-highway roads or for recreation cross-country travel including two, three, or four-wheel vehicles, motorcycles, four-wheel drive vehicles, and dune buggies. Snowmobiles shall not be included in this definition.

**Section 11.** A new section is added to Chapter 30.910 SCC to read:

**30.910.050 “Organized competitive event”**

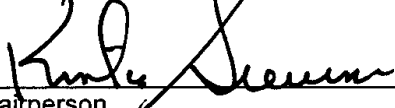
means any off-road vehicle competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by

recognized clubs, and conducted at a pre-determined time and place. No organized competitive event shall require conversion of forest land for the purpose of spectator seating.

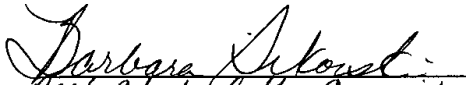
**Section 12. Severability.** If any provision of this ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remainder of this ordinance. Provided, however, that if any provision of this ordinance is held invalid 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 18th day of January, 2006.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
\_\_\_\_\_  
Chairperson

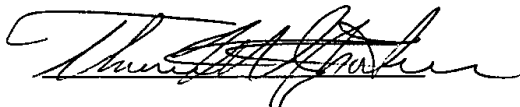
ATTEST:

  
\_\_\_\_\_  
Asst. Clerk of the Council  
 APPROVED  
 EMERGENCY  
 VETOED

DATE: 2/2/06

  
\_\_\_\_\_  
County Executive

ATTEST:

  
\_\_\_\_\_  
Approved as to form only:

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