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SNOHOMISH COUNTY COUNCIL

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G.L. \_\_\_\_\_ D.J. \_\_\_\_\_

ORDINANCE NO. 82-010

AMENDING SNOHOMISH COUNTY CODE, TITLE 18

CHAPTERS 18.33; 18.34; 18.35; 18.36; 18.64;

ALLOWING FOR THE DISTILLATION OF ALCOHOL USING AGRICULTURAL BY-PRODUCTS; AND CHAPTER 18.44; CORRECTING A CODE REQUIREMENT FOR DAY CARE CENTERS

BE IT ORDAINED:

Section 1. Snohomish County Code, Title 18, subsection 18.33.030 last amended by resolution June 25, 1979 is amended to read:

18.33.030 Conditional uses. Because of their size or impact upon surrounding properties, the following uses may be located only where authorized by a conditional use permit, issuable only after due consideration has been given to the proposed use in relation to the purposes of the comprehensive plan and the welfare of the community. The purpose of this provision is to better protect the higher uses of land and to assist the stabilization of property values and to further the purposes as set forth in Section 18.04.010, Statement of Purpose.

(1) Small animal hospitals provided that:

A. No building shall be closer than fifty feet to the external boundaries of the property,

(2) Public or private utilities and governmental and public buildings or structures, provided that:

A. No building or structure shall be closer than twenty feet to the external boundaries of the property,

B. Must be shielded from abutting properties and highways by a sight-obscuring fence or greenbelt;

(3) Elementary, junior, or senior high, including public, private and parochial schools, but subject to the following conditions:

A. Buildings must be located fifty feet or more from external property lines with a minimum building line setback of seventy-five feet from the centerline or fifty feet from the edge of any public right-of-way, whichever is greater;

B. An abutting area of at least an acre shall be devoted exclusively for playfield purposes;

(4) Railroad rights-of-way, but not including passenger shelter stations, switching, storage, freight yards or sidings;

(5) Churches subject to the following condition:

A. Buildings must be located fifty feet or more from external property lines;

(6) Community clubs subject to the following conditions:

A. Flood lights should be shielded to reduce glare which would be annoying to neighbors or passing traffic;

(7) Signs for community clubs, subject to the same terms and conditions set forth in Section 18.18.030(6)D;

(8) Golf courses (private and public);

(9) Cemeteries, subject to the provisions of Section 18.18.030(10);

(10) Commercial kennels, subject to the provisions of Section 18.18.030(12);

(11) Day care center, subject to the conditions set forth in Section 18.25.030(7);

(12) Noncommercial boat launch facilities, as defined, subject to the provisions of Section 18.18.030(21);

(13) Rifle and pistol ranges and trap and skeet grounds, both indoor and outdoor, when designed to control noise, nuisance and safety hazards;

(14) Hospitals, provided they are of a nature compatible with the character of the surrounding area, and provided further that:

A. No building shall be located closer than thirty (30) feet from the external boundaries of the property,

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B. Greenbelts shall be provided consistent with achieving the goal of compatibility with the surrounding area;

(15) Art galleries, libraries, and museums subject to the following conditions:

A. Buildings must be located fifty feet or more from external property lines,

B. Must be shielded from abutting properties and rights-of-way by a sight-obscuring fence or greenbelt;

(16) Riding academies subject to the following conditions:

A. No stables shall be located closer than thirty feet to any boundary property line,

B. It shall be operated in such a manner so as not to cause offense to adjoining properties by reason of dust or odor,

C. Lighting shall be shielded or directed away from adjoining properties or rights-of-way,

D. Greenbelts shall be provided consistent with achieving the goal of compatibility with the surrounding area;

(17) Race tracks subject to the following conditions:

A. Greenbelts shall be provided consistent with achieving the goal of compatibility with the surrounding area,

B. The track shall be located no closer than fifty feet from external property lines,

C. 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,

(18) Airports when solely for the use of small private aircraft and not for commercial use subject to all regulations of the Federal Aviation Agency and additional regulations or conditions as may be imposed by the board of adjustment;

(19) Excavations and processing of minerals or materials together with necessary temporary structures in undeveloped areas where not unduly detrimental to the existing, developing or projected use of the surrounding land and provided that such operations comply with the provisions of Chapter 18.70, mineral conservation (MC) zone;

(20) Sanitary landfills, subject to the provisions of Section 18.18.030(18);

(21) The storage of explosives subject to all the conditions of Section 18.64.030(21);

(22) Family rehabilitative home, subject to the conditions set forth in Section 18.18.030(22);

(23) Group care facility, subject to the conditions set forth in Section 18.25.030(10);

(24) Social services center, subject to the conditions set forth in Section 18.25.030(11);

(25) Distillation of alcohol from plant products for sale as fuel and for production of methane from animal waste produced on the premises, provided that such distillation or production is only one of several products of normal agricultural activities occurring on the premises and that byproducts created in this process are used for feed or fertilizer on the premises.

Section 2. Snohomish County Code subsection 18.34.020 last amended by resolution July 29, 1981 is amended to read:

18.34.020 Permitted uses. The following are permitted uses in an A-10 zone:

(1) Any use permitted by Section 18.18.020, upon the same terms and conditions as set forth in Section 18.18.020, except planned residential developments; and further, except that duplexes shall be permitted on the minimum lot area for a principal use;

(2) Agricultural crops;

(3) Greenhouse, lath houses and nurseries for the raising and/or sale of plants, shrubs, flowers and other horticultural crops, including the sale of soil, bark, fertilizers, plant nutrients, rocks and similar plant husbandry materials when such sales are incidental to the greenhouse, lath house, or nursery. The sale of garden tools and other hardware or equipment shall be prohibited. There shall be no on-site signs advertising other than the principal use;

(4) Fish farms;

(5) Kennels, private and commercial subject to the conditions outlined for private kennels in Section 18.18.020;

(6) The raising of livestock, poultry and small animals for private or commercial purposes, provided that no building, feedlot, cage or pen housing or feeding such animals shall be located closer than twenty feet to any boundary property line;

(7) Farm stands solely for the sale of agricultural products subject to the following conditions:

(A) Only one stand per lot with an area not to exceed 500 square feet per lot,

(B) At least seventy-five percent by value of the products sold must be grown or raised in Snohomish County,

(C) The stand shall be located no closer than 20 feet to any road right-of-way,

(D) Stands must obtain all required permits from Snohomish County;

(8) Pasturing and grazing,

(9) Signs as follows:

(A) One unlighted identification sign not exceeding two square feet in area containing the name of the occupant of the premises;

(B) One sign not exceeding twelve square feet in area for identification of premises, or advertising products sold upon the premises,

(C) Signs shall conform to the regulations as stated in Section 18.76.120.

(10) Accessory uses and buildings normally incidental to the uses permitted in Section 18.34.020;

(11) Mobile homes;

(12) Accessory dwellings for family members and farm workers integral to the farm operation provided that:

(A) At least one person residing in each accessory dwelling unit shall be employed full time in the farm operation,

(B) An agricultural accessory 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 accessory dwellings shall be limited to one per each forty acres under single contiguous ownership to a maximum of six total dwelling units including preexisting units, principal and accessory dwellings, with forty 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,

(D) All accessory dwellings must be clustered on the farm within a 10-acre farmstead which includes the principal use 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. Accessory dwellings may be located other than as provided for in this subsection only if environmental or physical constraints preclude meeting these conditions,

(E) Accessory dwelling must comply with all relevant county and state regulations other than subdivision.

(13) Travel trailers, subject to the conditions set forth in Section 18.32.020(9);

(14) Distillation of alcohol from plant products for sale as fuel and for production of methane from animal waste produced on the premises, provided that such distillation or production is only one of several products of normal agricultural activities occurring on the premises and that byproducts created in this process are used for feed or fertilizer on the premises.

Section 3. Snohomish County Code subsection 18.35.030 last amended by resolution March 23, 1981 is amended to read:

18.35.030 Conditional uses. Because of their size or impact upon surrounding properties, the following uses may be located only where authorized by a conditional use permit, issuable only after due consideration has been given to the proposed use in relation to the purposes of the comprehensive plan and the welfare of the community. The purpose of this provision is to better protect the higher uses of land and to assist the stabilization of property values and to further the purposes as set forth in Section 18.04.010, Statement of Purpose.

(1) Any use permitted by Section 18.33.030 upon the same terms and conditions as set forth in that section;

(2) Auto towing operations, not including storage yards or junk yards;

(3) Private or public recreation facilities but not including facilities or uses of a recreational nature which are otherwise specifically provided for in this title, subject to the conditions of Section 18.18.030(6);

(4) Television, radio and other communication towers;

(5) Processing and packing of seasonally-grown agricultural products, not including their conversion to manufactured products, PROVIDED that:

A. Such a facility must be a minimum of ten (10) acres,

B. Retail sales of products processed on the premises for off-site consumption may be allowed when incidental to the primary use, and

C. Processing of the following products is expressly prohibited: grain and other staple crops, poultry and other poultry products, dairy products, and meat and meat products;

(6) Antique sales when established as a home occupation PROVIDED the following conditions are met:

A. The use is conducted entirely within a normal dwelling complex,

B. Not more than one (1) person outside the family shall be engaged in the same,

C. The occupation is secondary to the use of the dwelling for dwelling purposes,

D. There is no external display of merchandise. All merchandise sold or offered for sale shall be predominantly "antique" as defined in Section 18.08.047, and antique-related objects,

E. The occupation does not employ the use of mechanical equipment with a cumulative horsepower greater than five (5) horsepower,

F. A sign in connection with the use shall be permitted PROVIDED it shall be unlighted and not exceed two (2) square feet,

G. The home occupation shall in no way affect the appearance of the principal building as a residence, and

H. Any other conditions as may be deemed necessary by the hearing examiner; (Sec. 7 of Ord. 80-115 adopted December 29, 1980)

(7) Sawmills, shake mills, log sorting and other primary processing of locally grown timber where the intent of the processing is initial reduction in bulk and/or to facilitate transport to secondary processing centers, subject to the following conditions:

A. Such uses shall not include the manufacture of finished wood products such as furniture and plywood nor the retail sales of products from the site, but shall include lumber manufacturing,

B. The number of employees shall not exceed twenty-five (25);

(8) Storage of explosives, subject to compliance with all local, state and federal regulations covering same;

(9) Parking and maintenance of two (2) or more commercial vehicles in operable condition when used in the business of the resident of the property on which such parking is located;

(10) Distillation of alcohol from plant products for sale as fuel and for production of methane from animal waste produced on the premises, provided that such distillation or production is only one of several products of normal agricultural activities occurring on the premises and that byproducts created in this process are used for feed or fertilizer on the premises.

Section 4. Snohomish County Code subsection 18.36.030 last amended by ordinance December 29, 1980 is amended to read:

18.36.030 Conditional uses. Because of their size or impact upon surrounding properties, the following uses may be located only where authorized by a conditional use permit, issuable only after due consideration has been given to the proposed use in relation to the purposes of the comprehensive plan and the welfare of the community.

The purpose of this provision is to better protect the higher uses of land and to assist the stabilization of property values and to further the purposes as set forth in Section 18.04.010, Statement of Purpose.

- (1) Public or private utilities and governmental and public buildings or structures;
- (2) Elementary, junior, or senior high, including public, private and parochial schools, subject to the provisions of Section 18.18.030(9);
- (3) Railroad rights-of-way, but not including passenger shelter stations, switching, storage, freight yards or sidings;
- (4) Golf courses (private and public);
- (5) Hospitals, PROVIDED they are of a nature compatible with the character of the surrounding area, and PROVIDED that no building or structure shall be located closer than thirty (30) feet from the external boundaries of the property.
- (6) Art galleries, libraries, and museums, subject to the provisions of Section 18.33.030(15);
- (7) Aircraft landing fields when solely for the use of small private aircraft primarily for the use of the resident property owner, and not for commercial use, subject to the regulations of the Federal Aviation Agency and additional regulations or conditions as may be imposed by the hearing examiner; (Sec. 8 of Ord. 80-115 adopted December 29, 1980)
- (8) Excavations and processing of minerals or materials, together with necessary temporary structures, in undeveloped areas where not unduly detrimental to the existing, developing or projected use of the surrounding land and PROVIDED that such operations comply with the provisions of Chapter 18.70;
- (9) Sanitary landfills, subject to the provisions of Section 18.18.030(18);
- (10) Auto towing operations, not including storage yards or junk yards;
- (11) Private recreational facilities, but not including facilities or uses of a recreational nature which are otherwise specifically provided for in this Title, subject to the conditions of Section 18.18.030(6);
- (12) Television, radio and other communication towers;
- (13) Storage of explosives, subject to compliance with all local, state and federal regulations concerning same;
- (14) Family rehabilitative home, subject to the provisions of Section 18.18.030(21);
- (15) Group care facility, subject to the provisions of Section 18.25.030(10);
- (16) Social service center, subject to the provisions of Section 18.25.030(11);
- (17) Noncommercial boat launch facilities, as defined, subject to the provisions of Section 18.18.030(20);
- (18) Archery, rifle and pistol ranges and trap and skeet grounds, both indoor and outdoor, when designed to control noise, nuisance and safety hazards;
- (19) Antique sales, when established as a home occupation;
- (20) Distillation of alcohol from plant products for sale as fuel and for production of methane from animal waste produced on the premises, provided that such distillation or production is only one of several products of normal agricultural activities occurring on the premises and that byproducts created in this process are used for feed or fertilizer on the premises.

Section 5. Snohomish County Code, subsection 18.44.020 last amended by resolution July 12, 1976 is amended to read:

18.44.020 Permitted uses. Any RR or MR zone uses are permitted upon the same terms and conditions as set forth in Sections 18.18.020 and 18.26.020 plus the following:

- (1) Beauty shops and barbershops;
- (2) Business or professional studios and offices;
- (3) Hand laundries, cleaners, and pressing shops;
- (4) Tire shops, service stations, and minor automobile repair provided that open spaces may not be used for storage, display, or sale of used vehicles or equipment;
- (5) Pump islands and canopies in connection with permitted automotive service stations shall be established as follows:

Pump Islands. Where the right-of-way is less than sixty feet, pump islands shall meet a minimum setback of forty-five feet from the centerline of the right-of-way. Where the right-of-way is sixty feet or more pump islands shall meet a minimum setback on one-half the right-of-way plus fifteen feet. Setbacks shall apply to private rights-of-way and easements.

Canopies. Where the right-of-way is less than sixty feet canopies shall meet a minimum setback of thirty-five feet from the centerline of the right-of-way. Where the right-of-way is sixty 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;

(6) Locksmiths, shoe repairing, tailoring, and other similar uses;

- (7) Pharmacies;
- (8) Restaurants, cafeterias, catering;
- (9) Real estate offices;
- (10) Retail stores and personal service shops;
- (11) Delicatessens and grocery stores;
- (12) Banks;
- (13) Signs, subject to the following:

A. Signs not exceeding fifteen square feet in area for each building site may be displayed for the purpose of advertising the sale or lease of property upon which displayed,

B. No sign or advertising display is permitted that obstructs in any way the vision of motorists entering or leaving public or private rights-of-way; however, signs may be extended to the front property line,

C. Advertising displays or signs pertaining to uses or sales only on the property where displayed, may have an area not to exceed one hundred fifty square feet and may be divided into not more than four single or double faced signs,

D. Signs for identification purposes shall be permitted to have an area not to exceed one square foot for each linear foot of business property frontage,

E. At street intersections, signs or advertising displays shall be so located that they permit an unobstructed sight distance of at least three hundred feet along the intersecting right-of-way. Supports for signs or advertising displays do not constitute an obstruction,

F. Signs shall observe the height regulations of this zone;

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- (14) Greenhouses, lathhouses, and nurseries for the raising and sale of plants, shrubs, flowers and other horticultural crops;
  - (15) Garden supply stores;
  - (16) Antique shops;
  - (17) Day care center, subject to the conditions set forth in Section ~~18.25.030(7)~~ 18.26.030(10).

Section 6. Snohomish County Code, Title 18, subsection 18.64.030 last amended by ordinance October 7, 1981 is amended to read:

18.64.030 Conditional uses. Some uses of land, because of their size or impact upon the surrounding property require a close investigation by the hearing examiner of the interrelationship in the area. Therefore, in order to better protect the higher use of land and assist the stabilization of property values, the following uses shall require the issuance of a conditional use permit: (Sec. 25 of Ord. 81-023 adopted March 23, 1981)

- (1) Golf courses (public and private);
- (2) Cemeteries, crematoriums, and columbariums, subject to conditions outlined in Section 18.18.030;
- (3) The incineration or reduction of garbage, offal, dead animals, and all refuse, to include sanitary land fills;
- (4) Race tracks subject to:
  - (A) A view obscuring fence a minimum of six feet in height must be constructed around the periphery of the establishment,
  - (B) Parking shall be established at the rate of one parking space for each eight feet of bleacher bench,
  - (C) A plot plan showing access and exit points shall be submitted for approval with the application for a conditional use permit.
  - (D) The track shall be no closer than fifty feet to any external property boundaries;
- (5) Schools (public, private, and parochial) subject to conditions outlined in Section 18.18.030;
- (6) Slaughter houses, stockyards, rendering works provided they are established on a minimum of ten acres;
- (7) Excavations and processing of minerals or materials together with necessary temporary structures in undeveloped areas where not unduly detrimental to the existing, developing or projected use of the surrounding land and provided that such operations comply with the provisions of Chapter 18.70, mineral conservation (MC) zone;
- (8) Processing and packing of seasonally grown agricultural products, not including their conversion to manufactured products, provided that:
  - (A) Such a facility must be on a minimum of ten (10) acres,
  - (B) Retail sales of products processed on the premises for off-site consumption may be allowed when incidental to the primary use, and
  - (C) Processing of the following products is expressly prohibited: Grain and other staple crops; poultry and poultry products; dairy products; and meat and meat products;
- (9) Airports subject to conditions of Section 18.18.030;
- (10) Sawmills;



- (11) Bulk storage of petroleum products under the conditions as outlined under Section 18.48.020;
- (12) Day care center, subject to the conditions set forth in Section 18.25.030(7);
- (13) Rifle and pistol ranges and trap and skeet grounds, both indoor and outdoor, when designed to control noise, nuisance and safety hazards;
- (14) Hospitals, provided they are of a nature compatible with the character of the surrounding area, and provided further that:
- (A) No building shall be located closer than thirty (30) feet from the external boundaries of the property,
- (B) Greenbelts shall be provided consistent with achieving the goal of compatibility with the surrounding area;
- (15) Noncommercial boat launch facilities, as defined, providing they meet requirements contained in Section 18.18.030(21);
- (16) Signs for community clubs, subject to the same terms and conditions set forth in Section 18.18.030(6)(D);
- (17) Antique sales, when established as a home occupation; provided the following conditions are met:
- (A) The use is conducted entirely within a normal dwelling complex,
- (B) Not more than one person outside the family shall be engaged in the same;
- (C) The occupation is secondary to the use of the dwelling for dwelling purposes;
- (D) There is no external display of merchandise. All merchandise sold or offered for sale shall be predominantly "antique", as defined in Section 18.08.047, and antique-related objects.
- (E) The occupation does not employ the use of mechanical equipment with a cumulative horsepower greater than five (5) horsepower,
- (F) A sign in connection with the use shall be permitted provided it shall be unlighted and not exceed two (2) square feet,
- (G) The home occupation shall in no way affect the appearance of the principal building as a residence, and
- (H) Any other conditions as may be deemed necessary by the hearing examiner, (Sec. 15 of Ord. 81-056 adopted June 23, 1981)
- (18) The storage of explosives, subject to the following conditions:
- (A) All bunkers, powder magazines and structures devoted to the storage of explosives shall be constructed according to all local, state and federal regulations concerning same,
- (B) Distances required by Chapter 70.74.030 RCW for separation from inhabited buildings (Column 2 of Quantity and Distance Table) shall be met;
- (19) Family rehabilitative home, subject to the conditions set forth in Section 18.18.030(22);
- (20) Group care facility, subject to the conditions set forth in Section 18.25.030(10);
- (21) Social services center, subject to the conditions set forth in Section 18.25.030(11);
- (22) Accessory buildings normally incidental to uses permitted in Section 18.64.020 exceeding one thousand (1,000) square feet in gross building area and located on a parcel of land

less than one (1) acre in size, subject to the following condition:

A. The building shall be sited and designed so that its height, size, appearance and proposed use shall not unduly detract from the value of surrounding properties or alter the character of the neighborhood in which it is located.

(23) Signs advertising new subdivisions other than on the site of the new subdivision;

(24) Public or private utility and governmental buildings or structures;

(25) Railroad rights-of-way;

(26) Distillation of alcohol from plant products for sale as fuel and for production of methane from animal waste produced on the premises, provided that such distillation or production is only one of several products of normal agricultural activities occurring on the premises and that byproducts created in this process are used for feed or fertilizer on the premises.

Dated this 3rd day of March, 1982.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

ATTEST:

Cliff Bailey  
Chairman

Ellie Simpson  
Clerk of the Council

(  ) APPROVED

(  ) EMERGENCY

(  ) VETOED

DATE 3-5-82

ATTEST Donna Leigh Johnson Willis D. Tucker  
County Executive

PUBLISHED 2-18-82

Julia Q. W., DPA  
Approved as to form