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EXECUTIVE OFFICE

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WDT JLM PCK COUNTY COUNCIL
UAM KJB 5/2 Snohomish County, Washington

Amended

ORDINANCE NO. 86-037

RELATING TO ZONING; REPEALING TITLE 18
SNOHOMISH COUNTY CODE, ZONING, and
ENACTING A NEW TITLE 18, ZONING

BE IT ORDAINED:

Section 1. Title 18 Snohomish County Code, Zoning, is hereby repealed in its entirety.

Section 2. A new Title 18, Snohomish County Code, as attached hereto and made a part hereof, is hereby enacted.

Section 3. The effective date of this ordinance is July 1, 1986.

PASSED this 7th day of May, 1986.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Steven Bartholomew
Chairperson

Approved as to Form:

Dee A. Tanner
Deputy Prosecuting Attorney

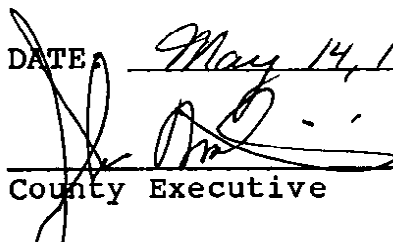
ATTEST:

Kathryn Morton
Clerk of Council

ORDINANCE RE: ZONING; REPEALING
TITLE 18 SNOHOMISH COUNTY CODE,
ZONING, and ENACTING A NEW
TITLE 18, ZONING - 1

- () APPROVED
- () VETOED
- () EMERGENCY

DATE May 14, 1986



County Executive

JOHN MARTINIS
Deputy Executive

PUBLISHED _____ and _____

ORDINANCE RE: ZONING; REPEALING
TITLE 18 SNOHOMISH COUNTY CODE,
ZONING, and ENACTING A NEW
TITLE 18, ZONING - 2

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Chapter 18.11

PURPOSE, NAME AND SEVERABILITY

Sections:

- 18.11.010 Statement of purpose.
- 18.11.020 Name.
- 18.11.030 Applicability.
- 18.11.040 Benefits.
- 18.11.050 Limitations.
- 18.11.060 Severability.

18.11.010 Statement of purpose. The purpose and intent of this title is to provide the authority for and the procedures to be followed in guiding and regulating the physical development of unincorporated Snohomish County with a view toward assuring for the public the highest standards of environment for living, the operation of commerce, industry, agriculture, and recreation, and to maximize economies in order to conserve the highest degree of public health, safety, morals, and welfare.

18.11.020 Name. This title may be cited as either the Snohomish County Zoning Code; or Title 18, Snohomish County Code.

18.11.030 Applicability. The provisions of this title shall be applicable to all land within unincorporated Snohomish County except as allowed by law.

18.11.040 Benefits. This title shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

18.11.050 Limitations. It is the intent of this title to place the obligation of complying with its requirements upon the owner or occupier of the land and buildings within its scope. No provision of, or term used in this title is intended to impose any duty upon the county or any of its officers or employees so as to subject them to liability for damages in a civil action.

18.11.060 Severability. If any section, subsection, sentence, clause or phrase of this title is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title, it being hereby expressly declared that this title, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Chapter 18.12

ESTABLISHMENT OF ZONES

Sections:

- 18.12.010 Conformance to state statutes.
- 18.12.020 Zoning designations.
- 18.12.030 Intent of zones.
- 18.12.040 Adoption of zoning maps.
- 18.12.050 Areas not within a zone.
- 18.12.060 Zone boundaries.
- 18.12.070 Vacated streets.
- 18.12.080 Flood hazard and noise impact areas.
- 18.12.090 Planned neighborhood shopping center.

18.12.010 Conformance to state statutes. Use zones shall be established, modified and amended as provided in RCW 36.70 as it now exists or may be hereafter amended.

18.12.020 Zoning designations. All unincorporated land in Snohomish County is divided into the following zones:

<u>ZONE</u>	<u>ABBREVIATION</u>
Forestry	F
Forestry & Recreation	F & R
Agriculture-10 Acre	A-10
Rural-5 Acre	R-5
Rural Conservation	RC
Rural Diversification	RD
Suburban Agriculture-1 Acre	SA-1
Rural Use	RU
Residential 20,000 sq.ft.	R-20,000
Residential 12,500 sq.ft.	R-12,500
Residential 9,600 sq.ft.	R-9,600
Residential 8,400 sq.ft.	R-8,400
Residential 7,200 sq.ft.	R-7,200
Waterfront Beach	WFB
Townhouse	T
Low Density Multiple Residential	LDMR
Multiple Residential	MR
Freeway Service	FS
Neighborhood Business	NB
Planned Community Business	PCB
Community Business	CB
General Commercial	GC
Industrial Park	IP
Business Park	BP
Light Industrial	LI
Heavy Industrial	HI
Mineral Conservation	MC

18.12.030 Intent of zones.

A. Residential zones. The intent and function of the residential zones is to provide for and protect areas for land development at densities designed to meet contemporary building and living standards. The comprehensive plan establishes guidelines to determine compatibility and location of zones.

1) R-7200

a) Zone should be located on the fringes of existing cities or towns or other intense urbanized areas; and

b) This zone will not be established unless all public facilities such as sanitary facilities, water and paved roads are in existence or contemplated in the immediate future.

2) R-8400

a) Zone should be located primarily on the fringes of intense residential development and where public sanitary facilities are provided.

3) R-9600

a) Zone should be located in outlying areas and/or where required by soil conditions or topography; and

b) This zone is designed to meet the needs of a transitional zone between R-8400 and R-12,500.

4) R-12,500

a) Zone should be located in outlying areas and/or where required by soil conditions or topography.

5) R-20,000

a) Zone should be located in outlying areas or where soil or topography require larger lot sizes; and

b) This zone should be located in those areas designated as suburban agriculture by the comprehensive plan.

6) WFB

a) This zone is designed to protect the public health, safety and welfare in areas adjacent to and surrounding bodies of water and tide lands.

B. Multiple Family zones.

1) Townhouse. The intent and function of this zone is:

a) to provide for single-family dwellings, both attached and detached, or different styles, sizes, and prices in locations specifically designated by the county comprehensive plan for the townhouse zone with its urban densities greater than those for strictly single family detached development, but less than multiple family development;

b) to provide a flexible tool for development of physically suitable skipped-over or under-used lands in urban areas without adversely affecting adjacent development; and

c) to provide design standards and review which recognize the special characteristics of townhouses, to insure the development of well-planned communities and to insure the compatibility of such housing developments with adjacent existing and planned uses.

Townhouses are intended to serve the housing needs of a variety of housing consumers and producers. Therefore, townhouses may be built for renter occupancy of units on a site under single ownership, owner agreements pursuant to RCW 64.32, or owner or renter occupancy of separately conveyed units on individual lots created through formal subdivision pursuant to RCW 58.17.

2) LDMR. The intent and function of the low density multiple family zone is:

a) to provide for and protect certain areas for the development of multi-family housing at a density which can provide an environment similar to single family areas; and

b) to locate areas near higher intensity uses, and where they can be served by a system of adequate public roads and are provided with community water systems, and community sewage disposal that is either:

i) already provided through public sewers; or

ii) to be provided within a time certain through public sewers, and can be provided temporary service satisfactory to Snohomish Health District.

3) MR. The intent and function of the multiple family zone is:

a) to provide for and protect certain areas for the development of multi-family housing in regions of urban concentration; and

b) to be located near, or adjacent to, community centers and are served by a system of adequate public roads and provided with community water and sewage disposal.

C. Rural zones

1) SA-1. The intent and function of this zone is to preserve the rural character of areas which have a definite residential potential. Large lot areas and open space will be required to maintain the rural character.

2) R-5. The intent and function of this zone is to preserve the character of the outlying and sparsely populated areas of Snohomish County. These rural areas are characterized by: rudimentary public services and facilities; large parcel sizes; a natural environment which discourages intensive development; a resident population which favors a rural and undeveloped landscape; and important economic activities such as forestry, agriculture and recreation which are adversely affected by more intensive development. Large lots will be required to reduce the pressure for suburban density development and the necessity for urban services.

3) RC. The intent and function of this zone is to provide for those areas of less than prime agricultural soils unsuited to intensive development, because of its relative isolation, lack of public utilities and/or services, steep slopes or other natural conditions. Large lot areas shall be required with the intent of preserving a rural lifestyle as well as for the protection and enhancement of deltas, wetlands, steep gradients, aquifers, watersheds, shorelines and other natural features of major significance.

4) RD. The intent and function of this zone is to provide for the orderly use and development of the most isolated, outlying rural areas of the county and at the same time allow sufficient flexibility so that traditional rural land uses and activities can continue. These areas characteristically have only rudimentary public services and facilities, steep slopes and other natural conditions which discourage intense development, and a resident population which forms an extremely rural and undeveloped environment. The resident population of these areas is small and highly dispersed. The zone is

intended to protect, maintain and encourage traditional and appropriate rural land uses, particularly those which allow residents to earn a satisfactory living on their own land.

a) a minimum of restrictions shall be placed on traditional and appropriate rural land uses;

b) the rural character of these outlying areas will be protected by carefully regulating the size, location, design and timing of large-scale, intensive land use development; and

c) large residential lots shall be required with the intent of preserving a desirable rural lifestyle as well as preventing intensive urban and suburban density development, while also protecting the quality of ground and surface water supplies and other natural resources.

D. Resource zones

1) F&R. The intent and function of the forestry and recreation zone is to provide for the development and use of forest land for the production of forest products as well as certain other compatible uses such as recreation.

2) E. The intent and function of the forestry zone is to conserve and protect commercial forest lands for long-term forestry and related uses. Commercial forest lands are normally large tracts under one ownership and located in remote areas away from residential and intense recreational uses.

3) A-10. The intent and function of the agriculture ten acre zone is to preserve those portions of the county which contain prime agricultural soils for agricultural purposes. Since those portions of the county which contain the proper combination of soil and topographic characteristics for intense agricultural development are limited and irreplaceable, the prime function of this zone will be to establish the proper area standards and permitted uses which will encourage the use and preservation of this land for agricultural purposes.

4) MC. The intent and function of the mineral conservation zone is to comprehensively regulate excavations within Snohomish County. The zone is designed to accomplish the following:

a) preserve certain areas of the county which contain minerals of commercial quality and quantity for mineral conservation purposes and to prevent incompatible land use development prior to the extraction of such minerals and materials and to prevent loss forever of such natural resources;

b) preserve the goals and objectives of the comprehensive plan by setting certain guidelines and standards for location of zones and under temporary small scale conditions to permit other locations by conditional use permit;

c) permit the necessary processing and conversion of such materials and minerals to marketable products;

d) provide for protection of surrounding neighborhood, ecological and aesthetic values, by enforcing controls for buffering and for manner and method of operation; and

e) preserve the ultimate suitability of the land from which natural deposits are extracted for rezones and land usages consistent with the goals and objectives of the comprehensive plan.

E. Commercial zones

1) NB. The intent and function of the neighborhood business zone is to provide for the location and grouping of uses to a type designed to dispense commodities, provide professional services or personal services. These uses are intended to be small in nature, providing local facilities to serve the everyday needs of the surrounding neighborhood rather than the larger surrounding community.

2) CB. The intent and function of the community business zone is to promote, provide for and protect certain areas for businesses and services designed to serve the needs of several neighborhoods.

3) PCB. The intent and function of the planned community business zone is to permit community business enterprises in areas desirable for business but having highly sensitive elements of vehicular circulation, land use or natural site and environmental conditions while minimizing impacts upon these elements through the establishment of performance criteria. Performance criteria for this zone are intended to control external as well as internal effects of commercial development. It is the goal of this zone to discourage "piecemeal" and strip development by encouraging development under unified control.

4) GC. The intent and function of the general commercial zone is to permit a wide variety of nonretail commercial and business uses which are primarily related to automotive rather than pedestrian buying.

5) BP. The intent and function of the business park zone is to provide for those business/industrial uses of a professional office, wholesale, and manufacturing nature which are capable of being constructed, maintained and operated in a manner uniquely designed to be compatible with adjoining residential, retail commercial or other less intensive land uses, existing or planned. Strict zoning controls must be applied in conjunction with private covenants and unified control of land; Many business/industrial uses otherwise provided for in the zoning code will not be suited to the BP zone due to an inability to comply with its provisions and achieve compatibility with surrounding uses. This zone may be applied to any area designated for any industrial or general commercial zone on an adopted county comprehensive plan.

6) FS. The intent and function of the freeway service zone is to permit the location of needed freeway commercial facilities in the vicinity of on/off ramp frontages and access roads of limited access highways with a minimum of traffic congestion in the vicinity of the ramp. Permitted uses are limited to commercial establishments dependent upon by highway uses. Certain performance standards, subject to hearing examiner review, are contained in 18.56 to protect freeway design.

F) Industrial zones

1) LI. The intent and function of the light industrial zone is to promote, provide for and protect areas for light industrial while at the same time making the areas compatible with adjacent nonindustrial areas.

2) HI. The intent and function of the heavy industrial zone is to promote, provide for and protect areas for heavy industry while at the same time making the areas compatible with adjacent nonindustrial areas.

3) IP. The intent and function of the industrial park zone is to provide for heavy and light industrial development under controls to protect the higher uses of land and to stabilize property values primarily in those areas in close proximity to residential or other less intensive development. The IP zone is designed to insure compatibility between industrial uses in industrial centers and thereby maintain the attractiveness of such centers for both existing and potential users and the surrounding community.

G. RU. The intent and function of this zone is to provide interim zoning control until such time as permanent zoning categories are applied. The rural use zone is not, therefore, intended as the implementing zone for adopted comprehensive plans nor are the provisions of adopted comprehensive plans, including development density prescriptions, intended to be superseded by the rural use zone.

18.12.040 Adoption of zoning maps. For the purposes of implementing the comprehensive plan and designating the exact boundaries of each zone, the hearing examiner and/or county council will from time to time adopt and amend official zoning maps.

18.12.050 Areas not within a zone. Any property not zoned by map shall be classified as Rural Conservation, RC.

18.12.060 Zone boundaries. Unless otherwise referred to established points, lines, or features, the zone boundary lines are the centerlines of streets, public alleys, parkways, waterways, or railroad right-of-way lines. In the case of navigable water, the outer harbor lines shall be the boundary line. If this outer harbor line is not established, then the zone boundary shall extend five hundred feet from the ordinary high water mark.

18.12.070 Vacated streets. Zone classification will not change as a result of vacating a street or alley. The boundaries established by SCC 18.12.060 will still apply.

18.12.080 Flood hazard and noise impact areas. Those areas defined as special flood hazard areas by Title 27 may be depicted on the official zoning maps. Where available, noise impact contours surrounding large airports may also be depicted on these maps. Such depictions are advisory only. They are provided in an attempt to assist the public in identifying properties located in special flood hazard or noise impact areas, but because they may be neither complete nor entirely accurate, they should not be relied upon and will not be used by the county for regulatory purposes.

18.12.090 Planned neighborhood shopping center. Areas designated planned neighborhood shopping center (PNSC) by Snohomish County comprehensive plans shall be zoned either "NB" with a contract or "PCB" zoning. Sites containing less than five (5) acres will only be eligible for "NB with contract" zoning.

Chapter 18.13

INTERPRETATIONS

Sections:

18.13.010 Interpretation and conflict.

18.13.020 Compliance with other applicable regulations.

18.13.010 Interpretation and conflict. The provisions of this title shall be held to be the minimum requirements necessary for the promotion of public health, safety, morals, and general welfare. It is not intended by this title to interfere with, abrogate or annul any easements, covenants or other agreements between parties, provided however that where this title imposes a greater restriction upon the use of buildings or land or requires larger space than is imposed or required by other ordinances, rules or private agreements, the provisions of this title shall govern.

18.13.020 Compliance with other applicable regulations. Any development or activity regulated herein must also comply with all other requirements of county code and of all applicable laws and regulations administered and enforced by other jurisdictions.

Chapter 18.14

CONSTRUCTION OF THE CODE

Sections:

- 18.14.010 Organization.
- 18.14.020 Specific vs. general.
- 18.14.030 Unlisted uses.

18.14.010 Organization. The code is arranged into topical divisions. Any given use is regulated by SCC Chapter 18.32 as to where it may be located, and by one or more other chapters as to how it must be developed or operated. All applicable regulations of this title must be complied with in the establishment and operation of uses.

18.14.020 Specific vs. general. Wherever a use is both specifically listed and generally implied, the more specific regulations shall supercede the general.

18.14.030 Unlisted uses. If a proposed use is not specifically mentioned in the use matrix in SCC Chapter 18.32, the planning director shall determine whether it closely fits another listed use. Any use which is determined not to fit anywhere else shall not be permitted (except as allowed by default in the industrial zones). Such determinations shall be considered administrative determinations, and as such are appealable to the hearing examiner.

CHAPTER 18.32

PERMITTED, CONDITIONAL AND TEMPORARY USES

Sections:

- 18.32.010 Purpose.
- 18.32.020 Categories of uses.
- 18.32.030 Lots.
- 18.32.040 Use matrix.

18.32.010 Purpose. The purpose of this chapter is to establish permitted, conditional and temporary uses, by zone, for all portions of unincorporated Snohomish County. Uses with additional requirements are indicated on the "use matrix" by reference numbers. Reference notes for said numbers are contained in SCC 18.32.040(B).

18.32.020 Categories of uses. All uses are, in a given zone, one of four types:

A. Permitted Uses are those allowed as a matter of course in a given zone. No special zoning permit is required to establish a permitted use in a zone in which it is allowed;

B. Conditional Uses are those which require special review in order to insure compatibility with permitted uses in the same zone. A conditional use permit is required before a conditional use may be established;

C. Temporary Uses are those which may be established under special circumstances for some temporary time period; and

D. Prohibited Uses are those which are not allowed in a given zone. Any use not allowed by the code in a given zone is therein prohibited.

A use may be prohibited in one zone, a conditional use in a second zone, and permitted outright in a third.

E. Uses which are incidental to a permitted or conditional use may be placed on lots in conjunction with the permitted or conditional use.

18.32.030 Lots. Uses shall be established upon legally created or legal non-conforming lots. A lot may have more than one permitted, conditional, or temporary use placed within its bounds, EXCEPT that only one single-family dwelling or duplex may be placed on a lot. Multiple-family structures may be placed on lots at densities controlled by SCC Chapter 18.42.

18.32.040 Use matrix.

A. The following key applies to the use matrix. Reference notes are found in SCC 18.32.040(B).

Use Matrix Key

P - Permitted use

C - Conditional use

T - Temporary use

s;18.32 matrix 1:7

	F	F&R	A-10	R-5	RC	RD	SA-1	RU	R 20,000	R 12,500	R 9,600	R 8,400	R 7,200	WFB	T	LDMR	MR	FS	NB	PCB	CB	GC	IP	BP	LI	HI	MC	
Agriculture 44	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P			P	P	P	P	P	P	P	P	P
Airport: Stage 1 Utility	1 C				1 C	1 C	1 C	1 C	1 C	1 C	1 C	1 C	1 C	1 C							1 P	1 P	1 P	1 P	1 P	1 P	1 P	
All Others																							P	P	P	P		
Amusement Facility 44																					P	P	P			P	P	
Antique Shop				48 C		C		48 C												P		P	P			P	P	
Art Gallery 44				C	C	C	C	P	C	C	C	C	C	C		C	C				P	P	P	P	P	P	P	P
Asphalt Batch Plant & Continuous Mix Asphalt Plant																												P
Auto Repair: Major																							P	P	P	P	P	P
Minor																			P	P	P	P	P	P	P	P	P	P
Auto Towing				C		C																				P	P	
Auto Wrecking Yard																										47 C	P	
Bakery																							P	P	P	P	P	
Billboards																							49 P			49 P	49 P	
Boat Launch: Commercial		33 C																				33 C	33 C			33 C	33 C	
Non-Commercial	33 C	33 C		33 C	33 C	33 C	33 C	33 C	33 C	33 C	33 C	33 C	33 C	33 C		33 C	33 C					33 C	33 C			33 C	33 C	
Boat Sales																							P			P	P	
Body Painting Studio																							P	P	P	P	P	P
Building Contractor																							P	P	P	P	P	

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	F	F&R	A-10	R-5	RC	RD	SA-1	RU	R 20,000	R 12,500	R 9,600	R 8,400	R 7,200	WFB	T	LDMR	MR	FS	NB	PCB	CB	GC	IP	BP	LI	HI	MC
Campground		34 C																									
Caretaker's Quarters																								P	P	P	P
Cemetery, Columbarium, Crematorium, Mausoleum 44					C	C	P	C	C	C	C	C	C	C		C	C				P	P	P	P	P	P	P
Church 44				C	C	C	P	C	P	C	C	C	C	C		P	P		P		P	P	P	P	P	P	P
Cleaning Establishment																			P	P	P	P	P	P	P	P	P
Club																C	C			P	P	P	P	P	P	P	P
Cold Storage																						P	P	P	P	P	P
Community Club				C	C	P	C	P	C	C	C	C	C	C							P	P	P	P	P	P	P
Commercial Vehicle: Home Basing Storage Facility				35 C																		P	P	P	P	P	P
Country Club				C			C	C	C	C	C	C	C	C									P	P	P	P	P
Craft Shop																					23	23	23	23	23	23	23
Day Care Center					2	2	2	2	2	2	2	2	2	2		2	2	2	2	2	2	2	2	2	2	2	2
Department Store					C	P	C	P	C	C	C	C	C	C		C	C	P	P	P	P	P	P	P	P	P	P
Distillation of Alcohol				36	36	36	36	36															P	P	P	P	P
Distillation of Wood, Coal, Bones or manufacturing of their by-products																										P	
Dock & Boathouse, Private 44	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3

s;18.32 matrix 3:7

	F	F&R	A-10	R-5	RC	RD	SA-1	RU	R 20,000	R 12,500	R 9,600	R 8,400	R 7,200	WFB	T	LDMR	MR	FS	NB	PCB	CB	GC	IP	BP	LI	HI	MC	
Drug Store																			24	P	P	P	P			P	P	
Dwelling:																												
Single Family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	4	P	P		54		P	
Mobile Home	P	P	P	P	P	P	P	P	P	6	6	6	6	6	6	6	P			6		6	6				P	
Duplex	P		P	P	P	P	P	P	P	45	45	45	45	45	45	P	P	P		P		P	P					
Townhouse										5	5	5	5	5	5	P	P											
Multiple Family																	P	P			P	P	P	P				
Excavation & Processing of Minerals	30	P	30	30	30	30	30	30	30	30	30	30	30	30		30	30			30		30	30	30	30	30	30	
Explosives: Storage	P	C		C	C	C		C																P			P	C
Manufacturing																												P
Extraction of Animal or Fish Fat or Oil																												P
Fabrication Shop																								P	P	P	P	P
Fairgrounds																							P	P	P	P	P	
Fallout Shelter:																												
Individual	P		P	P	P	P	P	P	P	P	P	P	P	P					P		P	P	P	P	P	P	P	
Joint							7	7	7	7	7	7	7	7							7	7	7	7	7	7	7	
Family Care Home	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P		P	P					
Family Day Care Home	8		8	8	8	8	8	8	8	8	8	8	8	8	8	8	8			8		8	8					
Family Rehab. Home	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P		P	P					
Home				C	C	C	C	C		C	C	C	C	C		C	C					P	P					
Farm Product Processing				39				39																				

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	F	FAR	A-10	R-5	RC	RD	SA-1	RU	R 20,0	R 12,5	R 9,60	R 8,40	R 7,20	WFB	T	LDMR	MR	FS	NB	PCB	CB	GC	IP	BP	LI	HI	MC	
Farm Stand	P	P	P	P	P	P	P	P	P	P	P	P	P	P													P	
Farm Workers Dwelling			10																									
Financial Institutions																				P	P	P	P	P	P	P	P	P
Fish Farm	P	P	P	P	P	P	P	P																P	P	P	P	
Fix-it Shop																					P	P	P	P	P	P	P	P
Forestry	P	P	P	P	P	P		P																P		P	P	P
Forestry Industry Storage & Maintenance Fac.	P	P				32																						
Forge, Foundary, Blast Furnace or Melting of Ore																												P
Foster Home	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P		P	P					
Fuel & Coal Yard																								P	P	P	P	P
Garage, Private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P
Garage, Public																								P	P	P	P	P
Golf Course & Driving Range					C	C	C	C	C	C	C	C	C	C									P	P	P	P	P	P
Gov't Structures & Facilities 44	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29	29			29	29	29	29	29	29	29	29	29
	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			C	P	P	P	P	P	P	P	C
Greenhouse, Lath-house, Nurseries Retail 44	P		P	P	P	P	P	P	C												P	P	P	P			P	P
Wholesale	P		P	P	P	P	P	P	50												P	P	P	P	P	P	P	P

s;18.32 matrix 5:7

	F	F&R	A-10	R-5	RC	RD	SA-1	RU	R 20,000	R 12,500	R 9,600	R 8,400	R 7,200	WFB	T	LDMR	MR	FS	NB	PCB	CB	GC	IP	BP	LI	HI	MC
Grocery Store																		24	P	P	P	P				P	P
Group Care Facility				37	37	37											37	37			37	37					
Guesthouse	P	P	P	P	P	P	P	P	F	F	P	P	P	P		P	P		P	P	P	P					
Gym																				P	P	P	P	P	P	P	P
Hardware Store																			P	P	P	P				P	P
Home Improvement Center																			P	P	P	P				P	P
Home Occupation	11		11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11	11			11	11				
Homestead Parcel			43	43	43	43																					
Hospital 44			31	31	31	31	31	31	31	31	31	31	31	31		31	31			31	31	31					
Hotel/Motel																31	31	31	31	31	31	31					
Junkyard																									47	C	P
Kennel 44	12		12	12	12	12	12	12	12	12	12	12	12	12								12	12	12	12	12	12
Commercial	P		P	P	C	P	C	P	O	C	C	C	C	C								P	P	P	P	P	P
Private	13		13	13	13	13	13	13	13	13	13	13	13	13		13	13		13		13	13					
Laboratory																						P	P	P	P	P	P
Library 44				C	C	C	C	P	O	C	C	C	C	C		C	C			P	P	P	P	P	P	P	P
Licensed Practitioner 44																31	31	31	31	31	31	31	31	31	31	31	31
Locksmith																			P	P	P	P	P	P	P	P	P
Log Scaling Station	P	P																									
Lumber Yard																						P	P	P	P	P	P

s;18.32 matrix 6:7 F F&R A-10 R-5 RC RD SA-1 RU R 20,000 R 12,500 R 9,600 R 8,400 R 7,200 WFB T LDMR MR FS NB PCB CB GC IP BP LI HI MC

	F	F&R	A-10	R-5	RC	RD	SA-1	RU	R 20,000	R 12,500	R 9,600	R 8,400	R 7,200	WFB	T	LDMR	MR	FS	NB	PCB	CB	GC	IP	BP	LI	HI	MC	
Manufacturing of:																												
Acid																											P	
Animal Black/ Bone Black																											P	
Cement or Lime																											P	
Chlorine																											P	
Creosote																											P	
Fertilizer																											P	
Glue or Gelatin																											P	
Potash																											P	
Pulp																											P	
All Other Forms of Manu. Not Specifically Listed																											P	
Massage Parlor																						P	P	P	P	P	P	
Mini-Self Storage 44																					P		P	P	P	P	P	
Mobile Home Park																41 C	41 C					41 C	41 C					
Mobile Home & Travel Trailer Sales																							P	38 C		P	P	
Model House/ Sales Office	F	F	F	F	F	F	F	F	P	P	P	P	P	P	P	P	P			P	P	P	P					
Motor Vehicle & Equipment Sales																							25 P	P		P	P	
Mortuary																C	C					P	P	P	P	P	P	
Museum 44				C	C	C	C	P	C	C	C	C	C	C		C	C				P	P	P	P	P	P	P	
Nursing Home 44							C		C	C	C	C	C	C		C	C					P	P					
Office, General																				P	P	P	P	P	P	P	P	
Park, Public	14 P	14 P	14 P	14 P	14 P	14 P	14 P	14 P	14 P	14 P	14 P	14 P	14 P	14 P		14 P	14 P			P	14 P	14 P	14 P	14 P	14 P	14 P	14 P	
Personal Services Shop																					P	P	P	P	52 P	52 P	P	P

s;18.32 matrix 7:7

	F	F&R	A-10	R-5	RC	RD	SA-1	RU	R 20,000	R 12,500	R 9,800	R 8,400	R 7,200	WFB	T	LDMR	MR	FS	NB	PCB	CB	GC	IP	BP	LI	HI	MC
Petroleum Products & Gas Storage-Bulk								C ⁴⁶														P ⁴⁶	P	P ⁴⁶	P ⁴⁶	P ⁴⁶	
Petroleum Refining 44																							P				
Photo Processing Shop																						P	P	P	P	P	P
Printing Plant																						P	P	P	P	P	P
Printshop																						P	P	P	P	P	P
Public Bathhouse																						P	P	P	P	P	P
Racetrack 44				C ²⁶	C ²⁶			C ²⁶														C ²⁶	P ²⁶	P ²⁶	P ²⁶	P ²⁶	P ²⁶
Railroad Right-of-Way	C		C	C	C	C	C	C	C	C	C	C	C	C								P	P	P	P	P	P
Recreational Facility not Otherwise Listed				C	C	C	C	P	C	C	C	C	C	C		C	C		P			P	P	P	P	P	P
Rendering of Fat, Tallow or Lard																											P
Resort		C																									
Restaurant																								P ⁵²	P ⁵²	P	P
Retail Store																						P	P	P		P	P
Riding Academy 44	C ¹⁶	P ¹⁶		C ¹⁶	C ¹⁶	P ¹⁶																	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	
Rolling or Blooming Mills																											P
Rooming & Boarding House	P ¹⁵		P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵	P ¹⁵		P	P				P	P	P				
Rural Industries 44								P ²⁷																			
Sanitary Land-fill	C			C	C	C	C	C	C	C	C	C	C	C								C	C	C	C	C	C

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	F	F&R	A-10	F-5	RC	RD	SA-1	RU	R 20,000	R 12,500	R 9,600	R 8,400	R 7,200	WFB	T	LDMR	MR	FS	NB	PCB	CB	GC	IP	BP	LI	HI	MC	
Sawmill	P	P	28 C		28 P		28 C															P	P	P	P	P		
School 44 K-12 & Preschool			C	C	C	C	C	C	C	C	C	C	C	C		C	C					P	P	P	P	P	P	
Other																C	C					P	P	P	P	P	P	
Second Hand Store																						P	P			P	P	
Service Station 44																			F	P	P	P	P			P	P	
Shake & Shingle Mill	P		28 C		28 P		28 C																P	P	P	P	P	
Shooting Range	C		C	C	C		C																	P	P	P	P	
Sludge Utilization	42 C		42 C	42 C	42 C	42 C	42 C		42 C	42 C	42 C	42 C	42 C	42 C		42 C	42 C					42 C	42 C			42 C	42 C	42 C
Small Animal Husbandry 44	P	P	P	P	P	P	P	P	40 C	40 C	40 C	40 C	40 C	40 C						F		P	P	P	P	P	P	
Social Service Center				17 C	17 C	17 C		17 C								17 C	17 C					17 P	17 P	17 P	17 P	17 P	17 P	
Specialty Store																				P	P	P	P			P	P	
Stockyard or Slaughter House							51 C																				P	
Storage Structure over 1000 sq.ft. on less than 1 ac.	C		C	C	C	C	C	P	C	C	C	C	C	C	C	C	C				F	P	P	P	P	P	P	
Swimming Pool 44	18 P		18 P	18 P	18 P	18 P	18 P	18 P	18 P	18 P	18 P	18 P	18 P	18 P	18 P	18 P	18 P					18 P	18 P	18 P	18 P		18 P	
Tannery																											P	
Tar Distillation or Manufacturing																											P	
Tavern 44																					P	P	P			P	P	
Television/Radio Stations																										P	P	
Temporary Logging Crew Quarters	P	P																										

s;18.32 matrix 9:7

	F	F&R	A-10	R-5	RC	RD	SA-1	RU	R 20,000	R 12,500	R 9,600	R 8,400	R 7,200	WFB	T	LDMR	MR	FS	NB	PCB	CB	GC	IP	BP	LI	NI	MC	
Temporary Emergency Use	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	20 T	
Temporary Use Dwelling: During Const.	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T					T	
For Relative	19 T	19 T	19 T	19 T	19 T	19 T	19 T	19 T	19 T	19 T	19 T	19 T	19 T	19 T	19 T	19 T	19 T	19 T	19 T	19 T	19 T	19 T					19 T	
Tire Store																				F	F	F	P			P	P	
Tool Sales & Rental																						F	F				P	P
Travel Trailers	21 P	21 P	21 P	21 P	21 P	21 P	21 P	21 P																				
Travel Trailer Court		C																		F		C	C					
Ultralight Airpark	22 C		22 C	22 C	22 C	22 C																		22 P	22 P	22 P	22 P	
Utility Facilities: Electromagnetic Transmission & Receiving Fac.	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C
Transmission Wires or Pipes & Supports	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P	29 P
All Other Structures 44	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C	29 C
Veterinary Clinic			C	C	C	P	C	P								C	C			F	F	F	P	P	P	P	P	
Warehousing																							P	P	P	P	P	
Wholesale Establishment																				P	F	F	P	P	P	P	P	
Yacht/Boat Club														C										P	P	P	P	
All other uses not otherwise mentioned																											P	

B. 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 7200, R 8400, R 9600, 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:
 - a) The height of any covered overwater structure shall not exceed twelve (12) feet as measured from the line of ordinary high water,
 - b) The total roof area of covered, overwater structures shall not exceed one thousand (1,000) square feet,
 - c) The entirety of such structures shall have a width no greater than fifty percent (50%) of the width of the lot at the natural shoreline upon which it is located,
 - d) No overwater structure shall extend beyond the mean low water mark a distance greater than the average length of all preexisting overwater structures along the same shoreline and within three hundred (300) feet of the parcel on which proposed. Where no such preexisting structures exist within three hundred (300) feet, the pier length shall not exceed fifty (50) feet, and
 - 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.
- 4) Single Family Dwelling:

In PCB zones, shall be allowed only if included within the same structure as a commercial establishment.
- 5) Townhouse:
 - a) Shall be subject to all conditions of the SCC Chapter 18.53, and
 - b) Shall be subject to the maximum density allowed by the comprehensive plan for single family detached housing on the subject site.
 - c) Permitted use when placed on individual lots created by the formal subdivision process subject to maximum density permitted by comprehensive plan for single family detached housing,
 - d) Conditional use when located on individual lots not created through the formal subdivision process.
- 6) Mobile Home:
 - a) Shall be multi-sectioned by original design, with a width of twenty (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: 1) skirting material

- which is compatible with the siding of the mobile home, or 2) 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) Joint Fallout Shelter, by two or more property owners:
- a) Side and rear yard requirements may be waived by the community development division along the boundaries lying between the properties involved with the proposal, and
 - b) The shelter may be used for other purposes allowed in the subject 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 set back from a street, and
 - b) Outdoor play areas shall be fenced or otherwise controlled.
- 9) Farm Stand:
- a) There shall be only one stand on each lot,
 - b) The maximum size in the A-10 zone shall be five hundred (500) square feet,
 - c) The maximum size in all other zones shall be three hundred (300) square feet, and
 - d) At least seventy-five percent (75%) (by value) of the products sold must be grown or raised in Snohomish County.
- 10) Farm Worker Dwelling:
- a) At least one (1) 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 (1) per each forty (40) acres under single contiguous ownership to a maximum of six (6) total dwellings, with forty (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 ten (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:
- a) Not more than one (1) person outside the family shall be employed,
 - b) The occupation shall be secondary to the use of the dwelling for dwelling purposes,

- c) There shall be no external display of merchandise. No sales or fees for the use of merchandise except that produced by the inhabitants shall be made in the dwelling or on the premises,
 - d) The maximum aggregate nameplate horsepower rating of all mechanical equipment shall be five (5) horsepower,
 - e) Not more than one-fourth (1/4) of the total square footage of the dwelling may be used in the occupation,
 - f) Signs in connection with the occupation shall be unlighted, shall not exceed two (2) square feet, and shall be attached flat to the building, except as regulated in SCC 18.44.020(B), and
 - g) The home occupation shall in no way affect the appearance of the building as a residence.
- 12) Kennel, commercial:
There shall be a five (5) acre minimum lot size.
- 13) Kennel, private:
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 (5) acres in size,
 - b) All lighting shall be shielded so as not to produce glare which would be unduly annoying to adjoining uses, and
 - c) No amusement devices for hire are permitted.
- 15) Rooming and Boarding House:
There shall be accommodations for no more than two (2) persons,
- 16) Riding Academies:
- a) Shall be operated in such a manner so as not to cause offense to adjoining properties by reason of dust or odor,
 - b) Lighting shall be shielded or directed away from adjoining properties or rights-of-way, and
 - c) Landscaping shall be provided consistent with achieving the goal of compatibility with the surrounding area.
- 17) Social Service Center:
Hours of operation shall be restricted to that compatible with the neighborhood and proposed usage of the facility.
- 18) Swimming and Wading Pool, for the sole use of occupants and guests:
- a) No part of the pool shall project more than one (1) foot above the adjoining ground level in a required setback, and
 - b) The pool shall be enclosed with a fence not less than four (4) feet high, of sufficient design and strength to keep out children.
- 19) 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 (2) persons,
 - e) Use as a commercial rental unit shall be prohibited,
 - f) The temporary dwelling shall be situated not less than twenty (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 community development division for inclusion in the permit file,
 - h) Adequate screening, landscaping or other measures shall be provided to protect surrounding property values and insure 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 community development division in the same month of each year in which the initial mobile home/building permit was issued, and
 - 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.
- 20) Temporary Emergency Use or Structures:
- a) Such approvals shall apply only to uses or structures normally requiring a conditional or special use permit, and
 - b) The request shall be approved only where action must be taken immediately, or within a time too short to allow processing of a permit, to avoid imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation.
- 21) Travel Trailer:
- a) There shall be no more than one (1) per lot, and
 - b) Shall not be placed on a single site for more than one hundred eighty (180) days in any twelve month period.
- 22) Ultralight Airparks:
- 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 airparks,
 - c) Approval shall be dependent upon a determination by the county hearing examiner 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,
 - 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, and
 - d) In the A-10 zone, the applicant must demonstrate that the ultralight airpark is secondary to the primary agricultural use of the property; and that creation of the airpark and subsequent flight operations will neither affect the amount of usable prime agricultural soils nor have serious adverse impacts on the continuation of agricultural activities and production on the airpark site or on neighboring agricultural parcels.
- 23) Craft Shop:
- a) Articles shall not be manufactured by chemical processes,
 - b) No more than three (3) 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 (2).
- 24) Grocery and Drug Stores:
In the FS zone, there shall be a five thousand (5,000) square foot floor area limitation.
- 25) Motor Vehicle and Equipment Sales:
In the CB zone, all display, storage, and sales activities shall be conducted indoors.
- 26) 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.
- 27) Rural Industry
- a) The number of employees shall not exceed ten (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 as defined in SCC 18.90.170, and
 - d) Outside storage, loading or employee parking in the RD zone shall provide fifteen (15) feet of type "II" buffer as defined in SCC 18.43.040.
- 28) 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 twenty-five (25) during any eight (8) 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 twenty-five (25) feet of type "II" buffer as defined in SCC 18.43.040.
- 29) Governmental and Utility Structures and Facilities: Special lot area requirements for this use are contained in SCC 18.42.050.
- 30) Excavation and Processing of Minerals:
- a) All such operations shall comply with the provisions of SCC Chapter 18.54, Mineral Excavation Procedures and Standards, and
 - b) The extraction and processing of rock and gravel exclusively for forest practices shall be permitted outright in the F zone,
 - c) This use shall allow only the primary reduction, treatment, and processing of minerals and materials, together with any necessary buildings,
 - d) At least one of the major mineral or material constituents being exploited shall be from said property,
 - e) Allowed uses shall include but not be limited to rock crushers, concrete batching, asphalt mixing, and the manufacturing of terra cotta, tile, brick, and concrete products,
 - f) The use shall only be allowed in undeveloped areas and shall not be detrimental to the existing, developing, or projected land uses,
 - g) In the A-10 zone, the excavation shall not reduce the area of prime agricultural soils which are located on parcels designated agriculture by the area comprehensive plan; UNLESS all of the following conditions can be demonstrated to the satisfaction of the County:
 - i) The prime agricultural soils as defined by SCC 18.90.690 constitute no more than twenty-five percent (25%) of the proposed excavation,
 - ii) Excavation of said soils is necessary to the conduct of the excavation on portions overlain by other than prime agricultural soils, and
 - iii) It can be demonstrated that the use of the land underlying prime agricultural soils does not threaten other prime agricultural soils beyond the proposed excavation through encroachment or disruptions due to operation of the excavation.
- 31) Hospital, Licensed Practitioner, Hotel/Motel:
- a) Where the abutting property is designated for residential use, type "I" or "II" buffer, as defined in SCC 18.43.040, is required, and

- b) A prescription pharmacy may be permitted when located within the main building containing licensed practitioner(s).
- 32) Forest Industries, (except harvesting) adjacent to property lines in the RU zone shall provide a fifteen (15) foot type "III" buffer as defined in SCC 18.43.040.
- 33) Boat Launch Facilities, commercial or non-commercial:
 - a) The 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 thirty-two (32) to forty (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 fifty (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.
- 34) Campground:
 - a) The maximum overall density shall be seven (7) camp or tent sites per acre, and
 - b) The minimum site size shall be ten (10) acres.
- 35) 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 (2) or more vehicles may be so based, and
 - c) The vehicles shall be in operable conditions.
- 36) 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.
- 37) Group Care Facility:
 - a) The number of persons to reside in the facility shall be generally consistent with the maximum allowed residential density in the zone,
 - b) The allowing of the proposed use must be found to not adversely affect the surrounding area as to present use or character of future development, and
 - c) In other than single family residences, yard requirements shall be as set forth for apartment structures in the allowed zone.

- 38) 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 (5) 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 18.72.190,
 - d) Such use shall not be deemed to be outside storage for the purposes of SCC 18.43.060, and
 - e) Such use shall be temporary until business or industrial development is timely on the site or on nearby IP designated property.
- 39) Farm Product Processing:
- a) There is a ten (10) acre minimum site size, and
 - b) Retail sales of products produced on the premises for off-site consumption may be allowed when incidental to the primary use.
- 40) Small Animal Husbandry:
There shall be a five (5) acre minimum site size.
- 41) Mobile Home Park:
Such development must fulfill the requirements of SCC Chapter 18.55.
- 42) Sludge Utilization:
- a) Minimum total project area including setbacks is twenty (20) acres,
 - b) Access to the site shall be controlled in an acceptable manner using measures such as fences, gates, posting, etc,
 - c) For the following applications, minimum setbacks between the utilization area and the property boundary shall be observed (unless a lesser setback is agreed to by the adjoining property owner(s) outside of the project boundaries):
 - i) Spray application: five hundred (500) feet,
 - ii) Surface application: three hundred (300) feet, and
 - iii) Sub-surface injection: two hundred (200) feet,
 - d) Minimum setbacks from year-round surface waters shall be two hundred (200) feet, or greater if deemed necessary to protect water quality,
 - e) A joint site inspection shall be arranged by representatives of the Snohomish Health District and the Snohomish County department of planning and community development at the time of initial application. The applicant shall provide said agencies with at least ten (10) days advance notice of such initial application,

- f) The applicant shall submit for approval by the hearing examiner a monitoring schedule suitable to the Snohomish Health District, and
 - g) Provided that sludge utilization at a completed sanitary landfill or on a completed cell within a sanitary landfill shall not be subject to the minimum area requirement of subsection a.
- 43) Homestead Parcels: Lot area and width requirements may be reduced, provided that:
- a) The parcel is designated as agricultural land of primary or secondary significance in the Snohomish County Agricultural Preservation Plan or as Agriculture in an adopted subarea comprehensive plan,
 - b) The resultant non-homestead parcel shall not be less than the minimum lot area permitted in the zone,
 - c) A dwelling currently exists on the parcel, and must have existed on the parcel prior to the effective date of this amendment,
 - d) The homestead parcel shall include no more than two (2) acres of land, unless soil conditions, topography or other unique circumstances require a greater land area,
 - e) Concurrent with application under this section, the applicant shall submit an application under the Snohomish County Short Subdivision Code, Title 20 or Snohomish County Boundary Line Adjustment, Title 29, where appropriate, and
 - f) Approval shall be dependent upon a determination by the hearing examiner that the proposed use is for the purpose of consolidation of existing agricultural lands or operations, minimizes interference with the usual and normal farm practices on adjacent agricultural lands, and further that the following conditions are imposed:
 - i) a declaration shall be recorded with the homestead parcel which states that the homestead parcel is located in an agricultural area which experiences activities customarily associated with agricultural practices,
 - ii) the non-homestead parcel created by subdivision shall not be subdivided further for a period of ten (10) years following creation of the initial homestead parcel, except as provided for herein,
 - iii) no dwelling shall be constructed on the non-homestead parcel created by subdivision for a period of ten (10) years from approval of the conditional use permit except for farm worker dwellings.
- 44) Special setback requirements for this use are contained in SCC 18.42.100.
- 45) Minimum lot size for duplexes shall be one and one half (1.5) times the minimum lot size for single-family dwellings.
- 46) Bulk Storage of Petroleum Products and Gas:
- a) All above ground storage tanks shall be located one hundred fifty (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.
- 47) Auto Wrecking Yards and Junk Yards:
A sight-obscuring fence a minimum of seven (7) feet high shall be established and maintained.
- 48) Antique shops when established as a home occupation as regulated by SCC 18.32.050(11); provided further that all merchandise sold or offered for sale shall be predominantly "antique" as defined in SCC 18.90.060, and antique related objects.
- 49) See SCC 18.44.090 for specific requirements for billboards.
- 50) Wholesale Nursery:
In R-20,000 zone, a wholesale nursery is permitted on 3 acres or more; a conditional use permit is required on less than 3 acres.
- 51) Stockyard:
The minimum lot size for a stockyard is 10 acres.
- 52) Restaurants and Personal Service Shops:
Located to service principally the constructed industrial park uses.
- 53) 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.
- 54) Single family dwellings, are a prohibited use, except that such dwellings that are nonconforming as a result of a county-initiated rezone to BP may make improvements or additions provided such improvements are consistent with the bulk regulations contained in Chapter 18.42; and provided further that such improvements do not increase the ground area covered by the structural portion of the nonconforming use by more than one hundred percent (100%) of that existing at the existing date of the nonconformance.

Chapter 18.41

ACCESS REQUIREMENTS

Sections:

18.41.010 Minimum access requirements.

18.41.010 Minimum access requirements. Access to lots shall be as provided herein:

A. Lots whose access was created prior to April 15, 1957, shall abut upon a public road or be served by a private road or access easement of any width;

B. Lots whose access was created on or after April 15, 1957, but prior to August 9, 1969, shall abut by not less than fifteen (15) feet upon and have direct access to a public road or be served by a private road or access easement having a minimum right-of-way width of fifteen (15) feet;

C. Lots whose access was created on or after August 9, 1969, shall abut by not less than twenty (20) feet upon and have direct access to:

- 1) An opened, constructed, and maintained public road, or
- 2) A private road in a plat or short plat or large tract segregation approved by Snohomish County, or
- 3) An exclusive, unshared, unobstructed, permanent access easement at least twenty (20) feet wide where a plat or short plat or large tract segregation is not required;

Provided that, where the lot is 1/128th of a section of land or larger, or five (5) acres or larger, if the land is not capable of description as a fraction of a section of land, it may abut by not less than sixty (60) feet and have direct access to a private road having a right-of-way width of not less than sixty (60) feet which is sufficiently improved for automotive travel from the nearest opened, constructed and maintained county road to the parcel and which is designed in a manner that would permit reasonable and safe construction of a county road meeting county standards. No parcel qualifying as a lot under the above proviso clause will continue to so qualify if the parcel is redivided creating any parcel less than 1/128th section in size, or five (5) acres in size, if the land is not capable of description as a fraction of a section of land, unless the parcel qualifies as a lot under subsections 1, 2, or 3 above;

D. Lots whose legal access is provided across a railroad company right-of-way must demonstrate evidence that a crossing permit (license) has been granted by the railroad company. Such evidence must contain the name of the current property owner or contract purchaser and said permit (license) shall be recorded with the county auditor and presented to the planning division prior to the issuance of development permits.

Aggregations of lots whose legal access is provided across a railroad company right-of-way may collectively enter into an incorporated homeowners association for a single crossing permit (license) to benefit the aggregation of said lots. The articles of

incorporation, by laws and permits (license) shall be recorded with the county auditor. Prior to the issuance of development permits, evidence of the arrangements with the railroad company must be presented to the planning division.

However, the above restrictions shall not apply where the railroad crossing is a maintained county road or county right-of-way.

Chapter 18.42

BULK REGULATIONS

Sections:

- 18.42.010 Lot requirements.
- 18.42.020 Bulk matrix.
- 18.42.030 Height limit exceptions.
- 18.42.040 Residential use of substandard lots.
- 18.42.050 Reducing lot area.
- 18.42.060 Lot area when land is taken for public use.
- 18.42.070 Short subdivided land dedicated for street right-of-way.
- 18.42.080 Lot size averaging.
- 18.42.090 Setbacks.
- 18.42.100 Setbacks for certain uses.
- 18.42.110 Setback exceptions for certain architectural features.
- 18.42.120 Alley exceptions.
- 18.42.130 Fences.
- 18.42.140 Other setback exceptions.
- 18.42.150 Minimum lot area - rural use zone

18.42.010 Lot requirements. Lot dimensions and building heights shall conform to the requirements listed on the Bulk Matrix, unless modified elsewhere in this title. Lot area in the RU zone shall be as set forth in SCC 18.42.150.

18.42.020 Bulk matrix.

A. The bulk matrix contains setback, lot coverage, building height and lot dimension regulations for zones in unincorporated Snohomish County. Following is a listing of abbreviations used on the bulk matrix and their meaning:

- 1) UBC - Uniform Building Code;
- 2) sf - square feet;
- 3) ft - feet; and
- 4) r/w - right-of-way.

Reference notes to the bulk matrix are found in SCC 18.42.020(B). Special setbacks for specific uses are contained in SCC 18.42.100(B).

Zone	Maximum Building Height (ft)	Minimum Lot Area	Lot Dimensions (ft)		Setback Requirements From: (ft)					Maximum Lot Coverage ^a
			Minimum Lot Width	Minimum Corner Lot Width	Public R/W under 60' ¹⁰	Public and Private R/W ⁹	Commercial Properties ¹¹	Residential Properties ¹¹	Water Bodies # ¹²	
F	45 ₆	20ac ₃	300	300	100 ₁₃	100 ₁₃	100 ₁₃	100 ₁₃	25 ₁₃	35%
F&R	25 ₇	200,000sf ₂	100	100	50	20	5	5	25	35%
A-10	45	10ac	none	none	50	20	5	5	25	none
R-5	45	200,000sf ₂	165	165	50	20	5	5	25	35%
RC	35	100,000sf	165	165	50	20	5	5	25	35%
RD	45	100,000sf	165	165	50	20	5	5	25	35%
SA-1	35	43,560sf	150	150	50	20	5	5	25	35%
RU	35	see 18.42.150	60	65	50	20	5	5	25	35%
R-20,000	25	20,000sf	85	90	50	20	5	5	25	35%
R-12,500	25	12,500sf	75	80	50	20	5	5	25	35%
R-9,600	25	9,600sf	70	75	50	20	5	5	25	35%
R-8,400	25	8,400sf	65	70	50	20	5	5	25	35%
R-7,200	25	7,200sf	60	65	50	20	5	5	25	35%
WFB	25	7,200sf	60	65	50	20	5	5	25	35%
T	see 18.53	see 18.53	see 18.53	see 18.53	50 ₁₄	20 ₁₄	5 ₁₄	5 ₁₄	25 ₁₄	see 18.53
LDMR	35	7,200sf ₄	60	70	55 ₁₅	25 ₁₅	see 18.42.020(15)	25 ₁₅	25 ₁₅	30%
MR	35	7,200sf ₅	60	70	55 ₁₅	25 ₁₅	see 18.42.020(15)	25 ₁₅	25 ₁₅	40%
FS	35	none	none	none	55	25	5/15 ₁₆	25	none	none
NB ₁	25	none	none	none	55	25	UBC	10	none	35%
PCB ₁	40	5ac	none	none	70	40 ₁₈	UBC	25	none	none
CB ₁	35	none	none	none	55	25	UBC	10	none	50%
GC ₁	45	none	none	none	55	25	UBC	10	none	50%
IP	65	none	none	none	30 ₁₇	30 ₁₇	UBC ₁₇	25 ₁₇	none	50%
BP	50	4ac	none	none	30	30	UBC	25	none	35%
LI	50	none	none	none	55	25	UBC	50	none	none
HI	65	none	none	none	55	25	UBC	50	none	none

Greater setbacks than those listed may apply to areas subject to Shoreline Management Master Program jurisdiction.

Some uses have special setbacks, see 18.42.100 for specifics.

B. Reference notes for bulk matrix.

- 1) In commercial zones where residential uses are permitted, MR standards shall apply for all residential development.
- 2) When subdivisionally described, the minimum lot size shall be 1/128th of a section.
- 3) When subdivisionally described, the minimum lot size in the F zone shall be 1/32nd of a section.
- 4) In the LDMR zone, the maximum density shall be calculated based on four thousand (4,000) square feet of land per dwelling unit. In a PRD (LDMR), density shall be calculated based on three thousand four hundred (3,400) square feet per dwelling unit.
- 5) In the MR zone, the maximum density shall be calculated based on two thousand (2,000) square feet of land per dwelling unit. In a PRD (MR), density shall be calculated based on one thousand seven hundred (1,700) square feet per dwelling unit.
- 6) Commercial forestry structures shall not exceed sixty-five (65) feet in height.
- 7) Non-residential structures shall not exceed forty-five (45) feet in height.
- 8) Lot coverage includes all buildings on the given lot.
- 9) Includes public rights-of-way sixty (60) feet and wider; public rights-of-way under sixty (60) feet in a recorded plat; and private roads and easements. These setbacks shall be measured from the edge of the right-of-way.
- 10) Applies to public right-of-way under sixty (60). These setbacks shall be measured from the center of the right-of-way.
- 11) These setbacks shall be measured from the property line.
- 12) These setbacks shall be measured from the ordinary highwater mark and shall apply only to the rear setback. In the "LDMR" and "MR" zones this setback applies to single-family dwellings only.
- 13) The listed setbacks apply where the adjacent property is zoned F. In all other cases, setbacks are the same as in the R-8400 zone. In the F zone, the setbacks for residential structures on five (5) acres or less which were legally created prior to being zoned to F shall be the same as in the R-8400 zone.
- 14) The listed setbacks apply to single-family detached structures. For townhouse, see SCC Chapter 18.53.
- 15) MR and LDMR Setbacks

- a) Single-family detached structures shall have the minimum setbacks required in the R-8400 zone.
 - b) Other structures shall have a minimum rear setback of twenty-five (25) feet and a minimum total side setback of fifteen (15) feet, with a minimum single side setback of five (5) feet. Building separation shall be a minimum of fifteen (15) feet.
 - c) Multi-story structures over two (2) stories shall increase setbacks for each additional story as follows:
 - i) front - three (3) feet
 - ii) rear - three (3) feet
 - iii) side - five (5) feet total with minimum side increased by three (3) feet
 - iv) building separation - five (5) feet
- 16) In the FS zone, the setback from non-residential property shall be five (5) feet for side setbacks and fifteen (15) feet for rear setbacks.
- 17) In the IP zone there shall be an additional one (1) foot setback for every one (1) foot of building height over forty-five (45) feet.
- 18) In the PCB zone the setback from private roads and easements is twenty-five (25) feet.

18.42.030 Height limit exceptions. The following types of structures or structural parts shall not be subject to height limitations:

A. Tanks and bunkers, church spires, belfries, domes, monuments, chimneys, water towers, fire and hose towers, observation towers, stadiums, smokestacks, flag poles, towers and masts used to support commercial radio and television antennae, bulkheads, water tanks, scenery lofts, cooling towers, grain elevators, gravel and cement tanks and bunkers, and drive-in theater projection screens; provided that such structures or parts shall be fifty (50) feet or more from any adjoining lot line;

B. Towers and masts used to support private antennae; provided that such structures shall meet minimum setback requirements of the zone in which they are located, and provided, that the horizontal array of the antennae does not intersect the vertical plane of the property line; and

C. Towers, masts, or poles supporting electric utility, telephone and/or other communication lines.

18.42.040 Residential use of substandard lots. In any zone allowing residential uses, a single family dwelling may be established on a lot which cannot satisfy the lot area or width requirements of the zone; provided that all other bulk regulations shall apply, and provided further that the lot was legally created and satisfied the lot area and width requirements applicable at the time of creation. However, it is not intended that a building permit will be issued if the lot size cannot meet minimum Snohomish Health District standards or would present a serious health or safety hazard.

18.42.050 Reducing lot area. No lot or building site area shall be so reduced or diminished that the setbacks or other open spaces shall be smaller than prescribed by this title, nor shall the density of population be increased in any manner except in conformity with the regulations established by this title. Government structures and facilities, and utilities structures and facilities, shall have no minimum lot area.

18.42.060 Lot area when land is taken for public use. If a portion of a legally existing lot or parcel of land in any zone is acquired for public use in any manner, including condemnation or purchase, the remainder of the lot or parcel shall be considered as having the required minimum building site area provided:

A. The portion of the lot or parcel remaining after the acquisition for public use has an area of at least one-half (1/2) of that required for a building site in the zone in which the lot or parcel is located except that, in a zone requiring a building site area of one-half (1/2) acre or more, a building site of not less than six thousand (6,000) square feet shall be required; and

B. After all applicable setback requirements are met, the remainder of the lot or parcel contains a rectangular space at least thirty (30) feet by forty (40) feet in size which is usable for a main building.

18.42.070 Short subdivided land dedicated for street right-of-way. Lots with less than sufficient square footage to meet minimum zoning requirements may be created in approving a short subdivision when, as a condition of short subdivision approval, the evoking of SCC 20.28.010(3) would cause the short subdivision to lose one (1) or more lots due to insufficient square footage to meet minimum zoning requirements, PROVIDED: (1) No lot size may be reduced more than ten (10) percent below the minimum zoning requirements on the lot, and (2) all lots shall meet minimum Snohomish Health District requirements.

18.42.080 Lot size averaging. In formal subdivisions approved subsequent to the effective date of this section, the minimum lot area of the zone in which the subdivision is located shall be deemed to have been met if the area in lots plus areas dedicated for permanent and generally usable common open space or recreational uses, if any, divided by the total number of lots is not less than the minimum lot area of the zone in which the property is located; PROVIDED, that:

A. This section shall only apply within zones having a minimum lot area requirement of twelve thousand five hundred (12,500) square feet or less;

B. In no event shall any single lot be less than six thousand (6,000) square feet in area;

C. Not more than a twenty-five percent (25%) increase over required minimum lot area for any single lot shall be credited in computing average lot area;

D. Lots with less than the prescribed minimum lot area for the zone in which located shall have a minimum lot width of not less than sixty (60) feet;

E. Preliminary plats approved utilizing lot averaging shall not be recorded by divisions unless such divisions individually or together as cumulative, contiguous parcels, satisfy the requirements of this section.

18.42.090 Setbacks.

A. All structures shall be placed on their lots in compliance with the requirements of the Bulk Matrix, except as otherwise provided in this title;

B. Except as otherwise provided in this title, every required setback shall be open and unobstructed from the ground to the sky except for trees and other natural vegetation. No setback or open space provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a setback or open space on the adjacent building site whereon a building is located or is to be erected; provided, that when the common boundary line separating two (2) or more contiguous lots is covered by a building or permitted group of buildings or when two (2) or more lots are used as a single building site, the lots shall constitute a single building site and the setbacks as required by this title shall then apply to the aggregate of the lots; and

C. All corner lots shall maintain, for safety vision purposes, a triangular area, one angle of which shall be formed by the front and side lot lines and the sides of the triangle forming the corner angle shall be fifteen (15) feet in length measured from the aforementioned angle. The third side of the triangle shall be a straight line

connecting the last two mentioned lines, at a distance of fifteen (15) feet from the intersection of the front and side lot line. Within the area comprising the triangle, no tree, fence, shrub or other physical obstruction higher than forty-two (42) inches above the established street grade shall be permitted. No fences or freestanding walls more than four (4) feet in height shall be permitted in a triangular area when the sides forming the street corner angle measure forty (40) feet or less.

18.42.100 Setbacks for certain uses. This section supplements the normal setbacks required by the subject zone for the specified use.

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

B. Amusement Facilities: Theatres must be at least three hundred feet (300) from the property line of any preschool or K-12 school. Other amusement facilities must be at least five hundred feet (500) from the property line of any park, playground, preschool, or K-12 school. Distances in such cases shall be measured along street margins to find the shortest travel route.

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

D. Cemetery, mausoleum, and crematoriums: All buildings must be at least fifty (50) feet from external boundaries of the property.

E. Church: All buildings must be at least twenty-five (25) feet from any other lot in a residential zone.

F. Dock and Boathouse: Covered structures must be at least three (3) feet from any side lot line or extension thereof. No setback from adjacent properties is required for any uncovered structure, and no setback from the water is required for any structure permitted hereunder.

G. Governmental Structure or Facility: All structures must be at least fifty (50) feet from any other lot in a residential zone.

H. Hospital: All buildings must be at least thirty (30) feet from all external property boundaries.

I. Kennels, Commercial or Private: All animal runs, and all buildings and structures devoted primarily to housing animals, must be at least thirty (30) feet from any external property line or dwelling unit.

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

K. Mini-self storage: In the PCB and HI zones, separation between buildings shall be a minimum of twenty-five (25) feet; within which parallel parking and loading areas shall be provided.

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

M. Nursing Home: All buildings must be at least thirty (30) feet from all external property boundaries.

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

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

P. Riding Academy: Stables must be at least thirty (30) feet from any external property line.

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

R. School - Preschool and K-12.

1) All buildings must be at least thirty-five (35) feet from all external property lines; and

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

S. Service Station:

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

2) Canopies. Where the right-of-way is less than sixty (60) feet canopies shall meet a minimum setback of thirty-five (35) feet from the centerline of the right-of-way. Where the right-of-way is sixty (60) feet or more canopies shall meet a minimum setback of one-half the right-of-way plus five (5) feet. Setbacks shall apply to private rights-of-way and easements.

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

U. Swimming or Wading Pool: The pool must be at least five (5) feet from any property line.

V. Tavern: The use must be at least five hundred (500) feet from the external property lines of all public school grounds and public parks or playgrounds.

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

18.42.110 Setback exceptions for certain architectural features.

A. Cornices, eaves, sills, fireplaces, flues, ornamental features, and other similar features may extend or project into a required setback a distance of not more than thirty percent (30%) of the required setback and in no case shall they be closer than thirty (30) inches to any lot line.

B. Uncovered porches, steps and decks may project into a required setback, provided that they are not higher than four (4) feet above the finished ground level, and that in no case shall the structure be closer than thirty (30) inches to any lot line or project more than six (6) feet into a setback required from a street.

18.42.120 Alley exceptions. The required setbacks from an alley (as defined in SCC 18.90.030) shall be twenty-five (25) feet from the centerline of the alley but in no case less than five (5) feet from the right-of-way line.

18.42.130 Fences.

A. Fences and freestanding walls six (6) feet or less in height may be allowed in any required front, side or rear setback; except fences and walls on corner lots must meet the requirements of SCC 18.42.090(C);

B. The height of a fence or freestanding wall shall be measured from its top surface, board, rail, or wire to the ground on which it stands. Where a fence or freestanding wall is built on top of a retaining wall that contains fill, the height of the fence or wall shall be measured from the lower ground. In any event, a four (4) foot fence is allowed on top of the retaining wall; provided, that it is an open wire mesh or similar type fence for any portion above the maximum allowable fence or wall height; and

C. Open wire mesh or similar type fence may be erected in excess of the maximum heights permitted in this section on the periphery of play grounds associated with private and public schools and parks, public facilities, industrial and commercial uses, transmitter and transformer sites, government installations where security or public safety require.

18.42.140 Other setback exceptions.

A. In any zone when at least fifty percent (50%) of the frontage in any block front is improved with permitted buildings, some of which have setbacks from the street of less than the required depth, then any new building shall provide a setback from the street of not less than the average of setbacks provided by all properties one hundred sixty-five (165) feet on either side of the subject lot. Vacant lots shall be considered as having the setback required in the zone;

B. On any lot where the natural gradient or slope, as measured from the front lot line along the centerline of the lot for a distance of sixty (60) feet, is in excess of thirty-five percent (35%), then the required front setback may be reduced one (1) foot for each one percent (1%) of gradient or slope in excess of thirty-five percent (35%);

C. The depth of a required setback from a street on any lot abutting a hammerhead on a dead end street shall be measured from the extended right-of-way line of the street before entering the hammerhead. The depth of this required setback from the extended right-of-way line shall be computed the same way as any other setback on any normal street, and in no case shall it be less than fifteen (15) feet;

D. The minimum setback requirement for buildings existing at the time of creation of a private road, having legal right of access to the private road, which private road is less than fifty (50) feet in width and is incapable of either providing access for more than four (4) lots or being converted to a street in light of all potential developments surrounding the particular lot, shall be five (5) feet from the edge of the private road right-of-way, PROVIDED: (a) a minimum two (2) off-street parking stalls shall be provided within the unencumbered portion of the property in conformance with SCC Chapter 18.45; and (b) when the existing structure is less than twenty (20) feet from the private road, the existing structure may not be moved or expanded to encroach closer to the private road than existed at the time of creation of the private road;

E. The minimum setback requirement from private roads for structures which do not have legal right of access to the private road when the private road is less than fifty (50) feet in width and is incapable of either providing access for more than four (4) lots or being converted to a street in light of all potential developments surrounding the particular lot shall be five (5) feet from the edge of the private road right-of-way; and

F. Yards abutting a private right-of-way or easement capable of serving two (2) lots or less shall be considered as a side or rear setback, if the lot also fronts on a public right-of-way.

18.42.150 Minimum lot area: rural use zone

<u>Subarea Comprehensive Plan</u>	<u>Land Use Designations</u>	<u>Minimum Lot Size (square feet)</u>
All Planning Areas	Agriculture or Wetlands	435,600 or 1/64 of a sec. when subd. desc.
	Forestry	20 acres or 1/32 of a sec. when subd. desc.
Alderwood	Urban or High Urban	7200
	Suburban	9600
	Residential Estate	20,000
	Rural Conservation	100,000
Southwest Snohomish County	Multi-family	7200
	High or Medium Density	7200
	Low Density	12,500
Stanwood	High Density	7200
	Low Density	9600
	Suburban Agriculture	20,000
	Private Open Space	100,000
Hillman	High Density Res.	20,000
	Low Density Res.	20,000
	Agriculture	435,600 or 1/64 of a sec. when subd. desc.
Skykomish Valley	Urban	7200
	Suburban	9600
	Residential Estate	20,000
	Rural	100,000

Chapter 18.43

LANDSCAPING

Sections:

- 18.43.010 Introduction.
- 18.43.020 Timing of installation.
- 18.43.030 General landscaping requirements for PCB, BP and IP zones.
- 18.43.040 Buffer types.
- 18.43.050 Landscaping requirements.
- 18.43.060 Landscape requirements for parking and outdoor display areas.

18.43.010 Introduction. This chapter establishes minimum landscaping requirements for sight obscuring and non-sight obscuring buffers and planting strips.

18.43.020 Timing of installation.

All required landscaping shall be installed prior to building occupancy, PROVIDED that the planning division may authorize up to a sixty (60) day delay where planting season conflicts would produce a high probability of plant loss.

18.43.030 General landscaping requirements for PCB, BP and IP zones.

In addition to the specific landscaping requirements contained in 18.43.050, general requirements for PCB, BP and IP zones are contained in SCC 18.60.100.

18.43.040 Buffer types. Where the following types of buffers are required by this title, the minimum standards shall be as described below:

A. Type I. Sight-obscuring fence. The minimum height shall be six (6) feet and be constructed to create a solid sight-obscuring screen. Planting may be used in addition to the screen.

B. Type II. Planted sight-obscuring screen. The minimum height shall be five (5) feet and consist of plant materials spaced to form a sight-obscuring screen.

C. Type III. Ornamental landscaping. This landscaping shall consist of a combination of trees, shrubs and other landscaping materials, and shall be designed to improve the appearance of the development but not necessarily to obscure it.

18.43.050 Landscaping requirements. The landscaping requirements matrix indicates type of buffer required by use and zone. Buffer type descriptions are contained in SCC 18.43.040. Additional landscape requirements for PCB, BP and IP zones are contained in SCC 18.60.100.

LANDSCAPING REQUIREMENTS

Location / Zone	RU	NB	CB	GC	LI	HI	PCB	BP	IP
Abutting residentially designated property or use if not a parking or display area.		10 feet II	10 feet II	10 feet II	20 feet III	20 feet III	10 feet II	25 feet II	25 feet II
Between R/W or private access road and building or parking areas.							5 feet III	30 feet III	30 feet III
Outside storage or waste areas.		I	I	I	I or 5 feet II	I or 5 feet II	I	I	I
Public R/W frontage if not a parking or display area.		10 feet III	10 feet III	10 feet III	20 feet III	20 feet III	5 feet III	30 feet II	30 feet III
Between residential and non-residential uses or designations.	I or 5 feet II								
Abutting commercially designated property.					20 feet III	20 feet III			

18.43.060 Landscaping requirements for parking and outdoor display areas.

A. No building permit shall be issued where landscaping is required until a landscaping plan has been submitted and approved by the planning division;

B. Parking areas or outdoor display areas fronting on a street right-of-way shall provide a minimum five (5) foot wide type "III" buffer along the entire street frontage except for driveways; PROVIDED, that the plantings shall not obstruct the sight distance at street intersections;

C. Additional plantings may be placed on street right-of-way behind the sidewalk line if the property owner provides the county with a written release of liability for damages which may be incurred to the planting area from any public use of right-of-way;

D. Ten percent (10%) of the parking area shall be landscaped (exclusive of landscaping required by (C) above to be located on the street frontage); PROVIDED, that:

1) No landscaping area shall be less than fifty (50) square feet in area,

2) No parking stall shall be located more than forty-five (45) feet from a landscaped area. The planning division may approve landscaping plans involving alternatives to this specification for individual properties if it finds the alternative would be more effective in meeting the purposes of this section,

3) All landscaping must be located between parking stalls, at the end of parking columns, or between stalls and the property line. No landscaping which occurs between the parking lot and a building or recreation area shall be considered in the satisfaction of these requirements;

E. Parking lots containing less than twenty (20) parking spaces need provide only perimeter screening to satisfy the ten percent (10%) area requirements;

F. Planting areas shall include liberal landscaping using such materials as trees, ornamental shrubs, gravel, river rock, driftwood, rockeries, lawn or combinations of such materials;

G. When a parking area abuts residentially designated property along any interior property line, a type "I" buffer, or a minimum five (5) foot wide type "II" buffer with plantings spaced to form a solid, sight-obscuring screen within a reasonable period of time, as determined by the planning division, shall be installed along the property line. This requirement shall not apply when the abutting residentially designated property is six (6) feet or more above or below the elevation of the immediately adjacent parking area;

H. All required landscaping shall be maintained in a healthy growing condition and free of trash and debris. Dead or dying plantings shall be removed and replaced or repaired; and

I. All landscaped areas shall be protected from vehicle damage by a six (6) inch protective curbing and, if necessary, wheel blocks.

Chapter 18.44

SIGNS

Sections:

- 18.44.010 General requirements.
- 18.44.020 Residential zone requirements.
- 18.44.030 LDMR and MR zone requirements.
- 18.44.040 NB, CB, and GC zone requirements.
- 18.44.050 PCB, BP, and IP zone requirements.
- 18.44.060 FS zone requirements.
- 18.44.070 Signs for particular uses.
- 18.44.080 Political signs.
- 18.44.090 Billboards.

18.44.010 General Requirements. The following regulations shall pertain to signs in all zones where signs are allowed unless modified by more specific regulations within this chapter:

A. Signs not exceeding fifteen (15) square feet in area for each building site may be displayed for the purpose of advertising the sale or lease of the real property upon which displayed;

B. For signs or displays that involve moving parts or flashing or blinking lights simulating traffic signals, three (3) copies of drawings or sketches showing the proposed size, lettering, and location on the ground shall be filed with the planning division for the approval of the State Highway Department and/or the director of public works;

C. 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;

D. At street intersections, signs or advertising displays shall be so located that they permit an unobstructed sight distance of at least three hundred (300) feet along the intersecting rights-of-way. Supports for signs or advertising displays do not constitute an obstruction;

E. Signs shall observe the height regulations of the zone in which they are located;

F. Artificial lighting shall be hooded or shaded so that direct light of lamps will not result in glare when viewed from the surrounding property or rights-of-way; and

G. All signs must be a distance of one hundred (100) feet or more from all road crossings of railroad rights-of-way. They must be placed in a manner that they do not block the view of the crossing by operating personnel aboard the trains or by motorists approaching the crossing from either direction.

18.44.020 Residential zone requirements

A. A residence may display one (1) unlighted single or double-faced sign, not to exceed two (2) square feet in area per face, containing the name of the occupant; and

B. In the SA-1, RC, and A-10 zones, a residence may display one (1) sign not exceeding twelve (12) square feet in area per side for identification of the premises or advertising products sold thereon.

In the RD zone, such signs are allowed with a maximum size of thirty (30) square feet per face. Such signs shall not be located in any required setback.

18.44.030 LDNR and MR Zone Requirements.

A. Signs shall be stationary and have no flashing, blinking or variable intensity lighting;

B. Signs affixed to a building shall be located no higher than the abutting wall of the building;

C. Signs not affixed to a building shall not exceed twelve (12) feet in height; and

D. The total area for all signs upon any property shall not exceed fifteen (15) square feet.

18.44.040 NB, CB, and GC Zone Requirements.

A. Signs for identification purposes shall be permitted to have an area not to exceed one (1) square foot for each linear foot of business property frontage;

B. Advertising displays or signs may have an area not to exceed one hundred fifty (150) square feet in NB and CB, or five hundred (500) square feet in GC, and may be divided into not more than four (4) single or double faced signs in NB and CB, or not more than six (6) single or double-faced signs in GC; and

C. Signs may extend to the front property line, provided they do not violate other requirements of this chapter.

18.44.050 PCB, BP and IP Zone Requirements.

A. Signs for business identification or advertising of products shall conform to the approved sign design scheme submitted with the final plan;

B. Each business establishment shall have no more than one (1) business identification sign per building face and in no event more than two (2) identification signs per establishment;

C. No business identification sign shall have a surface area greater than ninety (90) square feet per face;

D. Business identification signs shall be attached to the principal building unless otherwise approved by the county in the sign design scheme. The uppermost portion of the sign shall not extend more than five (5) feet higher than the principal building at its highest point, subject further to the overall height regulations of this zone;

E. In addition to the business identification sign, advertising displays or signs pertaining only to the uses or sales on the property where displayed may be permitted where attached to the principal building, provided the total surface area of all such signs shall not exceed fifty (50) square feet, and no single surface area shall exceed twenty-five (25) square feet;

F. Signs which are an integral part of a window shall occupy no more than twenty-five percent (25%) of the total window area;

G. Signs shall not be animated, audible, rotating, or illuminated by any intermittent, flashing or scintillating source of light;

H. Projecting signs or graphics, and their supportive members, shall project outward no more than four (4) feet from a building and be no lower than eight (8) feet above ground level;

I. The entire zone development may be identified by one (1) freestanding sign, which sign shall not exceed thirty-five (35) feet in height, nor have a surface area greater than one hundred fifty (150) square feet per face; or, as an alternative in the BP and IP zones, one (1) freestanding sign at each road entrance to the development, which signs shall not exceed four (4) feet in height, nor have a surface area greater than sixty (60) square feet per face; and

J. Minor signing modifications may be approved by the planning director where it is demonstrated that the overall business park identification and internal directional needs will be served without reduction to the aesthetic quality of the business park or adjoining properties.

18.44.060 FS Zone Requirements. Each individual FS business is allowed to erect signs under the following conditions:

A. One (1) wall-mounted sign identifying the business conducted therein may be permitted. The sign must be solely supported by the attachment and the uppermost portion shall not extend more than five (5) feet higher than the building at its highest point, subject further to the overall height regulation of this zone. Such sign may be an attached, single-face sign or a back-to-back, double-face sign and shall have a surface area not to exceed one hundred fifty (150) square feet per face;

B. One (1) additional business identification sign, having a surface area not in excess of fifty (50) square feet, may be permitted when attached flat to one (1) wall of the building, but not to extend above the exterior wall top plate line to which attached;

C. One (1) freestanding sign for business identification may be permitted in place of the sign provided in subparagraph (A) only if it can be proven that such sign attached to the building cannot be made visible to any motorist approaching the interchange on the limited access highway;

D. Application for approval of a freestanding sign shall be submitted to the hearing examiner, who may regulate type, size and location subject to the following conditions:

1) Where a sign attached to the building would be concealed by natural vegetation, the freestanding sign structure may be permitted only if the applicant agrees in writing to preserve, in full, such vegetation and replace it if destroyed. In such case, the applicant shall submit a drawing showing the location, height and diameter of each tree comprising the natural buffer,

2) Where permitted, the uppermost portion of the freestanding sign shall be a height not greater than thirty-five feet above the ground as measured from the average finished grade at the front face of the principal building,

3) Such freestanding sign shall be located no farther than one hundred (100) feet from the principal building; and

4) Freestanding, single-face identification signs, or back-to-back, double-face identification signs, shall have a surface area not to exceed one hundred fifty (150) square feet per face. A V-shaped, double-face sign with an interior angle of sixty (60) degrees or less shall have a total surface area not to exceed one hundred fifty (150) square feet. All other sign configurations shall have a

surface area not to exceed three hundred (300) square feet, with no single face to exceed one hundred (100) square feet;

E. In addition to the business identification sign, advertising displays or signs may be permitted subject to the following limitations:

- 1) Such signs shall not identify the business, as such, but shall be limited to advertising the product and/or service offered,
- 2) The total surface area of all such signs shall not exceed fifty (50) square feet, and no single surface area shall exceed twenty-five (25) square feet,
- 3) No business shall divide its display into more than four (4) single sign faces or display surfaces,
- 4) In no case shall the top of any display surface be more than seven (7) feet above the ground as measured from the sign base,
- 5) No advertising sign shall be located as to be readable primarily from a limited access highway; and

F. Signs may be illuminated, but no rotating sign, flashing beacon or variable intensity light shall be permitted.

18.44.070 Signs for Particular Uses. Signs are allowed in conjunction with the following uses wherever such uses are permitted, subject to the stated conditions:

A. New subdivisions are allowed off-site advertising signs as allowed by the hearing examiner; and

B. Schools, churches and community clubs, public structures/buildings, may be permitted one (1) single or double faced sign which shall not exceed twenty (20) square feet of surface area per face, or forty square feet per sign, and which shall not be more than eight (8) feet in height.

18.44.080 Political signs. The following regulations shall apply exclusively to political signs:

A. Such signs shall bear the name and address of the person or organization responsible for the sign;

B. Such signs may be displayed only between the period for filing declarations of candidacy and the election, or thirty (30) days prior to any election for which there is no such filing period;

C. No section of this code prohibiting the use of signs within specified zones, or regulating the total number or square footage of signs on a property, shall apply to political signs;

D. No such sign shall be erected upon the right-of-way of any public road or upon any other public property;

E. No political sign is permitted that obstructs in any way the vision of motorists entering or leaving public or private rights-of-way or motorists at intersections;

F. Political signs shall comply with any provision of this title regulating the height of signs or the use of moving signs or lighted signs; and

G. Political signs that remain in place after the general election must comply with all provisions of this title. The person listed on the sign as the person placing the sign for display or responsible for the placement and removal of the sign shall be responsible for compliance with this section of the code, and shall be criminally and/or civilly liable for violation of the law. If no

person is so listed, the candidate shall be liable. If no candidate is mentioned on the sign, the sign may be removed by a civil action against the landowner to abate the nuisance.

18.44.090 Billboards.

A. In no case shall a billboard be located closer than fifteen (15) feet to the rear and front property lines or five (5) feet from the side property lines; and

B. No billboard shall be constructed closer than one thousand (1,000) feet to any other billboard when located on the same side of the street or right-of-way.

Chapter 18.45

OFF-STREET PARKING

Sections:

- 18.45.010 Requirements.
- 18.45.020 Ingress and egress provisions.
- 18.45.030 Location of parking spaces.
- 18.45.040 Spaces required.
- 18.45.050 Parking for unspecified uses.
- 18.45.055 Reduction of required spaces when effective alternatives to automobile access are proposed.
- 18.45.060 Mixed occupancies.
- 18.45.070 Joint uses.
- 18.45.080 Conditions for joint use.
- 18.45.090 Loading space.
- 18.45.100 Parking lot development standards.
- 18.45.110 Parking lot surfacing requirements.
- 18.45.120 Illumination.
- 18.45.130 Landscaping requirements for parking areas.

18.45.010 Requirements. Every building hereafter erected, moved, reconstructed, or structurally altered shall be provided with parking areas as provided in this chapter, and such parking areas shall be made permanently available and maintained for parking purposes. No building permit shall be issued until plans showing provisions for the required off-street parking have been submitted and approved as conforming to the standards of this chapter. Every lot or parcel of land used as a public or private parking area or new or used car sales area and having a capacity of three (3) or more vehicles shall be developed and maintained in accordance with this chapter.

18.45.020 Ingress and egress provisions. The director of public works, in conjunction with the fire marshal, shall have authority to fix the location, width and manner of approach of vehicular ingress or egress from a building or parking area to a public street and to alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare.

18.45.030 Location of parking spaces. Off-street parking spaces shall be located as specified herein. Where a distance is specified, the distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building which it serves.

A. Parking for single and multiple family dwellings shall be on the same lot or building site with the building it serves;

B. Parking for uses not specified above shall not be over three hundred (300) feet from the building it serves;

C. All off-street parking spaces shall be located on land zoned in a manner which would allow the particular use the parking will serve; and

D. Parking shall be located at least twenty five (25) feet from any body of water.

18.45.040 Spaces required. The required number of off-street parking spaces shall be as follows:

<u>Use Classification</u>	<u>Number of Parking Spaces Required</u>
A. Single family dwellings, duplexes, townhouses, and mobile homes.	Two (2) per dwelling; driveways may be counted as one (1) parking space.
B. Multiple-family dwellings, except retirement housing.	Two (2) per dwelling unit up to fifty (50) units. One and one-half (1.5) per dwelling unit each additional unit over fifty (50).
C. Retirement housing.	One and one-fourth (1.25) per dwelling unit.
D. Mobile home parks.	As required by SCC Chapter 18.55 of this Title.
E. Fraternity, sorority, rooming and boarding houses.	One (1) per accommodation.
F. Hospitals, nursing homes, institutions for the aged and children, welfare or correctional institutions.	One (1) per two (2) beds.
G. Medical and dental clinics.	One (1) per two hundred (200) square feet of gross floor area.
H. Financial institutions, office buildings, public utility and governmental buildings, including real estate offices, but excluding medical and dental.	Three (3) per one thousand (1,000) square feet of gross floor area, minimum five (5).
I. Retail stores and personal service shops	Five and one-half (5-1/2) per one thousand (1,000) square feet of gross leasable area.
J. Barber and beauty shops.	Three (3) per operator.
K. Laundrettes and self-service launderies.	One (1) per each two (2) washing and/or drying machines.
L. Motor vehicle sales and service.	One (1) per one thousand (1,000) square feet of gross floor area, plus one (1) per one thousand five hundred (1,500) square feet of outdoor display area.
M. Motor vehicle or machinery repair, without sales.	One (1) per two hundred (200) square feet of gross floor area.
N. Mobile home and recreational vehicle sales.	One (1) per three thousand (3,000) square feet of outdoor display area.
O. Motels and hotels.	One (1) per unit or room, plus additional parking in accordance with this schedule for restaurants, conference or convention facilities, and other businesses or facilities associated with the motel or hotel.
P. Restaurants, taverns or bars for on-premise consumption.	One (1) per one hundred (100) square feet of gross floor area, minimum five (5).
Q. Drive-in restaurants and	One (1) per fifteen (15) square feet

- similar establishments, primarily for auto-borne customers. of gross floor area.
- R. Stadiums, churches, theaters, sports arenas, auditoriums, and clubs and lodges and all assembly places with fixed seats. One (1) per four (4) seats or eight (8) feet of bench or pew.
- S. Dance halls and places of assembly without fixed seats. One (1) per seventy-five (75) square feet of gross floor area.
- T. Bowling alleys. Five (5) per lane.
- U. Skating rinks. One (1) per seventy-five (75) square feet of gross floor area.
- V. Tennis courts, racquet clubs, handball courts and other similar commercial recreation. One (1) per forty (40) square feet of gross floor area used for assembly, plus two (2) per court.
- W. Swimming pools (indoor and outdoor). One (1) per ten (10) swimmers, based on pool capacity as defined by the Washington State Department of Health.
- X. Passenger terminals (bus, rail, air). One (1) space per one hundred (100) square feet of gross floor area used for passenger waiting area.
- Y. Funeral parlors, mortuaries and cemeteries. One (1) per four (4) seats or eight (8) feet of bench or pew or one (1) per forty (40) square feet of assembly room used for services if no fixed seating provided.
- Z. Libraries, art galleries, museums. One (1) per two hundred and fifty (250) square feet of gross floor area.
- AA. Schools, elementary, junior high and senior high, public and private. One (1) space for each twelve (12) seats in the auditorium or assembly room plus one (1) space for each employee, plus sufficient off-street space for safe loading and unloading of students from school buses.
- BB. Colleges or commercial schools for adults. One (1) per four (4) seats in classroom, plus one (1) per employee.
- CC. Manufacturing and industrial uses of all types, except a building used exclusively for warehouse purposes. One (1) per employee present during the largest shift change or one (1) per one thousand (1000) square feet of gross floor area, whichever is greater.
- DD. Warehouses, storage buildings or structures used exclusively for storage purposes, except mini-self-storage. One (1) per employee or one (1) per two thousand (2,000) square feet of gross floor area, whichever is greater.
- EE. Mini-self-storage. One (1) space per each ten (10) storage, cubicles equally distributed in close proximity to storage buildings plus one (1) space for each fifty (50) storage cubicles to be located at the project office.
- FF. Auto wrecking yards. Fifteen (15) spaces for yards less than ten (10) acres in size and twenty-five (25) spaces for yards ten

GG. Utility and communication establishments without regular employment. (10) acres and larger in size. One (1) space.

18.45.050 Parking for unspecified uses. Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the planning director. Such determination shall be based upon staff investigation, parking required for comparable uses, and such other data as may be available and appropriate for the establishment of minimum parking requirements.

18.45.055 Reduction of required spaces when effective alternatives to automobile access are proposed.

A. Upon demonstration to the planning director that effective alternatives to automobile access are proposed to be implemented, the director may reduce by not more than forty percent (40%) the parking requirements otherwise prescribed for any use or combination of uses on the same or adjoining sites, to an extent commensurate with the permanence, effectiveness, and demonstrated reduction in off-street parking demand effectuated by such alternative programs; and

B. Alternative programs which may be considered by the director under this provision include, but are not limited to van pooling, ride matching for carpools, and provision of subscription bus service.

18.45.060 Mixed occupancies. In the case of mixed occupancies in the building or on a lot, the total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities of a particular use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.

18.45.070 Joint uses. The planning director may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:

A. Up to fifty percent (50%) of the parking facilities required by this chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use or vice versa, PROVIDED that the reciprocal parking area shall be subject to the conditions set forth in SCC 18.45.080;

B. Up to one hundred percent (100%) of the Sunday and/or nighttime parking facilities required by this chapter for a church or auditorium incidental to a public or parochial school may be supplied by parking facilities required for the school use, PROVIDED the reciprocal parking area shall be subject to the conditions set forth in SCC 18.45.080; and

C. For purposes of this section, the following uses are typical daytime uses: business offices, barber and beauty shops, manufacturing or wholesale buildings. The following uses are typical

nighttime and/or Sunday uses: auditoriums incidental to a public or parochial school, churches, dance halls, theaters and taverns.

18.45.080 Conditions for joint use.

A. The building or use for which application is made for authority to utilize the existing off-street parking facilities provided by another building or use shall be located within one hundred and fifty (150) feet of the parking facilities;

B. The applicant shall show that there is not substantial conflict in the principal operating hours of the buildings or uses for which the joint use of the parking facility is proposed; and

C. Parties concerned in the joint use of off-street facilities shall evidence agreement for the joint use by a proper legal instrument approved by the prosecuting attorney and filed with the planning division.

18.45.090 Loading space. On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other use involving the receipt or distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with the public uses of the streets or alleys. The space, unless otherwise adequately provided for, shall include a ten (10) foot by twenty-five (25) foot loading space, with fourteen (14) foot height clearance for every twenty thousand (20,000) square feet, or fraction thereof, of gross building area used or land used for above mentioned purposes. The space shall be so situated that no part of a truck or van using the loading space will project into the public right-of-way.

18.45.100 Parking lot development standards.

A. Building sites which contain more than one hundred (100) parking spaces shall be designed with access lanes and fire lanes not less than twenty-five (25) feet in width, forming a continuous route or loop connecting at both ends with public streets. In parking lots containing less than one hundred (100) parking spaces emergency access shall be provided subject to approval of the fire marshal. Emergency access shall be provided to within fifty (50) feet of any multiple family building. If any of these requirements are impractical due to the peculiarities of the site and/or building, other provisions for emergency access may be approved by the fire marshal. Parking in fire lanes shall be prohibited, and indicated as being unlawful by signs and/or painting on the parking lot surface.

B. All parking stalls and aisles shall be designed according to Figure 1 or Figure 2, "Minimum Standards for Off-Street Parking," unless all parking is to be done by parking attendants on duty at all times that the parking lot is in use for the storage of automobiles. When parking standards require ten (10) or more parking spaces, up to forty percent (40%) of the off-street parking spaces required by this chapter may be designed for compact cars in accordance with Table II of Figure 1 or Figure 2, "Compact Car Stall and Aisle Specifications." Such parking stalls shall be individually marked in the parking plan

and on each constructed parking stall as being for compact cars only. Parking at any angle other than those shown is permitted, providing the width of the stalls and aisles is adjusted by interpolation between the specified standards. Parking shall be so designed that automobiles shall not back out into public streets. Handicap parking shall be installed in accordance with the "Regulations For Barrier-Free Facilities" as adopted by the Washington State Building Code Advisory Council.

18.45.110 Parking lot surfacing requirements. All off-street parking areas shall be graded and before an occupancy permit for the building use is issued, surfaced to standards for asphaltic concrete or other surfacing sufficient to eliminate dust and mud, provide for proper storm drainage and allow for marking of stalls and installation of other traffic control devices as set forth by the director of public works and this chapter. All traffic control devices such as parking strips designating car stalls, directional arrows or signs, curbs, bullrails, and other developments shall be installed and completed as shown on the approved plans. Hard surfaced parking areas shall use paint or similar devices to delineate parking stalls and directional arrows. Pedestrian walks shall be curbed, or raised six (6) inches above the lot surface.

18.45.120 Illumination. Any lights provided to illuminate any public parking area, any semi-public parking area, or used car sales area permitted by this title shall be arranged so as to reflect the light away from any dwelling unit and the public right-of-way. Approval shall be obtained from the State Department of Transportation and/or the director of public works, for any lights which flash or blink, simulating traffic signals.

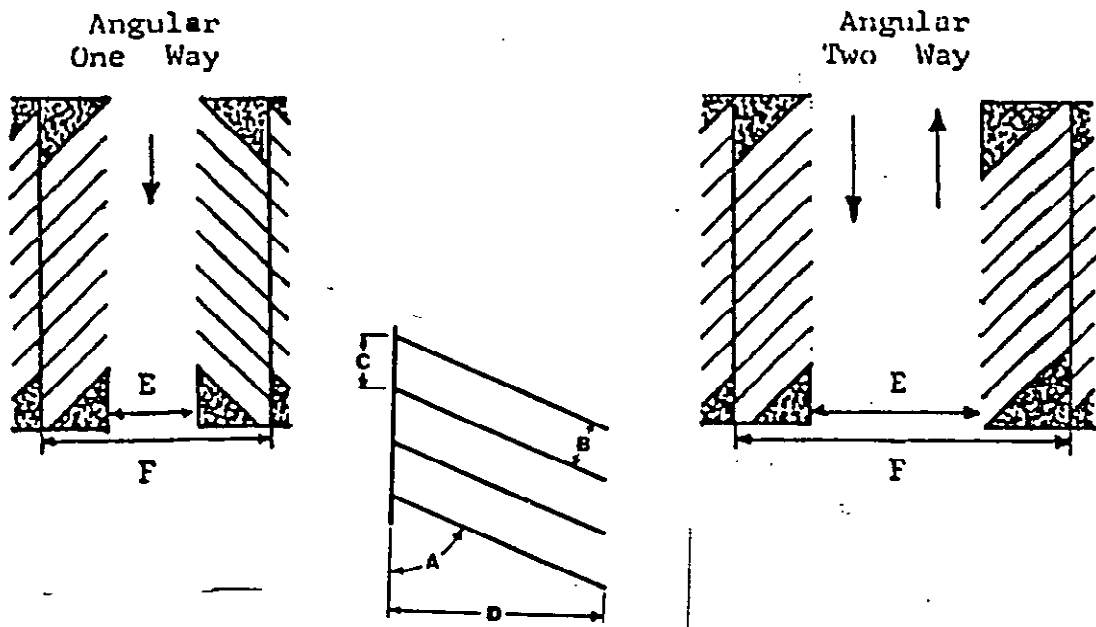
18.45.130 Landscaping requirement for parking areas. Landscaping requirements for all parking areas are contained in SCC 18.43.060.

MINIMUM STANDARDS FOR OFF STREET PARKING

**Table I
Conventional Car Stall and Aisle Specifications**

Parking Layout <small>see diagram 1</small>	Angle	Dimensions			One Way		Two Way	
	Parking Angle A	Stall Width B	Curb Length C	Stall Depth D	Aisle Width E	Parking Section Width F	Aisle Width E	Parking Section Width F
	A	B	C	D	E	F	E	F
parallel: <small>one side</small>	0°	8'	21'	8'	12'	20'	22'	30'
	0	8	21	8	22	38	24	40
angular:	20	8.5	24.9	14.5	11	40	20	49
	30	8.5	17	16.9	11	44.8	20	53.8
	40	8.5	13.2	18.7	12	49.4	20	57.4
	45	8.5	12	19.4	13.5	52.3	20	58.8
	50	8.5	11.1	20	15.5	55.5	20	60
	60	8.5	9.8	20.7	18.5	59.9	22	63.4
	70	8.5	9	20.8	19.5	61.1	22	63.6
	80	8.5	8.6	20.2	24	64.4	24	64.4
perpendic.:	90	8.5	8.5	19	25	63	25	63

Acceptable Parking Designs



**Table II
Compact Car Stall and Aisle Specifications**

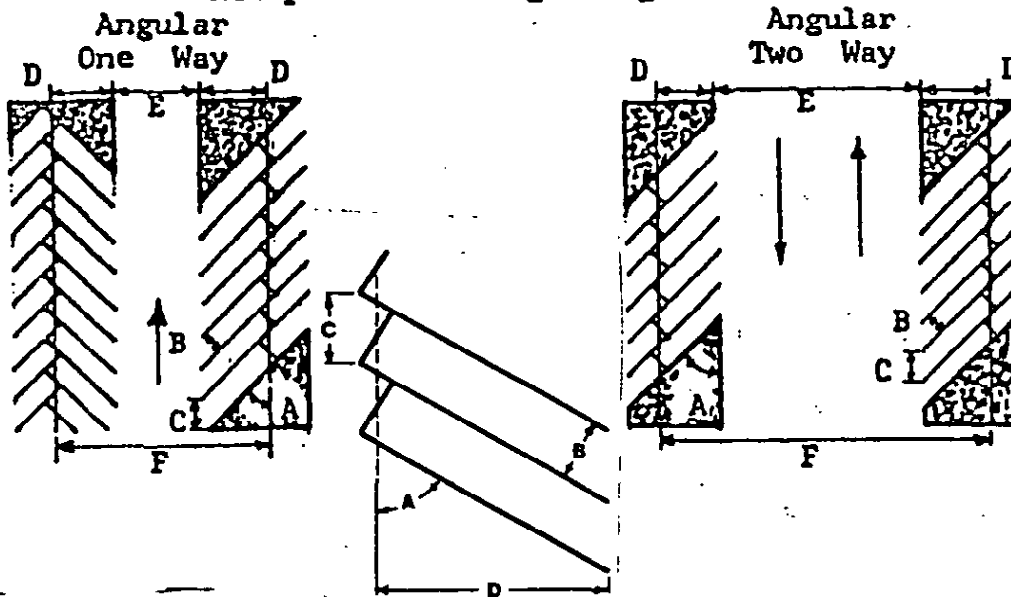
Parking Layout	Angle	Dimensions			One Way		Two Way	
	Parking Angle A	Stall Width B	Curb Length C	Stall Depth D	Aisle Width E	Parking Section Width F	Aisle Width E	Parking Section Width F
	A	B	C	D	E	F	E	F
parallel:	0°	8'	20'	8'	12'	28'	20'	36'
angular:	45	8	11.3	15	12.5	42.5	20	50
	60	8	9.2	16.5	17	50	22	55
perpendic.:	90	8	8	16	22	54	25	57

MINIMUM STANDARDS FOR OFF STREET PARKING

**Table I
Interlocking - Conventional Cars**

Parking Layout <small>see diagram 1</small>	Angle	Dimensions			One Way		Two Way	
	Parking Angle	Stall Width	Curb Length	Stall Depth	Aisle Width	Parking Section Width	Aisle Width	Parking Section Width
	A	B	C	D	E	F	E	F
parallel:	0°	8'	21'	8'	12/22'	28/38'	22/24'	38/40'
angular:	20	8.5	24.9	10.5	11	32	20	41
	30	8.5	17	13.2	11	37.4	20	46.4
	40	8.5	13.2	15.5	12	43	20	51
	45	8.5	12	16.4	13.5	46.3	20	52.8
	50	8.5	11.1	17.3	15.5	50.1	20	54.6
	60	8.5	9.8	18.6	18.5	55.7	22	59.2
	70	8.5	9	19.3	19.5	58.1	22	60.6
perpendic.:	80	8.5	8.6	19.5	24	63	24	63
	90	8.5	8.5	19	25	63	25	63

Acceptable Parking Designs



**Table II
Interlocking - Compact Cars**

Parking Layout	Angle	Dimensions			One Way		Two Way	
	Parking Angle	Stall Width	Curb Length	Stall Depth	Aisle Width	Parking Section Width	Aisle Width	Parking Section Width
	A	B	C	D	E	F	E	F
parallel:	0°	8'	20'	8'	12'	28'	20	36'
angular:	45	8	11.3	14.1	12.5	40.7	20	48.2
	60	8	9.2	15.9	17	48.8	22	53.8
perpendic.:	90	8	8	16	22	54	25	57

Chapter 18.46
DEVELOPMENT ON STEEP SLOPES

Sections:

- 18.46.010 Purpose.
- 18.46.020 General regulations.
- 18.46.030 Subdivision regulations.

18.46.010 Purpose.

A. The purpose of this chapter is to protect the health, safety and welfare of the citizenry and to guard the environment against unsafe and unnecessary degradation by implementing a policy regulating the development of certain sloping land;

B. This chapter is enacted to achieve the following results:

- 1) To control development on steep slopes and landslide areas,
- 2) To achieve land use densities that are in conformity with the comprehensive plan, recognizing that the uniformity of these densities shall be modified by:
 - a) Limiting development on steep slopes, and
 - b) Permitting lot size averaging in order to achieve specific economic, energy, environmental and aesthetic objectives,
- 3) To allow land planning and development patterns which take into account the added costs and increased benefits of alternative designs for both the land owner and the county,
- 4) To encourage development on sloping areas that will retain or provide a desirable amount and distribution of wooded land, so as to form an element of a viable open space system,
- 5) To assure the placement of dwellings, roads and utilities on sloped land so that the open space will coincide with areas of critical environmental concern and/or recreational opportunity,
- 6) To provide lots on which dwellings may be safely constructed and maintained by the homeowner,
- 7) To assure that developments on sloped lands demonstrate a concern for the view of the hills as well as the view from the hills,
- 8) To protect the citizens of the county from the hazards and risks of soils movement caused by construction, occupation and maintenance of development on certain sloping land only to the extent that these hazards and risks are in excess of those which would occur on lands of lesser slope, and
- 9) To protect the citizens of the county by assured compliance with all applicable ordinances relating to storm water control, site grading, temporary and permanent control of erosion and sediment deposition.

18.46.020 General Regulations.

A. The following principles and practices are to be employed in designing and reviewing all subdivision and/or development projects on steep terrain throughout unincorporated Snohomish County:

- 1) In hazardous and potentially hazardous terrain, Snohomish County shall apply more stringent development standards than in areas where development constraints are absent. Requirements may include

such provisions as special site design, structural standards, erosion control measures, clearing and grading plans, reduced densities or other measures necessary to protect life and property,

2) Developments should "respect" natural processes rather than "overcome" natural constraints. In steeply sloped areas, developments shall limit surface modifications including clearing that would induce excessive erosion, undermine the support of nearby land, or unnecessarily scar the landscape. Where development necessitates vegetation removal, landscaping may be required to replace trees, shrubs, and ground cover removed during construction,

3) Site disturbance shall be severely limited or prohibited in areas where landslides are likely. Development may be permitted where soil engineering studies indicate compatibility,

4) Basic development approvals for required permits are to be received prior to the initiation of land surface modifications. With few exceptions, a site design or building location plan will be required,

5) Land surface modifications shall not induce changes in surface or subsurface drainage that would adversely impact lands in the affected drainage basin,

6) Site restoration shall be required if land surface modifications violate adopted ordinances or policy or if construction does not ensue within a reasonable amount of time, and

7) Developers shall be accountable for the accuracy and validity of the environmental information submitted to the County.

18.46.030 Subdivision Regulations. In addition to the requirements of Snohomish County Code Titles 19 and 20, the following procedures and regulations shall apply to all subdivision and short subdivision activity:

A. Determination of Slope. The subdivider shall determine land slope and assess the applicability of this chapter. This information shall be provided to the planning division along with the completed application. The planning director may call for engineering or other technical justification for any development in sloped areas if he or she determines that public health, safety, welfare or environment may be jeopardized by such development. The imposition of such requirements may be appealed as an administrative determination under SCC 18.72.

The subdivider may use either or both of the following methods to determine land slope except that all subdivisions under SCC Title 19 require use of method 2.:

1) Inquire at the planning division for pre-existing slope information. Available information may be adequate for slope assessment in certain situations, and

2) Obtain a topographic survey from a registered professional engineer or land surveyor which defines the slope of the property to a recognized and acceptable mapping standard. In all areas proposed for roads or dwellings, elevations of ninety percent (90%) of the area shall be within three (3) feet of the actual ground elevations;

B. Determination of Potential Maximum Dwelling Unit Density. The subdivider shall determine maximum potential lot yield from Table 1.

TABLE 1
RESIDENTIAL DENSITY GUIDE FOR SLOPING LAND

Potential Yield 1: dwelling units/gross acre

Zoning 2	Slopes 3			
	16-20%	21-25%	26-35%	36%+
Rural Conservation/ Rural Diversification	.5	.5	.5	.25
SA 1-Acre	1.0	1.0	1.0	.25
RR 20,000	1.8	1.8	1.8	.25
RR 12,500	2.8	2.8	1.8	.25
RR 9,600	4.0	2.8	1.8	.25
RR 8,400	4.0	2.8	1.8	.25
RR 7,200/WFB	4.0	2.8	1.8	.25

1) For land areas less than fifteen percent (15%) natural slope, maximum unit yield shall be determined by dividing the net development area (gross site area minus unbuildable and circulation areas) by the minimum lot size of the zone.

2) In areas zoned Rural Use, the potential lot yield in the category 0-15% slope will be based on the maximum density designated by the applicable comprehensive plan.

3) Slope shall be defined as the ratio of vertical rise over horizontal run, expressed as a percentage (also known as the tangent of the slope angle), i.e., twenty-five percent (25%) (14 deg.) equals twenty-five (25) feet vertical distance (rise) for each one hundred (100) feet of horizontal distance (run) or one hundred (100) foot rise over one hundred (100) foot run equals one hundred (100) percent slope or 45 deg.

For land areas greater than sixteen percent (16%) natural slope, maximum unit yield shall be determined by multiplying the gross site area by the appropriate density factors found in Table 1.

For the purpose of this table, continuous slopes with a horizontal run of less than fifty (50) feet shall be considered level when thirty-five percent (35%) (19.3 deg.) or less.

C. Determination of minimum lot size. The subdivider shall determine minimum lot size by either of the following methods:

1) Table Method: Minimum lot size under this method is as shown on Table 2,

TABLE 2
Minimum Lot Size

<u>Minimum Lot Size</u>	<u>Slopes</u>				
	<u>0-15%</u>	<u>16-20%</u>	<u>21-25%</u>	<u>26-35%</u>	<u>36%+</u>
Underlying zone, or: (whichever is greater)	6,000 SF*	8,400 SF	20,000*	SF 43,560 SF*	100,000 SF*

* May be achieved only with lot size averaging pursuant to SCC 18.42.070.

2) Professional Planning Method. As an alternative to the table method described above, a subdivider may utilize the services of licensed professionals who are experienced in land planning and engineering to determine potential minimum lot size. If this alternative is selected, the following requirements shall apply:

To support the requested lot size, the professional shall submit a report as set forth below which indicates that the proposed earthwork for the road and dwelling sites may be safely constructed and that each lot has sufficient area to provide a location for the dwelling together with associated space for parking, yards and utilities. If, upon review of said engineering evidence and other relevant factors, the planning director is satisfied that the public health and safety can be maintained, he or she shall allow smaller lots than those set forth in the Table in certain steep slope situations.

The report shall generally address the following:

- a) surveyed cross sections of the property,
- b) grading and structure siting plans,
- c) clearing and landscaping plans,
- d) a description of groundwater levels throughout the area affected by grading for both summer and winter conditions,
- e) an evaluation of changes in groundwater conditions that would result from the project and the resulting effects, if any,
- f) a description of on-site and off-site storm water drainage, and recommendations for carrying the drainage to an established system,
- g) the depth of weathered or loosened soils on the site and the nature of the weathered and underlying basement soils,
- h) an evaluation of slope stability before, during and after construction,
- i) an evaluation of the effect of the project on surrounding properties including any limitations on subsequent development or grading on adjacent properties,
- j) recommendations for site preparation, excavation procedures, fill placement and landscaping, and
- k) recommendations for foundation support and later retention of earth;

D. Soils Report Required. Notwithstanding the provisions of B and C above, a soils report prepared by a professional engineer experienced in soil mechanics shall be required whenever any grading or construction is proposed on slopes fifty (50%) (2:1) or steeper. The soils report shall report the on-site conditions encountered and provide an evaluation of slope stability before, during and after construction.

The soils report may set forth conditions relating to the design and/or construction of the development which, unless otherwise waived by the county, shall be followed in the design and construction of the project.

18.51

PLANNED RESIDENTIAL DEVELOPMENT

Sections

- 18.51.010 Purpose.
- 18.51.020 Permissible zones.
- 18.51.030 Procedures - original applications.
- 18.51.040 Plans.
- 18.51.050 Special PRD standards.
- 18.51.060 Submittal requirement postponement.
- 18.51.070 Official map.
- 18.51.080 Revisions of the official map.
- 18.38.090 Private roads and driveways.
- 18.38.100 Other uses permitted.
- 18.38.110 Maintenance of open space and utilities.

18.51.010 Purpose. This chapter is designed to provide for small and large scale developments incorporating a single type or a variety of housing types and related uses which are planned and developed as a unit. Developments may consist of individual lots or it may have common building sites. Commonly owned land which is an essential and major element of the plan should be related to and preserve the long term value of the homes and other development. A pattern of development which preserves trees, outstanding natural topography and geologic features and prevents soil erosion shall be encouraged.

18.51.020 Permissible zones. The Planned Residential Development (PRD) designation shall be utilized as an overlay on residential zones. PRDs shall be denoted as follows: PRD (9600), PRD (MR), etc. The PRD overlay may be applied only to the MR, LDMR, R-7200, R-8400, R-9600, R-12,500, R-20,000, SA-1 and WFB zones, and then only where the density proposed is consistent with the adopted comprehensive plan. This section shall not be construed to negate SCC 18.51.050(A).

18.51.030 Procedures - original applications. PRD requests shall be processed in accordance with all requirements of SCC 18.73, including fees, regarding rezones.

18.51.040 Plans.

A. The developer shall present plans, reports, and related information in sufficient detail to enable the planning division to evaluate the proposed development in accordance with the provisions of this chapter and make recommendations to the hearing examiner;

B. These plans shall include a circulation plan, location of utilities, greenbelts, open space and community facilities with each residential lot showing proposed dwelling types, whether single family, townhouse or multiple, and other information necessary for adequate design review;

C. Upon evaluation by the planning division, the plans shall be submitted to the hearing examiner for approval; and

D. The developer shall submit one (1) copy of the proposed PRD site plan to the Snohomish Health District, along with soil analysis data as required. The hearing examiner shall, at public hearing, consider any written recommendation received from the Health District.

18.51.050 Special PRD standards. The following special conditions shall be met in all PRD overlay zones:

A. Dwelling units. The maximum number of dwelling units permissible shall be one hundred twenty percent (120%) of the maximum computed density of the underlying zone, derived as follows:

1) Determine Gross Development Land Area. Subtract from gross area (a) unbuildable land, (b) publicly owned community facility land, and (c) commercial or industrial land area,

2) Determine Net Development Area. Subtract from gross development area the actual percentage of gross development area devoted to circulation system; except that whenever the circulation system accounts for more than twenty (20%) percent of the gross development area, the net development area shall be eighty (80%) percent of the gross development area,

3) Divide net development area by the minimum lot area per dwelling unit permitted in the underlying zone, and

4) Multiply the resulting number of units by 1.20;

B. Open space and recreation. Twenty percent (20%) of the net development area shall be established as open space and community recreational facilities. Upon approval of the hearing examiner, some unbuildable land may be included in the open space land upon a showing that such land can and will be utilized in a specific recreational use;

C. Unless specifically modified by this chapter, all requirements of the underlying residential zone shall apply within the planned residential development;

D. Minimum lot width. Except for townhouse lots, the minimum lot width shall be sixty (60) feet and corner lots shall not be less than sixty-five (65) feet wide. There shall be no minimum lot width for townhouse lots;

E. Minimum lot size. The minimum lot size for single family dwellings and duplex dwellings shall be five thousand (5000) square feet:

1) The minimum front building setback of single family dwellings and duplex dwellings shall be one-half (1/2) the width of planned rights-of-way or easements as measured from the centerline of the right-of-way plus fifteen (15) feet,

2) The sum of side setbacks of single family dwellings and duplex dwellings shall be not less than ten (10) feet. If the side setback adjoins public open space, these setback requirements may be reduced by an amount equal to the distance from the property line to the centerline of the open space. A modified setback shall be endorsed upon the approved site plan. No portion of a building or appurtenance shall be constructed as to project into any commonly owned open space. No structure or portion thereof shall be closer than five (5) feet to any structure on an adjacent lot,

3) Rear setbacks of single family dwellings and duplex dwellings shall be a minimum of five (5) feet. If the rear setback adjoins public open space, the minimum rear setback requirements may

be reduced by an amount equal to the distance from the rear lot line to the centerline of the open space. Such modified setback shall be endorsed upon the approved site plan. No portion of any building or appurtenance shall be constructed as to project into any commonly owned open space, and

4) The maximum lot coverage for single family and duplex dwellings shall be thirty-five percent (35%) of the lot area or two thousand five hundred twenty (2,520) square feet, whichever is greater;

F. Minimum townhouse lot area. Minimum townhouse lot area per dwelling unit shall be an average of two thousand (2000) square feet:

1) Every townhouse lot shall have a front setback of not less than fifteen (15) feet, and a rear setback of not less than five (5) feet; provided, when two (2) or more townhouse dwelling units are being developed on adjacent lots, minimum front setbacks may be reduced by not more than ten (10) feet in order to give individual identity and privacy to the units, as long as the average of all front setbacks in a townhouse structure is not less than fifteen (15) feet, and each lot has a combined total of thirty (30) feet of front and rear setbacks,

2) Every townhouse at each end of a group of attached units shall maintain a side setback of not less than five (5) feet with a minimum building separation of not less than ten (10) feet; provided that if the side setback adjoins public open space, this setback requirement may be reduced by an amount equal to the distance from the side lot line to the centerline of the open space. Such modified setback shall be endorsed upon the approved site plan. No portion of any building or appurtenance shall be constructed as to project into any commonly owned open space,

3) Lot coverage requirements shall be as follows:

a) townhouse and accessory structures shall together cover no more than fifty-five percent (55%) of the lot, and

b) patios, driveways and walkways shall not increase the total lot coverage to more than sixty-five percent (65%) of the lot, unless paved with perforated concrete blocks or other permeable material, and

4) Townhouse building height shall not exceed thirty (30) feet;

G. Multiple family dwellings. Multiple family dwellings shall also be allowed in any PRD, provided the following requirements are met:

1) The maximum lot coverage shall be forty (40) percent,

2) There will be no minimum lot size,

3) There will be no maximum height,

4) Front setbacks and side setbacks facing streets shall be set back not less than one-half (1/2) of the width of planned rights-of-way or easements as measured from the centerline of the right-of-way plus twenty-five (25) feet,

5) The sum of the side setbacks shall be not less than ten (10) feet with one (1) side setback not less than five (5) feet for single story structures,

6) The rear setback shall be not less than twenty-five (25) feet for single-story structures,

7) The side and rear setbacks of paragraphs (E) and (F) of this subsection may be modified as follows:

a) If the setback adjoins a public open space, then each applicable minimum setback requirement may be reduced by an amount equal to the distance from the property line to the centerline of the open space,

b) The resultant requirement shall then be endorsed upon the approved site plan as a base setback requirement,

c) In the case of multistory structures, the base setback requirement of subsection (b) above for such structures is thereby increased for each story or fraction thereof by an amount equal to four (4) feet for the sum of the side setbacks and two (2) feet each for the minimum width side setbacks, designated rear setback and designated front setback, and

8) No portion of any building or appurtenance shall be constructed as to project into any commonly owned open space;

H. Mobile homes, single or multisectioned, shall be allowed in a PRD.

18.51.060 Submittal requirement postponement. In order to provide planning flexibility, PRD submittal requirements may be postponed at the time of rezone consideration by the hearing examiner; provided, that an alternative submittal process is contractually established. This postponement provision shall only be utilized for major PRD projects.

18.51.070 Official map.

A. The site plan as approved by the hearing examiner shall become the official map of the PRD and any changes thereto shall require review under the provisions of SCC 18.51.080;

B. The official map and its associated conditions shall be considered extensions of the regulations of this title, and their existence shall be noted on the official zoning maps;

C. All development within an approved PRD shall conform to the official map and associated conditions. In order to assure compliance, a bond may be required by the hearing examiner; and

D. Prior to the issuance of a building permit for any structure in a PRD zone, a final plat, subdivision, or dedication shall have been approved by appropriate county authority and filed for record by county recording authority; provided that this requirement shall not apply where sale or lease of any portion of the PRD land area is not contemplated.

18.51.080 Revision of the official map. Revisions of an official map shall be permitted as set forth below:

A. Minor Revisions. Minor revisions or changes in the official map may be permitted by administrative action of the manager of the planning division and shall be properly recorded within the rezone file and as a part of the records for the approved building permits;

B. Major Revisions. Major revisions of an official map shall be processed in the same manner as an original application; and

C. Determining Major, Minor Revisions. A "Major" revision means any proposed change in the basic use in a PRD, or any proposed change in the plans and specifications for structures or location of features

therein, whereby the character of the approved development will be substantially modified or changed in any material respect or to any material degree. A "minor" revision means any proposed change in an official map which does not involve a substantial alteration of the character of the PRD. The determination of whether a proposed change is a "major" or "minor" revision shall be made by the planning manager in accordance with the foregoing principles.

18.51.090 Private roads and driveways. Upon approval by the director of public works, private roads and driveways serving a limited number of dwelling units and not intended for use as a public thoroughfare may have rights-of-way less than the county minimum. Such roads shall be constructed to county road surface standards and shall be approved by the director of public works and hearing examiner as to adequacy of width, access to properties, access for emergency vehicles and turnaround space. Deeds to lands abutting such private roads and driveways must contain a warning that the road will not be maintained by the county.

18.51.100 Other uses permitted. One (1) acre of land for every three hundred (300) dwelling units may be used for neighborhood business purposes. Such other uses as are permitted in the underlying zone are permitted herein upon the same criteria, terms and conditions.

18.51.110 Maintenance of open space and utilities. Before approval by the hearing examiner may be granted, the developer shall submit to the hearing examiner covenants, deeds and homes association by-laws and other documents guaranteeing maintenance and construction and common fee ownership, if applicable, of public open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed and accompanied by a certificate from an attorney that they comply with the requirements of this chapter prior to approval by the hearing examiner. Such documents and conveyances shall be accomplished and be recorded, as applicable, with the Secretary of State and the county auditor as a condition precedent to the filing of any final plat of the property or division thereof, except that the conveyance of land to a homeowners' association may be recorded simultaneously with the filing of the final plat.

Chapter 18.52

LANDING FIELD (LF) ZONE

Sections:

- 18.52.010 Purpose.
- 18.52.020 Definitions.
- 18.52.030 Landing field areas.
- 18.52.040 Airport zoning commission--Duties.
- 18.52.050 Height variances.
- 18.52.060 Acquisition of air rights.

18.52.010 Purpose. It is the intent of this chapter to exercise the authority given the county by state statute (RCW 14.12) to zone land surrounding an aircraft landing field. It is hereby found that an airport hazard endangers the lives and property of users of the airport and occupants of land in its vicinity. Airport hazards of the obstruction type, in effect reduce the size of the area available for landing, taking-off and maneuvering of aircraft thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly it is declared:

A. The creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question;

B. It is therefore necessary in the interest of the public health, safety and general welfare that the creation or establishment of airport hazards be prevented; and

C. This should be accomplished, to the extent legally possible by the exercise of police power, without compensation.

18.52.020 Definitions. As used in this chapter, unless the context requires otherwise:

A. "Airport" means any area of land or water designed and set aside for the landing and taking-off of aircraft and utilized or to be utilized in the interest of the public for such purpose;

B. "Airport hazard" means any structure or tree or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft;

C. "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this chapter;

D. "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines;

E. "Tree" means any object of natural growth;

F. "Approach area" is that part of an airport hazard area, as designated on the zoning map, along each side of the extended centerline of a runway and lying below the normal glide path of aircraft approaching the runway to land;

G. "Transitional area" is that part of an airport hazard area, as designated on the zoning map, as either side of the approach area and the runway and lying below the normal path of aircraft maneuvering for landing or during takeoff;

H. "Turning area" is that part of an airport hazard area, as designated on the zoning map, utilized by aircraft in descent and ascent but above and beyond the transitional area.

18.52.030 Landing field areas.

A. Land in the vicinity of aircraft landing fields shall be divided into "approach areas", "turning areas" and "transition areas" and shall be designated with the prefix LF (landing field) on the zoning maps which are a part of this title;

B. No structure shall be erected, altered or maintained, nor shall any tree be allowed to grow, in any area created by this section, to a height in excess of the height limit herein established for such landing field areas. The datum planes for these areas shall be established elevation of the landing field;

C. The maximum height permitted, unless otherwise regulated by other sections of this title, is hereby established for the following areas:

1) In "approach areas" to the height of the inclined plane of the approach areas as indicated on the sectional zoning map or maps,

2) In "transition areas" to the height of the inclined plane of the transition areas as indicated on the sectional zoning map or maps, and

3) In "turning areas" the height shall be limited to one hundred fifty (150) feet above the datum plane.

18.52.040 Airport zoning commission--Duties.

A. The planning commission shall be deemed to be sitting as the airport zoning commission when dealing with questions related with this chapter. This is in compliance with the provisions of RCW 14.12.070;

B. No airport zoning regulation shall be adopted, amended or changed except by action of the airport zoning commission after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Twenty (20) days notice shall be published in an official newspaper, or newspaper of general circulation in the county. This publication shall appear three (3) times in the newspaper and the twenty (20) days notice shall be computed from the first date of publication. Wherever possible actual notice of twenty (20) days shall be given property owners within the proposed areas;

C. The airport zoning commission shall adopt only reasonable regulations. In determining reasonableness, the commission will consider:

1) The character of the flying operations expected to be conducted at the airport,

2) The nature of the terrain within the airport hazard area, and

3) The character of the neighborhood and the uses to which the property to be zoned is put and adaptable.

18.52.050 Height variances. Variances as to height of structures may be granted, on application to the hearing examiner, and shall be allowed where a literal application or endorsement of the regulation would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in the spirit of the regulations and this chapter; provided, that any variance may be allowed subject to any reasonable conditions that the hearing examiner may deem necessary to effectuate the purpose of this chapter.

In granting any permit or variance under this chapter, the hearing examiner may, if he deems such action advisable to effectuate the purpose of this chapter and reasonable in the circumstances, so condition such permit or variance as to require the owner of the tree or structure in question to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

18.52.060 Acquisition of air rights. In any case in which:

A. It is desired to remove, lower or otherwise terminate a nonconforming structure or use; or

B. The approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this chapter; or

C. It appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations;

the county may acquire, by purchase, grant or condemnation in the manner provided by law under which political subdivisions are authorized to acquire real property for public purpose, the air right, aviation easement, or other estate or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purposes of this chapter.

Chapter 18.53

TOWNHOUSE (T) ZONE

- 18.53.010 Forms of townhouse occupancy and conveyance.
- 18.53.020 Permitted density.
- 18.53.030 Applications.
- 18.53.040 Revisions.
- 18.53.050 Approval period.
- 18.53.060 Performance and design standards.

18.53.010 Forms of townhouse occupancy and conveyance. The requirements of this chapter apply regardless of the form of occupancy or ownership; the terms "lot" and "unit" are therefore interchangeable, depending on whether the site of the proposed townhouses is to be divided or remain under one ownership. Similarly, "lot lines" shall connote common walls and the exterior boundaries of private open space attached to each unit when no subdivision is used.

18.53.020 Permitted density. Dwelling unit density shall not exceed nine (9) units per acre. Maximum density shall be derived from the calculation of gross site area less unbuildable lands as calculated pursuant to SCC 18.46 (Development on Steep Slopes), SCC 18.53.060(A), and county policy relative to easements and wetlands.

18.53.030 Applications. All applications for townhouses shall include along with the application for rezone, plat and/or conditional use permit, as applicable, an official map showing:

A. The building envelope of all structures, and the location of all open space areas, buffering, points of egress, ingress and internal circulation, pedestrian facilities and parking;

B. Existing and proposed topography at contour intervals of no more than five (5) feet;

C. Development status of contiguous lands including all streets, easements and the names of any adjacent plats;

D. Name, address and phone number of the owner and plan preparer(s);

E. Calculations showing acreage of the site, number of dwelling units proposed, zoning, site density and open space acreage;

F. Scale and north arrow;

G. Vicinity sketch (drawn to approximately 1" = 2000' scale) showing sufficient area and detail to clearly locate the project in relation to arterial streets, natural features, landmarks and municipal boundaries; and

H. Natural drainage courses and probable alterations which will be necessary to handle the expected drainage from the proposal, and the general method proposed to comply with SCC Title 24, Snohomish County Drainage Ordinance.

18.53.040 Revisions. Revisions to site plans approved by the hearing examiner shall be permitted as follows:

A. Minor Revisions. Minor revisions or changes in the site plan may be permitted by administrative action of the manager of the planning division and properly recorded as a part of the records for the approved original application;

B. Major Revisions. Major revisions of a site plan shall be processed in the same manner as an original application; and

C. Determining Major, Minor Revisions. A "major" revision means any proposed change in the basic use in a site plan, or any proposed change in the plans and specifications for structures or location of features therein, whereby the character of the approved development will be substantially modified or changed in any material respect or to any material degree. A "minor" revision means any proposed change in a site plan which does not involve a substantial alteration of the character of the site plan. The determination of whether a proposed change is a "major" or "minor" revision shall be made by the manager of the planning division in accordance with the foregoing principles and may be appealed pursuant to SCC Chapter 18.72.

18.53.050 Approval period. In the event construction has not commenced within four (4) years after the date of approval of a rezone to the townhouse zone or issuance of a conditional use permit for townhouses, the hearing examiner shall hold a public hearing to determine whether the rezone or conditional use permit should be revoked or whether the site plan should be revised or continued as approved. For the purpose of this section, construction shall mean actual construction begun on some permanent structure, utility, or facility on the site.

18.53.060 Performance and design standards. All townhouses shall meet the following standards and regulations:

A. Slope Policy. SCC 18.46 Development on Steep Slopes shall be used in calculating the total number of permitted townhouses on a site; provided that the stipulated minimum lot size permitted in each slope range shall not apply and further where an adopted comprehensive plan permits five (5) or more dwelling units per acre on a site the Residential Density Guide for Sloping Land table shall be modified to permit the maximum comprehensive plan density in the zero to twenty percent (0 - 20%) slope ranges. Placement of townhouses shall be sensitive to the natural topography and otherwise conform to the intent of SCC Chapter 18.46. Where appropriate to restrict development on slopes, building setback and limit of clearing lines shall be displayed on the site plan;

B. There shall be no more than six (6) dwelling units in any townhouse structure, unless it can be demonstrated to the satisfaction of the hearing examiner that additional units can be compatible with the character of adjacent existing and planned uses;

C. Bulk and setback variation. Each townhouse structure shall have horizontal or vertical variation either within each dwelling unit's front building face and/or between the front building faces of all adjoining units to provide visual diversity to the townhouse structure and individual identity to townhouse units. Upon building permit application, a plot plan of the entire structure in which each unit is located shall be provided by the builder to show compliance with this requirement. The planning division shall review and approve

or deny the building design which may incorporate variations in roof lines, common wall "fin" extensions, setbacks and other structural variations. Disagreements between the developer and the planning division may be appealed to the hearing examiner;

D. Setbacks.

1) Every townhouse on a townhouse lot shall maintain a setback of at least fifteen (15) feet from the edge of any street right-of-way, or twenty (20) feet in residential zones, and shall maintain a five (5) foot setback from adjacent residential property lines (except where the townhouses are connected); PROVIDED that when two (2) or more townhouse dwelling units are being developed on adjacent lots, street setbacks may be reduced by not more than ten (10) feet in order to give individual identity and privacy to the units, as long as the average of all such setbacks in a townhouse structure is not less than fifteen (15) feet, (twenty (20) feet when located in any Residential zone) and each lot has a combined total of thirty (30) feet of front and rear setbacks; and

2) Every townhouse at each end of a group of attached units shall maintain a minimum building separation of not less than ten (10) feet;

E. Lot area. Minimum lot area for single family detached structures and mobile homes shall be seven thousand two hundred (7200) square feet. Minimum townhouse lot area per dwelling unit shall be an average of two thousand (2000) square feet;

F. Lot width. Minimum lot width for single family detached structures and mobile homes shall be sixty (60) feet; corner lots, sixty-five (65) feet. Every townhouse lot shall be of sufficient width to meet off-street parking requirements, side yard and building code requirements;

G. Lot coverage. Lot coverage requirements shall be as follows:

1) Single family detached structures and mobile homes shall cover no more than thirty-five percent (35%) of the lot,

2) Townhouse and accessory structures shall together cover no more than fifty-five percent (55%) of the lot, and

3) Patios, driveways and walkways shall not increase the total lot coverage to more than sixty-five percent (65%) of the lot, unless paved with perforated concrete blocks or other permeable material;

H. Building height. Maximum building height for single family detached structures and mobile homes shall be twenty-five (25) feet, unless modified in SCC Chapter 18.52 or SCC 18.42.020. Townhouse building height shall not exceed thirty (30) feet;

I. Parking. Two (2) off-street parking spaces shall be provided per dwelling unit, either open or enclosed, with at least one space located behind the street setback line; in addition, all other applicable standards contained within SCC Chapter 18.45 Off-Street Parking, shall be met;

J. Sidewalks or walkways. Sidewalks or walkways in accordance with the adopted Snohomish County Road Standards shall be provided along interior streets and private roads and along streets adjacent to the site;

K. Utilities. All water, sewer, electrical and communication distribution and service lines shall be underground except electrical and communication distribution lines only may be above ground for

those townhouse lots abutting streets with pre-existing above ground distribution lines. All lines shall be approved by the agency or jurisdiction providing the service;

L. Sewers. All townhouse developments shall be served by a public sanitary sewer system or a larger on-site sewage disposal system pursuant to Chapter 248-96 Washington Administrative Code; provided perpetual management of any larger on-site sewage system shall be provided by either an eligible public entity as defined by Washington State Department of Social and Health Services regulations, or by a suitable private entity guaranteed by an eligible public entity;

M. Landscaping. At the time of application for a building permit, the developer shall submit landscaping plans prepared by a professional landscaper or nurseryman for at a minimum all front and side setbacks and common open space areas associated with the building for which permit application is made. Landscaping shall consist of a mixture of trees, shrubs and ground cover as appropriate to the site and shall be installed in accordance with the plans prior to or within ninety (90) days of issuance of an occupancy permit;

N. Orientation. The overall development plan for the site and orientation of individual units should reflect consideration of the microclimate of the site, by orientation relative to sun, shade and wind for increased energy efficiency of the development and for maximum comfort of the residents; provided that where physical or economic considerations make such orientation impractical, this provision shall not apply; and

O. Open space areas. All common open space, community facility areas and private landscaping areas shall be subject to maintenance and use provisions which shall be set forth and recorded in private covenants, deed restrictions, homeowners agreements or through other suitable means to insure continual maintenance, establish rights of access as appropriate and address other relevant matters.

Chapter 18.54

MINERAL CONSERVATION (MC) ZONING AND
MINERAL EXCAVATION PROCEDURES AND STANDARDS

Sections:

- 18.54.010 Qualifying criteria and guidelines for establishing and continuing MC zones.
- 18.54.020 Application and review for conditional use permit.
- 18.54.030 Performance standards.
- 18.54.040 Inspections.
- 18.54.050 Bonds.
- 18.54.060 Procedure for revoking excavation permit.

18.54.010 Qualifying criteria and guidelines for establishing and continuing MC zones.

A. In addition to furthering the goals and objectives of the comprehensive plan, any site favorably considered for MC zoning shall possess the following qualifications:

1) The site shall be a contiguous geographic area and have a size of not less than ten (10) acres, except in the case of subsurface shaft excavations where no minimum acreage is required. An MC zone classification is required for all sites which meet this criterion before mining can legally commence unless the hearing examiner finds that excavation operations are scheduled to begin within six (6) months of the date of application,

2) The site shall contain minerals or materials of a commercial quantity and quality as verified in writing by an engineer licensed in mining engineering, or such person or persons deemed qualified by the hearing examiner to testify as to the amount and quality of the material contemplated to be removed,

3) The site shall not be located in any area having substantial residential development or which is substantially developing residentially in accordance with the comprehensive plan. This provision shall be interpreted to include areas planned for residential development and showing signs of actual development within a relatively short period of time, and

4) For a site designated agriculture on the area comprehensive plan, the site shall not contain prime agricultural soils as defined by SCC 18.90.690. This shall be determined by a soil survey of the site conducted by a qualified soils scientist or soils engineer; PROVIDED, that in cases for which all of the following can be demonstrated to the satisfaction of the county, excavation may be permitted on limited prime agricultural soils:

a) The prime agricultural soils as defined by SCC 18.90.690 constitute no more than twenty-five percent (25%) of the proposed excavation, and

b) excavation of said soils is necessary to the conduct of the excavation on portions overlain by other than prime agricultural soils, and

c) it can be demonstrated that the use of the land underlying prime agricultural soils does not threaten other prime agricultural soils beyond the proposed excavation through encroachment, or disruptions due to operation of the excavation;

B. With respect to any applications for MC zoning, recommendations shall be made relative to the manner in which the subject land meets the purposes of this zoning code and of this chapter. In addition, specific recommendations may be made by the planning division on matters of concern to the application at hand including, but not limited to, the following:

- 1) The adequacy of environmental safeguards bearing on public health, safety and welfare, as evaluated against the standards of federal, state and local pollution control agencies,
- 2) Revocations of previous permits and/or forfeiture of bonds unless corrective action has been undertaken without cost to the county or state,
- 3) Experience with reclamation of similar site,
- 4) Ecological impact, and
- 5) Impact on agricultural operations in the vicinity;

C. The zoning of land for mineral conservation reserves the affected area for future excavation and provides reasonable assurance that such operation will not be disqualified by reason of site location for issuance of a conditional use permit by the hearing examiner. Sites not eligible for MC zone classification may be operated only as a conditional use where permitted; and

D. Land rezoned to MC may be reviewed as deemed necessary by the planning division and at intervals not to exceed ten (10) years to determine whether substantial changes in the comprehensive plan and local conditions beyond any such developments anticipated in granting the zone have occurred, and to consider the current mineral status of the land, all to determine whether a rezone to another classification is warranted.

18.54.020 Application and review for conditional use permit.

A. In addition to those requirements set forth in SCC Chapter 18.72, all applications for excavation permits shall contain the following:

- 1) A copy of the reclamation plan being submitted to the appropriate state regulatory agency in application for a state permit and, when available, an approved copy of the final plan, and in those cases where such a plan is not required by the state, a special reclamation plan acceptable to the hearing examiner which shall consider the following: compatibility with existing neighboring land uses, present land use of the site, transportation systems, utility extensions, the physical character of the site and the surrounding landscape, zoning patterns and the comprehensive plan,
- 2) A legal description of the site,
- 3) A statement of the nature and estimated quantity of minerals or materials to be extracted,
- 4) The temporary and permanent post office address of the applicant and all other parties having a real interest in the property,
- 5) A map or aerial photograph at a suitable scale identifying on the proposed site:

a) The perimeter of the actual deposit within the site,
b) Present and proposed contours at five (5) foot intervals of the area to be excavated and of adjacent land as may reasonably be required,

c) The location, size and type of all machinery, structures, scales, stockpiles, roads and other site developments,

d) All major topographic features,

e) A drainage plan showing present and proposed drainage ways, seasonal or continuous, and directions of flow, and

f) For sites designated Agriculture by the area comprehensive plan and not zoned MC, detailed soils information prepared by a qualified soils scientist or engineer indicating types and depths of soils on impacted areas of the site,

6) Cross section diagrams at intervals acceptable to the hearing examiner indicating present and proposed elevations,

7) A statement of the expected time of completion of excavation operations,

8) Proposed hauling routes to and from the site,

9) Fencing and screening plans,

10) Written consent of the owner of the land to the removal of the material from his land,

11) An excavation phasing schedule, and

12) The evidence required by SCC 18.54.010(A)(2);

B. Applications for conditional use permits on sites zoned MC shall not be denied unless the hearing examiner makes a finding of fact and a determination that any of the following situations exist:

1) It is determined that the reclamation plans and operating procedures proposed by the applicant are not adequate to protect the general welfare and adjoining properties or the natural environment to an extent deemed reasonable as conditioned by these local circumstances:

a) The operation will probably endanger the health, comfort, welfare or safety of the public by the pollution of any waters or the atmosphere, or create unusual and dangerous traffic conditions, and

b) The operation probably will endanger life or property by the storage of explosives, unduly decreasing property values or the removal of subjacent lateral support,

2) The applicant has ever had a previous county permit permanently revoked for cause, and

3) The applicant has previously forfeited a bond attached to a previous operation, unless corrective measures have taken place without cost to the county or state; and

C. Application for conditional use permits on sites not zoned MC may be denied upon the unfavorable findings of the hearing examiner under Section (2) above or the provisions of SCC Chapter 18.72, and in addition, the hearing examiner shall consider:

1) The authorization for the location within the applicable zone, and

2) The suitability of the location and the operation considering the nature and degree of surrounding development and the purposes of the applicable zone.

18.54.030 Performance standards.

A. In granting conditional use permits and setting performance standards for excavations in land zoned MC or land regulated solely by conditional use permit the following conditions shall apply in all cases except when more restrictive conditions are imposed by the hearing examiner:

- 1) The operator shall bury or remove all metal, lumber or other refuse on the site in a method approved by the hearing examiner,
- 2) After completion of excavation operations, the operator shall dismantle and remove within three (3) months all equipment introduced to the site in support of the operations, with the exception of equipment necessary for reclamation, which equipment shall not be removed until such reclamation is completed to the satisfaction of the state or local authorities. This three (3) month period shall not be assumed to include time between projects or times when the plan is temporarily inoperative due to economic, weather or other similar conditions recognized as reasonable by the hearing examiner. Such temporary discontinuance of operations shall not be the cause for removal of equipment,
- 3) All excavation operations and trucking directly related to such operations may be permitted only between the hours of 7:00 a.m. and 5:30 p.m., Monday through Saturday, unless the hearing examiner determines at a public hearing that no nuisance exists, or that unusual and justifying circumstances are present, in which case the relaxation of this regulation shall terminate when such conditions and circumstances are deemed by the hearing examiner to no longer exist,
- 4) If property to be developed for excavation has an exterior boundary line which shares a common property line with developed property, or if in the judgment of the hearing examiner, the nature and location of the operation is such as to constitute a hazard to public safety, then a solid wall or fence no less than five (5) feet in height shall be installed and maintained no closer than fifty (50) feet from the excavated area. All openings in the fence shall be barred by locked gates when the permittee or his agent are not on the premises,
- 5) The area shall be posted with signs having letters at least three (3) inches high and two (2) inches wide, giving clear warning of the dangerous conditions resulting from the excavation. Said signs shall be no farther than fifty (50) feet apart around the periphery of the subject property and shall be maintained in good repair until excavation and reclamation operations are completed,
- 6) Whenever property developed for excavation is adjacent to developed residential property, public roads, streets or highways, streams, lakes or other public installations, there shall be installed and maintained or cultivated in addition to any required fence, a view-obscuring planting screen not less than fifteen (15) feet in width, and in such planting strip shall be shrubs, bushes or trees which shall be selected to be evergreen, indigenous, fast-growing, compatible with the soil, and on the basis of size, form and minimum maintenance requirements. Said planting screen shall be planted according to acceptable practice in good soil, irrigated as necessary and maintained in a good condition at all times at the expense of the operator. Such view-obscuring planting screen herein required shall be installed as a yard improvement at or before the time excavation operations commence or within a reasonable time thereafter, in the

judgment of the hearing examiner, giving due consideration of local planting conditions. Where natural flora does not exist, a view-obscuring fence may be installed, subject to the conditions given above, which fence shall maintain a fifteen (15) foot setback from the property line and may also satisfy the requirement of SCC 18.54.030(A)(4) if satisfying the provisions contained therein,

7) Excavation operations shall be permitted no closer than twenty-five (25) feet from any property line, street, road or highway. In no case shall mining operations impair lateral support or cause earth movements or erosion to extend beyond the exterior boundary lines of property being excavated. Structures or buildings shall not be located closer than one hundred (100) feet from a developed residential property line. Office buildings shall maintain a twenty-five (25) foot setback,

8) Operators shall divert or protect all natural drain courses to prevent pollution or reduction of natural flow, shall impound runoff as necessary to hold run-off to levels existing prior to the introduction of excavation operations, shall protect streams and grounds from acid forming or toxic materials exposed or produced by excavation operations, shall seal off to the extent directed by the hearing examiner any breakthrough of acid water creating a hazard, shall not allow water to collect nor permit stagnant water to remain in excavations. Wherever possible, the operator shall refrain from disturbing natural drain course, streams, rivers and lakes,

9) Blasting or other activities producing ground vibration shall not constitute a nuisance to, or damage in any way, the property of adjacent land owners. The hearing examiner may require testimony by technical specialists in order to determine appropriate amounts and placement of explosives and other vibration producing equipment, and may place such restrictions as are appropriate to resolve the problem,

10) Underground excavation operations shall not be left in a condition so as to be or become hazardous. Mine shafts, air courses, inclines, or horizontal working temporarily unused or deserted shall be blocked by solid bulkheads constructed of concrete, wood or steel. A locked manway or door may be installed as part of the bulkhead. Where shafts, air courses, inclines or horizontal working are to be permanently abandoned in accordance with good mining practice, the collar portal to such workings shall be completely blocked by permanent bulkheads constructed of concrete and/or steel or by causing the collapse of solid rock at such collar or portal in such manner as to prohibit the reopening of said workings by natural movement of the collapsed rock by gravity down inclined workings,

11) The amount of land actually being excavated at any time without simultaneous reclamation being undertaken may be set by the hearing examiner, but in no case shall more than ten (10) acres lie disturbed and unreclaimed,

12) Such topsoil as exists on this site shall be retained on the site in sufficient quantities to ensure an adequate supply for reclamation purposes, and

13) One (1) copy of approved excavation and reclamation plans and specifications shall be kept on the sight at all times during the progress of the excavation operation;

B. Additional conditions may be established to further the objectives of SCC 18.72.040 and may include, but are not limited to, the following specific objectives:

1) The hearing examiner may regulate the height and location of all equipment installed on the site, above and beyond the setback restrictions of this chapter, if unusual circumstances bearing on public safety or other vital concerns are deemed to exist,

2) The number and locations of points of ingress and egress to and from any mining operation are subject to regulation by the hearing examiner,

3) Wherever possible the operator shall schedule his excavation sequence in such a manner as to provide either natural or reclaimed buffers between the operation and adjoining properties,

4) Lighting may be regulated by the hearing examiner to minimize visibility from adjacent property and preclude it from shining directly onto adjoining property,

5) Stockpiles and tailings shall not exceed the height, slope and moisture content limits determined by the hearing examiner, nor shall such stockpiles or tailings be so located as to threaten adjacent slopes or properties. In making this determination, the hearing examiner may consult with the Washington State Department of Transportation, the Department of Natural Resources, the director of public works, or other authoritative sources, and

6) Other considerations of the hearing examiner may include but are not limited to the following: selective cutting of timber in power line corridors, control of signs, the selection of building materials in scenic areas, the preservation of animal trails by use of trestle and culverts, public access to unexcavated areas within MC zoned lands, especially if the areas include waterfront property, closed aggregate washing systems, the location of mining towns, mills, tailing dump sites, settling ponds, and the removal of access roads in wilderness areas after the completion of mining, as well as their restriction from public use during such operations.

18.54.040 Inspections. The granting of any permit hereunder is conditioned upon the consent of the owner to permit inspection of the site at any time. The inspection may include:

A. A review of all applicable county permits;

B. A review of all work actually being conducted on the site; and

C. A comparison of the actual performance with approved methods contained in the permit, as well as a recording of any known violations of state or federal permits. All violations shall be noted whether or not they are corrected in the presence of the inspector.

18.54.050 Bonds.

A. Excavations authorized by a conditional use permit may not commence until the permittee posts with the county an acceptable performance bond, which bond shall be a corporate surety bond executed in favor of the county by a corporation authorized to do business in the State of Washington under the provisions of Chapter 48.28 RCW and approved by the hearing examiner;

B. The bond shall include penalty provisions, on a form approved by counsel for the governing agency, for the failure to comply with the conditions on the permit. The hearing examiner shall have the

authority to determine the amount of bond required, and for any reason may refuse any bond deemed inadequate. A separate performance bond may be required for each separate operation. The performance bond may include an additional amount covering reclamation provisions in those cases where state reclamation laws are not applicable and local reclamation provisions are included as conditions of granting the conditional use permit; and

C. The surety executing the bond shall continue to be firmly bound up to the limits of the bond, under a continuing obligation, for payment of all necessary costs and expenses that may be incurred or expended by the county in covering any and all such required work to be done. However, in no event shall the liability of the surety exceed the amount stated in its bond regardless of the number of years the bond shall remain in force. Liability under the bond may be released only upon written notification from the hearing examiner which notification shall be given upon completion of compliance or acceptance by the hearing examiner of a substitute bond. The portion of a bond covering reclamation which includes plantings shall not be released until after a final site inspection by the planning division which shall take place after at least one (1) complete growing season has elapsed since the completion of reclamation.

18.54.060 Procedure for revoking excavation permit. The enforcement provisions of Chapter 18.80 shall apply and in addition the excavation permit may be revoked or suspended for violations which jeopardize the health, safety or welfare of the public. The county may suspend or revoke said permit, such suspension or revocation to be effective immediately upon notification of the operator in writing by the county. A public hearing shall be held by the hearing examiner before a suspension or revocation may be permanent. Written notice of such hearing shall be published and shall also be served upon the permittee either personally or by registered mail and shall state:

(1) The grounds for complaint or reasons for the revocation or suspension;

(2) The time and location of the hearing.

Such notice shall be served by registered mail or personally served on the permittee at least fifteen (15) days prior to the date set for said hearing. The permittee shall be given the opportunity to be heard and defend himself, and he may call witnesses and present evidence in his behalf. The public shall also be afforded an opportunity to be heard and present evidence. Upon conclusion of such hearing, the hearing examiner shall determine whether or not the permit shall be permanently suspended or revoked. In the event the determination is to suspend or revoke said permit, the permittee may appeal said decision as provided in Section 18.72.070. Once a permit has been revoked the burden of proof that the deficiencies for which it was revoked have been corrected rests with the permittee.

18.55

MOBILE HOME PARK STANDARDS AND REGULATIONS

Sections:

18.55.010 Mobile home parks--establishment.

18.55.020 Mobile home parks--performance regulations.

18.55.010 Mobile home parks--Establishment. Where permitted, mobile home parks shall meet the following minimum requirements:

A. Minimum site size shall be five (5) acres and maximum density shall be up to eight (8) dwelling units per acre;

B. Compliance with the standards established herein and issuance of a conditional use permit precludes the necessity to plat within any mobile home park; provided that said park remains completely under single ownership;

C. Any applicant shall submit, along with the application, plans, drawings and other information sufficient to enable the planning division to determine whether the mobile home park complies with the performance regulations contained in SCC 18.55.020 of this title. The submittals shall include the following:

1) Overall site development plan showing location of all mobile home pads, buildings and uses, areas devoted to open space and buffering, ingress and egress points, and internal pedestrian and vehicular circulation. Such plans shall include at least the following:

- a) Project staging and expected completion time,
- b) Location, width and typical cross-sections of internal circulation streets,
- c) Dimensions and areas of the mobile home park,
- d) Location and size of all mobile home pads,
- e) Location and size of all parking and bulk storage areas,
- f) Location and size of open space areas required by SCC 18.55.020(H), and
- g) Existing and proposed topography at contour intervals of no more than five (5) feet;

2) Storm drainage study with plans showing existing vegetation, slopes and drainage conditions, as well as proposed alterations and drainage control devices,

3) General landscape plans showing location of buffer strips, open spaces, existing trees and plant materials to be preserved, proposed interior major tree plantings, berms, and other landscape features. Detailed landscape plans must be submitted to, and approved by, the planning division prior to initial site work, and

4) Other maps, plans or documentation as deemed necessary by the hearing examiner in order to effectively evaluate the impact of the proposal;

D. The site plan, as approved by the hearing examiner, shall become the official site plan of the mobile home park. In order to

insure development as per the approved plan, one or more of the following may be required by the hearing examiner:

1) A performance bond or other security acceptable to the hearing examiner, sufficient to cover the estimated cost of required improvements,

2) Construction or development of all, or a portion of, the improvements shown on the official site plan prior to occupancy; provided, that any improvements for which a bond is established, as provided for in subsection 1 above, shall not also be subject to this subsection.

A maintenance bond or other security acceptable to the hearing examiner and securing to the county the successful operation of required improvements for an appropriate period of time up to two years from construction and installation shall be required upon completion of said improvements to the satisfaction of the hearing examiner;

E. Plans which are approved by the hearing examiner may, upon request of the property owner, be amended by the planning division as an administrative act. This authority shall be limited to amendments of a minor nature which cause no increase in intensity of use and which do not reduce performance standards below those set forth when approved and which do not increase the detrimental impact of the park on adjoining properties, and which do not substantially alter the design of the official site plan. The planning division shall make a record of any such requested amendment, its action thereupon, and the findings it determines to be controlling on its action; all such records and findings shall become a part of the permanent file of the subject mobile home park. No changes in points of vehicular access to the property shall be approved without written concurrence from the director of public works. Disagreements over amendments may be appealed by an aggrieved party to the hearing examiner. Requested amendments, which are deemed by the planning division to exceed the authority granted by this paragraph, shall be submitted to the hearing examiner for consideration in the manner provided in SCC Chapter 18.72 of this title for the issuance of a conditional use permit; and

F. In the event construction has not commenced within eighteen (18) months after the date of approval by the hearing examiner, the hearing examiner shall hold a public hearing to determine whether the mobile home park permit shall be revoked or whether the site plan should be modified or continued as approved. For the purpose of this section, construction shall mean actual construction begun on some permanent structure, utility, or facility on the site.

18.55.020 Mobile home parks--Performance regulations. In granting conditional use permits for mobile home parks, the following regulations shall apply, except when more restrictive conditions are imposed by the hearing examiner:

A. Evidence of Water and Sewer Facilities. The developer shall present evidence to indicate the following:

1) That the proposed development will meet the water requirements as outlined in WAC 248-75-030,

2) That the proposed mobile home park will be served by a fire protection system meeting the requirements of the Snohomish County fire marshal, and

3) That the proposed mobile home park will be immediately served by a sanitary sewer system and that connection to such sewers is feasible. Alternate devices or methods may be used if they have received prior approval from the State Department of Social and Health Services and the Snohomish Health District in accordance with the procedure established in WAC 248-96-046;

B. Flood Hazard. Mobile home park sites shall not be approved if the site is located within a designated 50-year or 100-year flood plain;

C. Circulation System.

1) All interior mobile home park roads shall be private roads,

2) All interior mobile home park roads shall be constructed within a right-of-way which shall extend at least two (2) feet beyond the paved surface but which shall, in no case, be less than thirty (30) feet in width,

3) Park roads shall have widths and surfacing as follows:

a) Park roads shall have a minimum paved width of twenty (20) feet. One-way roads shall have a minimum twelve (12) foot travel lane and an eight (8) foot parking lane. Two-way roads shall have minimum of two (2) ten (10) foot travel lanes and may have eight (8) foot parking lane(s), and

b) Park roads shall have surfacing depths as proposed by a licensed engineer and approved by the director of public works;

4) Cul-de-sac turnarounds shall have a minimum pavement width of twenty (20) feet and a minimum diameter of seventy (70) feet, exclusive of any parking lanes or areas, and

5) Points of ingress and egress with county rights-of-way shall be in accordance with the director of public works standards for "intersection control for plat road intersecting arterial highway";

D. Bulk Requirements.

1) Setbacks. All mobile homes, together with their additions and appurtenant structures, accessory structures and other structures on the site (excluding fences), shall observe the following setbacks (excluding any hitch or towing fixture):

a) Park roads -- fifteen (15) feet from centerline of right-of-way, but in no case less than five (5) feet from the paved surfaced edge,

b) Exterior site boundary, not abutting an off-site public right-of-way or abutting a private right-of-way less than sixty (60) feet in width -- fifteen (15) feet from property line,

c) Exterior site boundary, abutting an off-site public or private right-of-way less than sixty (60) feet in width -- fifty (50) feet from centerline of right-of-way, and

d) Exterior site boundary, abutting an off-site public or private right-of-way sixty (60) feet or more in width -- one-half (1/2) right-of-way plus twenty (20) feet measured from centerline;

2) Structure Separations. A minimum ten (10) foot separation shall be maintained between all mobile homes, together with their habitable additions, and other mobile homes. One-hour fire resistant structures shall maintain a minimum three (3) foot separation from adjacent mobile homes. Other structures shall maintain a minimum six

(6) foot separation between themselves and from mobile homes, except that carports may abut the unit they use;

E. Parking Requirements.

1) Two (2) off-street parking spaces, located adjacent to each respective mobile home pad, shall be provided for each unit and shall be surfaced,

2) Off-street guest parking shall be provided at the ratio of one (1) parking space for each four (4) mobile home pads and shall be distributed for convenient access to all pads and may be provided by a parking lane and/or separate parking areas. Clubhouse and community building parking facilities may account for up to fifty percent (50%) of this requirement, and

3) All off-street parking spaces shall have a minimum dimension of eight and one-half (8-1/2) feet by twenty (20) feet;

F. Storage Facilities.

1) Outside storage of household items and equipment shall not be permitted within the mobile home park. It shall be the responsibility of the park management to ensure compliance with this requirement,

2) A bulk storage and parking area for boats, campers, travel trailers, etc., shall be provided within the mobile home park. A minimum of three hundred (300) square feet of space, exclusive of driveways, shall be provided for every ten (10) mobile home pads. Bulk storage and parking areas shall be separated from all other parking facilities and shall be provided with some means of security. The requirements of this subsection may be waived by the hearing examiner when the mobile home park developer/owner agrees to prohibit the storage of such items within the park, and

3) Bulk storage and parking areas shall be screened from abutting public or private rights-of-way and abutting property owners by a greenbelt meeting the requirements of subsection G.4.a. below;

G. Landscaping and Buffering. Landscaping and buffering shall conform to the following requirements:

1) Landscaping materials shall conform to, and be installed in accordance with, the overall site development plan. Landscaping, to meet the requirements stated herein, shall be installed within six (6) months of the first occupancy. Trees shall be of such species and size at planting as would normally attain a minimum height of twenty (20) feet in five (5) years,

2) Landscaping materials, as per landscape plans, shall be maintained,

3) The hearing examiner may require landscaping in combination with berms for noise screening, and

4) Detailed landscape plans shall show the following:

a) Along the exterior site boundary, a minimum ten (10) foot wide planting strip of evergreen trees and shrubs,

b) Where abutting a major county arterial, the planting strip shall be a minimum of twenty (20) feet wide; provided that a minimum ten (10) foot strip may be considered sufficient when it can be demonstrated to the hearing examiner that, with earth sculpturing and recontouring, the development is buffered sufficiently,

c) Interior proposed plantings of major trees, and

d) Those areas to be preserved in their natural state, site development shall be sensitive to the preservation of existing vegetation;

H. Open Space. All mobile home parks shall include a minimum of twenty percent (20%) of the site area for common, functional open space. The following areas shall not be included as open space:

- 1) Surfaced widths of park roads,
- 2) Bulk storage, guest and unit parking areas, and
- 3) A minimum ground area factor unit:
 - a) Single wide - 3,200 square feet,
 - b) Double wide - 4,300 square feet,
 - c) Triple wide - 5,400 square feet.

Open space acreage may include community recreational areas and facilities such as playgrounds, swimming pools, hobby and craft shops; provided that planting strips required by SCC 18.55.020(G.4.a. and 4.b.) may account for no more than fifty percent (50%) of the required open space;

I. Lighting. Adequate lighting shall be provided to illuminate streets, driveways and walkways for the safe movement of pedestrians and vehicles;

J. Utilities. All water, sewer, electrical and communication service lines shall be underground.

Chapter 18.56

FREEWAY SERVICE (FS) ZONE

Sections:

- 18.56.010 Establishment in certain areas.
- 18.56.020 Screening.
- 18.56.030 Issuing building permits.
- 18.56.040 Modifications.
- 18.56.050 Granting permission for a FS zone.

18.56.010 Establishing in certain areas. The FS zone is to be established only upon land abutting a frontage or access road of a limited access highway and under a single ownership or unified control. The proposed development plan for the zone must include provisions for the elimination of existing uses which are made nonconforming by the rezoning amendments.

18.56.020 Screening. Each development shall be permanently screened from adjoining and contiguous residential areas or zone by a wall, fence, greenbelt, or other enclosure approved by the hearing examiner of minimum height of four (4) feet and maximum height of seven (7) feet. No signs shall be permitted on any part of a screening enclosure unless equivalent screening is provided by existing parks, parkways, recreational area or by topography or other natural conditions. No screening shall be required when abutting existing parks, parkways, recreation area or by topography or other natural conditions.

18.56.030 Issuing building permits. Prior to the issuing of the building permit for any structure in an FS zone, a binding site plan for the zone, indicating the provisions for acceleration and deceleration lanes, ingress and egress driveways; curbing, internal traffic circulation and parking; the location of structures, and the floor area devoted to accessory uses must be reviewed and approved by the hearing examiner. Where only partial development of the zone is involved, the hearing examiner will evaluate the partial development plans as they contribute to or limit the possible ultimate development of the zone.

18.56.040 Modifications. Modifications of a binding site plan shall be permitted as set forth below:

A. Minor Modifications. Minor modifications or changes in the binding site plan may be permitted by administrative action of the manager of the planning division and shall be properly recorded as a part of the records for the approved building permits or rezone. A "minor" modification means any proposed change in a binding site plan which does not involve a substantial alteration of the character of the binding site plan;

B. Major Modifications. Major modifications of a binding site plan shall be processed in the same manner as an original application.

Major modification means any proposed change in the basic use in a binding site plan, or any proposed change in the plans and specifications for structures or location of features therein, whereby the character of the approved development will be substantially modified or changed in any material respect or to any material degree.

C. The determination of whether a proposed change is a "major" or "minor" modification shall be made by the manager of the planning division in accordance with the foregoing principles.

18.56.050 Granting permission for an FS zone. Prior to formal hearing examiner consideration for the granting of an FS zone, the planning division shall have on file the director of public works' written evaluation of the adequacy of the proposed traffic control measures and the effect of the applicant's proposal on the proper functioning of the freeway interchange. Where a state facility is involved, the director of public works evaluation shall include an evaluation by the state highway district engineer.

Chapter 18.60

BP, PCB and IP ZONES PROCEDURES AND STANDARDS

- 18.60.010 Applicability.
- 18.60.020 Minimum zoning criteria.
- 18.60.030 Rezone procedures.
- 18.60.040 Preliminary plan.
- 18.60.050 Rezone and preliminary plan review.
- 18.60.060 Requirements of the final plan.
- 18.60.070 Approval of the final plan.
- 18.60.075 Final plan filing fee.
- 18.60.080 Disputes.
- 18.60.090 Revocation of approval.
- 18.60.095 Amendments to plans.
- 18.60.100 General performance requirements.
- 18.60.110 General landscaping and open space requirements.
- 18.60.120 PCB zone requirements.
- 18.60.130 BP zone requirements.
- 18.60.140 IP zone requirements.

18.60.010 Applicability. This chapter regulates development in the Planned Community Business (PCB), Business Park (BP), and Industrial Park (IP) zones. It sets forth procedures and standards to be followed in applying for, and building in these zones.

18.60.020 Minimum zoning criteria.

A. Must be a tract of land in single ownership or for multiple parcels under unified control. This requirement shall apply during preliminary and final plan stages to insure continuity of plan development,

B. Must be accompanied by a preliminary development plan prepared by a team of design professionals in compliance with the regulations and requirements of this chapter,

C. Must comply with bulk regulations contained in SCC 18.42.140(A), and

D. All utility services and distribution lines shall be located underground, and in the case of the BP zone, the property shall be served by public water and sewer services and paved streets;

18.60.030 Rezone procedures.

A. General procedures. The PCB, BP, and IP zones require a two-step approval process:

1) The preliminary plan and rezone application are considered together through the normal rezone process, and

2) A final plan is reviewed administratively after the rezone has been approved. No development permits shall be issued until a final plan has been approved in accordance with the provisions of this chapter;

B. Alternative procedure--concurrent rezone, preliminary plat, and final plan. Concurrent applications for rezone, preliminary plat, and final plans may be made, provided that all items required by SCC 18.60.040 and SCC 18.60.050 are submitted for the entirety of the rezone site at the time application is made. The rezone application, preliminary plat, and final plans shall be processed as a Master Application in accordance with the procedures set forth in 2.02.120 SCC;

C. County initiated rezone alternative procedure for BP. When recommended by the county comprehensive plan, Snohomish County may initiate rezoning to BP as part of the comprehensive plan implementation process. When this alternative is exercised, the provisions of SCC 18.60.020(A)(B)(C) and (D) shall be waived, this includes that portion of SCC 18.42.140 that establishes minimum lot size for BP. Prior to development of the BP site, the developer shall submit a preliminary development plan and fees as required by SCC 18.73.120 for hearing examiner review and approval. (See attached sheet)

D. County initiated rezone alternative procedure for IP. When recommended by the county comprehensive plan, Snohomish County may initiate rezoning to IP as part of the comprehensive plan implementation process. When this alternative is exercised, the provisions of SCC 18.60.020 (A)(B)(C) and (D) shall be waived. Prior to development of the IP site, the developer shall submit a preliminary development plan and fees as required by SCC 18.73.120 for hearing examiner review and approval.

18.60.040 Preliminary plan. The preliminary development plan shall contain, at a minimum, the following:

A. Textual Material.

- 1) The name and addresses of the developer, land surveyor, engineer, architect, planner and other professionals involved,
- 2) A document satisfactorily assuring unified control through the final plan approval stage for the total zone,
- 3) A description of intended type of uses and operations including timing, management control, growth prospects, community need, and other pertinent information,
- 4) A statement of intention to formally subdivide the property, if applicable,
- 5) A description of proposed building design, including probable exterior finish,
- 6) A provision for phasing out nonconforming uses and for removing existing structures or incorporating them into the overall development scheme, and
- 7) A statement of landscape maintenance provisions,
- 8) In the PCB zone, a traffic analysis report analyzing both existing and future traffic volumes incorporating projected impact due to proposed development;

B. Graphic Material. Prints of drawings, the number and scale determined by the planning division, drawn in compliance with the performance standards of SCC 18.60.090, showing all the following information:

- 1) A vicinity sketch locating the development,
- 2) Property boundaries of the development area,
- 3) Topography, sufficient to show direction of drainage and site development suitability, with contour intervals of from five (5) to twenty feet (20) depending upon slope characteristics and extending not less than one hundred fifty feet (150) beyond the property boundaries. This requirement may be waived by the planning director if the site does not warrant such information,
- 4) All existing structures and improvements within the development area which are to remain,
- 5) Existing streets bounding and/or within the development area,
- 6) Tentative traffic and pedestrian circulation pattern within the development area, showing intended street widths,
- 7) Tentative location of building lots and/or building areas and major areas intended for open space,
- 8) Phasing plan depicting development divisions, if applicable, and
- 9) General landscape plan showing areas to be landscaped, proposed plant height, and treatment of existing vegetation.

C. In the PCB zone, other maps, plans or documentation must be submitted if it is deemed necessary by the hearing examiner in order to effectively evaluate the impact of the proposal, such as an economic feasibility study, population trends analysis, utility and community facilities inventory or environmental inventory and analysis.

18.60.050 Rezone and preliminary plan review.

A. The county shall review the proposal for its relationship to public health, safety and welfare zoning criteria, including the ability of the proposal to be compatible and blend with the surrounding area. All locational, site and building design features and their impacts may be considered;

B. Reviewing departments shall have fifteen (15) days for review unless the applicant is requested to provide greater detail on given elements of the proposed preliminary plan.

18.60.060 Requirements for the final plan.

A. A planned development may be finalized as a whole or in successive divisions;

B. The final plan for a planned development shall consist of the following for each division:

- 1) A completed application form signed by the developer(s) of the project and by the property owner(s) if other than the developer,

- 2) Prints of drawings, the number and scale determined by the planning director, showing all the following information; provided the planning director may permit postponement of detailed building design information until application for building permits on each lot or site,

- a) Site contours at five (5) foot intervals, both existing and final where different, street layout and identification, size and shape of all building sites and lots, location of buildings,

open space areas with any specific open space activity areas indicated,

b) Final landscape plan, including plant locations and species sizes at planting, together with location and typical side or cross-section view of perimeter fencing or berms, if any,

c) Plans for signing and lighting, including typical entrance treatment and entrance signs,

d) Plans for buildings and related improvements to a scale of not less than one (1) inch to fifty (50) feet, showing:

i) Typical plot plan for each type of building, including location of building entrance, driveway, parking, fencing and sight screening,

ii) Typical elevations (side views) of each type of building, including identification of exterior building materials,

e) Typical street and walkway cross-sections,

f) Plans for open space area improvements, if any;

3) Restrictive covenants as required, together with a statement from a private attorney as to their adequacy to fulfill the requirements of this chapter, and

4) To insure conformity, a preliminary plat, if required, shall be filed simultaneously with final plans. Final plan approval shall occur only after preliminary plat approval;

C. Final plan filing fee. To cover the administrative review costs for the final plan or phased division thereof, a filing fee of forty (40) dollars per acre, rounded to the next highest acre, shall be paid to the planning division.

18.60.070 Approval of the final plan. The final plan or phased divisions thereof shall be submitted to the planning director for his final approval or disapproval. The director shall submit copies of the final plan to appropriate departments for their review and comment. Any reviewing department may request changes, provided they are consistent with the approved preliminary plan. Upon review and comment, the planning director shall approve the final plan in writing when found to be in conformance with the approved preliminary plan and this chapter. The planning manager may permit revision of the general design elements of the preliminary plan so long as it is found that impacts on adjoining properties are not significantly changed and major environmental protection features of the preliminary plan are maintained. Upon approval, the final plan shall control all development of the property.

18.60.075 Final plan filing fee. To cover the administrative review costs for the final plan or phased division thereof in BP and IP zones, a filing fee of forty (40) dollars per acre, rounded to the next highest acre, shall be paid to the planning department.

18.60.080 Disputes. Where the applicant and planning director or other departments are not able to reach agreement on the provisions of the final plan, the dispute shall be submitted to the hearing examiner in accordance with the procedures established by this title for administrative appeals.

18.60.090 Revocation of approval. In the event applicable provisions of this Title have been materially violated, the planning director may initiate proceedings before the hearing examiner to revoke the rezone, in whole or in part. Such actions shall proceed as specified in SCC Chapter 18.73 for consideration of a rezone application. In addition, the planning director may seek suspension or revocation of any development permits issued under the PCB, BP, and IP zoning.

18.60.095 Amendments to plans. Plans which are approved by the hearing examiner may, upon request of the property owners, be amended by the planning director as an administrative act. This authority shall be limited to amendments of a minor nature which cause no increase in intensity of use and which do not reduce performance standards below those set forth when rezoned, and which do not increase the detrimental impact of the zone on adjoining properties, and which do not substantially alter the design of the official site plan. No change in points of vehicular access to the property shall be approved without written concurrence from the county director of public works. Disagreements over amendments shall be appealed to the hearing examiner.

18.60.100 General performance requirements. Each planned zone and uses located therein shall comply with the following requirements:

A. Processes and equipment. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable beyond the boundaries of the lot upon which the use is located by reason of offensive odors, dust, smoke, gas or electronic interference;

B. Development Phases. Where the proposal contains more than one phase, all development shall occur in a sequence consistent with the phasing plan which shall be presented as an element of the preliminary plan unless modification is approved by the planning division;

C. Building Design. Buildings shall be designed to be compatible with their surroundings, both within and adjacent to the zone;

D. Restrictive Covenants. Restrictive covenants shall be provided which shall insure the long-term maintenance and upkeep of landscaping, storm drainage facilities, other private property improvements, and open space areas and facilities. Further, said covenants shall reference the binding site development plans and indicate their availability at the planning division, and shall provide that Snohomish County is an additional beneficiary with standing to enforce, and shall preclude the avoidance of performance obligations through lease agreements;

E. Off-street parking. Permanent off-street parking shall be in accordance with terms of SCC 18.45;

F. Signing. Signs for business identification or advertising of products shall conform to the approved sign design scheme submitted with the final plan, and must comply with SCC 18.44.050.

18.60.110 General landscaping and open space requirements. These requirements are in addition to those contained in 18.43.050.

A. Landscaping for parking areas shall conform to the requirements of 18.43.060;

B. Landscaping materials and the maintenance thereof shall conform to and be installed in accordance with the overall site development plan. Landscaping shall be installed prior to building occupancy, provided that the planning division may authorize up to a sixty (60) day delay where planting season conflicts would produce a high probability of plant loss;

C. The hearing examiner may require landscaping in combination with berms for noise screening;

D. Where a site has substantial numbers of evergreen trees, site development shall be sensitive to the preservation of such vegetation;

E. Except where specifically prohibited by the hearing examiner, the planning division, concurrently with action on the final BP or IP plan, may waive or modify landscaping requirements abutting residential zones and between rights-of-way or private access roads and buildings and parking areas where abutting residential uses will not be adversely affected, and where existing physical improvements, physiographic features or imminent changes in abutting land uses will render full compliance with said requirements ineffective. If said requirements are waived, or width of the buffer reduced, the planning division shall establish the minimum side and rear yard building setbacks from residentially designated property;

F. Areas zoned PCB shall include a minimum of fifteen percent (15%) of the site area for common open space. Open space shall not include areas devoted to buildings, parking or vehicular access;

G. Areas zoned BP, in addition to required landscaping, a minimum of ten percent (10%) of the balance of the site shall be landscaped. Landscaping required by SCC 18.43.060 may serve to fulfill a portion of this requirement.

18.60.120 PCB zone requirements. In addition to the requirements contained in SCC 18.60.020 and 18.60.090, the following are specific performance requirements in the PCB zone:

A. All uses permitted in this zone shall be entirely contained within an enclosed structure except the following:

- 1) Public utility transmission facilities,
- 2) Eating establishments where the space for outdoor public service is adjacent to the closed structure and does not disrupt vehicular traffic within or adjacent to the zone,
- 3) Permitted signing,
- 4) Parking and loading facilities,
- 5) Plant nurseries, and
- 6) Outdoor storage areas, when in conjunction with an enclosed principal use;

B. No outside loading and unloading of goods and materials shall occur between the hours of 11 p.m. and 7 a.m. where nuisances would result to adjoining properties.

18.60.130 BP zone requirements. In addition to the requirements contained in SCC 18.60.020 and 18.60.090, the following are specific performance requirements in the BP zone:

A. No uncovered outside storage shall be allowed of any products produced or items used in the operation of the business, except vehicles used to transport either raw materials or finished products of the business;

B. Not more than twenty (20) percent of the constructed BP zone floor area in any such development may be devoted to those accessory retail commercial uses primarily intended to serve the principal BP zone uses;

C. The retail sale of products manufactured on the BP zone site shall be permitted; and

D. Prior to the issuance of any building occupancy permits in a BP zone the developer(s) shall either complete all required improvements of a public nature, such as but not limited to streets, sidewalks, storm runoff and erosion control system, street signs and street lights, to the required specification, or enter into an agreement with the county to construct such development as may be approved, together with performance bond or other suitable collateral to ensure the completion of such improvements. Required improvements of a private nature, such as but not limited to private roads and landscaping, shall be constructed prior to building occupancy, bonded, or, subject to county approval, be constructed in conformance with a performance schedule delineated as part of the final plan which shall be tied to the issuance of building, occupancy or other permits. All bonded improvements shall be completed within six (6) months of bond issuance or be subject to bond forfeiture. Bond extensions may be granted by the director of public works. As improvements are completed and upon application by the developer, a partial release of the bond or collateral may be authorized which will leave a balance equal to the cost of completing the remaining improvements as certified by the county. The bond or collateral agreement shall provide for forfeiture to the county and the right to withdraw funds upon default by the developer to construct any or all of the public improvements in accordance with approved specifications within the time limited for performance. The bond may be issued for phased divisions of the development as may be approved by the county.

E. All outdoor lighting shall conform to the unified architectural lighting scheme for the BP development and shall not:

- 1) shine on adjacent properties,
- 2) conflict with the readability of traffic control devices,

or

- 3) Rotate or flash.

18.60.140 IP zone requirements. In addition to the requirements contained in SCC 18.60.020 and 18.60.090, the following are specific performance requirements in the IP zone:

A. Noise. Noise levels generated within the development shall not exceed those established in SCC 10.10 or violate other laws or regulations relating to noise.

18.60.150 Signs. Sign regulations for BP, PCB and IP development are contained in 18.44.050.

Chapter 18.71

NONCONFORMING USES AND STRUCTURES

Sections:

- 18.71.010 Applicability.
- 18.71.020 Improvements.
- 18.71.030 Restoration.
- 18.71.040 Expansion of nonconforming use--hearing examiner approval required.
- 18.71.050 Relocation necessitated by condemnation--hearing examiner approval required.
- 18.71.060 Changing uses.
- 18.71.070 Discontinuance.
- 18.71.080 Nonconforming structures.

18.71.010 Applicability. Any land, structure, or combination of the above containing a nonconforming use, or any nonconforming structure, may be continued subject to the provisions of this chapter.

18.71.020 Improvements. No existing structure intended for, or devoted to, a use not permitted under the regulations of this title for the zone in which it is located shall be enlarged, extended or structurally altered unless the use is changed to a use permitted under the regulations specified by this title for the zone in which the structure is located; except that in any consecutive period of twelve (12) months, improvements to the existing structural portions of a nonconforming use for the sole purpose of ordinary replacement of walls, fixtures, or plumbing, not exceeding twenty-five percent (25%) of the assessed value of the structure according to the assessment thereof by the county assessor for the fiscal year in which the work is done, shall be permitted so long as the exterior dimensions of the structure, as it existed on the effective date of the nonconformance, are not increased.

18.71.030 Restoration. Nothing in this title shall be deemed to prohibit the restoration of the structural portions of a nonconforming use within six (6) months from the date of its accidental damage by fire, explosion, act of God, or act of public enemy; provided that the setbacks and yard requirements of the zone in which the structure is located shall be adhered to if the structure is destroyed. A structure shall be considered to be destroyed if the restoration costs exceed seventy-five percent (75%) of the assessed value.

18.71.040 Expansion of nonconforming use--hearing examiner approval required. A nonconforming use may be expanded throughout land held under single ownership at the effective date of the nonconformance and which has continued in unbroken single ownership to the present, upon the granting of a special use permit by the hearing examiner subsequent to a public hearing; provided that such expansion does not increase the land area devoted to the nonconforming use by

more than one hundred percent (100%) of that in use at the effective date of the nonconformance, nor the ground area covered by the structural portion of the nonconforming use by more than one hundred percent (100%) of that existing at the effective date of the nonconformance; and provided further that said approval shall not be granted if the granting is found to be detrimental to surrounding properties, or to the implementation of the adopted comprehensive land use plan for the area, or would result in a significant increase in the intensity of the use of the nonconforming use. The hearing examiner may impose conditions precedent to expansion of the use as provided for in Snohomish County Code Section 18.72.060.

18.71.050 Relocation necessitated by condemnation--hearing examiner approval required. When a nonconforming use is required to relocate due to condemnation or purchase for public use, the hearing examiner may grant a special use permit for the relocation of such nonconforming use on the same lot or on any contiguous lot which was under single ownership at the effective date of the nonconformance, subsequent to a public hearing; provided that such relocation must be found not to be detrimental to the surrounding properties.

18.71.060 Changing uses. Nonconforming uses may only be changed to other uses which are allowed by this title for the zone which applies to the land on which the nonconforming use is located. Such new uses shall be initiated subject to the conditions of said zone.

18.71.070 Discontinuance. If the nonconforming use is discontinued for a period of twelve (12) consecutive months or more, the nonconforming status of the use is terminated, and any future use of the land or structures shall be in conformity with the provisions of this title for the zone in which it is located. The mere presence of a structure, equipment, or material shall not be deemed to constitute the continuance of a nonconforming use unless the structure, equipment or material is actually being occupied or employed in maintaining such use.

18.71.080 Nonconforming structures.

A. Nonconforming structures may be structurally altered or enlarged; provided that the degree of nonconformance shall not be increased and the setback, height, lot coverage, and open space requirements of the zone in which the structure is located shall be observed; and

B. A nonconforming structure accidentally destroyed by fire, explosion, act of God, or act of public enemy to an extent where restoration costs would exceed seventy-five percent (75%) of the assessed value of the structure, shall be considered completely destroyed and shall be required to meet all setback, height, lot coverage, and open space requirements of the zone in which it is located upon restoration.

CHAPTER 18.72

PROCEDURES FOR CONDITIONAL, SPECIAL, AND TEMPORARY USE
PERMITS, VARIANCES AND ADMINISTRATIVE APPEALS

Sections:

- 18.72.010 Granting variances.
- 18.72.020 Variances - conditions for granting.
- 18.72.030 Variances - effect of hearing examiner's decision.
- 18.72.040 Granting conditional use permits.
- 18.72.050 Granting special use permits.
- 18.72.060 Conditional and special use permits - conditions for granting.
- 18.72.070 Conditional and special use permits - effect of hearing examiner's decision.
- 18.72.080 Previous use--occupancy.
- 18.72.090 Administrative appeals.
- 18.72.100 Administrative appeals--time limit.
- 18.72.110 Administrative appeals--authority.
- 18.72.120 Administrative appeals--effect of hearing examiner's decision.
- 18.72.125 Judicial review.
- 18.72.130 Application form.
- 18.72.140 Filing fees.
- 18.72.150 Processing procedures.
- 18.72.155 Processing procedure - temporary uses.
- 18.72.160 Notice of hearing-variance, conditional or special use permits.
- 18.72.170 Notice of hearing-administrative appeals.
- 18.72.175 Notice provisions - temporary uses.
- 18.72.180 Reapplication.
- 18.72.190 Continuing jurisdiction.
- 18.72.195 Continuing jurisdiction - temporary uses.
- 18.72.200 Transfer of ownership.
- 18.72.210 Land use permit binder required.
- 18.72.220 Vacation of permits/variances.

18.72.010 Granting variances. Upon application therefor, the hearing examiner shall have the authority to consider a variance from the provisions of this title when the conditions as set forth in SCC 18.72.020 have been found to exist, and the examiner may grant a variance and impose conditions when the request is found to be in harmony with the general purpose and intent of this title.

18.72.020 Variances - conditions for granting. Before any variance may be granted, it shall be shown that:

- A. There are special circumstances applicable to the subject property or to the intended use, such as shape, topography, location or surroundings, that do not apply generally to the other property or class of use in the same vicinity and zone;
- B. Such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in

the same vicinity and zone but which because of special circumstances is denied to the property in question;

C. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located; and

D. The granting of such variance will not adversely affect the comprehensive plan.

18.72.030 Variances - effect of hearing examiner's decision. The decision of the hearing examiner's on a variance shall be final and conclusive. Within ten (10) days from the date of the examiner's decision, the applicant or an adverse party may appeal to a court of competent jurisdiction by application for a writ of certiorari, a writ of prohibition or a writ of mandamus.

18.72.040 Granting conditional use permits. Upon application therefor, the examiner may grant conditional use permits under the circumstances set forth in this title. Conditional uses are allowed in zones as listed in SCC 18.32.040.

18.72.050 Granting special use permits. Upon application therefor, the examiner may grant special use permits under the circumstances set forth in this title.

18.72.060 Conditional and special use permits - conditions for granting. When considering an application for a conditional use permit, the hearing examiner shall consider the applicable standards, criteria and policies established by this title as they pertain to the proposed use and may impose specific conditions precedent to establishing the use. The conditions may:

A. Increase requirements in the standards, criteria or policies established by this title;

B. Stipulate the exact location as a means of minimizing hazards to life, limb, property damage, erosion, landslides or traffic;

C. Require structural features or equipment essential to serve the same purpose set forth in (B) above;

D. Impose conditions similar to those set forth in items (B) and (C) above as deemed necessary to establish parity with uses permitted in the same zone in their freedom from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards, and similar matters; provided, the hearing examiner may not, in connection with action on a conditional use permit, reduce the requirements specified by this title as pertaining to any use nor otherwise reduce the requirements of this title in matters for which a variance is the remedy provided;

E. Assure that the degree of compatibility with the purpose of this title shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses, within the general area in which the use is proposed to be located;

F. Recognize and compensate for variations and degree of technological processes and equipment as related to the factors of

noise, smoke, dust, fumes, vibration, odors, and hazard or public need; and

G. Require the posting of construction and maintenance bonds or other security sufficient to secure to the county the estimated cost of construction and/or installation and maintenance of required improvements.

18.72.070 Conditional and special use permits - effect of hearing examiner's decision. The decision of the hearing examiner on a conditional use or special use permit shall be final and conclusive with right of appeal to the council pursuant to SCC Chapter 2.02.

18.72.080 Previous use--occupancy. Where prior to July 1, 1962, special authority was granted for establishing of conducting a particular use on a particular site and for a special period of time or as set forth in an action then titled "Use and Occupancy," such previous permits are by this section declared to be continued as a conditional use permit without specific time limit; provided, that if the particular use is such as is not otherwise permitted in the zone in which it is located, such established use and improvements incidental thereto shall be considered under the terms of this title as a nonconforming use.

18.72.090 Administrative appeals. The examiner shall have the authority to hear and decide appeals from any order, requirement, permit, decision or determination made by the director of the department of planning and community development or his designee in the administration and enforcement of provisions of this title.

18.72.100 Administrative appeals--time limit. Appeals may be taken to the examiner by any person aggrieved, or by any officer, department, board or bureau of the county affected by any decision of the director of the department of planning and community development or his designee. The appeals shall be filed in writing, in duplicate, with the community development division within fifteen (15) days of the date of the action being appealed. Upon filing an appeal, a place and time for the hearing not more than thirty (30) days from such notice of appeal shall be set by the department of planning and community development.

18.72.110 Administrative appeals--authority. The examiner may, in conformity with this title or other applicable ordinances, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from, and may rule on the order, requirement, decision or determination as necessary. To that end, the examiner shall have all the power of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned.

18.72.120 Administrative appeals - effect of hearing examiner's decision. The decision of the examiner on an administrative appeal shall be final and conclusive. Review of the examiner's decision shall be as provided by SCC 18.72.125.

18.72.125 Judicial Review. Any decision on an administrative appeal shall be reviewable for unlawful or arbitrary and capricious action or non-action by writ of review before the Superior Court of Snohomish County. An action for writ of review may be brought by any person aggrieved by the examiner's decision by making application to the court for such writ within fifteen (15) days of the date of the examiner's decision. The cost of transcription of all records ordered certified by the court for such review shall be borne by the applicant for the writ of review.

18.72.130 Application form. The planning division may prescribe the form in which applications are made for a variance, conditional use permit, special use permit or administrative appeal. It may prepare and provide printed forms for such purpose and may prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements.

18.72.140 Filing fees. The filing fees for requests/actions covered by this chapter shall be as follows:

A. Variance	\$175.00
B. Special use permit	\$175.00
C. Conditional use permit	\$225.00
1) Landfill	\$400.00
2) Mineral extraction/processing	\$400.00
3) Sanitary landfill	\$400.00
D. Temporary use permit	\$150.00
E. Administrative Appeals	\$ 50.00

18.72.150 Processing procedures. Variances, conditional use or special use permits and administrative appeals shall be processed in accordance with the provisions of SCC Chapter 2.02.

18.72.155 Processing procedure - temporary uses. Applications for temporary emergency uses or structures, and for temporary dwellings for relatives, shall be made in writing to the planning manager. The manager may grant those applications which meet the conditions listed in SCC 18.32.040. The manager may also impose special conditions to assure compatibility with surrounding properties.

18.72.160 Notice of hearing - variance - conditional or special use permits. Upon the filing of an application for a variance, conditional use or special use permit by a property owner, the planning division of the department of planning and community development shall set the time and place for a public hearing to consider the application, as provided for in the examiner's rules of procedure. Notice of the first public hearing for such an application shall be as set forth below:

A. For all variance applications:

1) The applicant shall post at least fifteen (15) days prior to the first hearing at least two (2) signs, one sign on each frontage abutting a public right-of-way or at the point of access to the property. Signs for posting shall be provided to the applicant by the county. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting.

2) The county, at least fifteen (15) days prior to the first public hearing, shall mail a notice of the hearing to each property owner of record within three hundred (300) feet of the subject property.

B. For all conditional or special use permit applications:

1) The applicant shall post at least fifteen (15) days prior to the first hearing at least two (2) signs, one sign on each frontage abutting a public right-of-way or at the point of access to the property. Signs for posting shall be provided to the applicant by the county. Such posting shall be evidenced by submittal of a verified statement regarding the date and location of posting.

2) The county, at least fifteen (15) days prior to the first public hearing, shall mail a notice of the hearing to each taxpayer of record within five hundred (500) feet of the boundaries of the subject property.

18.72.170 Notice of hearing - administrative appeals. Upon the filing of an appeal from an administrative determination, the planning division shall set the time and place for a public hearing as provided for in the examiner's rules of procedure. At least fifteen (15) days notice of such time and place together with one (1) copy of the written appeal shall be given to the official whose decision is being appealed, to the appellant and to other known interested parties in the case. The official from whom the appeal is being taken shall forthwith transmit to the examiner all of the records pertaining to the decision being appealed from, or copies thereof, together with such additional written report as he deems pertinent.

18.72.175 Notice provisions - temporary uses. Notice of the manager's decision approving a temporary use permitted under the provisions of SCC 18.72.155 shall be mailed to property owners of record within three hundred (300) feet of the subject property, which notice shall state the manner of administratively appealing such a determination pursuant to SCC 18.72.100.

18.72.180 Reapplication. Upon final action as set forth in this chapter in denying an application for variance, conditional use or special use permit or administrative appeal, the planning division shall not accept further filing of an application for substantially the same matter within one year from the date of any final denial of an application.

18.72.190 Continuing jurisdiction. The office of the examiner shall retain continuing jurisdiction over all variances and conditional use and special use permits. Upon a petition being filed by any person with a substantial interest in a variance, conditional use or special use permit, or by any public official, the examiner

may, in his discretion, call a public hearing for the purpose of reviewing that variance, conditional use or special use permit. Notice of the public hearing shall be as provided in SCC 18.72.160. Any such hearing shall be processed in accordance with the provisions of SCC Chapter 2.02; provided that, immediately upon a petition for review being accepted by the examiner, the examiner may for good cause shown, direct that the department of planning and community development issue a stop work order to temporarily stay the force and effect of all or any part of the variance, conditional use or special use permit in question until such time as such review is finally adjudicated. The examiner's decision, after hearing, shall be final subject to appeal as provided for in SCC 18.72.030 and SCC 18.72.070 of this chapter and it may reaffirm, modify or rescind all or any part of the variance, conditional use or special use permit being reviewed.

18.72.195 Continuing jurisdiction - temporary uses. The planning director shall retain continuing jurisdiction over all temporary uses, and may for good cause modify or revoke any permit issued under the authority of this chapter.

18.72.200 Transfer of ownership. A conditional use or special use permit or variance runs with the land; compliance with the conditions of any such permit or variance is the responsibility of the current owner of the property, whether that be the applicant or a successor. No permit for which a bond or other surety is required shall be considered valid during any time in which the required bond or surety is not posted.

18.72.210 Land use permit binder required. The recipient of any conditional or special use permit or variance shall file a land use permit binder on a form provided by the examiner with the county auditor within the time period stipulated by such permit or variance. The permit or variance shall not be effective until such binder has been filed. The binder shall serve both as an acknowledgement of and agreement to abide by the terms and conditions of the permit or variance and as a notice to prospective purchasers of the existence of the permit or variance.

18.72.220 Vacation of permits/variances. Any conditional or special use permit or variance issued pursuant to this chapter may be vacated upon county approval by the current landowner provided that:

- A. The use authorized by the permit/variance does not exist and is not actively being pursued; or
- B. The use has been terminated and no violation of the terms and conditions of the permit exists.

Requests to vacate a permit shall be made in writing to the planning division which shall determine if the above conditions are present prior to authorizing the vacation. Vacation of any permit/variance shall be documented by the filing of a notice of land use permit vacation on a form provided by the planning division with the county auditor.

Chapter 18.73

AMENDMENTS AND REZONING PROCEDURES

Sections:

- 18.73.010 Authorization.
- 18.73.020 Initiation.
- 18.73.025 Applications--filing.
- 18.73.030 Acceptability of signature on applications.
- 18.73.040 Setting hearings.
- 18.73.050 Notice.
- 18.73.060 Public hearings.
- 18.73.070 Decision by hearing examiner.
- 18.73.080 Recommendations by planning commission.
- 18.73.090 Appeal from council.
- 18.73.100 Abandoning amendment.
- 18.73.110 Continuing classification.
- 18.73.120 Rezoning fees.

18.73.010 Authorization. This title may be amended by changing the boundaries of zones or by changing any other provision thereof whenever the public necessity and convenience and the general welfare require the amendment by following the procedure of this chapter and SCC Chapter 2.02.

18.73.020 Initiation. An amendment or rezone may be initiated by:

- A. A notarized application of one (1) or more owners of property affected by the proposed rezone, which application shall be filed with the planning division;
- B. Resolution of intention by the county council;
- C. Resolution of intention by the planning commission; or
- D. The planning staff, when said amendment or rezone will further the objectives and goals of the comprehensive plan, preserve its integrity and assure its systematic execution.

18.73.025 Applications--filing. Applications for rezone of property shall be prepared on forms provided by the planning division. Applications shall not be processed by the county until all information required on said forms has been provided in a complete and accurate manner.

18.73.030 Acceptability of signature on applications. If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served upon them of the pending application and/or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the planning commission, hearing examiner, or council.

18.73.040 Setting hearings. All proposed amendments to this title or applications for rezone of property subject to this title shall be set for public hearing by the manager of the planning division when such hearing is to be held before the planning commission or hearing examiner and by the clerk of the council when such hearing is to be held before the council.

18.73.050 Notice. Notice of the first public hearing on the following described actions shall be as set forth below:

A. Amendments to Title 18, Snohomish County Code. Notice shall be given by one publication at least ten days before the hearing in the official county newspaper.

B. County initiated rezones,

1) Notice shall be given by one publication, at least fifteen (15) days before the hearing in the official county newspaper,

2) In addition to the notice required by subsection (1) of this subsection, at least fifteen (15) days before the date of the first public hearing before the planning commission or hearing examiner, the county shall endeavor to mail a notice of hearing to each taxpayer of record within the rezone area. Notice under this subsection shall be deemed adequate where a good-faith effort has been made by the county to identify and mail notice to each taxpayer of record,

3) At least fifteen (15) days prior to the date of the first hearing, the county shall post signs throughout the area;

C. Other than county-initiated rezones:

1) Notice shall be given by one publication, at least fifteen days before the hearing in a newspaper of general circulation in the area affected and in the official county newspaper,

2) In addition to the notice required by subsection (1) of this subsection, at least fifteen (15) days before the date of the first public hearing before the hearing examiner, the county shall endeavor to mail a notice of the hearing to each taxpayer of record within the rezone area and to each taxpayer of record within a five hundred (500) foot radius from the boundary of the proposed rezone area. Notice under this subsection shall be deemed adequate where a good faith effort has been made by the county to identify and mail notice to each to each taxpayer of record,

3) At least fifteen (15) days prior to the date of the first hearing the applicant shall post on the subject property at least two (2) signs, one sign on each frontage abutting a public right-of-way or at the point of access to the property. Signs for posting shall be provided to the applicant by the county;

D. Notice required by all subsections of SCC 18.73.050 shall contain at a minimum the following information:

1) The time, place, and purpose of the public hearing,

2) The formal identification or citation of the proposed action and a descriptive title,

3) A summary of the provisions of the proposed action,

4) Any other information which the county finds necessary to provide a complete and reasonably understandable summary to the general public, and

5) A statement indicating where the full text and/or map may be obtained.

E. The division may prescribe additional methods for providing notice through its administrative procedures; and

F. Notices mailed to taxpayers of record pursuant to this section shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the division to mail the notices. The failure of any person to actually receive the notice shall not invalidate any proposed action.

18.73.060 Public hearings.

A. The planning commission shall hold at least one (1) public hearing in area wide rezones to implement comprehensive plans and any amendments to this ordinance or other land use ordinances except when such amendments do not impose, remove or modify any regulation affecting the zoning status of land;

B. The hearing examiner shall hold at least one (1) public hearing on all proposed amendments of the zoning maps, except for area-wide rezones to implement comprehensive plans heard by the planning commission.

18.73.070 Decision by hearing examiner. When a rezone application is heard by the examiner, it shall be processed and a decision made thereon in accordance with the provisions of SCC Chapter 2.02. The decision of the examiner shall be final and conclusive unless appealed to the council pursuant to SCC Chapter 2.02.

18.73.080 Recommendation by planning commission. Following public hearing by the planning commission, its recommendations to the council of any official control or amendment thereto shall be by the affirmative vote of not less than a majority of the total members of the commission. Such recommendation shall be in the form prescribed by, and shall be considered by the council in accordance with the provisions of SCC Chapter 2.02 and Chapter 36.70 RCW; provided, that if after consideration of the matter at a public meeting, the council deems a change in the recommendation of the planning commission to be necessary, the change shall not be made until the council shall conduct its own public hearing, giving notice thereof as outlined in SCC 18.73.050, and it shall adopt its own findings of fact and statement setting forth the factors considered at the hearing and its own analysis of findings considered by it to be controlling.

18.73.090 Appeal from council. Action by the council on a rezone shall be final and conclusive. Review of the council's action may be brought by any person aggrieved if within fifteen (15) days from the date of such action, an application is submitted to the Superior Court of Snohomish County for a writ of certiorari, writ of prohibition or writ of mandamus.

18.73.100 Abandoning amendment. Upon the consent of the planning commission or hearing examiner, any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed the petition. The council or the planning commission, as the case may be, may, by resolution, abandon any proceedings for an amendment initiated by its own resolution or intention; provided, that the abandonment may be made only when the proceedings are before the

body for consideration and provided that any hearing of which public notice has been given, shall be held.

18.73.110 Continuing classification.

A. The continuance of rezoning classifications shall be dependent on fulfillment of all of the established standards and such special conditions added by the council, commission, or hearing examiner at the time of rezoning as are necessary to protect the enjoyment of the use of surrounding property;

B. After the hearing examiner's or council's final action denying a rezone of property, no further action involving substantially the same property shall be requested to be considered prior to six (6) months after the action has been taken; if the examiner or council find that extraordinary circumstances exist, or the request might deserve approval in the near future, but not at the present time, then he or they may deny the request without prejudice. In such a case, if the request is reactivated by the written request of the applicant within six (6) months and is reheard within nine (9) months of the date of the original action, then the original case file and number shall be utilized, and the rezone fee shall be waived.

18.73.120 Rezoning fees. All applications to change the zoning of property shall be accompanied by a fee to cover the costs of processing which shall be deposited in the treasury of Snohomish County, the amount of the fee to be determined by the following table. The fee shall be computed on the basis that the highest intensity use requested is deemed to apply to the gross acreage contained within the entire application.

TABLE OF REZONING FEES

Zoning Classification Request	Acreage Involved					
	0-2.9	3-9.9	10-29.9	30-199	200-499	500+
INDUSTRIAL						
All Industrial Zones	\$600	\$800	\$1200	\$1500	\$1800	\$2000
BUSINESS AND COMMERCIAL						
All Business and Commercial Zones	600	800	1200	1500	1800	2000
RESIDENTIAL						
Multiple Residential and Low Density Multiple Residential Zones	500	700	900	1100	1500	1800
All Other Residential Agricultural, Recrea- tional and Mineral Conservation Zones	300	500	700	900	1100	1300

The application fee for cities, public agencies and regional public governmental bodies shall be the same as nongovernmental

applicants. Subsequent to initial approval, any site plan approvals or site plan or contract modifications requiring public hearing shall be subject to an application fee of three hundred twenty-five dollars (\$325.00). Any request for modification of rezone conditions requiring a public hearing shall be subject to an application fee of one hundred and seventy-five dollars (\$175.00),.

Chapter 18.80

ENFORCEMENT

Sections:

- 18.80.010 Director's authority.
- 18.80.020 Title 28, Snohomish County Code - applicable.
- 18.80.030 Order to cease violation.
- 18.80.040 Notice of violation - penalty - abatement.
- 18.80.050 Public nuisance.
- 18.80.060 Alternative remedies.
- 18.80.070 Administrative jurisdiction - nonexclusive.

Section 18.80.010 Director's authority. Whenever the director determines that a condition exists in violation of this title, or any code or standard required to be adhered to by this title, he is authorized to enforce the provisions of this title, or codes or standards, pertaining to such condition existing in violation thereof.

Section 18.80.020 Title 28, Snohomish County Code - applicable. All violations of this title, and codes and standards required thereby, are made subject to the provisions of Title 28, Snohomish County Code.

Section 18.80.030 Order to cease violation. Whenever any condition is found to be in violation of this title, or codes or standards required to be adhered to thereunder, and pending commencement and completion of the notice and order procedure of SCC 18.80.040, the director may order the cessation of activity causing the violative condition by notice in writing served on the person(s) engaged in or causing such condition. The effect of such order shall be to require immediate cessation of activity causing the violative condition. Said order shall not be affected by any right of appeal afforded by this or any other title of this code.

Section 18.80.040 Notice of violation - penalty - abatement. The director is authorized to order correction and discontinuance of any violative condition of the provisions of this title under the procedures of Title 28, Snohomish County Code, which provide for NOTICE OF VIOLATION AND ASSESSMENT OF PENALTY AND ORDER TO ABATE.

Section 18.80.050 Public nuisance. All violations of this title, and codes and standards required thereby, are determined to be detrimental to the public health, safety, and welfare and are public nuisances. All conditions which are determined by the director to be in violation of this title, or codes and standards required thereby, shall be subject to the provisions of this title and shall be corrected by any reasonable and lawful means, as provided in this title.

Section 18.80.060 Alternative remedies. As an alternative to any other judicial or administrative remedy provided in this title or by law or other ordinance, any person who willfully or knowingly violates any provision of this title or any order issued pursuant to this title, or by each act of commission or omission procures, aids or abets such violation, is guilty of a misdemeanor and upon conviction shall be punished as provided in SCC Title 1.01.100. Each day such violation continues shall be considered an additional misdemeanor offense.

Section 18.80.070 Administrative jurisdiction - nonexclusive. The authority of the director to enforce the provisions of this title is not in derogation of the authority of any other officer charged with the enforcement of law but is concurrent therewith. The authority of the director to enforce the provisions of this title includes without limitation the requirement that he request the assistance of the prosecuting attorney's office for judicial enforcement as may be deemed appropriate by the prosecuting attorney.

CHAPTER 18.90

DEFINITIONS

18.90.010 Abutting wall. "Abutting wall" means the wall of the main building facing the particular lot line being described.

18.90.015 Access permit. "Access permit" means a permit obtainable from the State Department of Transportation allowing traffic ingress and egress to and from a state highway.

18.90.020 Agriculture. "Agriculture" means tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, pasturing, grazing, poultry, dairying, and/or animal husbandry including all uses customarily incidental thereto except small animals as defined in SCC 18.90.485.

18.90.025 Airport. "Airport" means any area of land or water designated and set aside for the landing and taking off of aircraft, whether public or private. For definitions unique to airports, see SCC Chapter 18.52.

18.90.030 Alley. "Alley" means any public thoroughfare for the use of pedestrians and/or vehicles which affords only a secondary means of access to abutting property.

18.90.035 Alteration. "Alteration" means any change, addition or modification in construction or any change of occupancy from one trade to another or from one division of a trade to another.

18.90.040 Amusement facility. "Amusement facility" means commercial establishments, such as theaters, dance halls, bowling alleys, skating rinks, miniature golf courses, arcades, waterslides, and other similar uses, which provides recreation either indoors or in a confined, intensively utilized outdoor area.

18.90.045 Animal run. "Animal run" means any fenced area commonly associated with a commercial or private kennel, providing limited exercise area for adult cats and/or dogs which is accessible from the housing (not a dwelling unit) customarily provided for such animals.

18.90.050 Antennae, commercial. "Antennae, commercial" means wire(s) or structure(s) used for the purpose of transmitting and/or

receiving signals generated on bands other than the citizens and amateur radio bands.

18.90.055 Antennae, private. "Antennae, private" means wire(s) or structure(s) used for the purpose of transmitting and/or receiving on the amateur and citizens band, or for receiving VHF, UHF, AM and FM radio and television transmissions.

18.90.060 Antique. "Antique" means any article that because of its age, rarity or historical significance has a monetary value greater than the original value; provided that, for the purpose of this code, the term "antique" shall not include automobiles.

18.90.065 Antique Shop. "Antique shop" means a place that sells predominantly those articles which are antiques, as defined in SCC 18.90.060, and antique-related objects.

18.90.070 Automobile repair, major. For "Major automobile repair" see "garage, public", SCC 18.90.410.

18.90.075 Automobile repair, minor. "Minor automobile repair" means general motor repair and replacement of parts to passenger cars and trucks not exceeding one and one-half tons capacity but not including collision repair or auto painting.

18.90.080 Automobile wrecking. "Automobile wrecking" means any dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts.

18.90.085 Automobile wrecking yard. "Automobile wrecking yard" means any premises devoted to automobile wrecking as the term is defined in SCC 18.90.080.

18.90.090 Automotive service station. "Automotive service station" means a retail place of business engaged primarily in the sale of motor fuels but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorists' needs. These may include sale of petroleum products, sale and servicing of tires, batteries, automotive accessories and replacement items, washing and lubrication services, the performance of minor automotive maintenance and repair and the supplying of other incidental customer services and products. Major automotive repairs, painting and body and fender work are excluded except where such uses are otherwise permitted.

18.90.095 Basement. "Basement" means a story partly or wholly underground and having at least one-half of its height, measured from its floor to its finished ceiling below the average adjoining grade.

18.90.100 Billboard. "Billboard" means a sign or structure designed for advertising purposes which is not related to things principally located, produced, or existing on the same property as the billboard.

18.90.105 Binding site plan. "Binding site plan" means a drawing to a scale specified by Snohomish County Code which:

A. Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other such matters specified by local regulations;

B. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the council or hearing examiner; and

C. Contains provisions requiring conformity with the site plan by any development.

18.90.110 Boarding house. "Boarding house" means a building, other than a hotel, where meals and lodging are provided for compensation to nontransient persons.

18.90.115 Boat launch facility. "Boat launch facility" means any basic site improvement, such as paving, houses, buildings, structures, docks, wharfs, ramps, rafts, piling or moles installed for the servicing, maintenance, storing and moving of boats into bodies of water; provided that such facilities are not restricted to the private use of a residence to which such facility is an accessory use.

18.90.120 Boathouse. "Boathouse" means a structure specifically designed or used for storage of boats.

18.90.125 Building. "Building" means any structure having a roof supported by columns or walls designed for housing or shelter of persons, animals, or property of any kind. When separated by dividing walls without opening each portion of the building so separated shall be deemed a separate building.

18.90.130 Building alterations. "Building alterations" mean any change or repair which would tend to prolong the life of a supporting member of a building, including alterations of bearing walls, foundation columns, beams or girders and any change in the external dimensions of the building.

18.90.135 Building area. "Building area" means the maximum horizontal projected area of all buildings on a lot, excluding open steps and buttresses, terraces, cornices and other ornamental features projecting from the walls of the building, not otherwise supported by the ground.

18.90.140 Building area, gross. For "building area, gross" see "gross building area," SCC 18.90.425.

18.90.145 Building contractor. "Building Contractor" means a facility where a person or company that does plumbing, electrical, structural, finish, or other construction work, stores or maintains their equipment or supplies.

18.90.150 Building front. "Building front" means that side of the main building facing the front lot line.

18.90.155 Building height. "Building height" means the vertical distance from the average adjoining curb elevation to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof and to the mean height level between the eaves and ridge for a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building shall be measured from the average elevation of the finished grade at the front of the building.

18.90.160 Building line. "Building line" means a horizontal line that coincides with the building front.

18.90.165 Bulk storage of flammable fluids. "Bulk storage of flammable fluids" means flammable liquid stored in a tank or other container of over three hundred (300) gallons capacity.

18.90.170 Caretaker's quarters. "Caretaker's quarters" means a structure used or designed as a dwelling for a person or persons employed on the premises.

18.90.175 Carport. "Carport" means a structure which is used to cover or protect motor vehicles, recreational vehicles, or boats owned or operated by the occupants of the main building.

18.90.180 Cat, adult. "Cat, adult" means any cat six (6) months of age or older.

18.90.185 Cleaning establishment. "Cleaning establishment" means a business or other facility for the cleaning, dying, or pressing of clothes or other fabrics. This term shall include laundries, laundromats, and dry cleaners.

18.90.190 Clinic. "Clinic" means a building designed for the licensed medical, osteopathic, dental, psychiatric, or chiropractic services for the treatment of outpatients only.

18.90.195 Club. "Club" means an association of persons organized for a social, recreational, educational, literary, political, or charitable purpose.

18.90.200 Clubhouse. "Clubhouse" means any structure employed in housing or for the meeting of a club.

18.90.205 Commercial use. "Commercial use" means the providing of goods, merchandise or services for compensation.

18.90.210 Commercial, retail. "Retail commercial" means a use which dispenses commodities to the consuming public at retail, other than at wholesale; excluding printing, publishing and binding establishments, public utility facilities and offices, contractors' offices, repair shops for household appliances and the like, business and professional offices, real estate offices, financial institutions, personal service shops, hotels, motels, offices for licensed practitioners, and hospitals.

18.90.215 Commission. "Commission" means the Snohomish County planning commission.

18.90.220 Community club. "Community club" means the structure or premises occupied by a club consisting of an association of individuals (not for profit) residing in a clearly defined area or district, having its principal objective the advancement of their community, social, civic or quasi-municipal interests.

18.90.225 Comprehensive plan. "Comprehensive plan" means the policies and proposals approved by the council:

- A. As a beginning step in planning for the physical development of the county;
- B. As the means for coordinating county programs and services;
- D. As a source of reference to aid in developing, correlating, and coordinating official regulations and controls; and
- D. As a means for promoting the general welfare. The plan shall consist of the required elements set forth in 36.70.330 RCW and may also include the optional elements set forth in 36.70.350 RCW. The plan shall serve as a policy guide for the subsequent public and private development and official controls so as to present all proposed developments in a balanced and orderly relationship to existing physical features and governmental functions.

18.90.230 Conditional use. "Conditional use" means a use permitted in a zone only after review by the hearing examiner and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and assure against imposing excessive demands upon public utilities.

18.90.235 Council. "Council" means the Snohomish County council.

18.90.240 Country club. "Country club" means a suburban club housed in a clubhouse the purpose of which is social activities, golf, and any other recreation.

18.90.250 Day. "Day" means calendar day unless otherwise specified; provided that any time period ending on a nonworking day shall be extended to the next regular working day.

18.90.255 Day care. "Day care" means any type of group day care programs licensed by the State of Washington for the care of children during part of a twenty-four-(24) hour day, including nurseries for children of working parents, nursery schools for children under minimum age for education in public schools, and programs covering afterschool care for school children.

18.90.260 Day care center. "Day care center" means either a facility other than an occupied dwelling unit which receives children

for day care or an occupied dwelling unit which received thirteen (13) or more children for day care.

18.90.265 Dock. "Dock" means any facility for the moorage of boats, including but not limited to piers, wharves, and quays.

18.90.270 Dog, adult. "Adult dog" means any dog six (6) months of age or older.

18.90.280 Duplex. "Duplex" means a residential structure containing two (2) dwelling units, which structure is located on one lot, but not including mobile homes as defined in SCC 18.90.590.

18.90.285 Dwelling. "Dwelling" means a structure designed or used as a residence.

18.90.290 Dwelling, group. "Group dwelling" means a combination arrangement of dwellings, whether detached or not, on one building site.

18.90.295 Dwelling, multiple family. "Multiple family dwelling" means a dwelling containing three (3) or more dwelling units, but excluding townhouses as defined in SCC 18.90.840 and mobile homes as defined in SCC 18.90.590.

18.90.300 Dwelling, single family. "Single family dwelling" means a dwelling containing one and only one dwelling unit, which term shall include factory built housing constructed pursuant to the standards delineated in RCW 43.22.455, as amended, and rules and regulations promulgated pursuant thereto.

18.90.305 Dwelling, temporary. "Temporary dwelling" means a dwelling unit which has not been permanently attached to the ground by placement on a permanent foundation, removal of wheels or other means, has no permanent utility connections, and for which a permit has been obtained pursuant to SCC Chapter 18.72.

18.90.310 Dwelling unit. "Dwelling unit" means one (1) or more rooms in a dwelling designed for occupancy by one (1) family for living or sleeping purposes and having not more than one (1) kitchen.

18.90.315 Easement, exclusive. "Exclusive easement" means an easement which provides access to one tract or lot. The adjacent lot encumbered by the exclusive easement shall not be included as a second user of the easement.

18.90.320 Excavations. "Excavations" shall mean the mining or quarrying or other mechanical removal of natural deposits including underground shaft operations, but excluding:

- A. Excavations and grading for building construction where such construction is authorized by a valid building permit; or
- B. Tilling of soil for agricultural purposes; or
- C. Any excavation:
 - 1) Which does not alter a drainage course, and

2) Which has less than a two (2) feet of mean average depth, or which does not create a cut slope greater than five (5) feet in height and steeper than one and one-half (1 1/2) horizontal to one (1) vertical, and

3) Located in an MR, LDMR, R-7200, R-8400, R-9600, R-12,500 or WFB zone, where the cubic yardage excavated from contiguous land under common ownership shall never exceed five hundred (500) cubic yards, and

4) Located in any zone other than those listed in the preceding subsection, where the cubic yardage excavated from contiguous land under common ownership shall never exceed two thousand (2,000) cubic yards. The distinction between zones which is provided in this and the preceding subsections shall be observed notwithstanding cross-referencing between zones which may be found elsewhere in this title.

18.90.325 Explosives. "Explosives" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion. The term includes all items contained in the explosives list provided for in 26 CFR 181.23 and published annually in the Federal Register; provided that, for the purposes of this title, small arms ammunitions, small arms ammunitions primers, smokeless powder not exceeding fifty (50) pounds, and black powder not exceeding five (5) pounds shall not be defined as explosives.

18.90.330 Fabrication shop. "Fabrication shop" means an establishment for the fabricating of goods. The term shall include welding, cabinet, machine, and other similar shops.

18.90.335 Fallout shelter. "Fallout shelter" means a structure or portion of a structure designed to provide protection to human life from nuclear fallout, air raids, storms or other emergencies.

18.90.340 Family. "Family" means one (1) or more persons related by blood, marriage, or adoption, or a group of not more than six (6) persons (excluding servants), not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

18.90.345 Family care home. "Family care home" means a facility licensed by the state, other than as a foster home, to regularly provide care on a twenty-four-(24) hour basis to six (6) or fewer developmentally disabled or otherwise handicapped persons or dependent and neglected children in the full-time family dwelling of the person or persons under whose direct care and supervision the person receiving care is placed. The term shall not include facilities for the care or rehabilitation of convicted felons or adults being treated for drug or alcohol-related problems.

18.90.350 Family day care home. The term "family day care home" means an occupied dwelling unit in which the full-time occupant provides day care for children other than his/her own family and the children of close relatives. Such care in a family day care home is limited to twelve (12) or fewer children, including children living in the home or children of close relatives cared for in the home.

18.90.355 Family rehabilitative home. "Family rehabilitative home" means a facility licensed by the state which regularly provides care on a twenty-four-(24) hour basis to six (6) or fewer persons receiving therapy and counseling in the full-time family dwelling of the person or persons under whose direct care and supervision the person receiving care is placed for the following purposes:

A. To assist them to recuperate from the effects of drugs or alcohol;

B. To assist them to be housed under supervision while under the constraints of alternatives to imprisonment including, but not limited to, prerelease, work-release, and probationary programs.

18.90.360 Farm product processing. "Farm product processing" means the processing and packing of seasonally-grown agricultural products, not including their conversion to manufactured products.

18.90.365 Farm worker dwelling. "Farm worker dwelling" means a dwelling for family members and farm workers integral to the farm operation.

18.90.370 Feasibility study. "Feasibility study" means a potential customer, traffic and demand analysis where required in certain zones.

18.90.375 Financial institutions. "Financial institutions" means businesses dealing with financial transactions, including banks, savings and loan institutions, mutual savings banks or their branches, and mortgage or finance companies or their branches.

18.90.380 Fish farm. "Fish farm" means land and buildings devoted to the raising of fish for commercial purposes.

18.90.385 Fix-it shop. "Fix-it shop" means an establishment for the repair of small domestic appliances such as radios, televisions, toasters, cameras, and small machinery.

18.90.390 Forestry. "Forestry" means the commercial growth, management and harvesting of trees.

18.90.395 Foster home. "Foster home" means a social service facility, licensed by the state as a full-time foster family, which regularly provides care on a twenty-four-(24) hour basis to one (1) or more, but not more than six (6), foster children under the age of eighteen (18) years, or to not more than three (3) expectant mothers in the family dwelling of the persons under whose direct care and supervision the child or expectant mother is placed.

18.90.400 Fuel yard. "Fuel yard" means a facility for the storage or sale of coal, firewood, or other fuels in bulk quantities.

18.90.405 Garage, private. "Private garage" means a building or a portion of a residential building designed or used primarily for shelter or storage of vehicles or boats, but not airplanes. Where any

vehicles or boats are equipped for operation, repaired or kept for remuneration, hire or sale, the term "private garage" does not apply.

18.90.410 Garage, public. "Public garage" means property devoted to the storage and repair of trucks and automobiles, including body and fender works and painting. The term does not encompass the business of wrecking automobiles or impound car lots when conducted outside of a structure.

18.90.420 Greenhouse. "Greenhouse" means a structure designed and used to create an artificial climate for the growing of plants.

18.90.425 Gross building area. "Gross building area" means the total square feet of floor space in a building, including selling areas, offices and stock rooms of a commercial building.

18.90.430 Group care facility. "Group care facility" means a facility licensed by the state to provide, on a twenty-four-(24) hour basis, training, care, custody, correction or control, or any combination of those functions, to one (1) or more persons who may be children, the aged, disabled, underprivileged, indigent, handicapped, or other special class of persons, either by a governmental unit or agency or by a person or organization devoted to such functions. The term shall not include schools, hospitals, prisons, or other social service facilities defined in this chapter.

18.90.435 Guest house. "Guest house" means a structure with not more than two (2) bedrooms having no kitchen facilities, and which shall be used or designed for use primarily by guests or servants for sleeping quarters only.

18.90.440 Gymnasium. "Gymnasium" means a building designed or used for various indoor sports activities, and for conducting programs of physical education or fitness.

18.90.445 Hammerhead. "Hammerhead" means a street temporarily closed at one end, the ultimate purpose of which is to provide an extension of the street to adjacent property. The end of this temporary dead-end street must be further characterized by an extension of the street width to be used for turning of motor vehicles.

18.90.450 Hardware store. "Hardware store" means a retail store for the sale of tools, paints, and other small building equipment and supplies. This term shall not include the sale or storage of lumber, drywall, roofing, or other similar building materials.

18.90.455 Hearing examiner. "Hearing examiner" means the office of Snohomish County hearing examiner created by SCC Chapter 2.02.

18.90.460 Homes association. "Homes association" means an incorporated nonprofit organization operating under recorded land agreements through which:

A. Each lot owner in a planned residential development is automatically a member;

B. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and

C. The charge, if unpaid, becomes a lien against the property.

18.90.465 Home improvement center. "Home improvement center" means a retail store for the sale of tools, paint, lawn care supplies, and other similar equipment and supplies. This term shall include the sale of lumber, drywall, roofing, and other similar building materials where storage of the same utilizes less than fifty percent (50%) of the display and storage area.

18.90.470 Home occupation. "Home occupation" means an occupation carried on within a dwelling unit by a member or members of a family residing therein under the conditions as outlined in Section 18.32.050(11).

18.90.471 Homestead parcel. "Homestead parcel" means a parcel of land within an agricultural area, having reduced lot area and lot width requirements. Creation of a homestead parcel is intended to provide for the consolidation of existing farmlands and establishment of an existing non-farm residential use.

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

18.90.480 Hotel. "Hotel" means a building designed or used for occupancy as the place of abode of persons who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

18.90.485 Husbandry, small animal. "Small animal husbandry" means the raising of mink, fox, nutria, rabbits, pigs, sheep, goats, chickens, turkeys, guinea hens, and similar small animals and fowl not for the primary consumption of or use by the occupants of the premises.

18.90.490 Institution, educational. "Educational institution" means a college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instructions as approved by the State Board of Education or by a recognized accrediting agency, excluding: preschools; elementary, junior, and senior high schools; trade and commercial schools; and fraternity and sorority houses.

18.90.494 Junk. "Junk" means any solid, nonorganic, nonputrescible solid waste including, but not limited to waste, discarded or salvaged materials, and inoperable vehicles.

18.90.495 Junkyard. "Junkyard" means the use of more than one thousand (1,000) square feet of area of any lot where junk is bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking yards, and places or yards devoted to the storage of inoperable vehicles, salvaged house wrecking and structural steel materials and equipment. A junkyard does not include such uses when conducted entirely within an enclosed building, nor pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition or the processing of used, discarded or salvaged materials as part of a manufacturing operation.

18.90.500 Kennel, commercial. "Commercial kennel" means a place where three (3) or more adult dogs, cats, or combination thereof are kept, whether or not for compensation, including facilities known and operated as animal shelters, but not including small animal hospitals where pets are kept for treatment only, pet shops, private kennels, or zoological parks.

18.90.505 Kennel, private. "Private kennel" means a place at or adjoining a private residence where three (3), but not more than ten (10), adult dogs, cats, or combination thereof, owned by natural persons residing on said property, are kept for the purpose of hunting, training, exhibition for organized shows, field work and obedience trials, or enjoyment of the species. If three (3) or more dogs, cats, or combination thereof owned by natural persons are kept on land other than that adjoining the private residence of their owner, they shall constitute a commercial kennel. Cats kept for pest or vermin control and in conjunction with an agricultural pursuit, as defined, shall not be subject to this provision.

18.90.510 Lath house. "Lath house" means a structure made chiefly of laths or slats spaced so as to reduce excessive sunlight while permitting moderate air circulation and used for growing plants that require some shade and protection from strong winds.

18.90.515 Licensed practitioners. "Licensed practitioners" means those persons possessing a license earned as a result of passing an examination administered by a state or national board of examiners, commission, or professional association. The term also includes necessary support staff for the above defined individuals.

18.90.520 Loading space. "Loading space" means an area required to be maintained on certain business, commercial and industrial lots, in addition to regular yard requirements, used for the loading and unloading of trucks and other vehicles.

18.90.525 Lot. "Lot" means a platted or unplatted parcel of land which:

- A. Has such minimum size, setbacks, widths and open spaces as are required by this title for occupancy by a principal use; and
- B. Meets the access requirements of this title. If one or more lots are built upon as a unit of property and under one (1) ownership, they shall, for the purposes of this title, be considered as a single lot.

18.90.530 Lot area. "Lot area" means the total horizontal area within the lot lines of a lot.

18.90.535 Lot, corner. "Corner lot" means a lot situated at the intersection of two (2) or more streets or private roads, or bounded on two (2) or more adjacent sides by street or private road lot lines, provided that the angle of intersection of such lot lines does not exceed one hundred thirty-five degrees (135).

18.90.540 Lot coverage, permitted. "Permitted lot coverage" means that portion of the total area of a lot which may be covered by buildings.

18.90.545 Lot, depth. "Lot depth" means the mean dimension of the lot from the street line to the rear line.

18.90.550 Lot line, front. "Front lot line" means the lot line separating the lot from the street or private road. Corner lots have front lot lines along each street or private road.

18.90.555 Lot line, rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line. In the case of a triangular, or gore-shaped lot, it means a line twenty (20) feet in length within the lot parallel to and at the maximum distance from the front lot line. When a lot bordering a body of water, stream, river extends into the body of water, stream, or river beyond the ordinary high water mark, the rear lot line shall be considered to be the ordinary high water mark.

18.90.560 Lot line, side. "Side lot line" means any lot line not a front or rear lot line.

18.90.565 Lot, through. "Through lot" means a lot having frontage on two (2) parallel or approximately parallel streets or private roads that do not intersect at the lot line.

18.90.570 Lot width. "Lot width" means the distance between the side lot lines as measured along a line parallel to the front lot line or, if the front line is a curve, parallel to the tangent thereof, and at a distance from the front lot line equal to the depth of the required front yard; PROVIDED, that for triangular or other taper shaped lots, narrowest at the front lot line, lot width may be measured along a line parallel to the front lot line at a point representing one-half (1/2) of the lot depth.

18.90.575 Lumber yard. "Lumber yard" means an establishment devoted to the sale of lumber, drywall, roofing, and similar building materials.

18.90.585 Mini self-storage. "Mini self-storage" means a building or portion thereof segregated into small storage cubicles used exclusively for the dead storage of excess property. Such term shall not include the conduct of business activities other than rental of storage units of the premises nor outside storage of property. Cubicle rental documents shall be required and shall set forth use restrictions imposed by governmental laws and ordinances.

18.90.590 Mobile home. "Mobile home" means a single family dwelling constructed in accordance with the requirements prescribed under RCW 43.22.340, as amended, or Federal Department of Housing and Urban Development standards, promulgated under the National Mobile Home Construction and Safety Standards Act of 1974, as amended, and all rules and regulations promulgated thereto or, if constructed prior to July 1, 1968, meets the requirements of SCC 17.28.025, and which is designed for transportation after fabrication on public streets and highways on its own chassis and wheels, and which, when erected on site, is designed to be permanently connected to required utilities.

18.90.595 Mobile home park. "Mobile home park" means land under single ownership or control designed for the temporary or permanent parking of three (3) or more mobile homes used for human habitation where the minimum lot area for each mobile home site is less than the requirements of this title for a single family home and/or where an individual septic tank is not provided for each mobile home. "Mobile home park" also includes a contiguous parcel of ground under single ownership or control where the density of mobile homes is over three (3) per acre. "Mobile home park" does not include land designed for the display or sale of mobile homes.

18.90.600 Model house/sales office. "Model house/sales office" means a house in a residential subdivision or development which is used as a display or office in order to sell other houses in the subdivision or development.

18.90.605 Motel. "Motel" means a building or group of buildings containing guest rooms or apartments, used or designed for use primarily by automobile transients.

18.90.615 Nonconforming structure. A "nonconforming structure" is a structure which was legally constructed prior to the effective date of the ordinance codified in this title but which would not be permitted as a new structure under the terms of this title because such structure is not in conformance with the setback, height, lot coverage, or open space requirements of the zone in which it is located.

18.90.620 Nonconforming use. "Nonconforming use" is a use utilizing land or structure or both, legally established prior to the effective date of the ordinance codified in this title, which would

not be permitted as a new use in the zone in which it is located under the terms of this title.

18.90.625 Nursery. "Nursery" means an area where trees, shrubs or plants are grown for transplanting, for use as stocks for budding and grafting, or for sale.

18.90.630 Nursing home. "Nursing home" means a structure and/or premises for nursing, dietary care and other personal services rendered to convalescents, invalids and aged persons, but excluding contagious, communicable, or mental disease cases and surgery or primary treatments such as are customarily provided for in hospitals.

18.90.635 Ordinary high water mark. "Ordinary high water mark" means that mark on all lakes, streams, and tidal water which will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland in respect to vegetation; provided that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining saltwater shall be the line of mean higher high tide; and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

18.90.645 Park, private. "Private park" means a piece of ground maintained for purposes of pleasure, exercise, amusement, or ornament, being open to a limited group or only to paying visitors for the profit of a private owner.

18.90.650 Park, public. "Public park" means a piece of ground maintained for purposes of pleasure, exercise, amusement or ornament, being owned by and open to the public.

18.90.655 Parking, off-street. "Off-street parking" means parking areas within the boundaries of a lot as required by SCC 18.44.

18.90.660 Parking space. "Parking space" means a space within or without a building, exclusive of driveways, used to temporarily park a motor vehicle.

18.90.665 Personal service shops. "Personal service shops" means a facility used for administering personal services including beauty shops, barber shops, tanning salons, tailoring, shoe repairing and other similar uses, excluding uses such as massage parlors, body painting studios and other uses otherwise expressly provided for.

18.90.670 Planning Director. "Planning Director" means the director of the County department of planning and community development (or its successor), or his designee.

18.90.675 Political sign. "Political sign" means any sign advocating a position or the candidacy of any person for public office or on any public issue subject to a vote in the next election.

18.90.680 Premises. "Premises" means a lot with or without buildings.

18.90.685 Preschool. "Preschool" means a facility for the organized instruction of children who have not reached the age for enrollment in kindergarten.

18.90.690 Prime agricultural soil. "Prime agricultural soil" means those soils of capability class II or III as established by United States Department of Agriculture.

18.90.695 Print shop. "Print shop" means an establishment employing twenty-five (25) or fewer persons which provides custom printing services to the public. The term may include publishing of books, magazines, periodicals or newspapers when within the above employment limits.

18.90.700 Printing plant. "Printing plant" means an establishment employing more than twenty-five (25) persons which is engaged in the publishing of books, magazines, periodicals, or newspapers, and may include the provision of custom printing services to the public.

18.90.705 Racetrack. "Racetrack" means a facility for competitive events involving animals and/or vehicles.

18.90.710 Rest home. See Nursing home.

18.90.715 Road, private. "Private road" is that easement or parcel created to provide the access from a public road to a lot, the maintenance of which shall be the responsibility of the lot owners having access thereto.

18.90.720 Rooming house. "Rooming house" means a building, other than a hotel, where lodging is provided for compensation to nontransient persons.

18.90.725 Rural industry. "Rural industry" means the specific industrial and commercial activities set forth below, together with those traditional rural activities which provide employment and services of a type and scale compatible with and needed by the resident rural community. Rural industries are not intended to include those activities normally found within the commercial center of the rural community such as, but not limited to, retail stores, eating establishments and commercial recreation facilities, nor shall it include such intensive activities as junk yards and industries prohibited in the Light Industry Zone. A rural industry shall employ no more than ten (10) employees. Retail and wholesale sale of goods, merchandise or services shall be limited to those manufactured on the premises. A proponent for a rural industry not specifically set forth below must demonstrate to the county that the proposed use is of a traditional rural character. The planning director may consult with a rural advisory council and shall by administrative determination rule

on the appropriateness of proposed rural industries not specifically set forth below. Rural industry shall include:

A. Log truck, logging/agriculture equipment repair when limited to two (2) repair bays;

B. Backhoe, bulldozing, septic tank service, and similar small scale servicing activities;

C. Processing and packing of seasonally grown agricultural products;

D. Welding and metal fabricating;

E. Parking of commercial vehicles in operable condition used in the business of the resident of the property on which such parking is located; and

F. Furniture manufacturing.

18.90.730 Sanitary landfill. "Sanitary landfill" means a method of disposing of solid waste on land without creating nuisances or hazards to public health and safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such intervals as may be deemed necessary.

18.90.735 School, K-12, including public, private and parochial. "School, K-12, including public, private and parochial" means an institution of learning which offers instructions in the several branches of learning and study required to be taught in the public schools by the State Board of Education.

18.90.740 School, other educational facility. "School, other educational facility" means a building where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

18.90.745 Secondhand store. "Secondhand store" means a retail establishment dealing in the selling and buying of used merchandise which is not antique, as defined in SCC 18.90.060, and not including the sale of used automobiles.

18.90.750 Setback, building. For "building setback" see "building line", SCC 18.90.160.

18.90.755 Shooting range. "Shooting range" means an area devoted to target shooting either indoors or outdoors to include rifle, pistol, skeet, trap, or archery.

18.90.760 Sign. "Sign" means a structure for the display of advertising or identifying the owner or occupant of the premises, but not including real estate signs advertising the sale or rent of the property upon which it is located.

18.90.765 Sludge. "Sludge" means the material pumped out of septic tanks, grease traps, cesspools, seepage pits or other receptacles built and maintained to receive and collect sewage from

buildings not connected to a sewer and in addition, includes treatment residues from water treatment plants and municipal waste water treatment plants.

18.90.767 Sludge Utilization. "Sludge utilization" means the controlled utilization of stabilized or digested sludge.

18.90.770 Social service center. "Social service center" shall mean a facility licensed by the state to provide therapy or counseling for only a portion of a twenty-four-(24) hour day to one (1) or more persons needing such therapy or counseling due to physical, mental, emotional or other handicaps; provided, that, such term shall not include schools, hospitals, or day care facilities.

18.90.775 Solid Waste. "Solid waste" means any putrescible or nonputrescible solid and semi-solid materials disposed as a result of any industrial or commercial operation and from community or animal manures or suspended solids or other pollutants in water resources prior to removal or concentration into sludge; nor does it include those materials recovered in a manner consistent with the utilization provisions of this title.

18.90.780 Special use permit. "Special use permit" means a permit, used pursuant to Titles 2 and 18 of the Snohomish County Code, authorizing:

A. Expansion of nonconforming uses as provided for in SCC 18.71.040 of this title; and

B. Relocation of a nonconforming use necessitated by condemnation as provided for in SCC 18.71.050 of this title.

18.90.785 Specialty store. "Speciality store" means a facility used for specialized retail sales such as pet shops, jewelry store, flower shops, record shops, and liquor stores but excluding uses otherwise provided for.

18.90.786 Stabilized or digested sludge. "Stabilized or digested sludge" consists of those water treatment plant sludges and municipal waste water treatment plant sludges resulting from anaerobic, aerobic, composting and/or chemical, other equivalent treatment methods, thereby reducing odors and pathogenic organisms.

18.90.790 Stands, fruit and vegetable. "Fruit and vegetable stands" means a small building used for the sale of fruits and vegetables grown on the premises in zones where this title permits.

18.90.795 Staple crops. "Staple crops" means those products of the soil which have a special or defined character in national commerce, such as wheat, buckwheat, rye, oats, barley, soybeans, and field corn.

18.90.800 Storage structure. "Storage structure" means a structure, not designed for human habitation, for storage of belongings not for remunerative purposes.

18.90.805 Story. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six (6) feet above grade, the basement or cellar shall be considered a story.

18.90.810 Street. "Street" means a lawfully dedicated public thoroughfare which provides the principal means of access to a property, but not including an alley.

18.90.815 Structure. "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

18.90.820 Studio. "Studio" means a facility for use by artists or professionals, to include architects, sculptors, photographers, music instructors, and similar users. It shall not include dance or exercise instruction or practice facilities.

18.90.825 Tavern. "Tavern" means an establishment where alcoholic beverages of any kind are dispensed or sold for consumption on the premises. This term shall include beer parlors, bars, cabarets, and other similar places.

18.90.830 Temporary. "Temporary" means not having or requiring permanent attachment to the ground, or involving buildings which have no required permanent attachment to the ground.

18.90.840 Townhouse. "Townhouse" means a dwelling unit designed exclusively for occupancy by one (1) family, no portion of which lies vertically under or over any portion of an adjacent unit, and which is attached to one (1) or more other dwelling units by common walls which may be located on side lot lines.

18.90.845 Travel trailer. "Travel trailer" means a vehicle with or without motor power primarily designed as temporary living quarters for recreational, camping or travel use, and in which the plumbing, heating and electrical systems contained therein may be operated without connection to outside utilities, being of such size or weight as not to require a special highway movement permit. The term shall include recreational vehicles, motor homes and truck campers.

18.90.850 Travel trailer court. "Travel trailer court" means land under single ownership or control designed and improved to accommodate the temporary parking of two (2) or more travel trailers, as defined. The term shall include campgrounds when designed to accommodate travel trailers, but does not include land zoned and used for the display or sale of travel trailers. For the purposes of this definition, temporary parking shall mean placement of a travel trailer on a single site for one hundred eighty (180) days or less in any twelve (12) month period.

18.90.855 Ultralight airpark. "Ultralight airpark" means a site used for the storage or operation of three or more ultralight vehicles. Ultralight operations include sales demonstrations or training, flight instruction or training, recreational, sport, or competitive flying.

18.90.860 Ultralight vehicle. "Ultralight vehicle" means a single occupant, engine powered, flying machine weighing less than two hundred fifty-four (254) pounds, intended for recreational or sport use, having a maximum fuel capacity of five (5) U.S. gallons, a maximum airspeed at full power in level flight of fifty-five (55) knots, and a power-off stall airspeed of not more than twenty-four (24) knots (see Federal Aviation Administration FAR Part 103.1)

18.90.865 Use. "Use" means the purpose land, buildings, or structures now serve or for which they are occupied, maintained, arranged, designed or intended.

18.90.866 Use, incidental. "Incidental use" means a use which occurs as a result of, or in connection with, a permitted or conditional use. The incidental use must be secondary or minor in nature, but associated with, the permitted or conditional use.

18.90.870 Utility. "Utility" means an entity whose principal purpose is to provide electricity, water, sewer, storm drainage, gas, radio, television, telephone and/or other forms of communication utilizing the electromagnetic spectrum to the public.

18.90.873 Utilization. "Utilization" means to benefit by consuming, expending, or exhausting by use "solid waste" materials.

18.90.875 Variance. A "variance" is the means by which an adjustment is made in the application of the specific regulations of this title to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same zone or vicinity and which adjustment remedies disparity in privileges.

18.90.880 Veterinary clinic. "Veterinary clinic" means a structure or premises for medical or surgical treatment of animals.

18.90.885 Wholesale. "Wholesale" means the sale of good in relatively large quantities at a reduced price to retailers.

18.90.910 Zone. "Zone" means a portion or portions of Snohomish County designated on zoning maps as one (1), or more, of the categories listed and described in this title.

18.90.915 Zone map. "Zone map" means a map approved by the hearing examiner and/or council which is a part of the ordinance codified in this title when so adopted, and which sets out the boundaries of the various zones authorized herein.

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18.08.200	"Country club, public"	18.90.240 amended
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