



CO00024485

**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**

**AMENDED
ORDINANCE NO. 94-129**

**ENACTING INTERIM ZONING REGULATIONS REGARDING SEXUALLY
ORIENTED ADULT ENTERTAINMENT BUSINESSES OR USES;
AMENDING SNOHOMISH COUNTY COUNTY CODE TITLE 18**

Whereas, counties have the right and duty to enact laws for the protection of the public health, safety, and general welfare and morals; and

Whereas, the Snohomish County Council held a public hearing on October 12, 1994, regarding a proposal to establish a moratorium on the acceptance of applications for, or issuance of any county license, permit, or approval, for the establishment, location or licensing of sexually oriented adult entertainment businesses or sexually oriented adult entertainment uses in the county; and

Whereas, at that hearing extensive evidence was presented to the Snohomish county council showing that the establishment of sexually oriented adult entertainment businesses is associated with increased crime. Locally, Kent, Lynnwood, Seattle, Mountlake Terrace, Everett, and Arlington have all concluded that this is the case. Nationally, studies and/or statistics from Indianapolis, New York, Cleveland, Los Angeles, Austin, Phoenix, and Boston have been cited as showing that sexually oriented adult entertainment businesses are associated with increased crime; and

Whereas, the evidence presented demonstrated increases in crimes involving prostitution, narcotics, sex-related crimes, and other disruptive behavior are associated with sexually oriented adult entertainment businesses; and

Whereas, extensive evidence presented showed that the establishment of sexually oriented adult entertainment businesses is associated with a decline in property values of nearby property. Locally, Kent, Seattle, and Everett have all concluded that this is the case. Nationally, studies and/or statistics from Indianapolis, Los Angeles, Oklahoma City, and Detroit have been cited as showing that adult entertainment businesses are associated with a decline in property values; and

Whereas, the evidence presented demonstrated that negative land use impacts including noise, trash, and traffic problems are associated with sexually oriented adult entertainment businesses; and

Whereas, extensive evidence presented showed that the establishment of sexually oriented adult entertainment businesses is associated with a degradation of the quality of life within a neighborhood. Locally, Kent, Lynnwood, Seattle, Mountlake Terrace, and Everett have all concluded that this is the case; and

Whereas, over 28% of Snohomish county's population is under the age of 18 and there is a compelling need to protect minors from criminal and unlawful activities associated with sexually oriented adult entertainment; and

Whereas, following public notice, a hearing was held on October 12, 1994, whereat testimony was presented which demonstrated the negative secondary effects of sexually oriented adult entertainment described herein; and

Whereas, at that hearing the Council adopted Ordinance 94-096 which established a moratorium on the acceptance of applications for, or issuance of any county license, permit, or approval, including but not limited to, business licenses, use permits, or building permits, for the establishment, location, or licensing of sexually oriented adult entertainment businesses or uses in Snohomish county, said moratorium to be effective until January 20, 1995; and

Whereas, at this time Snohomish county has no specific zoning regulations which directly address any sexually oriented adult entertainment businesses or uses. Under current county code land uses which are not listed in the code are automatically permitted in all industrial zones without restrictions; and

Whereas, the county executive established an "Adult Entertainment Zoning Committee" made up of citizens assisted by county staff who will report back to the executive with recommendations regarding zoning regulations for sexually oriented adult entertainment businesses; and

Whereas, the staff is gathering for this committee additional studies from other cities indicating the secondary effects of sexually oriented adult entertainment businesses; and

Whereas, the staff is gathering for this committee zoning ordinances from other jurisdictions for consideration in making recommendations to the executive and council with the desired goal of enacting permanent zoning ordinances to provide reasonable protections for the community from the secondary effects of these businesses; and

Whereas, there is an urgent need, pending the completion of the Adult Entertainment Zoning Committee's work and the adoption of permanent zoning to adopt interim zoning to regulate the location of sexually oriented adult entertainment businesses and sexually oriented adult entertainment uses to address the adverse secondary impacts of such businesses and uses while allowing reasonable opportunities for sexually oriented adult entertainment businesses to locate and conduct their business within the county;

Whereas, at the October 12, 1994, hearing the Council directed staff to prepare interim zoning and regulatory ordinances for consideration prior to the expiration of the moratorium on January 20, 1995; and

Whereas, staff prepared a draft interim zoning ordinance and following public notice, a hearing was held by the Planning Commission on November 22, 1994, on this proposed interim zoning ordinance; and

Whereas, the Planning Commission issued a recommendation on the proposed interim zoning ordinance on November 22, 1994; and

Whereas, following public notice, the council held a public hearing on January 5, 1995 to consider the Planning Commission's recommendation;

NOW, THEREFORE, BE IT ORDAINED:

Section 1: Findings and Conclusions.

Based on the testimony and evidence presented, the county council makes the following findings:

1. Sexually oriented adult entertainment uses are associated with increased rates of crime including, but not limited to, prostitution, narcotics, and sex-related crimes.
2. Sexually oriented adult entertainment uses are associated with declines in property values, especially those of residential areas.
3. Sexually oriented adult entertainment uses are associated with degradation of the quality of life within a neighborhood.
4. Exposure to sexually oriented adult entertainment uses may be particularly harmful to children and minors creating serious adverse effects on their development as mature, disciplined, and social members of the community. This is of particular concern in Snohomish county where over 28% of the population is under 18 years of age.
5. Numerous other jurisdictions have attempted to address these adverse secondary effects by regulations which limit the zones in which sexually oriented adult entertainment uses are allowed and create buffers around such uses. Snohomish county relies on the validation of these methods by the United States Supreme Court in **Renton v. Playtime Theater** and **Young v. American Mini Theaters** and by the Washington State Supreme Court in **Northend Cinemas v. Seattle**, which recognized local governments legitimate interest in protecting and preserving the quality of life through effective land use planning.
6. Areas within close walking distance of single and multiple family dwellings should be free of sexually oriented adult entertainment land uses.

7. Areas where children could be expected to walk, patronize or recreate should be free of sexually oriented adult entertainment land uses.
8. Sexually oriented adult entertainment land uses should be located in areas of the county which are not in close proximity to residential uses, churches, parks, schools, and other similar facilities or uses.
9. Sexually oriented adult entertainment land uses should be regulated by zoning to separate them from other dissimilar uses just as any other land use should be separated from uses with characteristics different from and incompatible with itself.
10. A reasonable regulation of the location of sexually oriented adult entertainment land uses will provide for the protection of the community and its property values, and protect the residents of the community from the adverse effects of such sexually oriented adult entertainment land uses, while providing to those who desire to patronize sexually oriented adult entertainment land uses such an opportunity in areas within the county which are appropriate for location of sexually oriented adult entertainment land uses; and

Section 2: A new section 18.90.920 is added to Chapter 18.90 Snohomish County Code as follows:

18.90.920 Adult Entertainment Definitions (Interim)

The following words and phrases used in Title 18 shall have the meanings set forth below unless the context indicates otherwise:

(1) "Sexually oriented adult entertainment businesses/adult entertainment uses" means any establishment or premises having as substantial or significant portion of its trade, the display, barter, rental or sale of printed matter, pictures, graphics, or other materials or paraphernalia distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" as defined hereinafter, or any "sexually oriented adult entertainment premises", as defined hereinafter, including but not limited to sexually oriented adult bookstores, sexually oriented adult entertainment shows, sexually oriented adult motion picture theaters, erotic dance studios, and sexually oriented adult panorams.

(2) "Entertainment " means any exhibition or dance of any type, pantomime, modeling, or any other performance.

(3) "Sexually oriented adult entertainment" means any entertainment conducted in a public place of amusement where such entertainment involves a person appearing or performing in a state of nudity, as defined herein.

(4) "Public place of amusement, "public amusement/entertainment" and "public entertainment" mean an amusement, diversion, entertainment, show, performance, exhibition, display or like activity, for the use or benefit of a member of the public, held, conducted, operated or maintained for a profit, either direct or indirect.

(5) "Sexually oriented adult entertainment premises" means any premises to which the public, patrons, or members are invited or admitted and wherein an entertainer provides sexually oriented adult entertainment on a regular basis and as a substantial part of the business operation.

(6) "Entertainer" means any person who provides sexually oriented adult entertainment within a public place of amusement as defined in this section whether or not a fee is charged or accepted for such entertainment.

(7) "Specified anatomical areas" means:

(a) Less than completely and opaquely covered human genitals, pubic area, anus, or female breast below a point immediately above the top of the areola.

(b) Human male genitals in a discernibly turgid state even if completely or opaquely covered.

(8) "Specified sexual activities" means:

(a) Acts of human masturbation, sexual intercourse or sodomy; or

(b) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or

(c) Human genitals in a state of sexual stimulation or arousal.

(9) "Nudity" is defined as the showing of the human male or female genitals or pubic area, the showing of the female breast, with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

(10) "Member of the public" is defined as any customer, patron or person, other than an employee, who is invited or admitted to a sexually oriented adult entertainment premises.

(11) "Sexually oriented adult arcade", "sexually oriented adult panoram", and "sexually oriented adult arcade premise" shall mean any premise on which any sexually oriented adult arcade device is located and to which patrons, customers and/or members of the public are admitted.

(12) "Sexually oriented adult arcade device" sometimes also know as "panoram", "preview", "picture arcade", or "peep show" means any device which, for payment of a fee, membership fee, or other charge is used to exhibit or display a picture, view, film, videotape, or video disc, live show or other graphic display of "specified anatomical areas." All such devices are denominated under this ordinance by the term "sexually oriented adult arcade device".

(13) "Sexually oriented adult bookstore" is defined as any premises from which minors are excluded and in which the purchase, rental, viewing, or use of books, magazines, newspapers, movie films, devices, slides, or other photographic or written reproductions distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas make up 25% or more of the stock in trade.

(14) "Sexually oriented adult entertainment show" means any premises from which minors are excluded and in which live entertainment is provided, or any device is provided in which the subject matter is distinguished or characterized by the emphasis on matter depicting, describing, or relating to specified sexual activities or displaying specified anatomical areas as the principal use of the premises or is shown as an adjunct to some other business activity which is conducted on the premises and constitutes a major attraction; and wherein fees of any kind are charged.

(15) "Sexually oriented adult motion picture theater" means any establishment from which minors are excluded in which motion pictures, slides, or similar photographic reproductions are shown depicting adult entertainment as the principal use of the premises, or are shown as an adjunct to some other business activity which is conducted on the premises and constitutes a

major attraction; and wherein fees of any kind are charged; and wherein such motion pictures, slides, or similar photographic reproductions are shown on a regular basis; and not to include a theater showing such motion pictures, slides, or similar photographic reproductions less than 25% of the total showing time of the theater.

(16) "Stock in trade" means the greater of:

(a) The retail dollar value of all prerecorded video tapes, discs, books, magazines or similar material readily available for purchase, rental, viewing, or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or

(b) The total number of titles of all prerecorded video tapes, discs, books, magazines, or similar material readily available for purchase, rental, viewing or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

(17) "Youth oriented facility" means facilities owned or operated by non-profit organizations for the purpose of providing recreational or educational opportunities for youth including, but not limited to, Boys and Girls Clubs, YMCAs, YWCAs, Little League and other youth sports associations.

Section 3: Snohomish County Code section 18.32.040 last amended by Ordinance 94-029 on April 6, 1994, is amended to read:

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

	F	F&R	A-10	R-5	RC&RR	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	
Accessory Apartment Attached and Detached 66	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P	P						P
Agriculture	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			C	C	C	C	C	C	C	C	C	C	C								P	P	P	P	P	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				C	C			P	P	P	
Asphalt Batch Plant & Continuous Mix Asphalt Plant																											P	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	47 P	
Bakery																						P	P	P	P	P	P	
Bed and Breakfast Guest-house 62		C	C	C	C	C	C	C	C	C	C	C	C	C		C	C											
Bed and Breakfast Inn 62		C	C	C	C	C																						
Billboards 49																						P			P	P		
Boat Launch: Commercial 33		C																			C	C			C	C		
Non-Commercial 33	C	C		C	C	C	C	C	C	C	C	C	C	C		C	C				C	C			C	C		
Boat Sales																						P			P	P		
Body Painting Studio																						P	P	P	P	P	P	
Building Contractor																						P	P	P	P	P	P	
Campground		34 C																										
Caretaker's Quarters																							P	P	P	P	P	
Cemetery, Columbarium, Crematorium, Mausoleum 44				C	C	P	C	C	C	C	C	C	C	C		C	C				P	P	P	P	P	P		
Church			C	C	C	P	C	P	C	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		
Club																C	C				P	P	P	P	P	P		
P - Permitted Use C - Conditional Use T - Temporary Use	Note: Reference numbers within matrix indicate special conditions apply. See chapter 18.32 SCC.																											

	F	F&R	A-10	R-5	RC&RR	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	
Cold Storage																					P	P	P	P	P			
Community Club				C	C	P	C	P	C	C	C	C	C	C							P	P	P	P	P	P		
Commercial Vehicle: Home Basing				35 C																								
Storage Facility																						P	P	P	P	P		
Country Club				C			C	C	C	C	C	C	C	C									P	P	P	P		
Craft Shop 23																					P	P	P	P	P	P		
Dams & Power Plants, Associated Uses		P																										
Day Care Center 2					C	P	C	P	C	C	C	C	C	C		C	C	P	P	P	P	P	P	P	P	P		
Department Store																					P	P			P	P		
Distillation of Alcohol			36 C	36 C	36 C	36 C		36 C															P	P	P	P		
Distillation of Wood, Coal, Bones or Manufacturing of Their by-products																										P		
Dock & Boathouse, Private, Non-commercial 3, 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		
Drug Store																		24 P	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	P		54		P		
Mobile Home	P	P	P	P	P	P	P	6 P	P	6 P	6 P	6 P	6 P	6 P	6 P	P	P		6 P		6 P	6 P				P		
Duplex	P		P	P	P	P	P	P	P	45 P	45 P	45 P	45 P	45 P	P	P	P		P		P	P						
Townhouse										5 P C	5 P C	5 P C	5 P C	5 P C	5 P C	P	P											
Multiple Family																P	P		P	P	P	P						
Excavation & Processing of Minerals 30	P C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C		C		C	C	C	C	C	C	C	
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 - Permitted Use C - Conditional Use T - Temporary Use	Note: Reference numbers within matrix indicate special conditions apply. See chapter 18.32 SCC.																											

	F	F&R	A-10	R-5	RC&RR	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
Joint 7							C	P	C	C	C	C	C	C							P	P	P	P	P	P	
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	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P	P					
Family Rehabilitation Home				C	C	C	C	C	C	C	C	C	C	C		C	C				P	P					
Farm Product Processing			39 C	39 C	39 C	39 C		39 C															P		P	P	
Farm Stand 9	P	P	P	P	P	P	P	P	P	P	P	P	P	P													P
Farm Workers Dwelling			10 P																								
Financial Institutions																				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
Forestry	P	P	P	P	P	P		P															P		P	P	P
Forestry Industry Storage & Maintenance Facility	P	P				32 P																					
Forge, Foundry, 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 and Driving Range				C	C	C	C	C	C	C	C	C	C	C								P	P	P	P	P	P
Government Structures & Facilities 29, 44	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, Lathhouse, Nurseries Retail	55 P		55 P	P	55 P	P	55 P	55 P	C											P	P	P	P			P	P
Wholesale	P		P	P	P	P	P	P	50 55												P	P	P	P	P	P	P
Grocery Store																			24 P	P	P	P	P			P	P
Group Care Facility 37				C	C	C										C	C				C	C					
Guesthouse	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P					
Gym																					P	P	P	P	P	P	P
Hardware Store																					P	P	P	P		P	P
Home Improvement Center																				C	C	C	C			C	C

Note: Reference numbers within matrix indicate special conditions apply. See chapter 18.32 SCC.

		F	F&R	A-10	R-5	RC&RR	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	
Home Occupation	11	68 P		68 P	68 P	68 P	68 P	68 P	P	P	P	P	P	P	P	P	P	P		P		P							
Homestead Parcel	43			C	C	C	C																						
Hospital	31, 44				C	C	C	C	C	C	C	C	C	C	C		C	C			P	C	C		P				
Hotel/Motel	31																C	C	P		P	P	P						
Institution, Educational	44				C	C		C		C	C	C	C	C	C		C	C				P	P	P	P	P	P	P	
Junkyard																										47 C	47 C		
Kennel Commercial	12	P		C	P	C	P	C	P	C	C	C	C	C	C							P	P	P	P	P	P	P	
Exhibitor/Breeding	57	P		C	P	C	P	C	P	C	C	C	C	C	C		C	C		P		P	P	P	P	P	P	P	
Private	13	P		P	P	P	P	P	P	P	P	P	P	P	P		P	P		P		P	P						
Laboratory																							P	P	P	P	P		
Library	44				C	C	C	C	P	C	C	C	C	C	C		C	C			P	P	P	P	P	P	P	P	
Licensed Practitioner	31, 44																C	C		P	P	P	P	P	P	P	P	P	
Locksmith																					P	P	P	P	P	P	P	P	
Log Scaling Station			P	P		C																							
Lumber Yard																								P	P	P	P	P	
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	P	P	P	
Massage Parlor																						P	P	P	P	P	P	P	
Mini Self-Storage	44																				P		P	P	P	P	P	P	
Mobile Home Park	41																	C	C			C	C						
Mobile Home & Travel Trailer Sales																							P	38 C		P	P		
Model House/Sales Office		P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P						
P - Permitted Use C - Conditional Use T - Temporary Use		Note: Reference numbers within matrix indicate special conditions apply. See chapter 18.32 SCC.																											

	F	F&R	A-10	R-5	RC&RR	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	
Motor Vehicle & Equipment Sales																					25 P	P		P	P			
Mortuary																C	C				P	P	P	P	P	P		
Museum 44			65 C	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	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P		P	P	P	P	P	P	P	P	P	
Personal Services Shop																			P	P	P	P	52 P	52 P	P	P		
Petroleum Products & Gas Storage - Bulk								46 C														46 P	P	46 P	46 P	46 P		
Petroleum Refining 44																							P					
Photo Processing Shop																					P	P	P	P	P	P		
Printing Plant																					P		P	P	P	P		
Printshop																						P	P	P	P	P		
Public Bathhouse																						P	P	P	P	P		
Racetrack 26, 44				C	C			C														C	P	P	P	P		
Railroad Right-of-way	C		C	C	C	C	C	C	C	C	C	C	C	C								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	P	P	P	P	52 P	52 P	P	P	
Retail Store																									56 P	P	P	
Retirement Apartments															P	P	P		P	P	P	P						
Retirement Housing															P	P	P		P	P	P	P						
Riding Academy 16, 44	C	P		C	C	P																	P	P	P	P		
Rolling or Blooming Mills																										P		
Rooming & Boarding House	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	P						
Rural Industries 44						27 P																						
Sanitary Landfill	C			C	C	C	C	C	C	C	C	C	C	C								C	C	C	C	C	C	
P - Permitted Use C - Conditional Use T - Temporary Use	Note: Reference numbers within matrix indicate special conditions apply. See chapter 18.32 SCC.																											

	F	F&R	A-10	R-5	RC&RR	RD	SA-1	RU	R 20,000	R 12,500	R 9,600	R 8,400	R 7,200	WFB	T	LOMR	MR	FS	NB	PCB	CB	GC	IP	BP	U	HI	MC	
Sawmill	P	P		28 C		28 P		28 C														P	P	P	P	P		
Sexually Oriented Adult Entertainment Uses (Interim)																										P		
School K-12 & Preschool	44			C	C	C	C	C	C	C	C	C	C	C		C	C					P	P	P	P	P	P	
Other																						P	P	P	P	P		
Second Hand Store																						P	P			P	P	
Service Station	44																		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		C	C	C	C	C	C	60 C	60 C	60 C	60 C	60 C		60 C	60 C					60 C	60 C	60 C		60 C	53 CP	60 C
Small Animal Husbandry	44	P	P	P	P	P	P	P	40 C	40 C	40 C	40 C	40 C	40 C					P			P	P	P	P	P	P	
Social Services Center	17			C	C	C		C								O	O					P	P	P	P	P	P	
Specialty Store																			P	P	P	P			P	P		
Stockyard or Slaughter House								51 C															P			P		
Storage/Retail Sales Live- stock Fee			P	58 P	58 P																	P	P		P	P		
Storage Structure over 1,000 sq.ft. on less than three acres	63	C		C	C	C	C	P	C	C	C	64 C	64 C	C	C	C	C			P	P	P	P	P	P	P	P	
Swimming Pool	18, 44	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P					P	P	P			P	
Tannery																											P	
Tar Distillation or Manufac- turing																											P	
Tavern	44																					P	P	P		P	P	
Television/Radio Stations																										P	P	
Temporary Logging Crew Quarters		P	P																									
Temporary Emergency Use	20	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
Temporary Use Dwelling: During Construction		T	T	T	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	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
Woodwaste Recycling	67	T				T																				T	T	
Woodwaste Storage	67	T				T																				T	T	
Tire Store																						P	P	P	P		P	

Note: Reference numbers within matrix indicate special conditions apply. See chapter 18.32 SCC.

	F	F&R	A-10	R-5	RC&RR	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	
Tool Sales & Rental																					P	P			P	P		
Travel Trailers 21	P	P	P	P	P	P	P	P																				
Travel Traller Court		C																P			C	C						
Ultralight Airpark 22	C		C	C	C	C																	P	P	P	P		
Utility Facilities: Electro-magnetic Transmission & Receiving Fac. 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	P	C
Transmission Wires or Pipes & Supports 29	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	P	P
All Other Structures 29, 44	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	P	C
Veterinary Clinic			C	C	C	P	C	P								C	C		P	P	P	P	P	P	P	P		
Warehousing																						P	P	P	P	P		
Wholesale Establishment																					P	P	P	P	P	P		
Woodwaste Recycling 61	C			C		C																				C	C	
Storage 61	C			C		C																				C	C	
Yacht/Boat Club														C									P	P	P	P		
All other uses not otherwise mentioned																							P	P	P	P		
P - Permitted Use C - Conditional Use T - Temporary Use	Note: Reference numbers within matrix indicate special conditions apply. See chapter 18.32 SCC.																											

(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) Private, Noncommercial Docks and Boathouses:

(a) The height of any covered overwater structure shall not exceed 12 feet as measured from the line of ordinary high water,

(b) The total roof area of covered, overwater structures shall not exceed 1,000 square feet,

(c) The entirety of such structures shall have a width no greater than 50 percent of the width of the lot at the natural shoreline upon which it is located,

(d) No 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 300 feet of the parcel on which proposed. Where no such preexisting structures exist within 300 feet, the pier length shall not exceed 50 feet,

(e) Structures permitted hereunder shall not be used as a dwelling, nor shall any boat moored at any wharf be used as a dwelling while so moored, and

(f) Covered structures are subject to a minimum setback of three feet from any side lot line or extension thereof. No side yard setback shall be required for uncovered structures. No rear yard setback shall be required for any structure permitted hereunder.

(4) 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 chapter 18.53 SCC, 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 20 feet or greater along its entire body length,

(b) Shall be constructed with a non-metallic type, pitched roof,

(c) Except where the base of the mobile home is flush to ground level shall be installed either with:

(i) skirting material which is compatible with the siding of the mobile home,

or

(ii) a perimeter masonry foundation,
(d) Shall have the wheels and tongue removed, and
(e) In the RU zone the above only applies if the permitted lot size is less than 20,000 square feet.

(7) 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 zone PROVIDED That its function as a shelter is not impaired.

(8) Family Day Care Home:

(a) No play yards or equipment shall be located in any required setback from a street, and

(b) Outdoor play areas shall be fenced or otherwise controlled.

(9) Farm Stand:

(a) There shall be only one stand on each lot,

(b) The maximum size in the A-10 zone shall be 500 square feet,

(c) The maximum size in all other zones shall be 300 square feet, and

(d) At least 75 percent (by value) of the products sold must be grown or raised in Snohomish county.

(10) Farm Worker Dwelling:

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

(b) An agricultural farm worker dwelling unit affidavit must be signed and recorded with the county attesting to the need for such dwellings to continue the farm operation;

(c) The number of farm worker dwellings shall be limited to one per each 40 acres under single contiguous ownership to a maximum of six total dwellings, with 40 acres being required to construct the first accessory dwelling unit. Construction of the maximum number of dwelling units permitted shall be interpreted as exhausting all residential potential of the land until such time as the property is legally subdivided, and

(d) All farm worker dwellings must be clustered on the farm within a 10-acre farmstead which includes the main dwelling. The farmstead's boundaries shall be designated with a legal description by the property owner with the intent of allowing maximum flexibility while minimizing interference with productive farm operation. Farm worker dwellings may be located other than as provided for in this subsection only if environmental or physical constraints preclude meeting these conditions.

(11) Home Occupation:

(a) Not more than one 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 nameplate horsepower rating of any single piece of mechanical equipment used in the home occupation shall be five horsepower, and no equipment shall be three-phase motors. The electrical service for the home occupation shall not exceed 200 amps;

(e) Not more than one-fourth 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 square feet, and shall be attached flat to the building;

(g) The home occupation shall in no way affect the appearance of the building as a residence; and

(h) The home occupation shall be fully enclosed within the residence with no outside storage of equipment or materials.

(12) Kennel, commercial: There shall be a five 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 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 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, not to include hot tubs and spas for the sole use of occupants and guests:

(a) No part of the pool shall project more than one foot above the adjoining ground level in a required setback, and

(b) The pool shall be enclosed with a fence not less than four feet high, of sufficient design and strength to keep out children.

(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 persons,

(e) Use as a commercial rental unit shall be prohibited,

(f) The temporary dwelling shall be situated not less than 20 feet from the permanent dwelling on the same lot and shall not be located in any required yard of the principal dwelling,

(g) A land use permit binder shall be executed by the landowner, recorded with the Snohomish county auditor and a copy of the recorded document submitted to the 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,

(j) An agreement to terminate such temporary use at such time as the need no longer exists shall be executed by the applicant and recorded with the Snohomish county auditor, and

(k) The temporary dwelling shall not be located on a lot on which a detached accessory apartment, as defined in SCC 18.90.018, is located.

(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 per lot, and

(b) Shall not be placed on a single site for more than 180 days in any 12-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 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.

(24) Grocery and Drug Stores: In the FS zone, there shall be a 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 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 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 25 during any eight hour work shift,

(c) All operations shall be carried out in a manner so as to avoid the emission or creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water pollution, or other emissions which are unduly or unreasonably offensive or injurious to properties, residents or improvements in the vicinity, and

(d) Sawmills and shakemills adjacent to a state highway in the RU zone shall provide 25 feet of type "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 chapter 18.54 SCC, 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 25 percent 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 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 32 to 40 spaces capable of accommodating both a car and boat trailer for each ramp lane of boat access to the water,

(c) A level vehicle-maneuvering space measuring at least 50 feet square shall be provided,

(d) Pedestrian access to the water separate from the boat launching lane or lanes may be required where it is deemed necessary in the interest of public safety,

(e) Safety buoys shall be installed and maintained separating boating activities from other water-oriented recreation and uses where this is reasonably required for public safety, welfare and health, and

(f) All site improvements for boat launch facilities shall comply with all other requirements of the zone in which it is located.

(34) Campground:

(a) The maximum overall density shall be seven camp or tent sites per acre, and

(b) The minimum site size shall be 10 acres.

(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 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 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 purpose 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) Where a lot of nonconforming size has been previously developed for residential use and the owner resides therein, farm product processing may be permitted by the hearing examiner when the following criteria are met:

(i) No more than one person outside of immediate family shall be employed full time in farm product processing at any one time.

(ii) Nature of operation and any structures shall not adversely affect adjacent properties. Physical scale and use intensity must be compatible with surrounding neighborhood.

(b) Retail sales of products produced on the premises for off-site consumption may be allowed.

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

(41) Mobile Home Park: Such development must fulfill the requirements of chapter 18.55 SCC.

(42) Sludge Utilization:

(a) Minimum total project area including setbacks is 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: 500 feet,

(ii) Surface application: 300 feet, and

(iii) Sub-surface injection: 200 feet,

(d) Minimum setbacks from year-round surface waters shall be 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 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 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 SCC or Snohomish county boundary line adjustment, Title 29 SCC, 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 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 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 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 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 feet high shall be established and maintained in the LI zone. For landscaping requirements for these uses, SCC 18.43.050 and 18.43.070 apply.

(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 three acres or more; a conditional use permit is required on less than three 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 SCC; and PROVIDED FURTHER, That such improvements do not increase the ground area covered by the structural portion of the nonconforming use by more than 100 percent of that existing at the existing date of the nonconformance.

(55) Greenhouses, lath houses, and nurseries:

(a) Incidental sale of soil, bark, fertilizers, plant nutrients, rocks and similar plant husbandry materials is permitted,

(b) The sale of garden tools and any other hardware or equipment shall be prohibited,

(c) There shall be no on-site signs advertising other than the principal use.

(56) See SCC 18.60.130 for specific requirements for retail stores in the BP zone.

(57) Kennel, exhibitor/breeding: Where the animals comprising the kennel are housed within the dwelling, the yard or some portion thereof shall be fenced and maintained in good repair or to contain or to confine the animals upon the property and restrict the entrance of other

animals. Where the number of animals kept is 10 or more, a five acre minimum lot size and a conditional use permit are required.

(58) Retail sales of hay, grain, and other livestock feed are permitted on-site in conjunction with a livestock auction facility.

(59) Noise of machines and operations in the LI and HI zones shall comply with chapter 10.01 SCC, Noise Control, and machines and operations shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness.

(60) Sludge utilization only at a completed sanitary landfill or on a completed cell within a sanitary landfill, subject to the provision of subsection 18.32.040(B)(42).

(61) Woodwaste Recycling and Woodwaste Storage Facilities: These two uses are subject to the following minimum requirements except when incidental to a primary use allowed in the applicable zone:

(a) Siting Criteria. Woodwaste recycling and woodwaste storage shall be located in compliance with the following:

(i) The minimum site size shall be 10 acres.

(ii) Outside storage, recycling and processing activity areas, parking areas and other outside activity areas shall be located at least 100 feet from adjacent properties used, zoned or designated for residential purposes and at least 200 feet from any stream or wetland or land designated as an environmentally sensitive area by the Snohomish county comprehensive land use plan; PROVIDED, HOWEVER, That where such activities are fully enclosed within a structure, the minimum 200-foot setback shall be reduced to 50 feet. The character of the minimum setback area and the potential need for a greater setback shall be determined by the hearing examiner in accordance with adopted county plans and policies, including the applicable area comprehensive plan.

(b) Submittal Requirements to accompany a conditional use application: An application for a conditional use permit to allow a woodwaste recycling or woodwaste storage facility shall include the following submittals:

(i) A site development plan showing all woodwaste storage areas (active and reserve areas), recycled material storage areas, proposed structures, equipment, parking areas, access drives/fire lanes, delineation of existing vegetation, extent of clearing, buffer widths, on-site sewage disposal areas (if proposed), and existing site structures/facilities that are to remain or be removed.

(ii) A water quality control and monitoring plan. The applicant shall prepare a water quality control plan which demonstrates adequate protections for surface and groundwater quality consistent with the requirements of Snohomish health district regulation, EHD 8-30, "regulations governing solid waste handling"; contains provisions for minimizing stormwater runoff contact with woodwaste and recycled materials; and includes an independently-produced hydrogeologic report which analyzes the potential for surface water contamination, groundwater infiltration, or other types of water degradation (on-site or off-site) resulting from leachate produced by the proposal and recommends preventative measures if such contamination is anticipated.

(iii) An operational plan which contains the following elements:

(A) a fire prevention and protection plan which contains adequate provisions for the prevention of on-site fires and includes specific measures to prevent the spread

of fires and protect adjacent properties. Approval of said plan shall be obtained from the county fire marshal prior to conditional use approval.

(B) a materials inspection plan which will insure control over the type of woodwaste entering the site. This plan shall include provisions for the visual inspection of all materials brought to the site during placement in the designated storage area and procedures for the immediate removal of waste material other than woodwaste and demolition or construction debris as defined by this title. The operator shall be responsible for insuring that such material does not enter the site.

(C) for woodwaste recycling, a requirement for use of specific equipment (crushers, chippers, etc.) capable of woodwaste processing at a rate in conformance with Snohomish health district regulation, EHD 8-30, "regulations governing solid waste handling", section EHD 8-30-300-3(c)(i).

(D) a landscaping and screening plan which demonstrates maximum retention of natural vegetation around the perimeter of the site and augmentation with planted landscaping materials as necessary to assure site screening capability.

(iv) The applicant shall be required to post a performance bond for site reclamation and other bonds as determined by the hearing examiner, including, but not limited to bonds for facility maintenance, water quality control and monitoring equipment, and recovery of fire extinguishment costs.

(c) Minimum Performance Standards: A conditional use permit shall be subject to the following minimum performance standards:

(i) All woodwaste and demolition and construction debris shall be stored at or above ground level. Natural or artificially created depressions in the earth shall not be used.

(ii) The applicant shall demonstrate that an adequate water supply is available at the site to sustain necessary fire flow pressure for purposes of fire protection as determined by the applicable local fire district in consultant with the county fire marshal.

(iii) The proposed operation shall be carried out so as to avoid the emission 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.

(iv) The applicant shall provide on-site leachate collection/treatment system designed, constructed and operated in a manner that disposes of the leachate when one or more of the following circumstances exist:

(A) the hydrogeologic report prepared in accordance with SCC 18.32.040 (b)(61)(B)(ii) recommends a leachate collection/ treatment system due to site characteristics of topography, underlying geology and hydrology; or

(B) a treatment/collection system is recommended by the Snohomish health district to satisfy the requirements of Snohomish health district regulation, EHD 8-30, "regulations governing solid waste handling" relating to surface and groundwater protection.

(v) A 30-foot wide, type II buffer as described by SCC 18.43.040(b) is required around the perimeter of the proposed site. All outside activity areas and buildings used in recycling or processing shall be screened from view from the surrounding roadways. Where feasible, natural vegetation shall be used for screening purposes. If the natural buffer is inadequate to provide sight screening, additional landscaping will be required.

(vi) Woodwaste and recycled materials shall be placed in piles, and piles must be stored and recycled in compliance with the Snohomish health district's criteria for waste recycling facilities, as contained in Snohomish health district regulation, EHD 8-30, "regulations governing solid waste handling", section 8-30-300-3(c)(i).

(vii) Woodwaste and recycled material in a pile shall be stored in piles no more than 40 feet high and not more than one-half acre in size. Piles shall be separated by a fire lane with a minimum width of 40 feet.

(viii) For purposes of fire prevention, no more than 40 percent of the designated storage area shall be devoted to active storage at any one time. At least 60 percent of the designated storage area shall be cleared and identified as a reserve storage area at all times.

(ix) Except in the LI and HI zones, a proposed woodwaste storage or woodwaste recycling facility shall be limited to wholesale distribution only, with retail sales of any woodwaste recycled product being prohibited.

(62) Bed and breakfast guesthouses and bed and breakfast inns.

(a) Where bed and breakfast inns and bed and breakfast guesthouses are allowed in the same zone, only one or the other of these facilities may be located on a subject property at the same time. An approved bed and breakfast guesthouse may be expanded to a bed and breakfast inn if a conditional use application for an inn is obtained and the original permit for the guesthouse is vacated.

(b) Submittal requirements to accompany a conditional use application:

(i) Site plan requirements. The site plan shall indicate the location of the off-street parking, proposed screening, the location and size of the bed and breakfast inn, and any proposed new construction to the premises, including additions, remodeling and/or outbuildings.

(ii) Architectural requirements. For new construction only, the following shall apply:

(A) The applicant shall submit proposed architectural drawings and renderings of the proposed structure, including exterior elevations, which shall project a residential, rather than a commercial appearance. This architectural documentation shall be in sufficient detail to demonstrate discernible compatibility between the new construction and the existing on-site development and structures; PROVIDED FURTHER, That the applicant also shall document a design which, in scale, bulk, siding, and use of materials, is in keeping with existing buildings on adjacent properties and compatible with the surrounding character and neighborhood in which the guesthouse or inn is located.

(B) If an outbuilding or outbuildings are proposed, a grading plan, showing the extent of clearing activity, is required. Site design shall be sensitive to the natural features of the site. The use of manufactured and mobile homes is prohibited.

(iii) Screening: The owner/operator shall provide screening with shrubs, trees, fencing, and other suitable materials as necessary to minimize the impacts upon the residential character of the surrounding neighborhood.

(iv) Floor plan: The floor plan shall indicate bathrooms to be used by guests and the location and number of guest rooms.

(c) Minimum performance standards:

(i) Parking requirements shall be in accordance with subsection 18.45.040(35). No on-street parking shall be allowed.

(ii) Meal service shall be limited to overnight guests of the establishment. Kitchens shall not be allowed in individual guest rooms.

(iii) The owner shall operate the facility and reside on the premises.

(iv) One sign for business identification and advertising shall be permitted in conjunction with the bed and breakfast establishment in accordance with SCC 18.44.070.

(v) The bed and breakfast establishment shall be conducted in such a manner as to give no outward appearance nor manifest any characteristics of a business, except as to the sign as allowed above, that would be incompatible with the ability of the neighboring residents to enjoy peaceful occupancy of their properties.

(vi) Guests shall be permitted to stay at the establishment for not more than 10 consecutive days at a time.

(vii) The applicant shall submit a letter from the applicable water purveyor and sewer district, if applicable, stating that each of them has the respective capacity to serve the bed and breakfast inn.

(viii) The applicant shall comply with all applicable county codes for fire, health and building requirements and any applicable food service regulations and on-site sewage disposal requirements of the Snohomish health district. The applicant shall comply with the applicable requirements of chapter 258-54 WAC, "public water system rules and regulations", as now written or hereafter amended, if a water system is to be developed or connected to an existing public water system.

(ix) If three or more guest rooms are proposed, the applicant shall also meet state requirements for a "transient accommodation license", as required by chapter 212-52 WAC, as now written or hereafter amended.

(63) Storage structure over 1,000 sq. ft. on less than three acres: This use is subject to the following requirements:

(a) Special setback requirements for this use are contained in SCC 18.42.100.

(b) Artificial lighting shall be hooded or shaded so that direct outside lighting, if any, will not result in glare when viewed from the surrounding property or rights-of-way.

(c) The applicant shall submit building elevations that document a residential appearance through the design and through depiction of appropriate building materials for the exterior finish.

(d) The applicant shall propose a screening plan which will result in a building screened from the view of neighboring property owners. Landscaping will be required on the subject property's boundary line or lines and/or around the building sides, as necessary, to effectively accomplish this objective.

(64) Storage structures over 1,000 sq. ft. in the R-7,200 and R-8,400 zones are limited to 20 feet in building height.

(65) Museums. Museums within the agriculture A-10 zone are permitted only in structures which are legally existing on October 31, 1991.

(66) Accessory apartments - Attached and detached:

(a) An owner-occupant of a single-family dwelling unit may establish only one accessory apartment, which may be either attached to, or detached from the single-family dwelling. A detached accessory apartment may not be located on a lot on which a temporary dwelling, as defined in SCC 18.90.305, is located.

(b) The single-family dwelling unit to which an attached accessory apartment is to be added, or which is located on the same lot as the detached accessory apartment, must be owner-occupied on the date of application and remaining owner-occupied for as long as the attached or detached accessory apartment exists.

(c) The minimum floor area for an attached or detached accessory apartment shall be 450 square feet, but in no case shall the original single-family dwelling unit be reduced below 900 square feet. These floor areas shall be exclusive of garages, porches, or unfinished basements. The floor area of an attached accessory apartment shall not exceed the following percentage of the floor area of the single-family dwelling unit to which it is accessory, or the following fixed amount, whichever is applicable:

If the floor area of the single-family dwelling unit is:	the floor area of the attached accessory apartment shall not exceed:
Under 2,000 sq. ft.	40%
2,000 sq. ft. or more, but less than 3,000 sq. ft.	35% or 800 sq. ft. whichever is greater
3,000 sq. ft. or more, but less than 5,000 sq. ft.	30% or 1,050 sq. ft. whichever is greater
over 5,000 sq. ft.	20% or 1,500 sq. ft., whichever is greater

The floor area of a detached accessory apartment shall not exceed 40 percent of the floor area of the single-family dwelling unit to which it is accessory, or 850 square feet, whichever is less.

(d) For an attached accessory apartment, the architectural character of the single-family dwelling shall be preserved. Exterior materials, roof form, and window spacing and proportions shall match that of the existing single-family dwelling. Only one main entrance shall be permitted on the front (street face) of the dwelling. Entrances for the attached accessory apartment shall be on the side or in the rear of the dwelling.

(e) For a detached accessory apartment located within a new structure, the exterior materials, roof form, and window spacing and proportions of the detached accessory apartment structure shall approximate those of the existing single-family dwelling. For a detached accessory apartment located within an existing structure, the structure is not required to approximate the exterior features of the existing single-family dwelling.

(f) In zones categorized as residential, multiple family or commercial, no portion of a detached accessory apartment shall extend beyond the building front of the existing single-family dwelling.

(g) An applicant must provide documentation that the water supply is potable and of adequate flow and that the existing or proposed sewage or septic system is capable of handling the additional demand placed upon it by the attached or detached accessory apartment.

(h) One off-street parking space shall be provided and designated for the attached or detached accessory apartment (in addition to the two off-street parking spaces required for the primary single-family dwelling unit). Additional spaces shall be provided to accommodate any additional vehicles owned and/or used by occupants of the attached or detached accessory apartment. Driveways may be counted as one parking space but no parking areas other than driveways shall be created in front yards.

(i) An owner-occupant of a single-family dwelling with an attached or detached accessory apartment shall file, on a form available from the community development department, a declaration of owner occupancy with the community development department prior to issuance of the building permit for the attached or detached accessory apartment and shall renew the declaration annually. The initial declaration of owner occupancy shall be recorded with the county auditor prior to filing the declaration with the community development department.

(67) Temporary woodwaste recycling and temporary woodwaste storage facilities: These two uses require a temporary use permit and are subject to the following minimum requirements except when incidental to a primary use allowed in the applicable zone:

(a) An application for a temporary use permit to allow a woodwaste recycling and/or woodwaste storage facility shall include the following:

(i) A site development plan showing all woodwaste storage areas (active and reserve areas), recycled material storage areas, equipment, parking areas, access drives/fire lanes, extent of vegetation clearing, buffer widths, on-site sewage disposal areas (if proposed), proposed site structures, existing site structures that are to remain or be removed, natural drainage courses and probable alterations which will be necessary to handle the expected drainage from the site.

(ii) Operational information which demonstrates that:

(A) Adequate fire prevention and protection measures have been incorporated into the proposal. Approval of said measures shall be obtained from the county fire marshal prior to temporary use approval;

(B) Adequate provisions have been incorporated into the proposal which will ensure that the type of woodwaste brought to the site consists only of materials authorized by this title and does not contain wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, copper-chrome-arsenate, paints or stains; the operator shall be responsible for insuring that such material does not enter the site;

(C) The woodwaste material is being stored in conformance with Snohomish health district regulation, EHD 8-30, "regulations governing solid waste handling", section EHD 8-30-300(3)(c)(i);

(b) A temporary use permit shall be subject to the following minimum performance standards:

(i) All woodwaste and demolition and construction debris shall be stored at or above ground level. Natural or artificially created depressions in the earth shall not be used. All woodwaste material shall be limited to temporary storage at a rate in conformance with the Snohomish health district regulation, EHD 8-30-300(3)(c)(i);

(ii) The applicant shall demonstrate that an adequate water supply is available at the site to sustain necessary fire flow pressure for purposes of fire protection as determined by the applicable fire district in consultation with the county fire marshal.

(iii) The proposed operation shall be carried out in conformance with all applicable provisions of county code and state law and shall avoid the emission 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.

(iv) A type I buffer as described in SCC 18.43.040(1) is required around the perimeter of all storage, recycling, processing, parking and other outside activity areas. When the subject property is zoned LI or HI, this type I buffer shall supersede the LI and HI buffer requirements described in the landscaping requirements matrix in SCC 18.43.050 for outside storage or waste areas, where the abutting property is designated commercial, or where the abutting property or use is residential.

(v) Woodwaste and recycled material placed in a pile shall be stored in piles no more than 30 feet high and not more than one-half acre in size. Piles shall be separated by a fire lane with a minimum width of 40 feet.

(vi) The combined total storage area for woodwaste and recycled materials shall not exceed two acres.

(vii) Except in the LI and HI zones, a proposed woodwaste storage or woodwaste recycling facility shall be limited to wholesale distribution only, with retail sales of any woodwaste recycled product being prohibited.

(viii) Outside storage, recycling and processing activity areas, parking areas and other outside activity areas shall be setback at least 20 feet from adjacent properties; PROVIDED, That where such activities are adjacent to properties containing an existing residential use, properties where the existing zoning is categorized as residential, multiple family or rural, or adjacent to any stream or wetland designated by Snohomish county, the minimum setback shall be 100 feet; PROVIDED FURTHER, That where such activities are fully enclosed within a structure, the minimum setback may be reduced to 50 feet depending on the sensitivity of the resource. The character of the minimum setback area shall be determined by the planning director in accordance with adopted county regulations, plans and policies.

(68) Home occupations may be conducted in an accessory building and/or an attached garage in accordance with the following:

(a) The provisions of 18.32.040(B)(11)(a), (c), (d) and (f) shall be met;

(b) A minimum lot size of one acre is required;

(c) The following table identifies the maximum allowable combined accessory building and attached garage area and the minimum required building setback for the garage and/or the accessory building from adjacent residentially zoned properties according to the home occupation lot or parcel size:

	One ac.	Two ac.	Three ac.	Four ac.	Five or more ac.
Area (sq.ft.)	500	600	700	800	900
Setback (ft.)	30	40	50	60	70

(d) The home occupation shall in no way affect the appearance of the accessory building and/or the attached garage as accessory to the residential dwelling;

(e) The home occupation shall be fully enclosed within the accessory building and/or the attached garage including no outside storage of equipment or materials;

(f) The home occupation shall not create a level of noise vibration, smoke, dust, odors, heat, light, or glare beyond that which is acceptable in a residential area;

(g) The following activities, including any similar activities, are prohibited as home occupations: minor or major automobile, truck or heavy equipment fueling, maintenance or repair; autobody work or painting; parking or storage of heavy equipment; and any Group H occupancies as defined in the Uniform Building Code except for woodworking and spray finishing in conjunction with woodworking activities;

(h) The home occupation hours of operation shall be limited to: 8:00 a.m. to 8:00 p.m., Monday through Friday; and 9:00 a.m. to 5:00 p.m., Saturday and Sunday;

(i) A certificate of occupancy shall be obtained from the community development division prior to commencing the home occupation to ensure building and fire code compliance. The certificate of occupancy shall be subject to an annual inspection and renewal pursuant to SCC 16.04.060.

(69) On-site hazardous waste treatment and storage facilities are allowed only as an incidental use to any use generating hazardous waste which is otherwise allowed, PROVIDED, That such facilities demonstrate compliance with the state siting criteria for dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter amended.

(70) An application for a conditional use permit to allow an offsite hazardous waste treatment and storage facility shall demonstrate compliance with the state siting criteria for dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter amended.

(71) Sexually oriented adult entertainment uses must meet the following requirements:

(a) Sexually oriented adult entertainment uses are prohibited within the area circumscribed by a circle which has a radius consisting of the following distances from the following specified uses or zones:

(1) Within or within one thousand (1000') feet from the following zones which permit residential uses: R-5, RC, RU, RD, SA-1, R-20,000, R-12,500, R-9,600, R-8,400, R-7,200, WFB, T, LDMR, and MR.

(2) One thousand (1000') feet from any public or private school, preschool, or educational institution.

(3) One thousand (1000') feet from any church or other religious facility.

(4) One thousand (1000') feet from any public or private park.

(5) One thousand (1000') feet of any youth oriented facility.

(b) The distances specified in this section shall be measured horizontally by following a straight line from the nearest point of the building in which the proposed sexually oriented adult entertainment use is to be located, to the nearest point of the parcel of property which contains a use from which the proposed adult entertainment use is to be separated, and to the nearest point of a zone listed in subsection (1).

(c) Violation of the use provisions of this section is:

(1) Declared to be a public nuisance per se, which may be abated by the county by way of civil abatement procedures only, and not by criminal prosecution; or

(2) Subject to enforcement in accordance with the provisions of SCC Title 28 but shall not be subject to SCC 28.08.080.

(d) Nothing in this section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any Snohomish county ordinance or statute of the State of Washington regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

~~((Section 4. Effective Date. This ordinance shall be effective _____))~~

Section ((5)) 4. Repealer. This ordinance is repealed on January 20, 1996.

PASSED this 5th day of January, 1995.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

RC "Swede" Johnson
Vice-Chair

Approved as to Form Only:

Deputy Prosecuting Attorney

ATTEST:

Barbara Siferst
Clerk of Council, Asst.

APPROVED

VETOED

EMERGENCY

DATE: January 6, 1995

Jan M. Earl
County Executive

ATTEST:

Linda M. Crea
Renton3

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