

# **TOWN OF YACOLT**

## **Zoning Ordinance 371 Deleting Ordinance 334**

**Adopted February 3, 1997**

**TOWN OF YACOLT**  
105 East Yacolt Road  
P.O. Box 108  
Yacolt, Washington 98675

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## SECTION 1: PRELIMINARY

- A. Purpose.** The text and zoning maps constitute the zoning regulations for the Town of Yacolt. It is the purpose of this ordinance to accomplish the following:  
Classify, designate and regulate the development of land for residential, commercial, industrial land uses as a means of implementing the Comprehensive Growth Management Plan text and map.
- ▶ Provide adequate open spaces for light, air and the prevention of fires.
  - ▶ Provide the economic and social advantages which result from an orderly, planned use of land resources.
  - ▶ Facilitate energy conservation and the use of renewable energy resources to enhance the livability and quality of housing.
  - ▶ Provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities.
  - ▶ Provide for the preservation of adequate space for industrial, commercial and other activities necessary for a healthy economy.
  - ▶ Lessen congestion of streets.
  - ▶ Stabilize expectations regarding future development, thereby providing a basis for wise decisions with respect to such development.
  - ▶ Provide for judicious, efficient, timely and reasonable administration respecting the due process set forth in this ordinance and other applicable laws.
  - ▶ Protect and promote the public health, safety and general welfare.
- B. Compliance.** No building or other structure shall be constructed, improved, altered, enlarged, or moved; nor shall any use or occupancy of premises within the town be commenced or changed; nor shall any condition of or upon real property be caused or maintained, after the effective date of the ordinance except in conformity with conditions prescribed for each of the several zones established hereunder. It is unlawful for any person, firm, or corporation to erect, construct, establish, move into, alter, enlarge, use or cause to be used, any buildings, structures, improvements or use of premises contrary to the provisions of this ordinance. Where this ordinance imposes greater restrictions than those imposed or required by other rules, regulations or ordinance, the provisions of this ordinance shall control, except when specified otherwise in this ordinance.
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## SECTION 2: DEFINITIONS

**Abutting.** For the purposes of this ordinance and the establishment of special development standards "abutting" shall mean adjoining with a common boundary line; except that where two (2) or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two (2) parcels measures not less than eight (8) feet in a single direction.

**Access or accessway.** "Access" or "accessway" shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use.

**Accessory use or structure.** "Accessory use" or "structure" shall mean one which is subordinate to the principal use of a building on the lot serving a purpose customarily incidental to the use of the principal building.

**Adjacent.** "Adjacent" shall mean near, close; for example, an industrial district across the street or highway from a commercial district shall be considered as "adjacent."

**Adjoin.** "Adjoin" shall mean the same as "abutting."

**Alley.** "Alley" shall mean a public right-of-way not over thirty (30) feet wide which affords, a secondary means of access to abutting lots.

**Alteration, structural.** "Structural alteration" shall mean any change or repair which would tend to prolong the life of the supporting members of a building or structure. Any change in the external dimensions of the building is a structural alteration.

**Animal hospital.** "Animal hospital" shall mean a place where animals are given medical or surgical treatment, and are cared for during the time of such treatment.

**Apartment.** "Apartment" shall mean a dwelling unit in a multiple-family building.

**Apartment house.** "Apartment house" shall mean the same as "dwelling, multiple-family."

**Area of special flood hazard.** "Area of special flood hazard" shall mean the land in the floodplain subject to a one percent (1%) chance or greater of flooding in any given year.

**Automobile repair.** "Automobile repair" shall mean upholstering of; replacement of parts for; motor service; rebuilding or reconditioning of engines, all types of motor vehicles, or trailers, and painting or paint shop.

**Automobile service station or filling station.** "Automobile service station" or "filling station" shall mean a building or lot having pumps and storage tanks where fuels, oils, or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only, and where repair service is secondary.

**Automobile wrecking.** "Automobile wrecking" shall mean the dismantling or disassembling of motor vehicles or mobile homes, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. Three (3) or more dismantled, obsolete, or inoperable motor vehicles on one (1) lot shall constitute a wrecking yard.

**Base zone.** "Base zone" shall mean the primary district applicable to a parcel of property irrespective of any overlay or combining district.

**Boarding house.** "Boarding house" shall mean a building other than a facility provided for under another definition or section of this ordinance, or a hotel where, for compensation, meals or lodging and meals are provided for four (4) or more persons.

**Breezeway.** "Breezeway" shall mean a structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

**Building.** "Building" shall mean a combination of materials to form a structure that is adapted to a permanent or continued occupancy. It is a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattel.

**Building, height of.** "Height of building" shall mean the vertical distance from the average contact ground level, after grading, at the front wall of the building to the highest point of the building.

**Building inspector.** "Building inspector" shall mean the Building Inspector of Clark County, Washington.

**Building, main.** "Main building," shall mean a building within which is conducted the principal use permitted on the lot, as provided in this ordinance.

**Building setback line.** "Building setback line" shall mean a line parallel to the front lot line and passing through the most forward point or plane of the building closest to the front lot line.

**Carport.** "Carport" shall mean a roof projecting from one side of a building designed to cover, but not enclose, automobile parking spaces.

**Church.** "Church" shall mean a permanently located building primarily used for religious worship.

**Clinic.** "Clinic" shall mean a building or portion of a building containing offices for providing medical, dental, or psychiatric services not involving overnight housing of patients.

**Club.** "Club" shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

**Community storage area.** "Community storage area" shall mean a facility accessory to a primary use established in accord with county standards, designed to provide for the temporary or permanent storage of automobiles in an operable condition, boats, campers, trailers, and similar recreational vehicles or equipment, and serving two (2) or more unrelated persons.

**Conditional use.** "Conditional use" shall mean an activity specified by this ordinance as a principal or an accessory use, permitted when authorized by the town council subject to certain conditions.

**Contiguous.** "Contiguous" shall mean the same as "Abutting."

**Congregate care facility.** "Congregate care facility" shall mean any home or private facility maintained and operated for the care, boarding, housing, and training of six (6) or more handicapped persons who require assistance in taking responsibility for themselves and guidance as necessary in activities of daily living, social and recreational activities and opportunities. A congregate care facility does not provide medical, nursing or social casework services.

**Convalescent, nursing or rest home.** "Convalescent, nursing or rest home" shall mean any building or premises in and on which two (2) or more sick, injured, or infirm persons are housed, for a period in excess of twenty-four (24) consecutive hours, and furnished with meals and nursing care for hire.

**Court.** "Court" shall mean an open, uncovered, and unoccupied space within an allotted property line, and free from automotive drives and parking, except for any necessary entrance or exit drive.

**Crown cover.** "Crown cover" shall mean the area within the drip line or perimeter of the foliage of a tree.

**Day-care center, commercial.** "Commercial day-care center" shall mean a building and premises in and on which more than twelve (12) individuals are cared for during some portion of a twenty-four (24) hour period. In no case shall these individuals be housed in the building or on the premises.

**Day-care center, family.** "Family day-care center" shall mean a dwelling and premises in and on which not more than eight (8) individuals, not residing in the dwelling nor related to the care provider, are cared for during some portion of a twenty-four (24) hour period in the residence of the person or persons under whose direct care the individuals are placed.

**Day-care center, mini.** "Mini-day-care center" shall mean a dwelling and premises in and on which seven (7) to twelve (12) individuals are cared for during some portion of a twenty-four (24) hour period, in the residence of the person or persons under whose direct care the individuals are placed, or for the care of twelve (12) or fewer individuals in a facility other than the residence of the person or persons under whose direct care and supervision the individuals are placed.

**Density.** "Density" shall mean a ratio comparing the number of dwelling units with land area, and is expressed as the number of residential dwelling units per acre of land in a residential development, including, but not limited to, one (1) house on one (1) lot. Density is expressed as "gross density," which includes all land included within a project.

**Development.** "Development" shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**District or zone.** "District" or "zone" shall mean a geographic area or area of the town within which the standards governing the use of land, buildings, and premises are uniform.

**Drive-in restaurants.** "Drive-in restaurants" shall mean those restaurants with facilities allowing take-out foods and beverages without leaving a vehicle. They generally also have the characteristics of high turnover restaurants.

**Dwelling.** "Dwelling" shall mean any building or portion thereof, designed or used as the residence or sleeping place of one (1) or more persons.

**Dwelling group.** "Dwelling group" shall mean a group of two (2) or more dwellings attached or detached, located on an undivided parcel of land in one (1) ownership and having any yard or court in common.

**Dwelling, single-family.** "Single-family dwelling" shall mean a building designed or used for residence purposes by not more than one (1) family, and containing one (1) dwelling unit only.

- ▶ "Attached" shall mean sharing common walls.
- ▶ "Detached" shall mean physically separated.

**Dwelling, two-family, or duplex.** "Two-family dwelling" or "duplex" shall mean a building designed or used for residence purposes by not more than two (2) families, and containing two (2) dwelling units.

**Dwelling, multiple-family.** "Multiple-family dwelling" shall mean a building or portion thereof designed or used as a residence by three (3) or more families, and containing three (3) or more dwelling units.

**Dwelling unit.** "Dwelling unit" shall mean one (1) room or a suite of two (2) or more rooms, designed for or used by one (1) family or housekeeping unit for living and sleeping purposes, and having not more than one (1) kitchen or kitchenette.

**Efficiency dwelling unit.** "Efficiency dwelling unit" shall mean any room having cooking facilities, and used for combination living, dining and sleeping purposes for not more than two (2) persons, and is designed as a separate apartment, not merely rooming accommodations.

**Employees.** "Employees" shall mean all persons, including proprietors, working on the premises.

**Family.** "Family" shall mean two (2) or more persons customarily living together as a single housekeeping unit and using common cooking facilities, as distinguished from a group occupying a hotel, club, boarding or lodging house, or other group of unrelated individuals not exceeding six (6) in number.

**Fence, sight-obscuring.** "Sight-obscuring fence" shall mean a fence or evergreen planting, or combination of fence and planting arranged in such a way as to obstruct vision.

**Floor area, gross.** "Gross floor area" shall mean the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls and including halls, stairways, elevator shafts at each floor level.

**Floor area ratio.** "Floor area ratio (FAR)" shall mean the gross floor area of all buildings on a lot divided by the lot area. For example, a FAR of two to one (2:1) means two (2) square feet of floor area for every one (1) square foot of site area.

**Frontage.** "Frontage" shall mean that portion of a parcel of property which abuts a dedicated public street or highway, or private road or driveway approved by the town. Frontage can include courtyards, plazas and other pedestrian areas which accommodate pedestrian activity and limit motorized vehicles.

**Garage, detached.** "Detached garage" shall mean an accessory building intended and primarily used for the storage of motor vehicles, which is separate from and secondary to the main structure of the occupants.

**Garage, private.** "Private garage" shall mean an accessory building or part of a main building intended primarily for the storage of motor vehicles owned or used by occupants of the main building.

**Garage, public.** "Public garage" shall mean a structure or portion thereof, other than a private or community garage used for the storage, sale, hire or repair of self-propelled vehicles or trailers.

**Guesthouse.** "Guesthouse" shall mean an accessory building designed, constructed and used for the purpose of providing temporary living accommodations for guests, or for members of the same family as that occupying the main structure, and containing no kitchen facilities.

**Habitable floor.** "Habitable floor" shall mean any floor usable for living purposes including working, sleeping, eating, cooking or recreating uses, or any combination of these uses. A floor used only for storage purposes is not a "habitable floor."

**Hazardous waste.** "Hazardous waste" shall mean all dangerous and extremely hazardous waste as defined in RCW 70.105.010.

**Hazardous waste storage.** "Hazardous waste storage" shall mean the holding of dangerous waste for a temporary period as regulated by the State Dangerous Waste Regulations, WAC 173-303.

**Hazardous waste treatment.** "Hazardous waste treatment" shall mean the physical, chemical or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material recovery, amenable for storage, or reduced in volume.

**Hazardous waste treatment and storage facility, off-site.** "Hazardous waste treatment and storage facility, off-site" shall mean facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.



**Hazardous waste treatment and storage facility, on-site.** "Hazardous waste treatment and storage facility, on-site" shall mean facilities that treat and store waste generated on the same geographically contiguous or bordering property.

**Health officer.** "Health officer" shall mean the Southwest Washington Health District Officer, his successor, or his authorized representatives or agents.

**Height of building.** "Height of building" shall mean the same as "building, height of."

**Home business, occupation.** "Home business" or "occupation" shall mean a use conducted upon the property for, which the business use is clearly secondary to the use of the parcel for residential purposes.

**Home owners association.** "Home owners association" shall mean a nonprofit organization operating under recorded land agreements through which the following take place:

- ▶ Each person owning or purchasing a lot in a planned unit or other described land area is automatically a member by such ownership or purchase.
- ▶ 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.
- ▶ Construction and maintenance responsibilities for any undivided property are identified and assigned.

**Hospital.** "Hospital" shall mean any institution, place, building or agency which maintains and operates organized facilities for twenty (20) or more persons for the diagnosis, care and treatment of human illness, including convalescence and also including care during and after pregnancy; or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or for a longer period.

**Hotel.** "Hotel" shall mean a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests.

**Junkyard.** "Junkyard" shall mean a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building; but not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operative conditions, or salvaged materials incidental to manufacturing operations.

**Jurisdictional board of health.** "Jurisdictional board of health" shall mean the Southwest Washington Health District, or its duly authorized representative (RCW 70.95.030).

**Kennel.** "Kennel" shall mean either (a) any premises used to conduct a commercial business involving the breeding, buying, selling or letting dogs for hire, boarding or training dogs, or (b) any premises at which ten (10) or more dogs which are five (5) months old or older are kept for any purpose, including animal shelters, but excluding veterinary clinics and animal hospitals where dogs are kept only for treatment by licensed veterinarians.

**Landscaping.** "Landscaping" shall mean not only trees, grass, bushes, shrubs, flowers and garden areas, but also the arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas and artificial turf or carpeting, but excluding artificial plants, shrubs, bushes, flowers, and materials in movable containers.

**Lot.** "Lot" shall mean a parcel of land used or which is capable of being used under the regulations of this ordinance, lawfully created as such in accordance with the subdivision laws or ordinance in effect at the time of its creation. (See Town of Yacolt Engineering Standards for Public Works, April 26, 1994; effective July 5, 1994).

**Lot area.** "Lot area" shall mean the computed area contained within the lot lines; said area to be exclusive of street or alley rights-of-way.

**Lot, corner.** "Lot, corner" shall mean a lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street; such street or parts of the same street forming an interior angle of less than one hundred thirty (130) degrees within the lot lines.

**Lot coverage.** "Lot coverage" shall mean that percentage of the total lot area covered by structures, including all projections except eaves.

**Lot depth.** "Lot depth" shall mean the horizontal distance between the midpoint of the front and opposite, usually, the rear lot line. In the case of a corner lot, the depth shall be the length of its longest front lot line.

**Lot, interior.** "Lot, interior" shall mean a lot or parcel of land other than a corner lot.

**Lot line.** "Lot line" shall mean any line bounding a lot as herein defined. Lot lines for unusual lot configurations may be determined by the Mayor.

**Lot line, front.** "Front lot line" shall mean the property line abutting a street, or approved private road or easements. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot, excluding the unbuildable portion of the pole.

**Lot line, rear.** "Rear lot line" shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

**Lot line, side.** "Side lot line" shall mean any lot line which is not a front lot line or a rear lot line.

**Lot of record.** "Lot of record" shall mean a lot as shown on the records of the County Assessor or County Auditor at the time of the passage of this ordinance; PROVIDED, however, this shall not include lots that may appear on the records of the County Assessor which were created contrary to the provisions of laws and regulations in effect prior to the passage of this ordinance. Any lots created after the adoption of this ordinance shall comply with the standards contained herein.

**Lot, through.** "Through Lot" shall mean an interior lot having a frontage on two (2) streets and/or highways.

**Lot width.** "Lot width" shall mean the horizontal distance measured at the building setback line between the two (2) opposite side lot lines. Average lot width shall be the average of the front and rear lot lines.

**Lowest floor.** "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor.

**Maintain.** "Maintain" shall mean to cause or allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure; improve or condition an area to such an extent that it remains attractive, safe, presentable, and carries out the purpose for which it was installed, constructed or required.

**Manufactured or mobile home.** "Manufactured" or "mobile home" shall mean, in addition to the definition under ordinance 356, a dwelling constructed in conformance with the current nationally recognized standards for manufactured housing.

**Mini-storage warehouse.** "Mini-storage warehouse" shall mean storage facilities located within a totally enclosed structure used for the storage of nonflammable or nonexplosive materials. This storage shall not be in connection with a commercial or industrial use. This storage may be in connection with residential uses.

**Mobile home park.** "Mobile home park" shall mean an area designed, equipped, and maintained for the parking of two (2) or more mobile homes being used as living quarters for humans.

**Motel.** "Motel" shall mean a building or group of buildings used for transient residential purposes, containing guest rooms or dwelling units with automobile storage space provided in connection therewith; which building or group is designed, intended, or used primarily for the accommodation of transient automobile travelers, including groups designated as auto cabins, motor courts, motor hotels, and similar designations.

**New construction.** "New construction," shall mean structures for which construction begins on or after the effective date of this ordinance.

**Nonconforming use.** "Nonconforming use" shall mean a use of land, building or structure which use lawfully existed at the time of the adoption of this ordinance or of any amendment thereto, but which use does not conform with the use regulations imposed by this ordinance or such amendment thereto.

**Nuisance.** "Nuisance" shall include those definitions contained in RCW 9.66 and RCW 7.48. Any violation of this ordinance shall constitute a nuisance, per se.

**Nursing home or rest home.** "Nursing home" or "rest home" shall mean any building where six (6) or more persons are housed or lodged, and furnished with meals and nursing care for hire.

**Official controls.** "Official controls" shall mean legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of the Town, and are the means of translating into regulations and ordinance all or any part of the general objectives of the Comprehensive Plan. Such official controls may include, but are not limited to, ordinance establishing zoning, subdivision control, platting, and adoption of detailed maps.

**Owner.** "Owner" shall mean the owner of record of real property as shown on the tax rolls of the county, or a person purchasing a piece of property under contract. For the purposes of this ordinance, in terms of violations and binding agreements between the county and the owner, "owner" shall also mean a leaseholder, tenant, or person in possession or control of the premises or property at the time of agreement, violations of agreement, or the provisions of this ordinance. For the purpose of processing an application for a land use approval or permit under this ordinance, where such application or permit must be filed by an owner, the term "owner" also includes a governmental entity contemplating acquisition of a parcel for a use which would require such permit or approval.

**Parking area, public.** "Public parking area" shall mean an open area other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free of charge, or as an accommodation for clients or customers.

**Parking space.** "Parking space" shall be a permanently surfaced and marked area not less than eight and one-half (8½) feet wide and twenty (20) feet long, excluding paved area necessary for access, for the parking of a motor vehicle.

**Parking space, compact.** "Compact parking space" shall mean a permanently surfaced and marked area not less than seven (7) feet five (5) inches wide and fifteen (15) feet long, excluding paved area necessary for access, for the parking of a compact motor vehicle.

**Pedestrian area.** "Pedestrian area" shall mean any sidewalk, walking trail, courtyard, plaza or other area intended primarily for use by pedestrians.

**Permittee.** "Permittee" shall be the person who is proposing to use or who is using the land pursuant to any permit required herein.

**Premises.** "Premises" shall mean a tract or parcel of land with or without habitable buildings.

**Private open space.** "Private open space" shall mean a portion of land, together with the improvements thereon, reserved for the use and enjoyment of the owners and occupants of the dwelling units. Parking lots, storage, service driveways, loading berths, or other functional uses not directly connected with recreational or leisurely activities shall not be construed as "private open space," and neither shall yards of five (5) feet or less, designed primarily for the provision of light and air.

**Principal uses permitted outright.** "Principal uses permitted outright" shall mean those uses allowed as a matter of right within certain land use districts without public hearing, zoning permit, conditional use permit, or variance; PROVIDED, that such use is in accordance with the requirements of the particular district and general conditions stated elsewhere in this ordinance.

**Prohibited use.** "Prohibited use" shall mean any use which is not specifically enumerated or interpreted as allowable in that district.

**Public facilities.** "Public facilities" shall mean facilities which are owned, operated, and maintained by a public agency.

**Recreation space.** "Recreation space" shall mean an area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.

**Residential care facility.** "Residential care facility" shall mean an establishment operated with twenty-four (24) hour supervision for the purpose of serving eleven (11) or more persons of any age who, by reason of their circumstances or conditions, require care; for example, work release programs, alcoholic treatment programs, drug rehabilitation centers, mental health programs, etc. This definition does not include prisons or conventional correctional institutions involving twenty-four (24) hour locked incarceration with little or no freedom of movement. "Care" is defined as room and board and the provision of a planned treatment program; "planned treatment" means a previously determined program of counseling, therapy or other rehabilitative social service.

**Retirement housing facility.** "Retirement housing facility" shall mean a facility established for the purpose of providing housing for six (6) or more retirement-age citizens in a supportive living environment, which may include provision of food, household maintenance, recreation activities and health care facilities, including an infirmary, with a maximum of ten (10) beds as licensed by the state of Washington.

**Residential care home.** "Residential care home" shall mean an establishment operated with twenty-four (24) hour supervision for the purpose of serving not more than ten (10) persons of any age who, by reason of their circumstances or conditions, require care while living as a single housekeeping unit in a dwelling unit; for example, work release programs, alcoholic treatment programs, drug rehabilitation centers, mental health programs, etc. This definition does not include prisons or conventional correctional institutions involving twenty-four (24) hour locked incarceration with little or no freedom of movement. This definition and corresponding requirements under county code shall not apply to adult foster homes as defined in RCW section 70.128. "Care" is defined as room and board and the provision of a planned treatment program; "planned treatment" means a previously determined program of counseling, therapy or other rehabilitative social service.

**Rooming house.** "Rooming house" shall mean a building wherein furnished rooms without cooking facilities are rented for compensation to three (3) or more nontransient persons, not included in the family unit of the owner or tenant of the premises.

**Service station.** See "Automobile service station."

**Setback.** "Setback" shall mean the minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way, to the nearest vertical wall or other element of a building or structure as defined herein.

**Shared access facility.** "Shared access facility" shall mean a frontage or service road generally parallel to an arterial, connecting parcels to an arterial; alternately, a common accessway serving businesses with one (1) or more ownerships.

**Site plan.** "Site plan" shall mean a plan prepared to scale, showing accurately and with complete dimensions, all proposed and existing buildings, landscaping, open space, structures and features on abutting properties, and parking proposed for a specific parcel of land.

**Start of construction.** "Start of construction" includes substantial improvement, and means the date the building permit was issued; PROVIDED, the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or other erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Story.** "Story" shall mean 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 unused under-floor space is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade at any point, such basement or unused under-floor space shall be considered as a story.

**Street.** "Street" shall mean all roads, streets, highways, freeways, easements, and public rights-of-way used for or designed for vehicular access or use, including private roads.

**Structure.** "Structure" shall mean 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.

**Substantial improvement.** "Substantial improvement," shall mean the cost of any repair, reconstruction, or improvement of a structure equal to or greater than fifty percent (50%) of its market value before the damage occurred or otherwise prior to reconstruction.

**Townhouse.** "Townhouse" shall mean a dwelling containing two (2) or more dwelling units which share one (1) or more common walls with other dwelling units, and with each dwelling unit individually occupying an individually owned parcel of land with no side yards between adjacent townhouses.

**Travel trailer.** "Travel trailer" shall mean any transportable trailer available for recreational use, forty (40) feet or less in length or eight (8) feet or less in width, built on a chassis and equipped with wheels.

**Undevelopable area.** "Undevelopable area" shall mean an area that cannot be used practicably for a habitable structure, because of natural conditions, such as slopes exceeding twenty percent (20%) in a direction greater than forty-five (45) degrees east or west of true south, severe topographic relief, water bodies or conditions, or conditions that isolate one portion of a property under another portion so that access is not practicable to the unbuildable portion; or manmade conditions, such as existing development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

**Use.** "Use" shall mean an activity or purpose for which land or premises, or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

**Usable open space.** "Usable open space" shall mean an open area that is not covered in impervious surface exceeding four hundred (400) square feet with all dimensions a minimum of twenty (20) feet.

**Utility substation facilities.** "Utility substation facilities" shall mean a subsidiary or branch facility utilizing aboveground structures which is necessary to provide or facilitate distribution, transmission or metering of water, gas, sewage, radio signals and/or electric energy. Such facilities have a local impact on surrounding properties and may consist of, but are not limited to the following:

- ▶ Water, gas and electrical distribution or metering sites;
- ▶ Water or sewage pumping stations;
- ▶ Water towers and reservoirs;
- ▶ Public wells and any accessory treatment facilities;
- ▶ Transmission towers and accessory equipment to provide radio and data communications service, radio paging or cellular communications service;
- ▶ Telephone switching facilities.

**Visual obstruction.** "Visual obstruction" shall mean any fence, hedge, tree, shrub, device, wall, or structure exceeding three and one-half (3½) feet in height above the elevation of the top of the curb, as determined by the town; and so located at a street or alley intersection as to dangerously limit the visibility of persons in motor vehicles on said streets or alleys. This does not include trees kept trimmed or branches to a minimum height of at least six (6) feet.

**Wetlands.** "Wetlands" shall mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. "Wetlands" include swamps, marshes, bogs and similar areas. Those that are present within the corporate limits of the town are generally described in the Comprehensive Growth Management Plan for the Town of Yacolt and the map of Critical Lands referenced in the Clark County Growth Management Plan.

**Yard.** "Yard" shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed by any structure from the ground upward to the sky.

**Yard, front.** "Front yard" shall mean an open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this ordinance.

**Yard, rear.** "Rear yard" shall mean an open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this ordinance.

**Yard, side.** "Side yard" shall mean an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this ordinance.

**Zone district.** "Zone district" shall mean the same as "district" or "zone."

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### SECTION 3: ESTABLISHMENT OF ZONE DISTRICTS AND MAPS

**A. Classification of zoning districts.** For the purposes of this ordinance, the town is divided into zoning districts designated as follows:

| <b>Zoning District</b>              | <b>Map Symbol</b>        |
|-------------------------------------|--------------------------|
| Single-Family Residential . . . . . | R1-12.5, R1-10, R-6, R-5 |
| Neighborhood Commercial . . . . .   | C1                       |
| Community Commercial . . . . .      | C2                       |
| Light Industrial . . . . .          | ML                       |
| Heavy Industrial . . . . .          | MH                       |

**C. Original maps.** The designations, locations and boundaries of the districts set forth in this ordinance shall be shown on the zoning maps of the Town of Yacolt, Washington. Said maps and all notations, references, data and other information shown thereon shall be and are hereby adopted and made a part of this ordinance. The signed copies of the zoning maps containing the zoning districts designated at the time of adoption of the ordinance, shall be maintained in Town Hall and the office of the Clark County Department of Assessment and GIS. Any land or property not specifically identified with a zone designation shall be considered to be zoned as is the most restrictive zone classification designated on adjacent and/or abutting properties, until such time as it is determined otherwise by a rezone action.

**D. Revised maps.** The Town Council may cause official zoning maps to be revised, or portions thereof, with a map or maps, or portions thereof, which include all lawful changes of zone to date. Such maps, or portions thereof, filed as replacements, shall bear dated, authenticating signatures of the Town Council and maintained on file at Town Hall and Clark County Department of Assessment and GIS.

- E. Copies of maps.** The Mayor shall maintain in his or her office up-to-date copies of the zoning maps. The Mayor shall cause the copies of the zoning maps to be revised so that they accurately portray changes of zone boundaries and the location of conditional use permits.
- F. Interpretation of the district boundaries.** The district boundary lines are indicated on the zoning maps. Where uncertainty exists as to the boundaries of any district as shown on the zoning maps, the following rules shall apply:
1. Wherever the zone boundary is indicated as being along or approximately along a street, alley, the centerline of a block, or a property line, then, unless otherwise definitely indicated on the maps, the centerline of the street, alley, or block, or the property line, shall be construed to be the boundary of the zone.
  2. Where the location of a zone boundary line is not determined by the above rule, and is not indicated by a written dimension, the boundaries shall be located by the use of the scale appearing on the maps.
  3. Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of the former right-of-way and all of the area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
  4. Where the application of the above rule does not clarify the zone boundary location, the Mayor shall interpret the maps, and by written decision, determine the location of the zone boundary. Said written decision shall be kept on file with the Town Clerk.

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## **SECTION 4: SINGLE-FAMILY RESIDENTIAL DISTRICTS**

### **A. Single-Family Residential R1-12.5, R1-10.**

1. **Purpose.** These districts are intended to provide for the following:
  - a. Recognize, maintain and protect established low density residential areas.
  - b. Establish higher densities where a full range of community services and facilities are present or will be present at the time of development.
  - c. Provide for additional related uses such as schools, parks and utility uses necessary to serve immediate residential areas.
2. **Permitted uses.** The following uses are permitted:
  - a. Single-family detached dwellings, including manufactured homes as defined in ordinance 356.
  - b. Public parks and recreational facilities.
  - c. Accessory uses and structures normal to a residential environment, including detached garages.
  - d. Cemeteries, and mausoleums, crematories, columbaria and mortuaries within cemeteries, provided that no mortuary or crematorium is within one hundred (100) feet of a boundary street, or where no street borders the cemetery within two hundred (200) feet of a lot in a residential district.
  - e. Family day care centers.
3. **Conditional uses.** The following are the conditional uses in these districts in accordance with the provisions of section 7 of this ordinance.
  - a. Churches.
  - b. Public or private schools, including preschools.



- c. Private recreational facilities, such as country clubs and golf courses, but not including such intensive commercial recreation uses as a golf driving range (unless within a golf course), race track, amusement park or gun club.
  - d. Government structures, including fire stations, libraries, museums and post offices; but not including storage or repair yards, warehouses or similar uses.
  - e. Commercial day care centers.
  - f. Residential care homes and facilities.
  - g. Ambulance dispatch facility.
  - h. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematorium is within two hundred (200) feet of a lot in a residential district.
  - i. Home occupations.
  - j. Temporary tract offices and model homes.
  - k. Mini day care centers.
4. **Height regulations.** No building or structure shall be hereafter erected, enlarged or structurally altered to exceed thirty-five (35) feet in height.
5. **Lot requirements.** The minimum lot requirements shall be one of those set out in Table 4A for this district classification, as designated on the zoning map.

**TABLE 4A**

**SETBACK**

| Classification | Density (d.u./acre) | Minimum Lot Area (sq. ft.) | Average Lot Width (feet) | Average Lot Depth (feet) | Front Yard (feet) | Side Yard (feet) | Opposite Side Yard (feet) | Rear Yard (Feet) |
|----------------|---------------------|----------------------------|--------------------------|--------------------------|-------------------|------------------|---------------------------|------------------|
| R1-10          | 4.4                 | 10,000                     | 60                       | 90                       | 25                | 5                | 5                         | 25               |
| R1-12.5        | 5.8                 | 12,500                     | 80                       | 90                       | 25                | 5                | 5                         | 25               |

**The minimum street side yard shall be fifteen (15) feet.**

6. **Lot coverage.** Maximum lot coverage by building and structures shall not exceed fifty percent (50%). Carports are excluded from this provision, provided that the total coverage limitation is not exceeded by more than ten percent (10%) as a result of these exceptions.
7. **Signs.** Signs shall be permitted according to the provisions of section 13 of this ordinance.
8. **Off-street parking.** Off-street parking shall be provided as required in section 11 of this ordinance.
- B. Single-Family Residential: R-6, R-5 (SUBJECT TO PUBLIC SEWER AVAILABILITY).**
1. **Permitted uses.** The following uses are permitted:
- a. Duplexes on corner lots.
  - b. Single-family detached dwellings, including manufactured homes subject to ordinance 356.
  - c. Public parks.
  - d. Accessory uses and structures normal to a residential environment, including detached garages.
  - e. Cemeteries, and mausoleums, crematories, columbaria and mortuaries within cemeteries, provided that no mortuary or crematorium is within one hundred (100) feet of a boundary street, or where no street borders the cemetery within two hundred (200) feet of a lot in a residential district.

- f. Family day care centers.
  - g. Accessory uses and structures normal to a residential environment, including detached garages.
2. **Conditional uses.** The following are conditional uses in the R-5 and R-6 districts, in accordance with the provisions of section 7 of this ordinance.
- a. Churches.
  - b. Public or private schools, including preschools, but not including business, dancing and technical schools.
  - c. Private recreational facilities, including country clubs, golf courses and swimming clubs, but not including such intensive commercial recreation uses as a golf driving range, race track, amusement park or gun club.
  - d. Government structures, including fire stations, libraries, museums and post offices; but not including storage or repair yards, warehouses, or similar uses.
  - e. Commercial day care centers.
  - f. Residential care homes and facilities.
  - g. Ambulance dispatch facility.
  - h. Mobile home parks in the R-5 district, subject to the provisions of ordinance 356.
  - i. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematorium is within two hundred (200) feet of a lot in a residential district.
  - j. Home occupations.
  - k. Temporary tract offices and model homes.
  - l. Mini day care centers.
3. **Height regulations.** No building or structure shall be hereafter erected, enlarged or structurally altered to exceed thirty-five (35) feet in height.

**TABLE 4B**

**SETBACK**

| Rear Classification (feet) | Density (d.u./acre) | Average Minimum Lot Area 2 (sq. ft.) | Average Lot Width (feet) | Average Lot Depth (feet) | Front Yard (feet) | Side Yard 3 (feet) | Opposite Side Yard (feet) |
|----------------------------|---------------------|--------------------------------------|--------------------------|--------------------------|-------------------|--------------------|---------------------------|
| R-5                        | 8.7                 | 5,000 / 4,000 per duplex unit        | 45                       | 75                       | 20                | 5/10               | 5/0                       |
| R-6                        | 7.3                 | 6,000                                | 50                       | 90                       | 20                | 5/10               | 5/0                       |

**The minimum street side yard shall be ten (10) feet.**

- 4. **Lot requirements.** The minimum lot requirements shall be those set out in Table 4B for this district classification, as designated on the zoning map.
- 5. **Lot coverage.** Maximum lot coverage by buildings or structures shall not exceed fifty percent (50%).
- 6. **Off-street parking.** Off-street parking shall be provided as required in section 11 of this ordinance.
- 7. **Signs.** Signs shall be permitted according to the provisions of section 13 of this ordinance.

## SECTION 5: COMMERCIAL DISTRICTS

### A. Purpose.

1. **Neighborhood Commercial (C1) District.** This district is intended to provide for medium-sized shopping and service facilities. These centers shall range from 10,000 square feet to 3 acres. They are intended to provide for the shopping and service needs of the immediate urban neighborhood in which they are found.
2. **Community Commercial (C2) District.** This district is intended to recognize existing retail and service commercial development patterns that occur as small centers or strips. Most uses provide goods and services to the local population.

### B. Uses.

The uses set out in Table 5A are examples of uses allowable in the commercial zone districts. The review of all proposed commercial uses is mandatory.

"P"—Permitted uses;

"C"—Conditional uses which may be permitted subject to the approval of a conditional use permit;

"X"—Uses specifically prohibited;

### C. Accessory uses.

A. The following accessory uses are permitted in all commercial districts: on-site hazardous waste treatment and storage facilities, subject to Washington State Siting Criteria (RCW 70.105.210).

B. Outdoor storage of equipment or materials is permitted outside buildings if not expressly prohibited and if such storage complies with the applicable development standards.

### D. Height regulations.

Maximum building height shall be 35 feet.

### E. Lot requirements.

For lot requirements, see Table 5B.

### F. Off-street parking and loading.

Off-street parking and loading shall be provided as required in section 11 of this ordinance.

### G. Landscaping.

Landscaping shall be provided as required in Table 12A of section 12 of this ordinance.

### H. Signs.

Signs shall be permitted according to the provisions of section 13.

### I. Special provisions.

When a Commercial District abuts a residential district, the minimum side yard setback shall be twenty (20) feet, plus an additional one-half (1/2) foot for each foot the building exceeds twenty (20) feet in height. Also see section 12 of this ordinance for additional landscape/buffer width requirements abutting a residential zone.

TABLE 5A

|   | C1 | C2 |
|---|----|----|
| <b>A. Residential.</b>  |    |    |
| 1. New single-family dwelling units as provided in section 4 of this ordinance.   | C  | X  |
| 2. Existing residences without any increase in density.   | P  | P  |
| 3. Caretaker or manager residence when incorporated as an integral part of a use permitted outright or by conditional use.          | X  | C  |
| 4. Apartments as provided in subsection J of section 5 of this ordinance. (Subject to to the availability of a public sewer system) | C  | X  |

TABLE 5A (CONTINUED)

|  | C1 | C2 |
|--|----|----|
| <b>B. Retail Sales — Food.</b>   |    |    |
| 1. Markets in excess of 25,000sq. ft. of gross floor area.   | X  | C  |
| 2. Markets — 5,000 to 25,000sq. ft. of gross floor area.   | P  | P  |
| 3. Markets — < 5,000sq. ft. of gross floor area.   | P  | P  |
| 4. Delicatessen.   | P  | P  |
| 5. Meat and fish markets.  | C  | P  |
| 6. Fruit and vegetable markets.  | C  | P  |
| 7. Dairy products, including egg and poultry stores.   | C  | P  |
| 8. Other specialized food stores.  | C  | P  |
| 9. Bakery — where baked foods manufactured elsewhere are sold on the premises.   | C  | P  |
| 10. Bakery — manufacturing where on-site baked foods are sold on the premises — < (5,000sq. ft. of gross floor area).              | C  | P  |
| 11. Bakery — manufacturing where on-site baked foods are sold on the premises — (5,000 sq. ft. or more gross floor area).          | X  | P  |
| <b>C. Retail Sales — Apparel and Accessories.</b>  |    |    |
| 1. Apparel and accessory stores — men's, women's, and children's.  | P  | P  |
| 2. Shoe stores.  | P  | P  |
| 3. Tailor shops.   | X  | P  |
| 4. Furrier shops.  | X  | P  |
| <b>D. Retail Sales —General Merchandise.</b>   |    |    |
| 1. Department stores, major (Over 50,000sq. ft. gross floor area).   | X  | X  |
| 2. Department stores, junior (under 50,000sq. ft. of gross floor area).  | X  | C  |
| 3. Limited price (e.g., 5 and 10 variety stores).  | X  | P  |
| 4. Mail order houses (principal use).  | X  | P  |
| 5. General merchandise stores.   | C  | P  |
| 6. Specialty stores including building/home improvement/hardware and drug/variety/garden center (Located in an enclosed building). | X  | P  |
| <b>E. Retail Sales — Restaurants, Drinking Places.</b>   |    |    |
| 1. Restaurants.  | X  | P  |
| 2. Restaurants — Take out.   | X  | C  |
| 3. Drinking places, alcoholic beverages (with or without entertainment).   | X  | C  |
| <b>F. Retail Sales — furniture, home furnishings, and home equipment.</b>  |    |    |
| 1. Household furniture, home furnishing and home equipment stores.   | X  | P  |
| 2. Household appliance stores.   | X  | P  |
| 3. Radio, television, and music stores.  | C  | P  |
| <b>G. Retail Sales — Automotive and Related.</b>   |    |    |
| 1. Motor vehicle dealers, new and used.  | X  | X  |
| 2. Tire, battery, and accessory stores.  | X  | C  |
| 3. Service stations.   | X  | C  |
| 4. Boat, marine supplies, and trailers.  | X  | X  |
| 5. Motorcycles.  | X  | P  |
| 6. Auto parts, new or re-manufactured.   | X  | P  |
| 7. Mobile home and/or recreational vehicle dealers, new and used.  | X  | C  |

TABLE 5A (CONTINUED)

|   | C1 | C2 |
|---|----|----|
| 8. Car washes.  | X  | C  |
| <b>H. Retail Sales — Building Material and Farm Equipment.</b>  |    |    |
| 1. Lumber and other building materials stores and yards, with only incidental cutting and planing of products sold.   | X  | C  |
| 2. Heating and plumbing equipment, including incidental fabrication (operated entirely within an enclosed building).  | X  | P  |
| 3. Paint, glass, and wall-paper store.  | X  | P  |
| 4. Electrical supplies store.   | X  | P  |
| 5. Hardware store.  | X  | P  |
| 6. Farm equipment and implement dealer.   | X  | C  |
| <b>I. Retail Sales — Miscellaneous Stores.</b>  |    |    |
| 1. Antiques stamp, and coin shops.  | C  | P  |
| 2. Bicycles.  | C  | P  |
| 3. Book and stationery.   | C  | P  |
| 4. Camera and photographic supplies.  | C  | P  |
| 5. Drug and proprietary.  | X  | P  |
| 6. Fabric (yard goods).   | C  | P  |
| 7. Farm and garden supplies, including nurseries.   | C  | P  |
| 8. Florists.  | C  | P  |
| 9. Fuel dealers.  | X  | X  |
| 10. Gift, novelty and souvenirs.  | C  | P  |
| 11. Hay, grain, and feed stores.  | X  | C  |
| 12. Ice dealers.  | X  | X  |
| 13. Jewelry.  | C  | P  |
| 14. Liquor.   | X  | P  |
| 15. News and magazine dealers.  | X  | P  |
| 16. Secondhand stores (providing that merchandise displayed and sold is from within an entirely enclosed building).   | C  | P  |
| 17. Sporting goods.   | X  | P  |
| 18. Tobacco and smoker supplies.  | X  | P  |
| 19. Yarn shops.   | C  | P  |
| <b>J. Retail Sales—Products. (Custom fabricated, processed, assembled, installed, repaired, or printed on the premises within an entirely enclosed building).</b> |    |    |
| 1. Cabinet shops.   | X  | C  |
| 2. Electrical shops.  | X  | C  |
| 3. Plumbing shops.  | X  | C  |
| 4. Sheet metal shops.   | X  | C  |
| 5. Welding shops.   | X  | C  |
| 6. Electroplating shops.  | X  | X  |
| 7. Heating and air-conditioning shops.  | X  | X  |
| 8. Sign shops.  | C  | C  |
| 9. Upholstery shops.  | C  | C  |
| 10. Printing, publishing, and lithographic shops.   | X  | X  |
| 11. Radio and television repair shops.  | C  | P  |
| 12. Home appliance repair shops.  | X  | C  |

TABLE 5A (CONTINUED)

|   | C1 | C2 |
|---|----|----|
| <b>K. Services—Personal.</b>  |    |    |
| 1. Laundry, cleaning and dyeing plants.   | X  | X  |
| 2. Self-service laundries and cleaning places.  | C  | P  |
| 3. Laundry and cleaning drop and pick-up places.  | X  | C  |
| 4. Pressing, alteration and garment repair.   | P  | P  |
| 5. Barber and beauty shops.   | P  | P  |
| 6. Shoe repair shops.   | P  | P  |
| 7. Photographic studios.  | C  | P  |
| 8. Clothing rental establishments.  | X  | P  |
| 9. Transportation terminals.  | X  | C  |
| 10. U.S. Post Offices.  | X  | C  |
| 11. Mortuaries.   | X  | C  |
| <b>L. Services—Business.</b>  |    |    |
| 1. Adjustment and collection agencies.  | X  | P  |
| 2. Advertising agencies, including commercial artists.  | C  | P  |
| 3. Auto, truck and trailer rental or repair.  | X  | C  |
| 4. Business and management services.  | C  | P  |
| 5. Car washes.  | X  | C  |
| 6. Credit agencies.   | X  | P  |
| 7. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services.   | X  | P  |
| 8. Employment agencies.   | X  | P  |
| 9. Equipment rental agencies.   | X  | C  |
| 10. Equipment service and repair shops.   | X  | C  |
| 11. Offices housing personnel who provide special services to business.   | C  | P  |
| 12. Off-street parking facilities.  | C  | P  |
| 13. Services to buildings (including dwellings), cleaning and exterminating.  | X  | C  |
| 14. Telephone answering services.   | C  | P  |
| 15. Miscellaneous business services, including auctioneers, bondsmen, drafting, detective agencies, notary public, and other like services. | C  | P  |
| 16. Moving and storage.   | X  | X  |
| 17. Vehicle repair shops (located entirely within an enclosed building).  | X  | C  |
| 18. Mini-warehouses.  | X  | P  |
| 19. Auction barns.  | X  | X  |
| 20. Vehicle towing and storage services.  | X  | C  |
| <b>M. Services—Finance, Insurance, and Real Estate.</b>   |    |    |
| 1. Financial and banking institutions.  | C  | P  |
| 2. Insurance and bond carriers, agents, brokers, and services.  | C  | P  |
| 3. Real estate brokers, agents, and services.   | C  | P  |
| 4. Branch banks.  | C  | P  |
| <b>N. Services—Lodging Places.</b>  |    |    |
| 1. Hotels.  | X  | C  |
| 2. Motels.  | X  | C  |
| 3. Travel trailer and camper parks.   | X  | X  |

TABLE 5A (CONTINUED)

|  | C1 | C2 |
|--|----|----|
| <b>O. Services—Medical and Health.</b>   |    |    |
| 1. Hospitals.  | X  | X  |
| 2. Medical and dental laboratories.  | X  | C  |
| 3. Sanitaria, convalescent, and rest homes.  | X  | X  |
| 4. Orthopedic equipment and supplies, rental, sales, and service.                                    | X  | P  |
| 5. Animal hospitals and veterinary clinics. Outside animal activities inside animal activities only. | X  | X  |
| 6. Ambulance services.   | P  | P  |
| 7. Residential care homes.   | C  | C  |
| 8. Residential care facilities.  | X  | C  |
| 9. Congregate care facilities.   | X  | C  |
| <b>P. Services—Professional Office such as accounting, architectural, engineering and law.</b>       |    |    |
| 1. Clinic, outpatient.   | X  | P  |
| 2. Professionals, other.   | X  | P  |
| <b>Q. Services—Amusement.</b>  |    |    |
| 1. Amusement centers.  | X  | C  |
| 2. Art galleries.  | X  | P  |
| 3. Billiard and pool parlors.  | X  | P  |
| 4. Bowling alleys.   | X  | P  |
| 5. Carnivals (temporary) and circuses (temporary).   | C  | C  |
| 6. Dance studios and dance schools.  | X  | P  |
| 7. Golf, miniature.  | X  | P  |
| 8. Skating rinks, ice and/or roller.   | X  | P  |
| 9. Racquet clubs.  | X  | C  |
| 10. Theaters, indoor.  | X  | C  |
| 11. Sports facilities, including stadium and arena facilities.                                       | X  | X  |
| 12. Skateboard facilities, indoor.   | X  | C  |
| 13. Outdoor public entertainments, amusements or assemblies.   | C  | C  |
| 14. Athletic and health clubs.   | X  | C  |
| <b>R. Services—Educational.</b>  |    |    |
| 1. Nurseries, commercial day-care centers, preschools.   | C  | P  |
| 2. Mini-day-care centers.  | C  | P  |
| 3. Family day-care centers (only single-family residences).  | C  | P  |
| 4. Libraries.  | X  | P  |
| 5. Vocational schools.   | X  | P  |
| 6. Music schools.  | X  | P  |
| 7. Public parks, parkways, recreation facilities, trails, and related facilities.                    | P  | P  |
| <b>S. Services—Membership organizations.</b>   |    |    |
| 1. Business and professional.  | X  | P  |
| 2. Civic, social and fraternal.  | X  | P  |
| 3. Charitable.   | X  | P  |
| 4. Labor.  | X  | P  |
| 5. Political.  | X  | P  |
| 6. Religious, not including churches.  | X  | P  |
| 7. Churches.   | C  | C  |

TABLE 5A (CONTINUED)

|   | C1 | C2 |
|---|----|----|
| <b>T. Public Services and Facilities.</b>                                       |    |    |
| 1. Buildings and other structures such as city hall, police, and fire stations. | C  | C  |
| 2. Educational institutions.  | C  | C  |
| 3. Sewer, water and utility transmission lines.                                 | P  | P  |
| 4. Zoos, museums, historic and cultural exhibits and the like.                  | X  | C  |
| <b>U. Food and Fiber Production</b>   |    |    |
| 1. Agriculture.   | X  | X  |
| 2. Silviculture.  | X  | X  |

TABLE 5B

|  | C1     | C2  |
|--|--------|---|
| A. Minimum square feet of new zoning district.                     | 10,000 | 10,000  |
| B. Minimum square lot area.  | 10,000 | 10,000  |
| C. Minimum lot width feet.   | 60     | 60  |
| D. Minimum lot depth feet.   | 100    | 100   |
| E. Minimum front yard setback feet.                                | 25     | 0   |
| F. Minimum side yard setback feet.                                 |        |   |
| 1. Abutting all single-family residential uses                     | 5      | 0   |
| 2. Not abutting one of above                                       | 5      | None  |
| G. Minimum rear yard. (only if adjacent to a residential district) | 25     | 10 feet plus an additional 1/2 foot for each foot the building exceeds 20 feet in height. |
| H. Minimum landscaped area. (type subject to section 12).          | 15%/L1 | 15%/L1  |

**J. Multiple family residential apartments.** A multiple-family residential apartment structure shall be permitted in the C1 Neighborhood Commercial District. The following provisions apply to the location of apartments in the C1 district:

**1. Lot requirements.**

- a. **Lot Area**—Minimum lot area shall be six thousand (6,000) square feet for the first unit, an additional two thousand (2,000) square feet (fifteen hundred (1,500) square feet if the size of an existing lot is less than eight thousand (8,000) square feet for duplexes) for the second unit, and a minimum of one thousand (1,000) square feet of land for each additional dwelling unit over two (2) units.
- b. **Lot Width**—Minimum lot width shall be fifty (50) feet.
- c. **Lot Depth**—Minimum lot depth shall be ninety (90) feet.
- d. **Front Yard**—Minimum front yard setback shall be twenty (20) feet.
- e. **Side Yard**—Minimum side yard setback on each side of the residential dwelling shall be five (5) feet, except on corner lots, the street side yard setback shall be twenty (20) feet.
- f. **Rear Yard**—Minimum rear yard shall have a depth of five (5) feet. The rear yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds fifteen (15) feet.



- g. **Lot Coverage**—Maximum lot coverage by buildings and structures shall be fifty percent (50%) of the total lot area. Carports are excluded from this provision.
- h. **Maximum Density**—Maximum density shall be forty-three and six-tenths dwelling units per acre (43.6 d.u./acre) for the purpose of calculating maximum densities for planned unit and in-fill developments.

2. **Special yards and distances between buildings.** There shall be a minimum of fifteen (15) feet between buildings or structures, excluding detached single-story carports or garages, with a height of less than twenty-five (25) feet on the same parcel or in the same development. There shall be an additional minimum of one-half (½) foot of yard area for each foot that buildings or structures exceed twenty-five (25) feet on the same parcel or in the same development. The minimum setback between detached single-story carports and garages shall be ten (10) feet. The minimum setback from detached single-story carports to other buildings and structures shall be ten (10) feet.
3. Off-street parking shall be provided as required in Section 11.
4. Landscaping shall be provided as required in Section 12.
5. Signs shall be subject to Section 13.

## SECTION 6: MANUFACTURING DISTRICTS (ML, MH)

A. **Purposes.** Light Manufacturing District (ML). The Light Manufacturing District is intended to provide sites for activities which require processing, fabrication, storage and wholesale trade. Generally, these activities require reasonable accessibility to the highway network and/or rail system.

Heavy Manufacturing District (MH). The Heavy Manufacturing District is intended to preserve, enhance and create areas containing industrial and manufacturing activities which are potentially incompatible with most other uses, and is appropriate for areas which have extensive rail or shipping facilities.

B. **Uses.** Table 6A lists examples of allowable uses in the ML and MH districts. Review of all proposed manufacturing uses is mandatory. “P” = Permitted uses, “C” = Conditional uses which may be permitted, subject to the approval of a conditional use permit, and “X” = Uses specifically prohibited.

TABLE 6A

|  | ML | MH |  | ML | MH |
|--|----|----|--|----|----|
| <b>A. Services—Retail, Amusements.</b>   |    |    | and rental.  | P  | X  |
| 1. Veterinary or dog and/or cat hospital, and kennels or boarding places.                      | C  | C  | 7. Blacksmith shops.   | P  | X  |
| 2. All types of automobile, motorcycle, truck and equipment sales, service, repair and rental. | C  | C  | 8. Race tracks, auto or motorcycle.  | X  | C  |
| 3. Boat building, sales and repair.  | C  | C  | 9. Railroad tracks and facilities within 300 feet of residential zone.   | C  | C  |
| 4. Fuel oil distributors.  | X  | C  | <b>B. Assembly—Manufacture of Products.</b>  |    |    |
| 5. Retail or combination retail/wholesale lumber and building materials yards.                 | P  | X  | 1. Assembly and fabrication of sheet metal products.   | P  | P  |
| 6. Mobile home, trailer sales, storage   |    |    | 2. Assembly, manufacture, compounding or treatment of articles or merchandise from the following previously prepared |    |    |

|   | ML | MH |  | ML | MH |
|---|----|----|--|----|----|
| materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, lacquer, leather, paper, plastics, precious or semiprecious metals or stones, shell textiles, tobacco, wood (excluding sawmills, lumber mills and planing mills), yarns and paint. | C  | C  | 26. Manufacture and storage of explosives.   | X  | X  |
| 3. Manufacture, compounding, processing, packaging, or the treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and beverage products.  | P  | P  | <b>C. Processing and Storage.</b>  |    |    |
| 4. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay.  | P  | P  | 1. Spinning or knitting of cotton, wool, flax or other fibrous materials.  | P  | P  |
| 5. Manufacture and maintenance of electric and neon signs, billboards or commercial advertising structures.   | P  | P  | 2. Wholesale business, storage buildings and warehouses.   | C  | C  |
| 6. Manufacture of musical instruments, toys, novelties, rubber or metal stamps.   | P  | P  | 3. Cold storage plants, including storage and office.  | P  | P  |
| 7. Manufacture of optical goods, scientific and precision instruments and equipment.  | P  | P  | 4. Processing uses such as bottling plants, creameries, laboratories, blueprinting and photocopying, tire retreading, recapping and rebuilding.                    | P  | P  |
| 8. Manufacture of artificial limbs, hearing aids, dentures, surgical instruments and dressings, and other devices employed by the medical and dental professions.   | P  | P  | 5. Storage or sale yard for building materials, contractors' equipment, house mover, delivery vehicles, transit storage, and used equipment in operable condition. | C  | P  |
| 9. Manufacture and/or assembly of communication equipment and electronic equipment and supplies.  | P  | P  | 6. Brewery, distillery or winery.  | C  | P  |
| 10. Printing, publishing and bookbinding.   | P  | P  | 7. Junkyards or wrecking yards.  | C  | C  |
| 11. Manufacture of asbestos products.   | X  | X  | 8. Grain elevator and flour milling.   | X  | P  |
| 12. Manufacture of cable, transmission.   | P  | P  | 9. Sawmills, lumber mills, planing mills and molding plants.   | X  | P  |
| 13. Manufacture of cans.  | X  | P  | 10. Animal or boneblack processing.  | X  | X  |
| 14. Manufacture of candles.   | X  | P  | 11. Junk, rags, paper or metal salvage, storage or processing.   | X  | C  |
| 15. Manufacture of guns.  | C  | P  | 12. Rolling, drawing or alloying ferrous and nonferrous metals.  | X  | C  |
| 16. Manufacture of ammonia.   | X  | X  | 13. Rubber, treatment or reclaiming plant.   | X  | X  |
| 17. Manufacture of anti-knock compounds for gasoline.   | X  | X  | 14. Slaughterhouse.  | X  | X  |
| 18. Manufacture of Carborundum (abrasives).   | X  | X  | 15. Distillation of bones.   | X  | X  |
| 19. Manufacture of cellulose and cellulose products.  | X  | C  | 16. Major petroleum storage and/or refining.   | X  | X  |
| 20. Manufacture of insecticide and fungicide.   | X  | X  | 17. Fat rendering.   | X  | X  |
| 21. Manufacture of paper and byproducts of paper.   | P  | P  | 18. Incinerator or reduction of garbage, offal, dead animals or refuse.  | X  | X  |
| 22. Manufacture of paint, oil, (linseed), shellac, turpentine, lacquer or varnish.  | X  | X  | <b>D. Aggregate Products.</b>  |    |    |
| 23. Manufacture of phenol or phenol products.   | X  | X  | 1. Stone, marble and granite monument works.   | X  | C  |
| 24. Manufacture of roofing paper or shingles, asphalt.  | X  | X  | 2. Manufacture of brick, tile or terra cotta.  | X  | C  |
| 25. Manufacture of acid.  | X  | X  | 3. Manufacture of clay products.   | X  | C  |
|   |    |    | 4. Concrete mixing plant.  | X  | C  |
|   |    |    | 5. Manufacture of concrete products.   | X  | C  |
|   |    |    | 6. Crusher, stone or rock.   | X  | C  |
|   |    |    | 7. Manufacture of cement, lime, gypsum or plaster of paris.  | X  | C  |
|   |    |    | 8. Manufacture of concrete products entirely within an enclosed building.  | C  | C  |
|   |    |    | 9. Surface mining and quarries, subject.   | X  | C  |
|   |    |    | <b>E. Other.</b>   |    |    |
|   |    |    | 1. Welding shop.   | P  | P  |
|   |    |    | 2. Existing residential uses, without any increase in density, and dwelling unit for caretaker on the property.  | P  | P  |
|   |    |    | 3. Administrative, educational, and other related activities and facilities in conjunction with a permitted use.   | P  | P  |

|  | ML | MH |   | ML | MH |
|--|----|----|---|----|----|
| 4. Agriculture.  | P  | P  | <b>F. Public Services and Facilities.</b>       |    |    |
| 5. Silviculture.   | P  | P  | 1. Buildings and other structures such as       |    |    |
| 6. Off-site hazardous waste treatment and storage facilities, subject to State Siting Criteria (RCW 70.105.210). | P  | P  | police and fire substations.                    | P  | P  |
| 7. Airports and heliports subject.   | C  | C  | 2. Educational institutions.                    | C  | C  |
| 8. Truck terminal.   | X  | C  | 3. Sewer, water and utility transmission lines. | P  | P  |
|  |    |    | 4. Residential care facilities and homes.       | X  | X  |
|  |    |    | 5. Congregate care facilities.                  | X  | X  |

C. **Accessory uses.** On-site hazardous waste treatment and storage facilities shall be permitted in the ML and MH districts, subject to Washington State Siting Criteria (RCW 70.105.210).

D. **Lot Requirements.** New lots and structures and additions to structures subject to this ordinance shall comply with the following standards for lots, building height, setbacks and building separation.

Minimum lot area - 10,000 sq. ft. in all industrial zones.  
 Minimum lot width - 100 feet in all industrial zones.  
 Minimum lot depth - 100 feet in all industrial zones.  
 No height limit.  
 Minimum building setback\*  
     Front/street side - 20 feet for all industrial zones.  
     Side (interior) - 10 feet for all industrial zones.  
     Rear - 15 feet for all industrial zones.  
 Maximum building coverage - 50 percent for all industrial zones.  
 Minimum landscaped area/type - 20 percent/L1 for all zones.\*  
 \*Additional setbacks and/or landscape requirements may apply, particularly adjoining residential uses or zones. See section 12 of this ordinance.

G. **Signs.** Signs shall be permitted according to the provisions of section 13.

E. **Off-street parking and loading.** Off-street parking and loading shall be provided as required in section 11.

F. **Landscaping.** Landscaping and buffers shall be provided as required in table 12, section 12 of this ordinance.

H. **Performance standards.** No land or structure shall be used or occupied within this district unless there is continuing compliance with the following minimum performance standards:

1. Maximum permissible noise levels shall be as determined by WAC 173-60, as amended, and applicable provisions of this ordinance.
2. Smoke and Particulate Matter. Air emissions must be approved by the Southwest Air Pollution Control Authority.
3. Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from nuisance and glare.

## SECTION 7: CONDITIONAL USE PERMITS

- A. Purpose.** In certain districts, conditional uses may be permitted, subject to the granting of a conditional use permit. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this section and their effect on surrounding properties.
- B. Town Council authority.** The Town Council shall have the authority to approve, approve with conditions, disapprove, or revoke conditional use permits subject to the provisions of this section. Changes in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional and existing prior to the effective date of this ordinance, shall conform to all regulations pertaining to conditional uses.
- C. Application.** A property owner or any interested person may make application for a conditional use permit which shall be made to the Mayor in a manner prescribed by the Town. Such application shall be accompanied by a site plan.
- D. Investigation and report.** The Mayor, other official or agent of the Town prepares a report thereon, which shall be submitted to the Town Council and made available to the applicant prior to the public hearing.
- E. Public Hearings.** Before a conditional use is permitted, the proposed conditional use shall be considered by the Town Council at a public hearing. Notice of said hearing shall be given as provided in section 15.
- F. Action by the Town Council.** The Town Council may approve, approve with conditions, or disapprove the application for a conditional use permit. In permitting a conditional use the Town Council may impose, in addition to regulations and standards expressly specified in this ordinance, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the community as a whole. These conditions may include requirements increasing the required lot size or yard dimensions, increasing street widths, controlling the location and number of vehicular access points to the property, increasing the number of off-street parking or loading spaces required, limiting the number of signs, limiting the coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property, limiting or prohibiting openings in sides of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area, and requirements under which any future enlargement or alteration of the use shall be reviewed by the Town and new conditions imposed.

In order to grant any conditional use, the Town Council must find that the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be significantly detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the community.

The Town Council shall render a decision within sixty (60) days after the filing of the application. The decision of the Town shall be final.

A conditional use permit shall become void one (1) year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration, or enlargement has been commenced and diligently pursued, or if no such construction, alteration, or enlargement is required, unless the permitted activity is being regularly conducted on the premises. The Town Council may extend the permit for a period of one (1) year.

- G. Effect.** No building or other permit shall be issued in any case where a conditional use permit is required by the terms of this section until five (5) days after the approval of the conditional use by the Town Council.
- H. Revocation.** The Town Council may revoke any conditional use permit for noncompliance with conditions set forth in the granting of said permit after first holding a public hearing and giving notice of such hearing as provided in section 15. The foregoing shall not be the exclusive remedy, and it shall be unlawful and punishable hereunder for any person to violate any condition imposed by a conditional use permit.
- I. Limitation on new applications.** In a case where an application is denied by the Town Council, the application shall not be eligible for resubmittal for the period of one (1) year from the date of said denial, unless, in the opinion of the Town Council, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.
- J. Minor Expansions.** An existing permitted or lawfully nonconforming conditional use may be expanded or modified following site plan approval, if the expansion or modification will result in less than a twenty-five percent (25%) cumulative enlargement or relocation of the structure, floor area, or parking area, complies with other applicable regulations, and is not expressly prohibited by either: a) an applicable prior land use decision if the original use is lawfully nonconforming because it was commenced prior to a conditional use permit being required; or b) the conditional use permit issued for such use.

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## SECTION 8: VARIANCES

### A. Scope.

1. The Town Council may grant a variance to the following: setbacks, buffers, building height, landscaping, lot coverage and lot dimensions but not including lot area or density as provided in this ordinance.
2. The Town Council shall approve an administrative variance(s) if he or she finds, based on substantial evidence in the record, that the applicant has sustained the burden of proving the variance(s) complies with all of the following:
  - a. Granting the variance(s) will not substantially detract from the livability or appearance of a residential area or from the desired character of a nonresidential area, or the variance(s) will substantially enhance the livability or appearance of a residential area or the desired character of a nonresidential area, such as by preserving or protecting significant natural, scenic, historic, cultural, open space or energy resources;
  - b. If variances to more than one (1) regulation are being requested, the cumulative effect of the variances shall be consistent with the purpose of the zone in which the site is situated;
  - c. Adverse impacts resulting from the variance(s) are mitigated to the extent practical;

- d. The variance(s) does not substantially impair or impede the availability or safety of access that would otherwise exist for vehicles or for pedestrians, or alternative access is provided.

**3. Relationship of Variance to Associated Applications.**

- a. If an application for an administrative variance is associated with another application(s) subject to this ordinance, or if it is reasonably likely and foreseeable that it will be associated with another application(s) subject to this ordinance, then the application for the administrative variance shall be combined with the associated application(s) for processing and shall be subject to the same procedure type as the highest number procedure type application(s) with which it is combined.
- b. If an administrative variance is approved and, subsequently, an application(s) subject to an equal or higher number procedure type is filed, the decision approving the administrative variance may be altered for good cause by the decision on the merits of subsequent applications(s).

**B. Approval standards for a variance.** The Town Council may permit and authorize a variance from the requirements of this ordinance only when unusual circumstances cause undue hardship in the application of this ordinance. A variance shall be made only when all of the following conditions and facts exist:

1. Unusual circumstances of conditions apply to the property and/or to the intended use that do not apply generally to other property in the same vicinity or district;
2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district;
3. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located;
4. That the granting of such variance will not adversely affect the realization of the comprehensive plan.

**C. Application and fee.** A request for a variance may be initiated by a property owner or his authorized agent by filing an application with the Mayor. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties. A fee shall be paid to the Town at the time of filing the application in accordance with the provisions of section 18 of this ordinance.

**D. Action of the review authority.** The Town Council shall make a written decision regarding the application within 60 days following the receipt of a technically complete application.

**E. Time limit on approval of variance.** Authorization of a variance shall be void one (1) year after the effective date of the variance, unless a building permit has been issued and substantial construction has taken place. However, the Town Council may extend the variance one (1) year longer if the director finds the facts based on which the variance was approved have not changed substantially.

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## **SECTION 9: NONCONFORMING USES, STRUCTURES AND LOTS**

**A. Purpose.**

1. The purpose of this section is to establish provisions for the allowance and potential alteration of uses, lots, or structures which do not conform to currently applicable standards or regulations, but which were in conformance with standards in place at the time of their

inception, and have been rendered nonconforming due to a change in the applicable standards and regulations.

2. Nonconformities typically occur in three general categories, or combinations thereof: nonconforming lots, typically having substandard size or dimensions; nonconforming structures, typically having substandard setbacks or excessive height; and nonconforming uses, in which the activity is inconsistent with the allowances or procedures of the underlying zoning district.

**B. Establishment of legal nonconforming status.** For purposes of interpretation of this section, any uses, structures, lots, which in whole or part are not in conformance with current zoning standards shall be considered as follows:

1. **Legal nonconforming.** Those uses, structures or lots which in whole or part are not in conformance with current zoning standards, but were legally established at a prior date at which time they were in conformance with applicable standards. Such uses, structures, or lots may be maintained or potentially altered subject to the provisions of this section.
2. **Illegal nonconforming.** Those uses, structures or lots which in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception. Illegal nonconforming uses, structures or lots shall not be approved for any alteration or expansion, and shall undertake necessary remedial measures to reach conformance with current standards, or be discontinued.

**C. Burden of demonstration.** The burden of establishing that any nonconformity is a legal nonconformity as defined in this section shall be borne by the owner or proponent of such nonconformity.

**D. New development on legally nonconforming lots.** In any zoning district, permitted structures or uses may be constructed upon any legally established nonconforming lot, subject to the standards of that district and all other applicable regulations.

**E. Legal nonconforming uses.**

**1. Discontinuation of legal nonconforming status.**

- a. Nonconforming uses shall be considered abandoned and discontinued in terms of legal nonconforming status if the legal nonconforming use ceases for a period of six (6) months or more, or is changed to a conforming use.
- b. A nonconforming use not involving a structure or one involving a structure (other than a sign) having an assessed value of less than two hundred dollars (\$200), shall be discontinued with two (2) years from the date of the passage of this ordinance.
- c. Uses which are nonconforming with respect to provisions for screening shall not be considered as legally nonconforming, and shall provide screening as required under current standards and regulations of the underlying zoning district within a period of five (5) years of the initial nonconformity. In cases of nonconforming screening where the existing use is not permitted in the underlying zoning district, the Town Council may impose screening standards of the district in which the use is normally permitted.
- d. That portion of a commercial or industrial nonconforming use of property involving outside storage of inventory, supplies, or other material shall be abated within six (6) months of the adoption of this ordinance unless, within such period, application for site plan approval is made and thereafter granted for such outside storage. Site plan approval for nonconforming outside storage shall be processed in accordance with the standards of the district within which such use is permitted.

**2. Expansions or alterations of legal nonconforming uses and associated structures.**

- a. Legal nonconforming single-family dwellings or duplexes and accessory structures may undergo expansion or alteration within an existing legal lot, provided such expansion does not violate standards for setbacks, height, or other applicable code provisions. Such expansions shall be subject to review by the Town Council.
- b. Legal nonconforming uses and associated structures other than single-family dwellings or duplexes may undergo expansion or alteration, subject to compliance with all of the criteria listed below. Conditions of approval shall be required as necessary to ensure compliance. Such proposed expansions or alterations shall require site plan approval. Conditional use permit approval may also be required if the Town Council finds that the proposed expansion raises significant community concern relative to the criteria of this ordinance.
  - ▶ The proposed expansion or alteration will not increase the extent of adverse impacts to the surrounding area and its character, or increase the extent of adverse impacts to future development likely to occur in the surrounding area consistent with the underlying zoning district; and
  - ▶ The proposed expansion or alteration is limited to the legal lot of record of the existing use, unless expansion to adjacent lots serves to limit potentially adverse impacts; and
  - ▶ The proposed expansion or alteration fully complies with all applicable local, state, or federal requirements;
- c. In considering approval of the proposed expansion or associated conditions thereof, the Town Council may apply the standards of the underlying zoning district and those of the zoning district in which the expanding use is normally allowed, as deemed necessary to ensure compliance with the intent of this section.
- d. The Town Council may also consider applications for expansion or alteration of existing nonconforming uses which have been established pursuant to a valid covenant agreement with the Town, subject to the following:
  - ▶ To consider alteration or expansion under this subsection, at least 30% of total public infrastructure construction of the development authorized by the covenant must have been completed; and
  - ▶ All applicable provisions of the covenant agreement shall be fully complied with; and
  - ▶ The Town Council may apply specific standards of the zoning district established by the covenant, rather than standards of the underlying zoning district, as deemed necessary to ensure compliance with this section.

**3. Destruction of legal nonconforming uses.**

- a. If a structure containing a nonconforming use is destroyed by any cause leading to a loss of 60% or greater of appraised value as determined by the records of the County Assessor from the previous year, any future structure on the site shall conform to regulations of the underlying zoning district.

**F. Legal nonconforming structures.** Legal nonconforming structures may be altered, expanded or replaced only if such alteration, expansion or replacement is fully consistent with current applicable requirements, except as to those standards related to the legally established nonconformity of the structure, and if one of the following are met:

1. Such alteration, expansion or replacement does not increase the extent of structural nonconformity; or
  2. Such alteration, expansion or replacement is necessary and required to make the structure safe for occupancy as required by building, health, fire, or other applicable standards.
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## SECTION 10: TEMPORARY DWELLING PERMITS

- A. Temporary dwellings authorized—Hardship.** Subject to the conditions and upon the issuance of the permit provided for herein, one (1) or more temporary dwellings may be established and maintained on a lot, tract, or parcel if the parcel is already occupied by a principal dwelling, for use by one of the following:
1. A person who is to receive from or administer to a resident of the principal dwelling, continuous care and assistance necessitated by advanced age or infirmity, the need for which is documented by a physician's medical statement; or
  2. A caretaker, hired-hand or other similar full-time employee working on the lot, tract or parcel in connection with an agricultural or related use of the premises; or
  3. Relatives over sixty-two (62) years of age with a low income as defined by section 8 of the U.S. Housing Act, 42 U.S.C. § 1401, who are related by blood or marriage to a resident of the principal dwelling;
- B. Temporary dwellings—Conditions.** Temporary dwellings authorized herein shall be subject to the following minimum conditions:
1. The lot, tract or parcel shall be of such size and configuration, and the temporary dwelling shall be located in such a manner as to enable compliance with such zoning and subdivision regulations as would be applicable but for the authorization of this ordinance, PROVIDED, that one (1) temporary dwelling may be approved for each authorized permanent dwelling, subject to septic system approval.
  2. The temporary dwelling shall be a temporary structure such as a mobile home designed, constructed and maintained in a manner which will facilitate its removal at such time as the justifying hardship or need no longer exists; PROVIDED, that the additional dwelling authorized includes a covenant obligating the purchaser or successors to remove the existing dwelling upon the death or permanent change in residency of the seller retaining a life estate.
  3. A current vehicular license plate, if applicable, shall be maintained on the temporary dwelling.
  4. No more than one (1) temporary dwelling shall be authorized under this section if the primary dwelling is a mobile home.
  5. Upon cessation of the hardship or need justifying the temporary dwelling permit, either such dwelling shall be removed or the owner of the lot, tract or parcel shall comply with all applicable zoning subdivision requirements.
- C. Temporary dwellings—Permits.**
1. Applications for temporary dwelling permits shall be submitted to the Mayor on forms provided by the Town, and shall be accompanied by a processing fee. The application shall include the following:
    - a. A site plan showing the size and boundaries of the lot, tract or parcel; the location of all existing buildings; and the proposed location of the temporary dwelling;
    - b. A description of the proposed temporary dwelling;
    - c. Documentation of approval of water supply and sewage disposal system by the appropriate governmental agency;
    - d. Statement signed by the applicant describing the hardship or need which may include a letter from a medical doctor verifying the need for continuous care and assistance shall also be submitted;
    - e. A declaration to be filed with the Town Clerk upon approval of the application setting forth the temporary nature of the dwelling.
  2. A temporary dwelling permit shall be valid for two (2) years, and may be renewed by the issuing body for successive two (2) year periods upon written substantiation by the applicant to the continuing hardship or need justification. Upon the expiration of the two (2) year period, or at the end of each successive two (2) year period(s), if granted, the applicant shall

notify the Mayor in writing that the temporary dwelling has been removed and, further, said notice shall include a request for an inspection to determine that the temporary dwelling has, in fact, been removed in compliance with the permit.

- D. **Revocation.** In addition to any other remedies provided for by law, violation of permit conditions, standards of this section shall constitute grounds for revocation of a temporary dwelling permit. Such revocation may be ordered by the Town Council following a public hearing

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## SECTION 11: PARKING, ACCESS AND CIRCULATION

### A. Off-Street Parking and Loading.

#### 1. General.

- a. **Applicability.** Except as otherwise provided by this ordinance, required off-street parking and loading spaces shall be improved and maintained as set forth in this section for all uses in all zoning districts.
- b. **Timing.** Parking and loading spaces required for a given use or development shall be provided consistent with the approved site plan before the county issues an occupancy permit or final inspection for the use or development in question.
- c. **Availability.**
  - ▶ Parking spaces required for a given use or development shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials, or for the parking of trucks used in conducting the business or use.
  - ▶ Loading spaces required for a given use or development shall be available for loading and unloading of trucks and similar vehicles.
- d. **Location of Parking and Loading Facilities.**
  - ▶ Off-street parking spaces for dwellings shall be located on the same lot as the dwelling.
  - ▶ Off-street parking spaces for uses other than residential, shall be located on the same lot as the use or on another lot not more than three hundred (300) feet from the building or use they are intended to serve, measured in a straight line from the building.
- e. **Change or Expansion of a Use.** A site plan that changes the use of an existing structure or lot shall provide off-street parking and loading for the new use as required by this section. A site plan that enlarges an existing structure or use shall provide for additional parking and loading based only on the parking and loading requirements of the expansion.
- f. **Lighting.** Light fixtures in parking or loading areas shall be consistent with RCW 47.3-6.180 on public roadways and not cast significant light or glare off-site on adjacent properties.
- g. **Surfacing.** All surfaces of parking and loading spaces and related access drives and maneuvering areas shall be prepared consistent with standards approved by the Town Council.
- h. **Drainage.** Storm water drainage facilities for parking and loading spaces and related access drives and maneuvering areas shall be provided as specified by the Town Council.
- i. **Wheel Stops and Curbs.** Parking and/or loading spaces on the perimeter of a parking lot or adjacent to interior landscaped areas or sidewalks shall include a wheel stop at least four (4) inches high located three (3) feet back from the front of the parking and/or loading space.
- j. **Maintenance of Parking and Loading Areas.** Required parking and loading spaces and associated access and maneuvering drives shall be maintained in good repair at all times.

- 2. Calculation of Parking Requirements.** A site plan for a given use or uses shall show that at least the number of parking spaces required by Table 11A will be provided consistent with this section.
- a. Where table 11A requires a certain number of parking spaces based on the area of a building, the area shall be the gross floor area within the exterior walls of the structure, excluding the area of a building that encloses parking or loading spaces.
  - b. Where more than one use occupies a given structure or parcel of land or where a given business includes a combination of uses, the minimum required number of parking spaces shall be the sum of the requirements for each use, except to the extent the uses comply with the requirements of this section for shared parking.
  - c. Where a building may be used for more than one purpose, and the applicant does not limit the permitted uses in the building, parking spaces shall be provided based on the possible use(s) that require the most parking spaces.
  - d. Where table 11A does not list the parking requirements for a proposed use, the Town Council shall determine the minimum parking requirements for the use, based on requirements in table 11A for other similar uses, if any, or on substantial evidence of parking needs for similar uses in other, similar locations.
  - e. Up to thirty percent (30%) of required parking spaces and all parking spaces in excess of minimum requirements may comply with the standards for compact cars in table 11B.
  - f. All parking areas shall comply with applicable local, state and federal standards regarding parking for disabled persons.
  - g. The Town Council may reduce the required number of parking spaces to less than that required in table 11A if the town finds that a lesser number of off-street parking spaces will be enough to fulfill all parking needs of the use or development, based on substantial evidence in the application, such as an adequate survey of parking demand at similar uses under similar conditions. The number of parking spaces for disabled persons may not be reduced under this subsection.

**3. Parking Design Standards.** Off-street parking spaces shall comply with the standards for stalls and aisles, as set forth in table 11B.

**4. Loading Space Number and Design Standards.**

- a. Commercial, industrial and public utility uses that have a gross floor area of five thousand (5,000) square feet or more, shall provide truck loading or unloading berths in accordance with the following table:

| Square Feet Number of Berths<br>of Floor Area Required |   |
|--|---|
| Less than 5,000  | 0 |
| 5,000—30,000   | 1 |
| 30,000—100,000   | 2 |
| 100,000 and over                                       | 3 |

- b. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities, and any similar use that has a gross floor area of thirty thousand (30,000) square feet or more, shall provide off-street truck loading or unloading berths in accordance with the following table:

| Square Feet Number of Berths<br>of Floor Area Required |   |
|--|---|
| Less than 30,000                                       | 0 |
| 30,000—100,000   | 1 |
| 100,000 and over                                       | 2 |

- c. A loading berth shall be at least twelve (12) feet wide and thirty-five (35) feet long, and have a height clearance of fourteen (14) feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

**TABLE 11A**

| <b>USE</b>  | <b>MINIMUM NUMBER OF PARKING SPACES</b>  |
|---|--|
| <b>A. Residential</b>   |  |
| 1. 1-2 and 3-unit family dwellings  | 2 spaces/dwelling unit. Single-family and duplex parking may be tandem. One car behind the other.  |
| 2. Multi-family dwelling containing 4 or more dwelling units  | 1½ space/dwelling units  |
| 3. Apartment, hotel, rooming or boarding house  | 1½ space/guest accommodation   |
| 4. Residential care facility  | 1 space/7 residents served under age of 12<br>1 space/5 residents served ages 12-17<br>1 space/4 residents served ages 18 years or older |
| 5. Retirement housing facilities  | 1 space/each 3 units   |
| <b>B. Commercial residential</b>  |  |
| 1. Hotel  | 1 space/bedroom  |
| 2. Motel  | 1 space/bedroom  |
| 3. Clubs/lodges   | Spaces to meet the combined requirements of the uses being conducted, such as hotel, restaurant, auditorium, etc.                        |
| <b>C. Institutions</b>  |  |
| 1. Welfare or correctional institutions   | 1 space/3 beds for patients or inmates   |
| 2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged  | 1 space/3 beds for patients or residents   |
| 3. Hospital   | 2 spaces/bed   |
| <b>D. Places of assembly</b>  |  |
| 1. Church   | 1 space/4 seats, or 8 feet of bench length in the main auditorium  |
| 2. Library, reading room, museum, art gallery   | 1 space/400 square feet of floor area  |
| 3. Preschool, nursery, kindergarten, mini day care center or commercial day care center   | 2 spaces/teacher or employee   |
| 4. Elementary or junior high school   | 1 space/4 seats, or 8 feet of bench length in auditorium or assembly room, whichever is greater  |
| 5. High school  | 1 space/employee, plus 1 space/each 6 students, or 1 space/4 seats, or 8 feet of bench length in the auditorium, whichever is greater    |
| 6. College, commercial school for adults  | 1 space/3 seats in classroom   |
| 7. Other auditoriums, meeting rooms   | 1 space/4 seats, or 8 feet of bench length   |
| <b>E. Commercial amusements</b>   |  |
| 1. Stadium, arena, theater  | 1 space/4 seats, or 8 feet of bench length   |
| 2. Bowling alley  | 5 spaces/lane  |
| 3. Dance hall skating ring  | 1 space/150 square feet of floor area  |
| <b>F. Commercial</b>  |  |
| 1. Retail store except supermarkets and stores selling bulky merchandise and grocery stores, 1,500 square feet gross floor area or less | 1 space/350 square feet of floor area  |
| 2. Commercial retail, 1,501 square feet or more   | 1 space/350 square feet of floor area  |

| USE  | MINIMUM NUMBER OF PARKING SPACES          |
|--|---|
| 3. Service or repair shops   | 1 space/200 square feet of floor area     |
| 4. Retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building | 1 space/600 square feet of floor area     |
| 5. Bank, office (except medical and dental)  | 1 space/400 square feet of floor area     |
| 6. Medical and dental office or clinic   | 1 space/200 square feet of floor area     |
| 7. Eating or drinking establishments   | 1 space/200 square feet of floor area     |
| 8. Mortuaries  | 1 space/4 seats or 8 feet of bench length |
| <b>C. Industrial</b>   |   |
| 1. Manufacturing establishment   | 1 space/500 square feet                   |
| 2. Storage warehouse, wholesale establishment, rail or trucking freight terminal   | 1 space/2,000 square feet of floor area   |

TABLE 11B

| Angle | Type     | Stall width | Stall depth | Aisle width | Curb length |
|-------|----------|-------------|-------------|-------------|-------------|
| A     |          | B           | C           | D           | E           |
| 0     | Compact  | 8.0         | 8.0         | 12.0        | 22.0        |
|       | Standard | 9.0         | 9.0         | 12.0        | 22.0        |
| 45    | Compact  | 8.0         | 19.1        | 14.0        | 11.3        |
|       | Standard | 9.0         | 19.8        | 13.0        | 12.7        |
| 60    | Compact  | 8.0         | 20.4        | 19.0        | 9.2         |
|       | Standard | 9.0         | 21.8        | 18.0        | 10.4        |
| 70    | Compact  | 8.0         | 20.6        | 20.0        | 8.5         |
|       | Standard | 9.0         | 21.0        | 19.0        | 9.6         |
| 90    | Compact  | 7.5         | 15.0        | 24.0        | 7.5         |
|       | Standard | 9.0         | 20.0        | 24.0        | 9.0         |

**B. Access and Circulation.**

1. **Applicability.** This section applies to new development that includes parking or loading areas or vehicle, bicycle or pedestrian circulation, including changes to access and circulation of existing development.
2. **Vehicle Access and Circulation Generally.**
  - a. **Availability.** Access and circulation required for a proposed use or development shall be improved to the standards in this section before the county issues an occupancy permit or final inspection for the use or development in question.
  - b. **Joint Access.** The Town Council may authorize joint access by two or more uses if:
    - ▶ The Town Council finds the access will comply with other applicable access and circulation standards of this section.
    - ▶ Before the county issues a building permit for the use or development on one lot that will be served by the shared access on another lot, the applicant shall submit to the Town Council and the county cross-easements or equivalent agreements executed by the owners of the affected properties and filed permanently in Town and county records with deeds to the properties authorizing use of the properties for the proposed shared access.

- c. Access and circulation drives shall comply with the applicable location standards of this section and shall be wide enough to safely accommodate the traffic that will use it consistent with standards approved by the Town Council. Each parking and loading space shall have access from a street by means of such a drive.
  - d. Except for single-family and duplex dwellings, it shall be practicable for a typical driver to enter and exit all loading spaces and to enter and exit all groups of more than two (2) parking spaces without backing or maneuvering in a public street other than an alley.
3. **Pedestrian Circulation.** Pedestrian circulation shall be provided consistent with the following:
- a. Where pedestrian or bicycle routes cross access, maneuvering, parking or loading areas, the crossing must be clearly identified by using striping, elevation changes, speed bumps, a different paving material, and/or other method that effectively alerts drivers, pedestrians and cyclists of the location and nature of the crossing.
4. **Access Standards for Drive-In, Drive-Up and Drive-Through Uses.**
- a. All uses providing drive-in, drive-up and drive-through services as defined by this section shall provide on the same site queuing spaces for in-bound vehicles as follows:

| Use                        | Requirement   |
|----------------------------|---|
| Drive-in banks             | 5 spaces/service terminal   |
| Drive-in restaurant        | 10 spaces/service window  |
| Gasoline service stations  | 3 spaces/pump   |
| Mechanical car washes      | 3 spaces/washing unit   |
| <b>Parking Facilities:</b> |   |
| Free-flow entry            | 1 space/entry driveway  |
| Ticket dispense entry      | 2 spaces/entry driveway   |
| Manual ticket dispensing   | 8 spaces/entry driveway Attendant Parking 10% of the parking driveway capacity served by the driveway |
| <b>Other facilities</b>    | To be set in site plan or conditional use review.   |

- b. A vehicle queuing space shall be eighteen (18) feet long and eight (8) feet wide and shall not be used for backing and maneuvering space for parking or other purposes.
- c. **Access for Disabled Persons.** Parking and access structures shall be constructed to conform to applicable provisions of the American Disability Act which are set forth in the Uniform Building Code.

## SECTION 12: LANDSCAPING AND SCREENING

A. **Applicability.** The following standards apply to landscaping and screening on private property.

B. **Landscaping and Screening Design Standards.**

1. **L1, General Landscaping.**

- a. **Intent.** The L1 standard is for open areas. It is intended to be used where distance is the principal means of separating uses or development, and landscaping enhances the area between them. The L1 standard consists principally of ground cover plants; trees and high and low shrubs also are required.
- b. **Required Materials.** There are two ways to provide trees and shrubs to comply with an L1 standard. Shrubs and trees may be grouped. Ground cover plants, grass lawn or approved flowers must fully cover the landscaped area not in shrubs and trees. Where the area to be landscaped is less than thirty (30) feet deep, one (1) tree shall be provided per thirty (30) linear feet. Where the area is thirty (30) feet deep or greater, one (1) tree shall be provided per eight hundred (800) square feet and either two (2) high shrubs or three (3) low shrubs shall be provided per, four hundred (400) square feet of landscaped area.

**2. L2, Low Screen.**

- a. **Intent.** The L2 standard uses a combination of distance and low-level screening to separate uses or development. The standard is applied where a low level of screening sufficiently reduces the impact of a use or development, or where visibility between areas is more important than a greater visual screen.
- b. **Required Materials.** The L2 standard requires enough low shrubs to form a continuous screen three (3) feet high and ninety-five percent (95%) opaque year around. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A three (3) foot high masonry wall or fence at an F2 standard or a berm may be substituted for shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.

**3. L3, High Screen.**

- a. **Intent.** The L3 standard provides physical and visual separation between uses or development principally using screening. It is used where such separation is warranted by a proposed development, notwithstanding loss of direct views.
- b. **Required Materials.** The L3 standard requires enough high shrubs to form a screen six (6) feet high and ninety-five percent (95%) opaque year around. In addition, one tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the remainder of the landscaped area. A six (6) foot high wall or fence that complies with an F1 or F2 standard with or without a berm may be substituted for shrubs, but the trees and groundcover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.

**L1 - General Landscaping.**

**L2 - Low Screen Landscaping.**

**L3- High Screen Landscaping.**

**L4 - High Wall Landscaping.**

**L5 - High Berm Landscaping.**

**TABLE 12A**  
**Landscaping and Screening Matrix**

| Zoning of land abutting development site | Zoning of proposed development  |                           |                                 |                           |                                 |                            |                                 |                            |                                 |                            |             |
|--|---------------------------------|---------------------------|---------------------------------|---------------------------|---------------------------------|----------------------------|---------------------------------|----------------------------|---------------------------------|----------------------------|-------------|
|  | Single-family                   |                           | Multi-family                    |                           | Commercial                      |                            | Industrial                      |                            |                                 |                            |             |
|  | Separated from site by a street | Not separated by a street | Separated from site by a street | Not separated by a street | Separated from site by a street | Not separated by a street  | ML                              |                            | MH                              |                            |             |
|  | Separated from site by a street | Not separated by a street | Separated from site by a street | Not separated by a street | Separated from site by a street | Not separated by a street  | Separated from site by a street | Not separated by a street  | Separated from site by a street | Not separated by a street  |             |
| Single-family                            | None                            | None                      | L2<br>10-ft                     | L3<br>5-ft                | L2<br>10-ft                     | L4 in 15-ft<br>L5 in 10-ft | L3<br>10-ft                     | L4 in 50-ft<br>L5 in 40-ft | L3<br>10-ft                     | L4 in 50-ft<br>L5 in 40-ft |             |
| Multi-family                             | None                            | L3<br>5-ft                | L1<br>5-ft                      | L1<br>5-ft                | L2<br>10-ft                     | L4 in 15-ft<br>L5 in 10-ft | L3<br>10-ft                     | L4 in 15-ft<br>L5 in 10-ft | L3<br>10-ft                     | L4 in 20-ft<br>L5 in 15-ft |             |
| Commercial                               | L1<br>5-ft                      | L3<br>10-ft               | L2<br>5-ft                      | L3<br>10-ft               | L2<br>10-ft                     | L1<br>5-ft                 | L2<br>10-ft                     | L3<br>5-ft                 | L2<br>10-ft                     | L3<br>10-ft                |             |
| Industrial                               | ML                              | L1<br>5-ft                | L3<br>50-ft                     | L2<br>5-ft                | L3<br>10-ft                     | L3<br>10-ft                | L2<br>5-ft                      | L2<br>10-ft                | L1<br>5-ft                      | L2<br>10-ft                | L3<br>10-ft |
|  | MH                              | L1<br>5-ft                | L3<br>50-ft                     | L2<br>5-ft                | L3<br>15-ft                     | L2<br>10-ft                | L3<br>10-ft                     | L2<br>10-ft                | L3<br>10-ft                     | L2<br>10-ft                | L1<br>0-ft  |

**4. L4, High Wall.**

- a. **Intent.** The L4 standard is used where extensive screening of visual and noise impacts is needed to protect abutting sensitive uses and/or there is little space for separation between uses.
- b. **Required Materials.** The L4 standard requires a six (6) foot high wall that complies with the F2 standard. When adjacent to another property, the wall shall abut the property line. When adjacent to a street or road right-of-way, the wall shall be on the interior side of the landscaped area. One (1) tree is required per thirty (30) lineal feet of wall or as appropriate to provide a tree canopy over the landscaped area. In addition, four (4) high shrubs are required per thirty (30) lineal feet of wall. Groundcover plants must fully cover the remainder of the landscaped area.

**5. L5, High Berm.**

- a. **Intent.** The L5 standard can be used instead of the L4 standard where extensive screening is warranted and more space is available for separation between uses.
- b. **Required Materials.** The L5 standard requires a berm four (4) to six (6) feet high. If the berm is less than six (6) feet high, low shrubs that comply with the L2 standard must be planted on top of the berm so that the overall screen height is six (6) feet. In addition, one (1) tree is required per thirty (30) lineal feet of berm or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the remainder of the landscaped area.

**6. F1, Partially Sight-Obscuring Fence.**

- a. **Intent.** The F1 fence standard provides partial visual separation. The standard is applied where a proposed use or development has little impact, or where visibility between areas is more important than a total visual screen.
- b. **Required Materials.** A fence or wall that complies with the F1 standard shall be six (6) feet high and at least fifty percent (50%) sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials.

**7. F2, Fully Sight-Obscuring Fence.**

- a. **Intent.** The F2 fence standard provides visual separation where complete screening is needed to protect abutting uses, and landscaping alone cannot provide that separation.



- b. **Required Materials.** A fence or wall that complies with the F2 standard shall be six (6) feet high and one hundred percent (100%) sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials.

**C. Landscaping and Screening Approval Standards—Generally.**

1. A landscape plan shall contain landscaping and screening consistent with the applicable design standards, based on table 12A and other applicable provisions of this section.
2. The applicant may provide landscaping and screening that exceeds the standards in this section; provided:
  - a. **A fence or wall**, (or a combination of a berm and fence or wall), may not exceed a height of six (6) feet above the finished grade at the base of the fence or wall (or at the base of a berm, if combined with one) unless the approval authority finds additional height is necessary to mitigate potential adverse effects of the proposed use or other uses in the vicinity; and
  - b. **Landscaping and screening** shall not obstruct sight distance at intersections as provided in section 11.
3. The Town Council may approve use of existing vegetation to fulfill landscaping and screening requirements of this section if that existing landscaping provides at least an equivalent level of screening as the standard required for the development in question.
4. As a condition of approval of a conditional use, the Town may require an applicant to provide landscaping and screening that differs from the standards in table 12A where necessary to comply with the other applicable approval standards for the use or development.
5. Landscaped areas required for Storm water management purposes may be used to satisfy the landscaping area requirements of this section, even though those areas may be inundated by surface water.
6. Required landscaping and screening shall be located on the perimeter of a lot or parcel. Required landscaping and screening shall not be located on a public right of way or private street easement, unless authorized under another ordinance.

**D. Landscape and Screening Standards for Outdoor Activity Areas and Equipment.**

1. **Outdoor activity areas** shall be screened from property used or zoned for residential purposes or a public road right-of-way to at least an F2 or L3 standard if within one hundred (100) feet of the property or right-of-way and to at least an F1 standard if equal to or more than one hundred (100) feet from the property or right-of-way. Outdoor activity areas include storage of solid waste and recyclables from the site and, where permitted, storage of goods, materials or equipment.
2. **Rooftop and ground-level exterior equipment** shall be screened from adjoining property used or zoned for residential purposes or from an adjoining public road right-of-way to at least an F2 or L3 standard if visible at grade from the property or right-of-way.

**E. Timing, Selection, Installation, Maintenance and Irrigation Standards.**

1. **Timing.** The applicant shall install landscaping and screening required by this section consistent with the approved site plan or an approved modification thereto before the Town (County) issues an occupancy permit or final inspection for the development in question; provided, the Town Council may defer installation of plant materials for up to six (6) months after the Town (County) issues an occupancy permit or final inspection for the development in question if the Town Council finds doing so increases the likely survival of plants.
2. **Shrubs and Groundcover Selection.** All required groundcover plants and shrubs must be of sufficient size and number to meet the required standards within three (3) years of planting. Mulch (as a groundcover) must be confined to areas underneath plants and is not a substitute for living groundcover plants, lawn or flowers.
  - a. **Shrubs** shall be supplied in one (1) gallon containers or eight (8) inch burlap balls with a minimum spread of twelve (12) inches. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.
  - b. **Groundcover plants** shall be placed not more than thirty (30) inches on center and thirty (30) inches between rows. Rows of plants shall be staggered for a more effective covering. Ground-cover shall be supplied in a minimum four (4) inch size container or a two and one-quarter (2¼) inch container or equivalent if planted eighteen (18) inches on center. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive. A lawn or flower bed may be substituted for groundcover plants.
3. **Tree Selection. Trees may be deciduous or evergreen.**
  - a. **Required deciduous trees** (other than street trees) shall be fully branched, have a minimum caliper of one and one-quarter (1¼) inches, and a minimum height of eight (8) feet at the time of planting.
  - b. **Required evergreen trees** (other than street trees) shall be fully branched and a minimum of six (6) feet high at the time of planting.
  - c. If the Town decides reducing the minimum size of trees will detract from the desired effect of the trees, he or she may reduce the minimum size of trees (other than street trees) if the applicant submits a written statement by a landscape architect registered in Washington or expert in the growing of the tree(s) in question certifying that the reduction in size at planting will not decrease the likelihood the trees will survive.
  - d. See also subsection E4 of this section regarding trees in landscape islands in parking lots.
4. **Selection Generally.** Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance.
5. **Installation Standards.** The applicant shall show and comply with the following:
  - a. Plant materials will be installed to current nursery industry standards.
  - b. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.

- c. Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain link or other sturdy fence placed at the dripline of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment shall not be allowed within the dripline of trees to be retained.
  - 6. **Maintenance.** Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the Town Council. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections as provided in section 11 of this ordinance.
  - 7. **Irrigation.** The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required landscaped areas must comply with one of the following:
    - a. Permanent built-in irrigation system with an automatic controller will serve the landscape area in question, and the system will be installed and operational before the Town (County) grants an occupancy permit or final inspection for the development in question; or
    - b. A temporary irrigation system will serve the landscape area in question; provided, to receive approval of this system, the applicant must submit a statement from a landscape architect registered in Washington or expert in the growing of the vegetation in question certifying that the proposed temporary irrigation system will provide sufficient water to ensure that the plant materials to be planted will survive installation and, once established, will survive without watering other than natural rainfall.
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## SECTION 13: SIGNS

- A. **Purpose.** The purpose of this section is to add sign requirements common to the several zoning districts for the preservation of the character of the areas, structures, and uses; the needs of residential, commercial, industrial and agricultural potential; the need for healthful, safe, and convenient use of all lands, and the conservation and promulgation of values and resources. These requirements include, but are not limited to, standards relating to the number, size, placement and physical characteristics of signs. In addition, the purpose of this section is to provide an effective administrative process for the review and enforcement of these standards to protect and improve the aesthetic quality of the community.
- B. **Scope.** The signage covered under this section includes, but is not limited to all commercial signs, and wall graphics; professional and business signs; home business and home occupation signs; banners, balloons, flags and other temporary signage. It is not intended to regulate traffic signs or other governmental street signs, doorway identification nameplates, holiday decorations, informational signs, temporary interior window signage or memorial signs. Also, it is not intended to regulate signage which is not visible from adjacent properties or from public rights-of-way. Further, it is not intended to regulate the display of the national or state flag.
- C. **Signs prohibited.** Erection or maintenance of signs having any of the following characteristics is prohibited in the Town:
  - 1. Signs which bear or contain statements, words or pictures of an obscene nature;
  - 2. Signs advertising activities that are illegal under state or federal laws or regulations in effect at the location of such signs or at the locations of such activities;

3. A sign which does not bear the names of the owner or person responsible for the maintenance of the advertising sign;
4. Signs artificially illuminated which are of such intensity or placed in such manner as to interfere with, or impair the vision of the driver of a motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle;
5. Signs which attempt or appear to attempt to direct the movement of traffic by interfering with, imitating or resembling any official traffic sign, signal or device.
6. Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.
7. Signs which exceed a height of thirty-five (35) feet.
8. Signs located or projecting within the town right-of-way unless a written street use permit has been obtained.
9. Rooftop and rotating signs.
10. Portable signs, temporary signs, flags and banners unless a temporary sign permit has been approved by the Town.
11. Signs containing strobe lights which are visible from beyond the property line.
12. Any sign not specifically permitted by this section, excluding those signs identified in the scope of this section.
13. Signs which contain flashing lights which exceed more than ten percent (10%) of the area of the sign.

**D. Sign permits.**

1. **Sign Permits Required.** Sign permits shall be required for all permanent signs exceeding 16 square feet. Permit applications shall include description of all proposed signs, as prescribed by the town. Sign permits are required for all signs which are authorized under this section. The sign permit shall only be issued if it complies with all of the applicable provisions of this section and the Building Code. One sign permit application may include all signs proposed for the premises. In addition, a temporary sign permit may include all temporary signs proposed within one year.

**E. Signs unrestricted by zoning district.** The following types of signs are permitted in all zoning districts, unless specifically excluded in a particular zone. In such case, individual regulations for that zone shall apply.

1. For the purpose of advertising a real estate subdivision, a temporary sign is permitted at each entrance of an officially recorded plat; PROVIDED, the sign does not exceed thirty-two (32) square feet in area.
2. For the purpose of identifying a subdivision, range, estate, or farm, a permanent sign may be erected as an integral part of a gate or entrance structure; PROVIDED, there are not more than two (2) signs; each of which does not exceed thirty-two (32) square feet in area.
3. For the purpose of restricting the use of property, signs are permitted along the boundary line of a publicly or privately owned tract of land. Each such sign shall not exceed two (2) square feet in area. In addition, at the entrance of such tract of land, one (1) sign shall be permitted not to exceed sixteen (16) square feet in area.
4. For the purpose of identifying or giving information pertaining to a public or semi-public institution, signs identifying the type of institution or related buildings are permitted. Each such sign shall not exceed one hundred twenty-eight (128) square feet in area. In addition, one (1) bulletin board is permitted, not to exceed thirty-two (32) square feet in area.
5. For the purpose of identifying the entrance, exit, traffic direction, and parking facilities of public or private property on premises, signs are permitted not exceeding eight (8) square feet in area and eight (8) feet in height.

6. For the purpose of endorsing political candidates or ballot propositions, or advertising fairs, rodeos, or similar temporary activities, the Planning Director shall issue a special permit for a temporary sign or group of signs. Such signs shall be removed by the permittee within fifteen (15) days following cessation of the activities for which the sign application was made. The maximum area of these signs shall be thirty-two (32) square feet.
  7. For the purpose of giving directions, off-premises signs may be permitted subject to a conditional use permit, specifying the size, location and design. Such signs shall be limited to thirty-two (32) square feet or less in area, unless it is sufficiently demonstrated that a larger sign is warranted in order to be adequately seen. Also, signs shall be limited to those which are necessary to direct or inform the public as to the location of publicly owned facilities, historical points of interest, institutions, businesses, or business districts, fraternal orders, and service clubs. No such sign shall be permitted until a public hearing has been held.
  8. For the purpose of identifying the architect, engineer, or contractor of work under construction, one (1) temporary sign is permitted, not exceeding thirty-two (32) square feet in area.
  9. For the purpose of informing and directing traffic, on-premises directional signs, menu boards and height warning signs are permitted; PROVIDED, the signs are not oriented to and not intended to be legible from a street or other private property; FURTHER PROVIDING, that menu board and on-site directional signs shall not exceed thirty-two (32) square feet in area and eight (8) feet in height.
- F. Nonconforming signs.** Nonconforming signs shall be subject to the conditions set forth below:
1. A nonconforming sign or sign structure shall not be altered or enlarged in any manner unless such alteration or enlargement would bring the sign into conformity with the signs permitted in the zoning district in which it is located; PROVIDED the restriction against alteration does not apply to copy or panel changes where the sign area and shape is maintained.
  2. Any nonconforming sign or sign structure may be maintained with ordinary care.
- G. Signs facing residential districts.** No sign advertising a business which is not conducted on the premises or a commodity or service which is not the preliminary product of sale or services on the premises, shall face or be oriented toward any adjoining or abutting residential district within two hundred (200) feet of the premises on which the sign is to be placed.
- H. On-site interference.** The location and structural design of freestanding signs shall be such as to not interfere with the safe and efficient use of off-street parking and loading areas, including aisle-ways and access driveways.
- I. Lighted signs as nuisance.** Illuminated signs shall be placed so as not to be a nuisance to any residents or future residents of adjacent residentially zoned property within two hundred (200) feet of the sign. A nuisance shall be defined as flashing lights or lights of such intensity which may interfere with the residents' peaceful occupancy of their home. As part of a sign permit or site plan review process, the Town may require signs to be screened, shielded, relocated or the lighting adjusted or other measures to mitigate a potential interference with adjoining residentially zoned property.
- J. Enforcement.** Upon presentation of proper credentials, the Mayor or an agent of the Town may enter at reasonable times a building or structure, or upon any premises in the Town, to perform any duty imposed upon him by this section. He or she may inspect or reinspect all signs at his or her discretion.

- K. Removal of signs in violation of this section.** If the Mayor or agent of the Town finds that any advertising sign is erected or maintained in violation of these regulations, or is erected or maintained in violation of the provisions of this section, he or she may direct Clark County Code Enforcement to, pursuant to section 32 of the Clark County Code, send a *Notice and Order* to the owner of the advertising sign and/or the owner of the building or premises to bring it into compliance or to remove it within ten working days; PROVIDED, that signs which are deemed to be a health and safety hazard shall be required to be removed immediately. If compliance is not achieved, the Mayor may direct Clark County Code Enforcement to take appropriate action or proceedings to prevent, restrain, correct or abate the violation, including fines and enforcement pursuant to section 32 of the Clark County Code.
- L. Maintenance and appearance of signs.** All advertising signs, together with all of their supports, braces, guys, and anchors, shall be kept in good repair and maintained in a safe condition. All advertising signs and the sites upon which they are located shall be maintained in a neat, clear, and attractive condition, and advertising signs shall be kept free from excessive rust, corrosion, peeling paint or other surface deterioration. The display surface of all outdoor advertising structures shall be kept neatly painted or posted.
- M. Abandoned signs.** Except as provided in this section, any person who owns or leases a sign shall remove such sign when either the function has discontinued or business it advertises has discontinued on the premises on which the sign is located; or when the sign is no longer properly repaired or maintained as required by this section.
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## SECTION 14: CHANGES TO DISTRICTS AND AMENDMENTS

- A. Procedure, general.** This ordinance may be amended by changing the boundaries of districts or by changing any other provisions thereof, whenever the public health, safety and general welfare requires such an amendment. Such a change may be proposed by the Town Council on its own motion or by petition as hereinafter set forth. Any such proposed amendment or change shall be submitted to the Town Council.
- B. Application.** An application for amendment by a property owner or his authorized agent shall be filed with the Mayor. The application shall be made on forms provided by the Town, accompanied by a site plan drawn to scale showing the property involved and adjacent land. A fee shall be paid to the Town at the time of filing the application in accordance with the provisions of the Town's fee schedule.
- C. Public hearings.** The Town Council shall hold a public hearing on a proposed change to a district or amendment to this ordinance, before taking final action on a proposed amendment.
- D. Record of Amendments.** The signed copy of each amendment to the text and map of this ordinance shall be maintained on file in the office of the Town Clerk.
- E. Resubmittal.** In a case where a petition for an amendment is denied by the Town Council, said petition shall not be eligible for resubmittal for one (1) year from the date of said denial, unless such denial was specifically stated to be without prejudice. A new petition affecting the same property must be, in the opinion of the Town Council, substantially different from the petition denied to be eligible for consideration within one (1) year from the date of said denial, unless the first denial was denied without prejudice, or the Town Council finds that conditions have changed to an extent that further consideration is warranted.

**F. Rezone agreements.** The purpose of this subsection is to allow for the implementation of the comprehensive plan policies relating to future commercial centers and industrial developments, as appropriate. If, from the facts presented, and the findings, report and recommendations of the planning commission as required by If the Town Council finds that the public health, safety and general welfare will be best served by a proposed change of zone, the Town Council may indicate its general approval, in principle, of the proposed rezoning by the adoption of a "resolution of intent to rezone" the area involved. This resolution shall include any conditions, stipulations or limitations which the Town Council may feel necessary to require in the public interest as a prerequisite to final action. The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant, shall make such a resolution a binding commitment on the Town Council. Such a resolution shall not be used to justify spot zoning, to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning, or by imposing setback, area or coverage restrictions not specified in the code for the zoning classification, or as a substitute for a variance. Upon completion of compliance action by the applicant, the Town Council shall, by amending this ordinance, effect such rezoning. The failure of the applicant to meet any or all conditions, stipulations or limitations contained in the resolution, including the time limit placed in the resolution, shall render the resolution of intent to rezone null and void, unless an extension is granted by the Town Council. Generally, the time limitation shall be one (1) year. The Town Council may grant up to five (5) one (1) year extensions, after which the resolution shall be null and void if all conditions, stipulations and limitations have not been met by the applicant.

**G. Concomitant Rezone Agreements.** The purpose of this subsection is to explicitly provide for the use of agreements concomitant to rezone approvals. The agreement may call for performance by the applicant which is directly related to public needs which may be expected to result from the proposed usage of the property. The performance called for will mitigate the public burden in meeting those resulting needs by placing it more directly on the party whose property use will give rise to such needs. The agreement shall generally be in the form of a covenant running with the land. The provisions of the agreement shall be in addition to all other pertinent requirements of the Town.

This agreement process will not generally be used for rezones to pertaining to single-family residential use zones. It may, however, be used for any situation where extraordinary potential adverse impacts from a proposed rezone may be neutralized by the agreement. The agreement process may be employed for rezones in sensitive geographic areas such as critical transportation corridors. The agreement process will generally be used for rezones to commercial, industrial, multifamily residential uses not specifically identified by the comprehensive plan map. The intent of this subsection is that concomitant rezone agreements shall only be used when normal review and approval procedures are not adequate to resolve the specific issues involved in the rezone proposal.

**The agreement may include the following mitigating measures:**

- ▶ Access control.
- ▶ Landscaping, screening, buffering.
- ▶ Improvements to public services including drainage, sewer, water and roads.
- ▶ Lot coverage, dimension.
- ▶ Phasing of development.

**A concept plan may be required by the Mayor that includes the following:**

- ▶ General location of structures.
- ▶ Location and number of access points.
- ▶ Approximate gross floor area of structures.
- ▶ Name of the proposal.
- ▶ Identification of areas requiring special treatment due to their sensitive nature.
- ▶ North directional arrow.
- ▶ Names and location of all public streets or roads bordering the site.

The applicant may propose an agreement concomitant to rezone approval at the time of or after a preapplication conference with the Mayor. The proposed agreement shall include any proposed mitigating measures and concept plan if one is required, and provide for appropriate enforcement mechanisms and performance guarantees. In cases where a specific project is to be considered in conjunction with a rezone request, the Mayor shall review the site plan. The agreement shall be considered by the Town Council following public notice of the agreement and a public hearing.

- H. Release of concomitant rezone agreements.** Upon petition by the property owner, a concomitant rezone covenant may be fully or partially released, or modified, by the Town Council following public notice of the action and a hearing. In considering requests for release or modification of concomitant rezone covenants, the Town Council shall consider the following:
1. In the case of full covenant release, whether development of the site would be consistent with current zoning regulations and comprehensive plan recommendations; and
  2. In the case of either full or partial covenant release or covenant modification, whether adequate public/private services are available to support development of the site; and
  3. In the case of either full or partial covenant release or covenant modification, whether the requested action would unreasonably impact development undertaken on nearby properties in reliance upon the covenant commitments, and
  4. In the case of partial covenant release or covenant modifications, whether future development under current zoning will be consistent with existing and planned development.

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## **SECTION 15: PUBLIC HEARING PROCEDURES AND NOTICE OF HEARINGS**

- A. Public hearing and notice procedures shall be consistent with the following:**  
Upon receiving an application for a development, the Town shall have no more than 28 days to determine whether or not the application is technically complete. A written decision on a development proposal shall be rendered within 120 days following the receipt of a technically complete application.
- B. A Notice of Application shall be published and a comment period of not less than 14 or more than 30 days shall be established. The notice shall contain the following to the extent that this information is known:**
1. The case file number(s), date of application, the date the application was determined complete, and the date of the notice of complete application;
  2. A description of the proposed project and a list of project permits included with the application and, if applicable, a list of any further studies requested by the review authority;
  3. The identification of other permits not included in the application, to the extent known by the Town;
  4. Identification of existing environmental documents that evaluate the proposed project;
  5. A statement of the public comment period, that the public has the right to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A statement shall indicate that written comments received by the Town within fifteen (15) calendar days from the date of the notice will be considered.
  6. The deadline for submitting a SEPA appeal.
  7. The date, time, place and type of hearing, if applicable. The hearing date is to be set at the time of the date of notice of the application;



8. A statement of the preliminary determination, if one has been made, of those development regulations that will be used for the project mitigation and which regulations the application appears to comply with. A statement that a consolidated staff report and SEPA review will be available for inspection at no cost at least fifteen (15) calendar days before the administrative decision or public hearing, if applicable, and the deadline for submitting written comments;
  9. The name of the applicant or applicant's representative and the name, address and telephone number of a contact person for the applicant, if any;
  10. A description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location and zoning;
  11. A map showing the subject property in relation to other properties or a reduced copy of the site plan;
  12. The date, place and times where information about the application may be examined and the name and telephone number of the county representative to contact about the application;
  13. The designation of the review authority, and a statement that the hearing will be conducted in accordance with the rules of procedure adopted by the review authority; and
  14. Any additional information determined appropriate by the town.
- C. A SEPA threshold determination of Environmental Significance, Non-Significance, or Mitigated Non-Significance shall be made by the Town and circulated for comment 15 days prior to a decision on the proposal development.
- D. An advertised public hearing shall be conducted on the proposed development.
- E. A written decision by the Town shall be rendered on the proposed development.

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## **SECTION 16: CONDITIONS TO BE MET PRIOR TO ISSUANCE OF BUILDING PERMIT**

- A. **Initial application for a building permit** shall be made to the Town Clerk on a form supplied by the Town. An initial application shall be consider by the Town Council. Following approval of an initial building permit application by the Town Council, the Mayor shall consider issuance of a certification of compliance with zoning and other pertinent local regulations. The initial building permit application filed with the Town and the zoning certification of compliance shall be submitted to the Clark County Building Division by the applicant. The applicant shall provide the County with any additional required information on forms provided by the County. No construction shall be undertaken on the project in question, until such date stated on the building permit for the project issued by the County.
- B. **Minor construction** may be determined to be exempt from a building permit, following the submission of an application to the Town Clerk on forms provided by the Town and approval of such application by the Mayor. Construction exempt from the a building permit is that which total value as determined in section 304 (b) of the Building Code or as otherwise documented by the applicant does not exceed fifteen hundred dollars (\$1,500) and a contractor is not involved and the construction of any fence; PROVIDED that the construction or alteration does not involve any engineered structural components, or reduce existing egress, light, air and ventilation, or include electrical, plumbing or mechanical fixtures whose installation requires a licensed contractor. This exemption shall not otherwise exempt the construction or alteration from the substantive standards of the codes enumerated in RCW 19.27.031 as amended and maintained by the State Building Code Council under RCW 19.27.031.

## SECTION 17: ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Town Council to determine the applicability of this ordinance for enforcement purposes. This determination shall be based upon information provided to the Town Council by the Mayor, staff for the Town and officials with other agencies with jurisdiction. Any permit, certificate, or license issued in conflict with the provisions of this ordinance, intentionally or otherwise, shall be void. The Mayor shall be responsible for facilitating and directing the enforcement of this ordinance. The provisions of enforcement are set forth in section 32 of the Clark County Code, which by reference are hereby made a part of this ordinance. Clark County, Code Enforcement Division, shall be responsible for carrying out the enforcement of this ordinance as directed by the Mayor.
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## SECTION 18: FEES

- A. **Fees payable.** All fees provided for in this section shall be payable at the time of submission of an application for processing.
- B. **Refunds.** Fees shall not be refundable, except that the town council may authorize a total or partial refund where no processing or review costs have been incurred by the town sufficient findings exist.
- C. **Authority.** The mayor is responsible for administering and construing the provisions of this ordinance.
- D. **Fees designated.** The following filing fees are established:
1. Comprehensive plan amendments or zone changes initiated by property owner(s): \$500.
  2. Development, site plan and conditional use review:
    - a. Residential \$150 per lot. (Short plat and subdivisions).
    - b. Nonresidential: \$250 per lot.
  3. Variance \$250.
  4. Conditional use permit \$250.
  5. Home occupation/business \$150.
  6. Temporary dwelling permit \$150.
  7. Floodplain permit \$150.
  8. Other \$150.

**EFFECTIVE DATE:** The Ordinance shall take effect midnight, February 14, 1997 and shall be published prior to this date.

Passed be the Town Council of the Town of Yacolt, Washington, this 3rd day of February, 1997.

AYES Councilmembers: Grooms, Messer, Smith, Robertson

NAYES None

ABSTENTION Kaski

MAYOR *Kenneth Case* ATTEST *Irene Christiansen*  
Kenneth Case Irene Christiansen

I hereby certify that this is a true and correct copy of the Ordinance #371, as read before the Council and passed on the date herein mentioned and passed according to Law.

ATTEST: *Irene Christiansen*  
Irene Christiansen, Clerk/Treasurer