

## **TITLE 10 - LAND USE AND PLANNING**

### Article 10.1 Zoning

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(Ord. No. 990804-771; August, 1999.)

## **ARTICLE 10.1. ZONING**

### Chapter 10.1A - Title, Purpose, and Interpretation

#### Sections:

10.1A.010 Title

10.1A.020 Purpose

10.1A.030 Interpretation

10.1A.010. Title. The Zoning Code of the City of Waitsburg shall consist of the text of Chapters 10.1A through 10.1Z of Article 10.1, Zoning, of Title 10 of the Waitsburg Municipal Code and the Official Zoning Map and together shall be known and may be cited as the City of Waitsburg “Zoning Ordinance”. The Official Zoning Map will be designated by affixing the date of adoption and the signature of the Mayor and attestation of the City Clerk. The map will be maintained and kept in the City Hall of the City of Waitsburg.

10.1A.020. Purpose. The purpose of this Zoning Ordinance is to promote and protect the health, safety, and welfare of the inhabitants of the City. To achieve these purposes, the City is divided in zones of such number, shape, and area as may be deemed best suited to carry out these regulations and provide for their enforcement. Such regulations are deemed necessary to encourage the most appropriate use of the land; to designate and regulate the location and use of buildings, structures, and land; to conserve and enhance the value of property; to maximize the quality of the environment; to protect residential, commercial, industrial, and recreation/open space areas alike from harmful encroachment by incompatible uses; to provide adequate open spaces for light and air; to provide protection against fires; to provide housing for all economic and social segments of the community; to conserve and improve the condition of the existing affordable housing stock and preserve existing housing and neighborhoods; to regulate and encourage uses and development consistent with the provisions for community utilities and facilities such as transportation, water, sewer, electricity, parks, and other public requirements; all in order to promote and protect the public health, safety, and general welfare and economic viability of the community in accordance with the Comprehensive Plan.

10.1A.030. Interpretation.

A. The provisions of this Zoning Ordinance shall be held to be minimum requirements for promotion of the health, safety, and general welfare of the public. Therefore, where this Ordinance imposes a greater restriction upon uses, buildings, or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other laws, ordinances, codes, easements, regulations, or covenants, the provisions of this Ordinance shall control; and where another law, ordinance, code, easement, regulation, or covenant imposes

greater restrictions than contained in this Article, the most restrictive provisions shall control.

B. Nothing in this Zoning Ordinance shall be interpreted as permitting violation of or noncompliance with the regulations herein or any change whatsoever which would further violate these regulations or intensify an existing substandard noncompliance condition.

C. The text of this Zoning Ordinance shall be administered, interpreted, and enforced in accordance with the Official Zoning Map.

D. Requests for rulings and interpretations as to the meaning, intent, or proper general applications of this Zoning Ordinance to development and use of land or structures shall be made in written form by any interested citizen or public official. The Planning Commission shall submit a ruling or interpretation in writing and in a timely fashion to the person submitting the request.

E. For the purposes herein, zoning classifications will be considered as adjoining or abutting one another, even though separated by an intervening street or alley. The boundaries of the various zoning classifications are, unless otherwise indicated, the centerline of streets, alleys, or lot lines as shown on the Official Zoning Map.

F. In case of any questions as to the location of any boundary line between zoning classifications, a request for interpretation of the Official Zoning Map must be made in writing to the City. A determination shall be made by the Planning Commission and the ruling or interpretation shall be submitted in writing to the person submitting the request.

## Chapter 10.1B - Definitions

### Sections:

10.1B.010 General Interpretation

10.1B.020 Definitions

Section 10.1B.010. General Interpretation. For the purposes of this Zoning Ordinance, certain terms and words used herein shall be interpreted as follows:

- A. "Lot" includes the words "plot" or "parcel".
- B. "Person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- C. "Shall" is mandatory; "may" is permissive.
- D. "Used" or "occupied" includes the words "intended", "designated" or "arranged to be used" or "arranged to be occupied".
- E. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- F. Terms used in this Ordinance, but which are not defined herein, shall be construed as defined in the Revised Code of Washington (RCW), or the Washington Administrative Code (WAC).

Section 10.1B.020. Definitions. For the purposes of this Ordinance, the following words and terms, and their derivations, shall have the meaning given herein.

10.1B.020.010. Accessory Building or Structure. Means a detached subordinate building or structure, the use of which is customarily incidental to that of the main building(s) or use(s) on the same lot.

10.1B.020.020. Accessory Living Quarters. Means living quarters within an accessory building for the sole use of the family or for persons employed on the premises, or for the temporary use of guests of the occupants of the premises; such accessory living area has no kitchen facilities and is not rented or otherwise used as a separate dwelling unit.

(Ord. 000517-796; May 17, 2000)

10.1B.020.030. Accessory Use. Means on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

10.1B.020.040. Alley. Means an unnamed public right-of-way, not over 20 feet in width, that is primarily designed to serve as secondary access to the rear or

side of those properties whose principal means of access is via an abutting public street.

10.1B.020.050. Alteration or Altered. Means any change or modification in or to a building or structure, other than repairs.

10.1B.020.060. Attached. Means any building or structure that has a wall or roof in common with another building or structure.

10.1B.020.070. Auto Wrecking, Junk, and/or Salvage Yards. Means any area, lot, land, parcel, building, structure, or part thereof, where waste, discarded, or salvaged materials are exchanged, handled, bought, sold, baled, packed, stripped, stored, dumped, or disassembled, including, but not limited to, inoperable vehicles, machines, or remnants thereof, and/or metals, paper, rags, tires, and bottles. The following uses shall not be considered to be an “auto wrecking, junk, and/or salvage yard” when all activity, storage, odor, and noise is confined wholly within an enclosed building:

- A. The private, noncommercial storage of inoperable vehicles and remnants thereof;
- B. Pawn shops, secondhand stores, and used furniture stores;
- C. Open sales lots for the sale of new and used vehicles and machinery which are in operable condition; or
- D. Vehicle towing services and auto and/or body repair establishments which do not store inoperable vehicles for more than 90 days.

10.1B.020.080. Bed and Breakfast Inn. Means a residence where sleeping, bathing and toilet accommodations and one or more meals daily for one or more persons, are provided for hire on a daily or weekly basis, and where the living spaces of the residents are shared by the paying guests.

10.1B.020.090. Boardinghouse or Lodging House. Means a dwelling with not more than four guest rooms, with or without lodging and meals for compensation.

10.1B.020.100. Building. Means anything constructed having a roof used or intended for the purpose of housing, shelter, or enclosure.

10.1B.020.110. Centerline (of Street). Means the center of the public right-of-way as established by the City Council or the City’s engineer.

10.1B.020.120. Council. Means the duly constituted legislative authority of the City.

10.1B.020.130. Coverage. Means the ground area occupied by any building or structure pursuant to the Uniform Building Code.

10.1B.020.140. Day Care Center. Means a facility operated by a person, corporation, or association in which less than 24-hour per day nonmedical care and supervision is provided, outside the home, for minor children or elderly persons, provided such facility is licensed by the State.

10.1B.020.150. Designated Manufactured Home or Structure. Means a manufactured home or structure, constructed after June 15, 1976, in accordance with State and federal requirements for manufactured homes or structures, which:

A. Is comprised of at least two fully enclosed parallel sections each of which is not less than 12 feet wide by 36 feet long;

B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch; and

C. Has exterior siding similar in appearance to siding materials commonly used on conventional site-built Uniform Building Code single-family residences or nonresidential structures.

10.1B.020.160. Detached. Means any building or structure separated by at least five feet in horizontal distance from any other building or structure.

10.1B.020.170. Dwelling. Means a building, or any portion thereof, designed exclusively for residential purposes, including single, duplex, and multiple family residential dwellings, but not including hotels, motels, and other places without individual kitchen facilities.

10.1B.020.180. Dwelling Unit. Means a single housekeeping unit providing complete, independent living facilities for one person or family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

10.1B.020.190. Dwelling, Duplex. Means a building designed for two independently occupied dwelling units.

10.1B.020.200. Dwelling, Multi-Family. Means a building designed for three or more independently occupied dwelling units.

10.1B.020.210. Dwelling, Single-Family. Means a building designed for the exclusive occupancy of one independent dwelling unit.

10.1B.020.220. Enlarged. Means an increase in floor area or height of a building or structure.

10.1B.020.230. Established Grade. Means the curb line grade at the front lot line as established by the City Council.

10.1B.020.240. Family. Means one or more persons, whether or not related to each other by blood or marriage, occupying a single dwelling unit and using common cooking facilities.

10.1B.020.250. Fence. Means a barrier composed of posts or piers connected by boards, rails, panels or wire, a masonry wall, or a living evergreen hedge, designed for the purpose of enclosing space or separating parcels of land. "Fence" does not include retaining walls.

10.1B.020.260. Frontage. Means that portion of a lot which abuts a public street (see "Lot" definitions herein).

10.1B.020.270. Garage, Private. Means an accessory building or an accessory portion of the main building, designed and/or used for shelter or storage of automobiles, boats, or other vehicles owned, used, stored, or maintained by the occupants of the main building, and in which no occupation for profit is carried on.

10.1B.020.280. Gross Floor Area. Means the sum of the gross horizontal areas within the surrounding walls of the several floors of a building, including interior balconies and mezzanines, but not including exterior terraces and exterior stairs.

10.1B.020.290. Height (of Building). Means the vertical distance at the center of a building's principal front, measuring from the level of the first floor above grade to the highest point of the beams in the case of flat roofs, to the deck line of mansard roofs, or to the center height between eaves and ridges for gable, hip, or gambrel roofs. For buildings set back from the street line, height may be measured from the average elevation of the finished grade along the front of the building. Chimneys, vents, or utility service connections shall not be included in the measurement of height.

10.1B.020.300. Home, Group. Means any home, place, or institution, as defined by State law and licensed by the State of Washington, as a residence and treatment facility for children or adults with mental disabilities, alcoholism, or drug abuse problems needing a supervised living arrangement and rehabilitation services on a short-term or long-term basis.

10.1B.020.310. Home Occupation. Means an occupation carried on entirely within a residence, which is clearly incidental to the use of the residence as a dwelling, does not change the residential character of the premises, and is conducted in such a manner as to not infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes for which the residential zoning thereof was created and primarily intended.



10.1B.020.320. Hospital. Means an institution receiving in-patients and out-patients and providing medical, surgical, and/or obstetrical care.

10.1B.020.330. Hotel or Motel. Means a building in which there are five or more guest rooms where lodging, with or without meals, is provided for compensation, and where no provision is made for cooking in any individual room or suite. A comparable facility containing four or fewer guest rooms shall be construed to be a boardinghouse or lodging house.

10.1B.020.340. Household. Means all the persons who occupy a single residential dwelling unit.

10.1B.020.350. Impervious Surfaces. Means those areas defined as “coverage” plus those additional areas occupied by driveways, walkways, parking lots, steps and landings, patios, and the like.

10.1B.020.360. Inoperable. Means when a vehicle or machine does not function as it was originally designed because an essential component(s) has(have) stopped functioning properly, is(are) missing, or absent.

10.1B.020.370. Inspector. Means the legally designated Building Inspector for the City of Waitsburg or authorized representative thereof.

10.1B.020.380. Kennel. Means a place where four or more adult dogs or cats, or any combination thereof, are kept or boarded. An adult dog or cat shall be construed to mean an animal of either sex, altered or unaltered, that has reached the age of six months. Other domesticated animals commonly construed to fall under the generalized term of household pets, shall also be subject to this definition (i.e. ferrets, guinea pigs, and mice). The keeping of large or small farm animals and exotic animals are not included in this definition’s context.

10.1B.020.390. Lot. Means a parcel of land containing at least the minimum sufficient size to meet zoning requirements for use, coverage, area, and yards. Such lot shall have frontage on an improved public street. Such lot may consist of: a single lot of record; a portion of a lot of record; a combination of complete and/or partial lots of record; or a parcel of land described by metes and bounds. No division or combination of parcels of land shall be created which do not adhere to the minimum lot area standards of this Ordinance.

10.1B.020.400. Lot Area. Means the total horizontal square footage area within the boundary lines of a lot.

10.1B.020.410. Lot, Corner. Means a lot located at the intersection of two or more streets.

10.1B.020.420. Lot Depth. Means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear of a lot.

10.1B.020.430. Lot, Interior. Means a lot, other than a corner or through lot, with frontage only on one street.

10.1B.020.440. Lot, Through. Means a lot, other than a corner lot or interior lot, with frontage on more than one street, and which may also be referred to as a double frontage lot.

10.1B.020.450. Lot Line. Means any ownership line defining the external limits of a lot, including the street right-of-way line of any street abutting such lot.

10.1B.020.460. Lot Line, Front. Means, for interior lots, the lot line abutting a street. For a corner lot or a through (double frontage) lot, the front lot line shall be determined by the City Council, and shall take into consideration the lengths of the lot lines abutting streets, and the predominant street fronting orientation of surrounding properties.

10.1B.020.470. Lot Line, Rear. Means the lot line opposite and farthest from the front lot line. For a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, being not less than 10 feet long and wholly contained within the lot.

10.1B.020.480. Lot Line, Side. Means any lot line other than a front or rear lot line. In the case of a corner lot, the lot line abutting the side street shall be known as the "flanking street lot line". All other side lot lines shall be known as the "interior side lot lines".

10.1B.020.490. Lot of Record. Means a lot which is part of a subdivision recorded in the office of the County Auditor, or a parcel described by metes and bounds, the description of which has been duly recorded with the County Auditor.

10.1B.020.500. Lot Width. Means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear lot lines at each side of the lot, and measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width, except in the case of lots on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

10.1B.020.510. Manufactured Home or Structure. Means a factory-assembled structure or structures, constructed after June 15, 1976, equipped with built-in utility and service connections, constructed with a permanent chassis which is an integral part of the house or structure, fixed on removable wheels, axles, and

tongues. A manufactured home or structure is movable as a unit, requires an external source of power, and is designed to be used without a permanent foundation. A manufactured home or structure may consist of a single section, or of two or more sections, which are joined at the destination site.

10.1B.020.520. Mobile Home or Structure. Means a structure exceeding eight feet in width and 28 feet in length and designed to be movable on its own running gear and which, when provided with and connected to power, water supply, and sewage disposal facilities, shall be considered a building suitable for residential or nonresidential occupancy. Upon manufacture for sale, such mobile home or structure is provided with axles, wheels, drawbars, or tongues.

10.1B.020.530. Mobile Home Park. Means a parcel of land or premises under unified ownership or management which has been planned, designed, and constructed for the placement of owner occupied, leased, or rented independent manufactured homes, mobile homes, or modular homes for use as single-family, detached, one-story residences on individual rented or leased spaces, including any land, buildings, structures, or facilities used by occupants of such premises.

10.1B.020.540. Modular Home or Structure. Means any prefabricated unit (constructed off-site), intended to be a dwelling unit or intended to house a nonresidential use, designed to be used with a permanent foundation, has been equipped with built-in utility and service connections, which is movable in two or more parts by a separate mode of transportation.

10.1B.020.550. Nonconforming. Means a building, structure, or portion thereof, or use of a building or land that lawfully existed before the effective date of this Zoning Ordinance, and the continued existence and use after the effective date of this Zoning Ordinance does not conform to the regulations of the zone in which it is located.

10.1B.020.560. Occupancy. Means the purpose for which a building is used or intended to be used. For the purposes of this Ordinance, a change of occupancy is not intended to include change of tenants or proprietors, but is intended to indicate a change in the type of use.

10.1B.020.570. Parking Area. Means an area, other than a street, alley, or right-of-way, used for the parking or storage of one or more vehicles.

10.1B.020.580. Parking Space. Means an area accessible and available for the parking of one motor vehicle, other than a vehicle for sale, lease, or rent, exclusive of areas intended for other uses and of physical obstructions.

10.1B.020.590. Planning Commission. Means the Waitsburg Planning Commission, or any subcommittee thereof, empowered to carry out the duties and functions the City Council has delegated to the Planning Commission.

10.1B.020.600. Portable School Classroom. Means a structure, transportable in one or more sections, which requires a chassis to be transported, and is designed to be used as an educational space with or without a permanent foundation. The structure shall be trailerable and capable of being demounted and relocated to other locations as needs arise.

10.1B.020.610. Public Use. Means any use of land by a federal, state, county, or local government agency, including a special purpose district.

10.1B.020.620. Public or Quasi-Public Utility. Means any use of land by a governmental agency, or by any person, firm, or corporation licensed or franchised by such a government agency, involving the transportation or transmission of materials, signals, or electrical energy by vehicle or through conduit, wire, pipe, or similar device. Typical examples include water systems, sanitary sewer systems, electricity and natural gas services, television or telephone systems, refuse collection, and public transportation services.

10.1B.020.630. Roof. Means a part of a building completely covering any portion of such building and permanently attached, but excluding chimneys, antennas, vents, and mechanical equipment.

10.1B.020.640. Sign. Means any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes, other than paint on the surface of a building.

10.1B.020.650. Story. Means that portion of a building included between the surface of any floor and the surface of the floor new above it; or if there be no floor above it, then the space between such floor and the ceiling new above it.

10.1B.020.660. Street. Means a thoroughfare, more than 20 feet in width, which has been dedicated to the public and designated for public use as a street, and which affords a primary means of access to abutting property.

10.1B.020.670. Structure. Means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. "Structures" include buildings, manufactured and mobile homes, walls and fences, billboards and poster panels.

10.1B.020.680. Variance. Means an authorized relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, the literal enforcement of this Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structures, or size of yards and open space. Establishment or expansion of a use otherwise prohibited shall not be

allowed by variance, nor shall a variance be granted because of the presence of nonconforming uses in a zone.

10.1B.020.690. Yard. Means a required open space unoccupied and unobstructed by any structure or portion of a structure from the ground upward, provided, however, that fences may be permitted in yards subject to the limitations set forth in this Ordinance.

10.1B.020.700. Yard, Front. Means a yard extending between side lot lines across the front of the lot and abutting the front property line. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines, between the front lot line and foremost part of the building or structure. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be parallel. In the case of through lots, the front yard shall apply to both street frontages. In the case of corner lots, the front yard shall apply to both the fronting and flanking street frontages.

10.1B.020.710. Yard, Rear. Means a yard extending across the rear of the lot between side lot lines. In the case of through lots, there will be no rear yard. Depth of required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side lot lines, between the rear lot line and rearmost part of the building or structure. The forward rear yard line of a required rear yard shall be parallel to the straight line so established.

10.1B.020.720. Yard, Side. Means a yard extending from the rear line of the required front yard to the rear lot line. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of a corner lot, the side yard will apply only to the interior side property line. Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

## Chapter 10.1C - General Zoning Provisions

### Sections:

- 10.1C.010 Zoning Provisions—General
- 10.1C.020 Compliance and Penalties
- 10.1C.030 Zone Classifications
- 10.1C.040 Classification at Passage
- 10.1C.050 Enforcement

10.1C.010. Zoning Provisions—General. All new construction, building improvements, alterations, or enlargements, and all new or altered uses of land, undertaken after the effective date of this Ordinance, and all new uses or occupancy of premises within the City, shall conform with the requirements, character, and conditions described in this Ordinance. No person shall design, erect, construct, establish, move into, alter, enlarge, or use, or cause or permit to be erected, constructed, established, moved into, altered, enlarged, or used, any building, structure, improvement, or use of premises in any manner contrary to the provisions herein.

10.1C.020. Compliance and Penalties. Any condition which does not conform to the provisions of this Ordinance is a civil infraction and a violation thereof is a public nuisance subject to abatement by the City. No license for uses, buildings, or purposes, where the same would be in conflict with the provisions of this Ordinance, shall be issued. Any license or permit, if issued in conflict with the provisions of this Ordinance, shall be null and void.

10.1C.030. Zone Classifications. In order to carry out the purposes and provisions of this Ordinance, the City of Waitsburg is divided into several zones, known and designated as follows: Residential (R-1) Zone; Flexible (CR); Central Commercial (C-1) Zone; General Commercial (C-2) Zone; Industrial (I-1) Zone; Cemetery (CEM) Zone; Historic Preservation (HP) Overlay Zone; and Open Space (OS) Zone.

10.1C.040. Classification at Passage. If a zoning boundary line includes or crosses a property having a single ownership as of record on the effective date of this Ordinance, all such property may take the least restrictive zoning classification, provided that the property is continuously maintained as a single unit of property.

10.1C.050. Enforcement. It shall be the duty of the City Council's designee to insure that the Zoning Ordinance is enforced through proper legal channels.

## Chapter 10.1D - Construction, Design Review, and Performance Standards

### Sections:

10.1D.010	Building Permit—Application Required
10.1D.020	Obtaining and Filing Application
10.1D.030	Approval of Application
10.1D.040	Design Review—Intent
10.1D.050	Design Review—Applicability
10.1D.060	Design Review—Standards
10.1D.070	Design Review—Application Submittal
10.1D.080	Design Review—Filing Fees
10.1D.090	Design Review—Implementation
10.1D.100	Performance Standards

10.1D.010. Building Permit—Application Required. No person shall erect a building or structure, alter any building or structure already erected, or institute or change property use within the incorporated limits of the City without first obtaining a building permit.

10.1D.020. Obtaining and Filing Application.

A. Applications for a building permit shall be obtained from the City and shall be completed in full. The applicant will secure all other necessary permits, variances, environmental review, rezones, and any other required review prior to applying for a building permit. Applications must be submitted with a plot/site plan, drawn to scale, clearly showing all streets, alleys, easements, and setbacks, and including a copy of the plans for new construction. All building permits shall be approved by the Building Inspector, and by the Water and Sewer Director, as applicable for location and availability of services, before approval of the application is granted. In granting approval of the application, the Building Inspector shall affirm that the proposal will:

1. Comply with the building codes adopted by the City;
2. Comply with the requirements for the zone in which the project is located;

Determine concurrence of the owner for the project;

Establish adequacy of water supply (see RCW 19.27.097); and

5. Establish that the proposal is consistent with the City's comprehensive plan.

In making a decision, the Building Inspector may require that reasonable additional information be furnished by the applicant. Upon determination that the plans and intended use of the building or property conform in all respects

with the provisions of this Code, and with other applicable laws and regulations, a building permit shall be granted and shall be issued by the Building Inspector upon payment of all fees.

C. Permits shall not be issued nor deemed valid until the requirements of this Chapter have been fulfilled. Early starts will not be granted.

10.1D.030. Approval of Application. Applications for building permits shall be processed in accordance with all requirements and procedures of WMC Title 10A, as either a ministerial or administrative application, depending upon whether the application is subject to SEPA evaluation and/or review by the Planning Commission. Where a building permit is in direct and immediate association with a quasi-judicial application, the City may, at its discretion, process the associated building permit concurrently with the quasi-judicial application sought, in compliance with all requirements and procedures set forth in this Title and in WMC Title 10A. Any notice of decision issued by City staff or the Planning Commission under the provisions of this Chapter may be appealed in accordance with WMC Title 10A.

10.1D.040. Design Review—Intent. The intent of design review is to promote the general welfare of the community by achieving the following purposes:

- A. To protect the community from the adverse effects of poor design and to encourage good professional design practices;
- B. To enhance the beauty, livability, and prosperity of the community;
- C. To encourage high quality development;
- D. To discourage poor exterior design, appearance, and inferior quality which is likely to have a depreciating effect on the local environment and surrounding area; and
- E. To encourage originality, creativity, and diversity in design and to avoid monotony.

10.1D.050. Design Review—Applicability. A. The provisions of the design review Sections of this Chapter shall apply to:

- 1. new buildings and structures,
- 2. exterior remodeling and
- 3. exterior changes of or to existing buildings for which a building permit is required



B. Notwithstanding the above provisions, the following activities are exempt from the design review provisions of this Chapter:

1. Interior design and interior modifications to buildings or structures, and

2. minor remodeling projects, provided that such remodeling does not involve a change in the architectural style of the building or structure, and does alter exterior site features such as landscaping, driveways, and walkways.

10.1D.060. Design Review—Standards. A. Decisions on site development applications shall be guided by the standards set forth in this Section. In addition to these standards, the Planning Commission may impose conditions related to site planning, design, general layout, and appearance.

1. In addition to the height and minimum setback requirements set forth for the zone in which the property is located, changes in material, height, projections in the vertical or horizontal plane, or similar facade changes may be encouraged on visible exterior building walls. Primary attention shall be given to those sides visible from the public right-of-way.

2. The appropriateness of a new or remodeled building to the zoning and area within which it is located, surrounding architectural design, scale, and streetscape appearance should be considered. Integrated and harmonious design themes are encouraged, including the use of consistent materials, colors, textures, and signs on exposed building walls. New development or remodeling should be designed in such a way as to upgrade the appearance and quality of the area and be harmonious with existing improvements.

3. Conflicting relationships to adjacent buildings, structures, improvements, and uses should be avoided as appropriate to the zone and area.

4. To the extent practical, boundary and other walls and fences should be complementary in color, texture, and materials to the development as a whole.

5. To the extent practical, walkways, patios, court yards, driveways, and parking areas should be complementary in design to the development as a whole.

6. Landscaping shall be integrated into the architectural scheme so as to accent and enhance the appearance of the development. Existing mature trees over eight inches in diameter on the site and within the public right-of-way, as well as trees on adjacent property within 20 feet of the common property line, should be considered for preservation in the site planning.

7. Rooftop equipment shall be incorporated into the design of the project in such a manner that it is completely enclosed on all sides or concealed from view

by screening, roofing, or parapets at least six inches higher than the height of the uppermost part of such equipment.

B. The Planning Commission shall ensure the compatible design of all multi-family and nonresidential projects which abut single and two-family properties. To accomplish this goal, the Planning Commission shall have the authority to impose more restrictive development standards than the provisions of the zone in which the project is located. The Planning Commission shall review each multi-family and nonresidential project in terms of its impact on the adjoining residential neighborhood, including but not limited to such design elements as window location, balconies, location of recreational facilities, entryways, and garage or parking locations. The Planning Commission may require transitional height increases in order to promote a visual transition between the multi-family or nonresidential project and the adjoining residential neighborhood and to ensure that adequate landscape buffering is provided and permanently maintained. The Planning Commission shall also consider building facades, roof designs, and use of materials and colors to ensure compatibility with the architectural design elements generally found in the adjoining residential neighborhood.

10.1D.070. Design Review. A. Applications for design review shall be made on forms prescribed by the City. Said application and accompanying materials shall be filed with the City, and the City Clerk shall determine whether the application and materials are complete in accordance with the determination of completeness requirements of WMC Title 10A. Information to be supplied with the application shall include: a dimensioned site plan; building floor plans; isometric sketch perspective for each elevation; building elevation views; descriptions of the type, color and texture of primary building materials to be used; a landscape plan indicating the type, size, number, and location of all existing and proposed plantings; as well as the materials and textures of all walks, drives, walls, fences, and other features. Other information as necessary to demonstrate the extent to which the proposed development is in keeping with the intent and standards of design review must also be provided.

B. Each application shall first be reviewed by a design review committee. The committee shall be composed of the City Clerk, Chairman of the Planning Commission, and a person appointed by the Mayor. If the application shows the design to satisfy all the requirements and criteria of this Chapter and those established by the Planning Commission, the Committee may approve the application. If the Committee does not approve the application, they shall forward the application to the Planning Commission for consideration and action. The Planning Commission then shall approve, approve with conditions, or deny the design of the project.

10.1D.080. Design Review—Filing Fees. Filing fees in an amount as specified by resolution of the City Council shall be paid upon the filing of each application for design review for the purpose of defraying the cost of labor and materials

incidental to the proceedings prescribed in the design review Sections of this Chapter.

10.1D.090. Design Review—Implementation. Upon approval by the Planning Commission and issuance of a building permit, no changes to approved plans which affect the exterior of a project shall be permitted unless approved by the Planning Commission. No certificate of occupancy will be issued for any project until all aspects of the approved design review application have been satisfactorily implemented, including but not limited to building completion, installation of all landscaping and irrigation, completion of walkways and walls or fences, completion of parking garages or areas, and completion of driveway improvements to the roadway within the public right-of-way. In the event that winter weather precludes timely completion of certain site improvements in accordance with the approved design review application, the Building Inspector may allow occupancy to proceed upon receipt of an acceptable guarantee of financial surety to complete installation when weather conditions allow. In no event shall such guarantee be allowed if the incomplete improvements would result in damage to the development or to other improvements in the vicinity, whether public or private.

10.1D.100. Performance Standards. All uses shall be developed and used in a manner than complies with the following standards:

A. All uses shall fully comply with all applicable federal, state, and local laws and regulations.

B. All lighting shall be arranged so as to not produce glare on public roadways and/or upon any neighboring residential properties. Welding, acetylene torch, or other similar processes shall be performed so as to not be seen from outside the property lines.

C. All roadways, parking spaces, and storage areas shall be treated and maintained to effectively eliminate dust as a result of wind or usage. Open spaces shall be landscaped or otherwise maintained to effectively eliminate dust.

D. All uses shall collect and suitably dispose of storm water runoff. Any building permit application shall be accompanied by a drainage plan, and the approved storm water runoff collection and disposal system shall be installed and functional prior to approval of completed construction on the property.

E. All open storage shall be enclosed by a fence six feet in height which obscures the view of the open storage area from adjoining properties and streets.

Chapter 10.1E - Reserved

## Chapter 10.1F - Zoning of Annexed Territory

### Sections:

- 10.1F.010 Annexation Location Within the Urban Growth Area
- 10.1F.020 Annexation Zoning Consistency with the Comprehensive Plan
- 10.1F.030 Annexation Zoning Plan Adoption

10.1F.010. Annexation Location Within the Urban Growth Area. The City shall annex only territory contained within that portion of unincorporated Walla Walla County officially designated as being within the City's Urban Growth Area by the Board of County Commissioners pursuant to the requirements of the Growth Management Act set forth in Revised Code of Washington Chapter 36.70A.

10.1F.020. Annexation Zoning Consistency with the Comprehensive Plan. All territory hereafter annexed to the City shall be subject to a rezoning plan, which rezoning plan shall conform to the official land use designation of the Land Use Plan map contained within the City's adopted Comprehensive Plan.

10.1F.030. Annexation Zoning Plan Adoption. All territory hereafter annexed to the City shall, upon annexation, be zoned in accordance with a rezoning plan adopted in the manner required by law for a change of zone. Said rezoning plan shall be prepared and adopted as a part of the official annexation proceedings and shall take into account, and be in conformance with, all applicable municipal plans, policies, and documents.

## Chapter 10.1G - Change of Zone and Zoning Text Amendments

### Sections:

- 10.1G.010 Authorization for Initiation
- 10.1G.020 Application Filing
- 10.1G.030 Filing Fees
- 10.1G.040 Review by Public Agencies
- 10.1G.050 Public Hearings and Notice
- 10.1G.060 Review Criteria
- 10.1G.070 Notice of Decision
- 10.1G.080 Reconsideration and Appeals

10.1G.010. Authorization for Initiation. Applications for a change of zone or amendment to the Zoning Ordinance text may be initiated by either:

- A. The application of the record owner or owners of the subject property or authorized agent thereof; or
- B. The City through its own initiative.

10.1G.020. Application Filing. Applications for change of zone or amendment to the Zoning Ordinance text shall be made on forms available from the City. Applications shall contain all required information relevant to the proposed action, including but not limited to maps, drawings to scale of land and buildings, dimensions, descriptions, and data necessary to demonstrate that the proposed zone change or zoning text amendment is in conformance with the maps and other guidelines provided in the Comprehensive Plan. Where an application is not in conformance with the Comprehensive Plan, a concurrent application for a Comprehensive Plan amendment shall also be made.

A. The application shall be accompanied by a State Environmental Policy Act (SEPA) checklist, including a review and analysis of the comprehensive impacts of the proposed change of zone or text amendment.

B. Site-specific change of zone requests shall be subject to the quasi-judicial provisions of WMC Title 10A. Pursuant to said WMC Title 10A, area-wide rezones, initiated by the City, to implement new or amended municipal plans and policies, are not subject to the hearing limitations and timing requirements of WMC Title 10A.

10.1G.030. Filing Fees. Filing fees in an amount specified by resolution of the City Council shall be paid upon the filing of each application for a zone change or zoning text amendment for the purpose of defraying the expense of postage, posting, advertising, and other costs of labor and materials incidental to the proceedings prescribed herein.

10.1G.040. Review by Public Agencies. Prior to conducting public hearings on any proposed amendments or additions to the text of this Zoning Ordinance, such amendments or additions, together with appropriate supporting materials, shall be forwarded to the State Department of Community Trade and Economic Development for its preliminary review as required by Washington Administrative Code (WAC) Section 365-195-620. Other State, County, and/or local agencies shall be similarly notified where any such agency may have an interest in the amendments or additions to the text of the Zoning Ordinance. Such distribution shall be the responsibility of City staff. Amendments to the text of the Zoning Ordinance shall be forwarded to the County Assessor pursuant to State law.

10.1G.050. Public Hearings and Notice. When an application for a change of zone or Zoning Ordinance text amendment is filed, or is initiated by the City, public hearings shall be scheduled before the Planning Commission. The City Clerk shall give notice of the public hearings specifying the dates, times, and place of the hearings, and providing a general description of the nature and location of the proposal. Such notice shall be given in accordance with the following:

A. The applicant for a change of zone shall obtain the names and addresses of all adjacent property owners of record within 500 feet of the property and shall furnish these names and addresses to the City Clerk. If the property contiguous to that property proposed for zone change is owned by the same person or entity, the owners of contiguous property to that owned by the applicant shall also be notified. The notice required by this subsection shall be provided to these property owners by certified mail, by the City, but at the applicant's expense, in accordance with WMC Title 10A.

B. For a change of zone proceeding, the City shall cause the notice required by this Section to be posted, by the applicant, at one or more conspicuous locations on the property involved in accordance with WMC Title 10A.

C. For either a change of zone or a Zoning Ordinance text amendment proceeding, the City shall cause the notice required by this Section to be posted at the City Hall, and at other public locations, in accordance with WMC Title 10A.

D. For either a change of zone or a Zoning Ordinance text amendment proceeding, the City shall cause the notice required by this Section to be published once in the official newspaper of the City in accordance with WMC Title 10A.

E. For change of zone proceedings, mailed notice to property owners shall not be required in any of the following circumstances:

1. When the matter would affect the City generally or would affect a substantial portion of the City, rather than only a specific parcel or a few parcels of property; or

2. When the hearings relate to action taken by the City to establish, review, or modify all zoning classifications throughout the City.

F. The continuance of a public hearing through verbal motion at a regular or special meeting of the Planning Commission or City Council, and posting of the continuance at the established posting places, shall be deemed as adequate notice to the public.

10.1G.060. Review Criteria. Both the Planning Commission's recommendation and the City Council's decision on a proposed amendment shall be based on findings of fact as they relate to the following:

A. The proposal is in conformance with goals and policies of the Waitsburg Comprehensive Plan as amended and the intent of this Title.

B. The property in question is suitable to uses permitted under the proposed zoning.

C. Public facilities, such as roads, sewer and water and other public facilities are adequate to support development likely to occur with the proposed amendment.

D. The proposed zone change and associated uses are compatible with neighboring land uses.

E. The proposal addresses a need which was improperly or inadequately addressed by the present ordinance text or map.

10.1G.070. Notice of Decision. The decision of the City Council shall be in writing and shall be mailed to the applicant and parties of record in accordance with WMC Title 10A.

10.1G.080. Reconsideration and Appeals.

A. Reconsideration. The City Council may reconsider its decision upon petition of any aggrieved person filed within 15 days after the notice of decision is issued.

1. The City Council may reconsider its decision only if it finds any of the following:

a. There was a clerical error in the decision;



- b. The decision resulted from fraud or mistake;
- c. There is newly discovered evidence or a change in circumstances;
- d. There was a procedural error by the Council; or
- e. The Council previously rejected the application by a tie vote.

2. The City Council shall review the reconsideration petition at its next regular meeting and decide whether to reconsider the matter. The decision shall be based on the reconsideration petition and any oral argument of the petitioner which the City Council may decide to hear. Additional evidence shall be taken as required by the circumstances resulting from the request for reconsideration. The City Council shall then decide the matter or set the matter on its agenda for a reconsideration hearing which shall be conducted as a closed record appeal proceeding in accordance with WMC Title 10A.

B. Judicial Appeals. After a notice of decision is issued, or after a revised notice of decision is issued under a reconsideration proceeding, any aggrieved party with standing to appeal as set forth in WMC Title 10A, may appeal the decision to the Walla Walla County Superior Court pursuant to WMC Title 10A and RCW Chapter 36.70C.

Chapter 10.1Ha - Variances (Ord. 873 May 19, 2004)

Sections:

- 10.1Ha.010 Purpose
- 10.1Ha.020 Prohibited Variance
- 10.1Ha.025 Definition
- 10.1Ha.030 Burden of Proof
- 10.1Ha.040 Application
- 10.1Ha.050 Application Form
- 10.1Ha.060 Filing Fees
- 10.1Ha.070 Public Hearings and Notice
- 10.1Ha.080 Review Criteria
- 10.1Ha.090 Conditions
- 10.1Ha.100 Notice of Decision
- 10.1Ha.110 Appeals
- 10.1Ha.120 Duration of Variance
- 10.1Ha.130 Revocation

10.1Ha.010. Purpose. The purpose of this chapter is to provide a procedure for approval of variance permits for limited, minor uses.

10.1Ha.020. A Minor Variance permit issued upon concurrence of the Building Inspector and the Chairman of the Planning Commission acting pursuant to this chapter. The Building Inspector and the Chairman of the Planning Commission acting together shall hear and decide all applications for minor variance permits. In granting any minor variance permit, they may impose conditions to safeguard and protect the public health, safety, and promote the general welfare, and to insure that the development so authorized is in accordance with approved plans and consistent with the objectives of the Zoning Ordinance. In the event that either the Building Inspector or the Chairman does not concur in granting a permit under this chapter, the applicant may proceed pursuant to WMC 10.1H.

10.1Ha.025. Definition. A minor variance is a variance as defined in section 10.1B.020.680 of this Title that also meets the following conditions: the use is consistent with surrounding property and neighborhood; inconspicuous; does not change size of lot; does not require modification of utility connections; does not create an adverse impact on neighboring property; does not require a modification of building code requirements; and the costs associated with implementing or installing the variance is ten percent or less of the fair market value of the real property prior to the variance.

10.1Ha.030. Burden of Proof. The burden of proof to establish that findings-of-fact can be made as required by this Chapter is on the applicant.

10.1Ha.040. Application. Application for a minor variance permit may be initiated by the record owner or owners of the subject property or authorized agent thereof.

10.1Ha.050. Application Form. Applications for minor variance permits shall be made upon forms available from the City and shall contain all information necessary to evaluate the proposal, including but not limited to maps, drawings to scale of land and buildings, dimensions, descriptions, and data to support that the required findings of fact exist. The application shall contain a statement containing any facts in support of the permit which the applicant wishes to make. Such applications and accompanying materials shall be filed with the City Clerk.

10.1Ha.060. Filing Fees. Filing fees, in an amount specified by resolution of the City Council, shall be paid upon the filing of each application for a minor variance permit.

10.1Ha.070. Procedure. Action on the application shall be conducted as an administrative approval subject to notice pursuant to title 10A of the Waitsburg Municipal Code. Notice shall be given as provided in WMC 10A.09.020.

10.1Ha.080. Review Criteria. A minor variance permit shall be granted only if the Building Inspector and Planning Commission Chairman concur in making written findings of fact that:

A. The proposed use meets the criteria of a minor variance permit as defined in section 10.1Ha.025 above.

B. The proposed use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment;

The proposed use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property;

Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation currently exist for the proposed use;

E. Special conditions and circumstances exist that are peculiar to the land, structure, or building involved, and are not applicable to other lands, structures, or buildings in the same zone;

F. The literal interpretation of the provisions of the development code would deprive the applicant of rights commonly enjoyed by other premises in the same zone;

G. Granting the permit or variance will not confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same zone;

H. The use permit or variance, either as proposed or as conditioned, is the minimum change that will make possible the reasonable use of the land, building, or structure;

I. Granting the permit or variance will be in harmony with the general intent and purpose of the development regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, and will not adversely impact the implementation of the city's comprehensive plan;

The need for permit or variance has not been self-induced by the applicant; and

K. The proposed use will be consistent with the elements and policies of the Comprehensive Plan.

10.1Ha.090. Conditions. The Building Inspector and Chairman of the Planning Commission shall have the authority to establish conditions to ensure that approval of the minor variance permit is consistent with the review criteria.

10.1Ha.100. Notice of Decision. The decision shall be in writing and shall include the findings-of-fact required by this Chapter together with any conditions, modifications, or other information pertinent to the determination. The notice of decision shall be mailed to the applicant and parties in interest in accordance with WMC Title 10A.

10.1Ha.110. Appeals.

A. Appeal to City Council. The City Council shall conduct a closed record appeal of the decision upon petition of any aggrieved person filed within 15 days after the notice of decision is issued. The Council appeal proceedings, notice thereof, and the Council's written determination shall conform to the requirements of WMC Title 10A.

B. Judicial Appeals. After a notice of decision is issued by the City Council following an appeal, any aggrieved party with standing to appeal as set forth in WMC Title 10A, may appeal the decision to the Walla Walla County Superior Court pursuant to WMC Title 10A and RCW Chapter 36.70C.

10.1Ha.120. Duration. Every right or privilege authorized by the grant of a minor variance permit shall terminate one year after the granting of such permit unless the work necessary to implement such minor variance has been completed. The Building Inspector and the Chairman of the Planning Commission may grant an extension for cause, not to exceed one year.

10.1Ha.130. Revocation. The Building Inspector and Chairman of the Planning Commission shall have continuing jurisdiction over any minor variance permit. To consider the revocation of a minor variance permit, they shall hold a public hearing after giving notice in accordance with Section 10A.07.030. They may revoke and terminate the minor variance permit, in whole or in part, reaffirm the minor variance permit, modify the conditions, or impose new conditions.

A minor variance permit may be revoked or conditions modified or added on any one or more of the following grounds:

- A. The minor variance permit was obtained by fraud or misrepresentation; or
- B. The minor variance permit has been exercised contrary to the terms or conditions of approval; or
- C. The use is in violation of any statute, ordinance, law, or regulation; or
- D. The use permitted is being or has been so exercised as to be detrimental to the public health, safety, or welfare, or so as to constitute a nuisance.

Chapter 10.1Ia - Conditional Use Permits (Ord. 873, May 19, 2004)

Sections:

- 10.1Ia.010 Purpose
- 10.1Ia.020 Authority of the Planning Commission
- 10.1Ia.025 Definitions
- 10.1Ia.030 Burden of Proof
- 10.1Ia.040 Authorization for Filing
- 10.1Ia.050 Application Filing
- 10.1Ia.060 Filing Fees
- 10.1Ia.070 Public Hearings and Notice
- 10.1Ia.080 Review Criteria
- 10.1Ia.090 Conditions
- 10.1Ia.100 Notice of Decision
- 10.1Ia.110 Appeals
- 10.1Ia.120 Duration of Conditional Use Permit
- 10.1Ia.130 Revocation

10.1Ia.010. Purpose. The purpose of this chapter is to provide a procedure for approval of minor conditional permits.

10.1Ia.020. A Minor Conditional use Permit may be issued upon concurrence of the Building Inspector and the Chairman of the Planning Commission acting pursuant to this chapter. The Building Inspector and the Chairman of the Planning Commission acting together shall hear and decide all applications for minor conditional use permits. In granting any minor conditional use permit, they may impose conditions to safeguard and protect the public health, safety, and promote the general welfare, and to insure that the development so authorized is in accordance with approved plans and consistent with the objectives of the Zoning Ordinance. In the event that either the Building Inspector or the Chairman does not concur in granting a permit under this chapter, the applicant may proceed pursuant to WMC 10.1I.

10.1Ia.025. Definitions. A minor conditional use is a conditional use that meets all the criteria of Chapter 10.1I of this Title that also meets the following conditions: it is identified as a minor conditional use by any section of chapters 10.1J through 10.1W of this Title; the use is inconspicuous; does not change size of lot; does not create an adverse impact on neighboring property; and does not require a modification of building code requirements.

10.1Ia.030. Burden of Proof. The burden of proof to establish that findings-of-fact can be made as required by this Chapter is on the applicant.

10.1Ia.040. Application. Application for a minor conditional use permit may be initiated by the record owner or owners of the subject property or authorized agent thereof.

10.1Ia.050. Application Form. Applications for minor conditional use permits shall be made upon forms available from the City and shall contain all information necessary to evaluate the proposal, including but not limited to maps, drawings to scale of land and buildings, dimensions, descriptions, and data to support that the required findings of fact exist. The application shall contain a statement containing any facts in support of the permit which the applicant wishes to make. Such applications and accompanying materials shall be filed with the City Clerk.

10.1Ia.060. Filing Fees. Filing fees, in an amount specified by resolution of the City Council, shall be paid upon the filing of each application for a minor conditional use permit.

10.1Ia.070. Procedure. Action on the application shall be conducted as an administrative approval subject to notice pursuant to title 10A of the Waitsburg Municipal Code. Notice shall be given as provided in WMC 10A.09.020.

10.1Ia.080. Review Criteria. A minor conditional use permit shall be granted only if the Building Inspector and Planning Commission Chairman concur in making written findings of fact that:

A. The proposed use meets the criteria of a minor conditional use as defined in section 10.1Ia.025 above;

B. The proposed use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment;

C. The proposed use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property;

D. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation currently exist for the proposed use;

F. Granting the permit will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, and will not adversely impact the implementation of the city's comprehensive plan; and

G. The proposed use will be consistent with the elements and policies of the Comprehensive Plan.

10.1Ia.090. Conditions. The Building Inspector and Chairman of the Planning Commission shall have the authority to establish conditions to ensure that approval of the minor conditional use permit is consistent with the review criteria.

10.1Ia.100. Notice of Decision. The decision shall be in writing and shall include the findings-of-fact required by this Chapter together with any conditions, modifications, or other information pertinent to the determination. The notice of decision shall be mailed to the applicant and parties in interest in accordance with WMC Title 10A.

10.1Ia.110. Appeals.

A. Appeal to City Council. The City Council shall conduct a closed record appeal of the decision upon petition of any aggrieved person filed within 15 days after the notice of decision is issued. The Council appeal proceedings, notice thereof, and the Council's written determination shall conform to the requirements of WMC Title 10A.

B. Judicial Appeals. After a notice of decision is issued by the City Council following an appeal, any aggrieved party with standing to appeal as set forth in WMC Title 10A, may appeal the decision to the Walla Walla County Superior Court pursuant to WMC Title 10A and RCW Chapter 36.70C.

10.1Ia.120. Duration. Every right or privilege authorized by the grant of a minor conditional use permit shall terminate one year after the granting of such permit, unless the work necessary to implement such minor conditional use has been completed. The Building Inspector and the Chairman of the Planning Commission may grant an extension for cause, not to exceed one year.

10.1Ia.130. Revocation. The Building Inspector and Chairman of the Planning Commission shall have continuing jurisdiction over any minor conditional use permit. To consider the revocation of a minor conditional use permit, they shall hold a public hearing after giving notice in accordance with Section 10A.07.030. They may revoke and terminate the minor conditional use permit, in whole or in part, reaffirm the permit, modify the conditions, or impose new conditions.

A minor conditional use permit may be revoked or conditions modified or added on any one or more of the following grounds:

- A. The permit was obtained by fraud or misrepresentation; or
- B. The permit has been exercised contrary to the terms or conditions of approval; or
- C. The use is in violation of any statute, ordinance, law, or regulation; or
- D. The use permitted is being or has been so exercised as to be detrimental to the public health, safety, or welfare, or so as to constitute a nuisance.



## Chapter 10.1J - Home Occupation Permit

### Sections:

- 10.1J.010 Purpose
- 10.1J.020 Home Occupation Permit Standards
- 10.1J.030 Application Filing
- 10.1J.040 Filing Fees
- 10.1J.050 Decision by the Planning Commission
- 10.1J.060 Permit Not Transferable
- 10.1J.070 Duration of Home Occupation Permit
- 10.1J.080 Revocation

10.1J.010. Purpose. The purpose of the home occupation permit is to allow an occupation incidental to and subordinate to a residential use. In order to protect the residential neighborhood, the peace, health, safety, and general welfare will be promoted if such uses are authorized only by home occupation permit in accordance with the criteria hereinafter set forth.

10.1J.020. Home Occupation Permit Standards. A home occupation permit shall be granted only if the proposed home occupation complies with the following standards:

A. No more than 25 percent of the floor space of a dwelling in which it is located up to a maximum of 400 square feet. A home occupation shall not occupy more than 400 square feet of an accessory structure, and a home occupation shall not occupy more than 400 square feet total;

B. No materials or mechanical equipment shall be used that will be detrimental to the residential use of the residence or adjoining residences because of vibration, dust, smoke, odor, interference with radio or television reception or other factors. No hazardous or highly flammable material is allowed and no equipment that is not normally used in residential areas shall be used;

C. No signs shall be maintained on any part of the premises on which a home occupation is conducted except that one flat sign, flush against the dwelling, not exceeding two square feet in size and no side of which sign exceeds two linear feet, stating the name of the occupant and the type of home occupation, may be maintained on a dwelling used for a home occupation. Such sign shall be unlighted. There shall be no window display in a dwelling in which a home occupation is carried on and there shall be no display of a sample commodity outside such dwelling;

D. The parking of customers' vehicles shall not be allowed in such a manner or frequency as to cause a disturbance to nearby residents or as to necessitate off-street parking;

E. No more than one person other than residents of the dwelling unit may be employed in the home occupation;

F. Traffic generated by the home occupations shall not exceed two commercial vehicles per week;

G. No equipment or material may be stored, altered or repaired on any exterior portion the premises;

H. Home occupations shall comply with all other city, state or federal regulations pertinent to the activity pursued;

I. The home occupation shall be incidental and subordinate to the principal use of the structure as a dwelling;

J. Businesses for which the primary activity is the retail sales of goods shall not be permitted as a home occupation.

10.1J.030. Application Filing. Applications for home occupation permits shall be made on forms prescribed by the City and shall contain all required information, including the signature of the record owner or owners of the subject property or authorized agent thereof. Such applications shall be filed with the City Clerk. The administrative provisions of WMC Title 10A shall apply unless the City determines that the nature of the home occupation dictates a quasi-judicial proceeding.

10.1J.040. Filing Fees. Filing fees in a amount specified by resolution of the City Council shall be paid upon the filing of each application for home occupation permit.

10.1J.050. Decision by the Planning Commission. The Planning Commission shall consider the home occupation permit application based on the standards set forth in section 10.1J.020, and may inspect the premises, after which a decision to either grant the home occupation permit, conditionally grant such permit, or deny the permit shall be issued in writing. The written notice of decision shall be mailed to the applicant and to other interested parties of record, in accord with WMC Title 10A.

10.1J.060. Permit Not Transferable. No permit issued under this Chapter shall be transferred or assigned, nor shall the permit authorize any person other than named therein to commence or carry on the home occupation for which the permit was issued.

10.1J.070. Duration of Home Occupation Permit. A home occupation permit shall remain in force as long as the authorized occupation is continuously maintained.

10.1J.080. Revocation. In the event a business fails to comply with this Chapter the City Clerk shall send a written notice to the home business operator. The notice shall describe the failure to comply and allow a reasonable time for compliance. If the business fails to comply after receiving one notice the City Clerk shall report the matter to the Planning Commission. A home occupation permit shall be revocable at any time by the Planning Commission after a hearing in which the Commission finds that there has been a violation of any one of the standards set forth in this Chapter. Notice of a revocation of permit hearing shall be given by certified mail directed to the permit holder at the dwelling for which the permit was issued prior to the hearing in accordance with WMC Title 10A.

## Chapter 10.1K - Residential (R-1) Zone

### Sections:

- 10.1K.010 Description and Purpose
- 10.1K.020 Permitted Primary Uses
- 10.1K.030 Permitted Accessory Uses
- 10.1K.040 Conditional Uses
- 10.1K.045 Minor Conditional Uses
- 10.1K.050 Site (Lot) Area and Frontage
- 10.1K.060 Yards and Site Coverage
- 10.1K.070 Height Limits
- 10.1K.080 Off-Street Parking and Loading

10.1K.010. Description and Purpose. The Residential (R-1) Zone is intended as a zone which recognizes the residential development patterns of the City.

10.1K.020. Permitted Primary Uses. No building, structure, or land shall be used, and no building, structure, or use in the Residential (R-1) Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

- A. One single family residential dwelling per lot or parcel,
  - 1. When the permitted residential dwelling is a designated manufactured, manufactured, mobile, or modular home, it shall conform to the following: comply with all provisions of Chapter 10.1T of this Zoning Ordinance; be permanently connected to water, power, and sanitary sewer utilities; and be landscaped in a manner so as to be in harmony with surrounding residential properties so that the general character and integrity of the neighborhood are preserved.
- B. Two-family (duplex) residential dwellings subject to the lot area standards in Section 10.1K.050 of this Chapter.
- C. Public parks or playgrounds, and buildings or parking areas accessory thereto.
- D. Fruit and vegetable gardening on vacant land.
- D. Temporary construction offices within the tract or subdivision on which buildings are being erected, and only for the duration of active construction.

10.1K.030. Permitted Accessory Uses. The following accessory uses shall be permitted in the Residential (R-1) Zone:

A. Accessory living quarters, provided that they do not constitute an extra dwelling unit on the property.

B. The creation of a second dwelling unit, more commonly known as a “studio apartment”, “granny flat” or “guest house “ provided that, at a minimum:

1. The second unit does not encompass more than 800 square feet of floor space or 33 percent of the living area of the primary residential structure, whichever is smaller;

2. There shall be only one entrance on the front of the house, however, additional entrances may be permitted at the side or rear of the house;

3. The second unit shall have separate kitchen and bathroom facilities from the primary dwelling unit;

4. One off-street parking space shall be provided in addition to the off-street parking spaces required for the principal residence, which parking shall be provided in the rear of the lot or on a driveway outside the required front yard;

5. Either the principal residence or the second unit shall be occupied by an owner of the property;

6. Separate utility meters are provided for the accessory unit;

B. Boardinghouses and lodging houses provided that there are no more than four boarders or lodgers in a single-family dwelling, or four in each unit of a two-family (duplex) dwelling.

C. Shelters for cats and dogs, when the total number of dogs and/or cats is below the number defined as a “kennel”, and when kept on the same lot as the residence.

D. Detached garages for the private use of the residence, provided that a detached garage shall not extend beyond the front line of the principal building nor be closer than 20 feet to any flanking street right-of-way line.

E. Fruit and vegetable gardening and green houses solely maintained for private, non-commercial purposes.

F. Home occupations authorized in accordance with Chapter 10.1J of the Zoning Ordinance.

G. In home day care for 12 or fewer children, including the children residing in the home.

H. In home long-term care of six or fewer elderly persons licensed by the State.

I. Radio or television antenna or tower, or a satellite communication dish maintained for private, non-commercial purposes, provided that: when erected upon a structure, the height of the antenna, tower, or dish does not exceed the height of the structure upon which it is located by six feet; or, when erected as a free-standing accessory, the height of the antenna, tower, or dish does not exceed the height of the primary structure on the property by 10 feet. Any such free-standing antenna, tower, or dish shall be set back from any and all property lines a minimum distance equal to one foot more than the overall height of the antenna, tower, or dish.

J. Residential signs, unlit, subject to the following criteria: a name plate and/or street address sign, not exceeding two square feet in area, and containing the name(s) of the resident(s) of the dwelling and/or the street address number of the premises; a real estate sign, not exceeding six square feet in area, notifying that the premises is for sale, rent, or lease.

K. Swimming pools, spas, and/or unlighted tennis courts for the exclusive use of the occupants of the premises and their guests.

L. Storage buildings, provided that all storage shall be wholly within an enclosed building or shall be completely screened from view from surrounding properties and public rights-of-way, and shall be accessory to the permitted use on the site; there shall be no storage in any required front street or flanking street yard area. The private, noncommercial storage of up to two inoperable or not currently licensed vehicles, or remnants thereof, shall comply with the provisions of this paragraph.

10.1K.040. Conditional Uses. The following uses may be permitted in the Residential (R-1) Zone, subject to the approval of a Conditional Use Permit in compliance with the conditions and requirements set forth in Chapter 10.1I of this Zoning Ordinance:

A. Bed and breakfast inns provided that, at a minimum: the proprietor resides in the dwelling where the bed and breakfast business is conducted; one off-street guest parking space is provided for each guest room in addition to the parking required for the dwelling; adequate rest rooms are provided in accordance with County and State regulations; and compliance with State, County, and local building and fire regulations has been demonstrated.

B. Churches and houses of worship;

C. Art galleries, libraries;

D. Day care, nursery school, or preschool facility for more than 12 children;

- E. Green houses and nurseries of a non commercial nature;
- F. Height of buildings in excess of the limitations of Section 10.1K.070 of this Chapter;
- G. Hospitals and public or private elementary or secondary schools;
- H. Hotels and motels;
- I. Manufactured Home Parks provided that the park conforms to all requirements set forth in Chapter 10.1S of this Code.
- J. Public and quasi-public utility structures such as substations, pumping plants, communications towers, and similar uses.
- K. Multi-family residential structures, provided that the lot is at least 20,000 sq. feet plus 1,200 square feet of additional lot area for each dwelling unit over two units.

M. Facilities designated and operated for the parking and storage, both long and short term, for vehicles. (Ord. 870 January 21, 2004)

10.1K.045. Minor Conditional Uses. The following uses may be permitted in the Residential (R-1) Zone, subject to the approval of a Minor Conditional Use Permit in accordance with the conditions and requirements set forth in Chapter 10.1Ia of this Zoning Ordinance:

A. Green houses of a non commercial nature; (Ord. 873 May 19, 2004)  
10.1K.050. Site (Lot) Area and Frontage. The following site size and street frontage standards shall apply to all permitted or conditional uses in the Residential (R-1) Zone:

A. The required minimum lot area for new platted lots shall be 7,500 square feet.

B. The required minimum lot area for a two-family (duplex) structure shall be 20,000 square feet, except for corner lots in which case a duplex may be constructed if one side of the duplex fronts each street.

C. Each new platted lot or parcel shall have a minimum width at the building line (front street setback) of 75feet.

10.1K.060. Yards and Site Coverage. The following yard (setback) and site coverage standards shall be observed by all uses in the Residential (R-1) Zone:

A. Street Frontage Yard. The minimum setback from any fronting street shall be 20 feet from the street frontage property line or 45 feet from the street

centerline, whichever is greater. The minimum setback from any flanking street shall be 10 feet from the flanking street property line or 35 feet from the street centerline, whichever is greater.

1. No building or fencing, nor any sight obstruction which constitutes a hazard to the traveling public as determined by the City Council, shall be permitted on any corner lot within the area designated as the “clear view triangle”, which can be determined by measuring 75 feet from the center of two intersecting streets along the centerline of each street, then connecting the two points with a straight line forming the hypotenuse of the “clear view triangle.”

Trees within the clear view triangle shall have their branches removed from ground level to a minimum of seven feet above ground level, and shrubs within such clear view triangle shall be maintained at a maximum height of three feet above ground level. In cases where such “clear view triangle” will not provide adequate sight distance, the City Council shall determine the required area needed to reduce hazards to the traveling public.

2. Fences with a maximum height of 42 inches may be located on the fronting or flanking street property line outside the area encompassed by the “clear view triangle”.

B. Rear Yard. Rear yards shall have a minimum depth of 20 feet from the rear property line.

1. Fences with a maximum height of 72 inches may be located on the rear property line.

C. Side Yard. Side yards shall have a minimum depth of five feet from each side property line. On a lot having a width of less than 40 feet, as shown by the last conveyance of record at the time of passage of this Chapter, side yards shall have a minimum depth of three feet from each side property line.

1. Fences with a maximum height of 72 inches may be located on the side property line.

D. Yard Exceptions.

1. Eaves and cornices may project into a required front, flanking street, or side yard (setback) area up to two feet. Eaves and cornices projecting into the rear yard are not limited in the depth of the projection.

2. Terraces, platforms, and porches having no roof covering and being not over 42 inches in height, may extend into a minimum front yard not more than six feet. Steps may connect such extensions to the ground level. Terraces, platforms, and porches having no roof covering are not permitted in any flanking



street or side yard (setback) area. Terraces, platforms, and porches having no roof covering projecting into the rear yard are not limited in the depth of the projection.

3. Projecting chimneys may project into a side yard (setback) area up to 18 inches. Chimney projections are not permitted in any street. Chimneys projecting into the rear yard are not limited in the depth of the projection.  
(Ord.# 801, July 5, 2000)

4. Permitted accessory buildings and structures may be erected within the rear yard, provided that the area covered by accessory buildings and structures shall not exceed 50% of the area of the rear yard.

E. Site Coverage. The maximum site coverage for all buildings and structures shall be 35%, except for lots with a duplex in which case the lot coverage may be expanded to 45%.

10.1K.070. Height Limits. No building or structure in the Residential (R-1) Zone shall exceed a height of two stories or a total height above grade of 35 feet.

10.1K.080. Off-Street Parking and Loading. Parking and loading standards for uses in the Residential (R-1) Zone shall conform to the standards set forth in Chapter 10.1U of this Zoning Ordinance.

A. Where the parking requirements for a use are not specifically defined in this Zoning Ordinance, the parking requirements for such use shall be determined by the City Council, and such determination shall be based upon the requirements for the most comparable use specified in this Zoning Ordinance, or other requirements based upon the best available information concerning the proposed use.

Chapter 10.2K - Temporary use of RV for Residence

10.2K.010 An owner of a lot in the city may, at his or her discretion allow the temporary use of a recreational vehicle (RV) as a residence, subject to the following conditions:

The use not exceeds twenty-one (21) days in one calendar year.

The RV must be parked entirely within the back yard or side yard of the lot.

An RV may not be in the front yard of a lot or no part of it may be on any public right-of-way.

The RV must be located at least five (5) feet away from any adjoining property lines, five (5) feet from any other structure on the lot, and at least twenty (20) feet from a public right-of-way.

All utility connections to the RV must meet all standards for electrical, fire, and plumbing codes.

(ord. No 832; February, 2002)

## Chapter 10.1L - Central Commercial (C-1) Zone

### Sections:

- 10.1L.010 Description and Purpose
- 10.1L.020 Permitted Primary Uses
- 10.1L.030 Permitted Accessory Uses
- 10.1L.040 Conditional Uses
- 10.1L.050 Site (Lot) Area and Frontage
- 10.1L.060 Yards and Site Coverage
- 10.1L.070 Height Limits
- 10.1L.080 Off-Street Parking and Loading

10.1L.010. Description and Purpose. The Central Commercial (C-1) Zone is intended to encourage and accommodate the development and preservation of a viable central business district serving a broad trade area

10.1L.020. Permitted Primary Uses. No building, structure, or land shall be used, and no building, structure, or use in the Central Commercial (C-1) Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

#### A. Commercial Uses:

1. Bakeries;
  2. Banks and other financial services;
  3. Business and professional offices, including government offices and medical and dental offices;
  4. Clothing and clothing accessory retail sales;
  5. Delicatessens and meat markets;
  6. Drug stores and pharmacies;
  7. Dry cleaning and laundry establishments;
  8. Florist and plant shops;
  9. Food stores and markets;
  10. Furniture and other home accessory sales such as carpets, drapes, and paint;
  11. General merchandise and other retail sales;
  12. Hardware stores;
  13. Hotels;
  14. Lock and key services;
  15. Personal services, including barber and beauty shops;
  16. Pet shops, including grooming services;
  17. Photographic services, including portrait studios and photo developing stores;
  18. Printing and publishing services;
  19. Radio, television, and other electronics sales and services;
- Restaurants, cafeterias, catering services, lounges, and taverns;  
Wine tasting rooms;

22. Shoe repair and clothing alterations shops;
23. Other uses which the Planning Commission, determines to be similar in nature, function, and operation to permitted primary uses in the C-1 Zone.

B. Noncommercial Uses:

1. Multi-family or single family residential uses above a ground floor commercial occupancy;
2. Churches, synagogues, temples, and houses of worship;
3. Fraternal or philanthropic lodges and institutions; and
4. Public and utility uses.

Section 10.1L.030. Permitted Accessory Uses. The following accessory uses shall be permitted in the Central Commercial (C-1) Zone:

- A. An on-site residence for security persons, caretakers, custodians, or officials of a church or other house of worship employed or otherwise retained by the primary use.
- B. Parking in conformance with the provisions set forth in WMC Chapter 10.1U,
- C. Signs in conformance with the provisions set forth in WMC Chapter 10.1V.

Section 10.1L.040. Conditional Uses. The following uses may be permitted in the Central Commercial (C-1) Zone, subject to the approval of a Conditional Use Permit in compliance with the conditions and requirements set forth in WMC Chapter 10.1I:

- A. Convalescent homes, sanitariums, or retirement homes;
- B. Day care, nursery school, or preschool facilities and services;
- C. Elementary and secondary schools, public or private;
- D. Exceptions to the height of buildings and structures as provided for in Section 10.1L.070 of this Chapter;
- E. Funeral homes, mortuaries, and crematories.
- F. Pawn shops;
- G. Service stations;
- H. Theaters, dance halls, skating rinks, bowling alleys, arcades, and other commercial amusement places; and

I. Veterinary offices, including hospitalization and boarding services.

10.1L.050. Site (Lot) Area and Frontage. The following site size and street frontage standards shall apply to all uses in the Central Commercial (C-1) Zone:

A. The required minimum lot area for new platted lots shall be 2,500 square feet.

B. Each new platted lot or parcel shall have a minimum width at the building line 25 feet.

10.1L.060. Yards and Site Coverage. The following yard (setback) and site coverage standards shall be observed by all uses in the Central Commercial (C-1) Zone:

A. Street Frontage Yard. There shall be no minimum setback from any street, fronting or flanking, except at intersecting streets where the “clear view triangle” provisions contained in Section 10.1K.060 of WMC Chapter 10.1K shall apply.

B. Rear Yard. There shall be no rear yard setback from the rear property line, except where the rear property line abuts property in the Residential (R-1) Zone with no intervening street or alley, in which case commercial buildings and structures shall observe a minimum rear yard setback of 15 feet.

1. Fences with a maximum height of 72 inches may be located on the rear property line.

C. Side Yard. There shall be no side yard setback from the side property line, except where the side property line abuts property in the Residential (R-1) Zone with no intervening street or alley, in which case commercial buildings and structures shall observe a minimum side yard setback of five feet.

1. Fences with a maximum height of 72 inches may be located on the side property line.

D. Exceptions. The provisions contained in Section 10.1K.060.D of WMC Chapter 10.1K shall apply.

10.1L.070. Height Limits. No building or structure in the Central Commercial (C-1) Zone shall exceed a height of 35 feet or two stories. Additional height may be permitted subject to the Conditional Use Permit provisions of WMC Chapter 10.1I.

10.1L.080. Off-Street Parking and Loading. Parking and loading for uses in the Central Commercial (C-1) Zone shall conform to the standards set forth in WMC Chapter 10.1U.

A. Where the parking requirements for a use are not specifically defined in this Zoning Ordinance, the parking requirements for such use shall be determined by the Planning Commission, and such determination shall be based upon the requirements for the most comparable use specified in this Zoning Ordinance, or other requirements based upon the best available information concerning the proposed use.

## Chapter 10.1M - General Commercial (C-2) Zone

### Sections:

- 10.1M.010 Description and Purpose
- 10.1M.020 Permitted Primary Uses
- 10.1M.030 Permitted Accessory Uses
- 10.1M.040 Conditional Uses
- 10.1M.050 Site (Lot) Area and Frontage
- 10.1M.060 Yards and Site Coverage
- 10.1M.070 Height Limits
- 10.1M.080 Off-Street Parking and Loading
- 10.1M.090 Performance Standards

10.1M.010. Description and Purpose. The General Commercial (C-2) Zone is intended as a zone which recognizes the commercial development patterns of the City, outside the central business district, and in accordance with the Comprehensive Plan.

10.1M.020. Permitted Primary Uses. No building, structure, or land shall be used, and no building, structure, or use in the General Commercial (C-2) Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

#### A. Commercial Uses:

1. Automotive repair services, including battery shops and tire repair shops;
2. Bakeries;
3. Banks and other financial services;
4. Business and professional offices, including medical and dental offices;
5. Car washes;
6. Carpet, furniture, and upholstery cleaning and repair establishments;
7. Clothing and clothing accessory retail sales;
8. Convalescent homes; sanitariums, or retirement homes;
9. Day care, nursery school, or preschool facilities and services;
10. Delicatessens and meat markets;
11. Drug stores and pharmacies;
12. Dry cleaning and laundry establishments;
13. Florist and plant shops;
14. Food stores and markets;
15. Furniture and other home accessory sales such as carpets, drapes, and paint;
16. General merchandise and other retail sales;
17. Hardware stores;
18. Hotels, motels, bed and breakfast inns, and lodging houses;
19. Household appliance repair shops;
20. Lock and key services;

21. Lumber yards, building material sales, and fuel yards, provided they are completely housed, and provided further that no such yard shall be maintained closer than 100 feet to the side lines of any property in the Residential (R-1) Zone;
22. Medical and dental laboratories;
23. Motor vehicle and farm equipment sales, leasing, rental, and services;
24. Pawn shops;
25. Personal services, including barber and beauty shops;
26. Pet shops, including grooming services;
27. Photographic services, including portrait studios and photo developing stores;
28. Printing and publishing services;
29. Radio, television, and other electronics sales and services;
30. Restaurants, cafeterias, catering services, lounges, and taverns;
31. Service stations;
32. Shoe repair and clothing alterations shops;
33. Veterinary offices, including hospitalization and boarding services; and
34. Other uses which the Planning Commission determines to be similar in nature, function, and operation to permitted primary uses in the C-2 Zone.

B. Noncommercial Uses:

1. Churches, synagogues, temples, and houses of worship;
2. Fraternal or philanthropic lodges and institutions; and
3. Public and utility uses.

10.1M.030. Permitted Accessory Uses. The following accessory uses shall be permitted in the General Commercial (C-2) Zone:

- A. An on-site residence for security persons, caretakers, custodians, or officials of a church or other house of worship employed or otherwise retained by the primary use.
- B. Parking in conformance with the provisions set forth in WMC Chapter 10.1U.
- C. Signs in conformance with the provisions set forth in WMC Chapter 10.1V.

10.1M.040. Conditional Uses. The following uses may be permitted in the General Commercial (C-2) Zone, subject to the approval of a Conditional Use Permit in compliance with the conditions and requirements set forth in WMC Chapter 10.1I:

- A. Elementary and secondary schools, public or private;
- B. Exceptions to the height of buildings and structures as provided for in Section 10.1M.070 of this Chapter;



- C. Funeral homes, mortuaries, and crematories;
- D. Hospitals;
- E. Kennels;
- F. Nurseries, garden supplies, and greenhouses;
- G. Recreational vehicle parks and tourist cabins;
- H. Off-premises advertising signs;
- I. Single family, two-family, or multi-family dwellings provided that the yard areas, height, and other standards of WMC Chapter 10.1K are met;
- J. Theaters, dance halls, skating rinks, bowling alleys, arcades, and other commercial amusement places.

10.1M.050. Site (Lot) Area and Frontage. The following site size and street frontage standards shall apply to all uses in the General Commercial (C-2) Zone:

A. The minimum site or parcel area for all sites shall be determined by the Planning Commission on a case-by-case basis, depending upon the nature of the proposed use.

B. Each site or parcel shall have a minimum width at the street facing property line as determined by the Planning Commission to be appropriate for the proposed use.

10.1M.060. Yards and Site Coverage. The following yard (setback) and site coverage standards shall be observed by all uses in the General Commercial (C-2) Zone:

A. Street Frontage Yard. There shall be no minimum setback from any street, fronting or flanking, except at intersecting streets where the “clear view triangle” provisions contained in Section 10.1K.060 of WMC Chapter 10.1K shall apply.

B. Rear Yard. There shall be no rear yard setback from the rear property line, except where the rear property line abuts property in the Residential (R-1) Zone with no intervening street or alley, in which case commercial buildings and structures shall observe a minimum rear yard setback of 15 feet.

1. Fences with a maximum height of 72 inches may be located on the rear property line.

C. Side Yard. There shall be no side yard setback from the side property line, except where the side property line abuts property in the Residential (R-1) Zone with no intervening street or alley, in which case commercial buildings and structures shall observe a minimum side yard setback of five feet.

1. Fences with a maximum height of 72 inches may be located on the side property line.

D. Exceptions. The provisions contained in Section 10.1K.060.D of WMC Chapter 10.1K shall apply.

10.1M.070. Height Limits. No building or structure in the General Commercial (C-2) Zone shall exceed a height of 35 feet or two stories. Additional height may be permitted subject to the Conditional Use Permit provisions of WMC Chapter 10.1I.

10.1M.080. Off-Street Parking and Loading. Parking and loading for uses in the General Commercial (C-2) Zone shall conform to the standards set forth in WMC Chapter 10.1U.

A. Where the parking requirements for a use are not specifically defined in this Zoning Ordinance, the parking requirements for such use shall be determined by the Planning Commission, and such determination shall be based upon the requirements for the most comparable use specified in this Zoning Ordinance, or other requirements based upon the best available information concerning the proposed use.

10.1M.090. Performance Standards. All uses in the General Commercial (C-2) Zone shall be developed and used in a manner that complies with the following performance standards:

A. All uses shall fully comply with all applicable federal, State, and County standards governing noise, vibrations, odors, air quality, smoke, hazardous materials, sanitary waste, and solid waste.

B. All uses shall be operated in such a manner that there is no discharge whatsoever into a public or private sewerage disposal system or into the ground of any materials that may contaminate any domestic water supply source or surface waters, or that may otherwise cause the emission of dangerous or offensive elements.

C. All flammable materials shall be stored in accordance with the latest edition of the Uniform Fire Code in a manner satisfactory to the Fire Chief.

D. All lighting shall be arranged so as to not produce glare on public roadways and/or upon any neighboring residential properties.

E. All roadways, parking spaces, and storage areas shall be treated and maintained to effectively eliminate dust as a result of wind or usage. Open spaces shall be landscaped or otherwise maintained to effectively eliminate dust and to enhance the aesthetic appearance of the use of the property.

F. All uses shall collect and suitably dispose of stormwater runoff. Any building permit application shall be accompanied by a drainage plan, and the approved stormwater runoff collection and disposal system shall be installed and functional prior to approval of completed construction on the property.

G. All open storage shall be enclosed by a fence which obscures the view of the open storage area from adjoining properties and streets. Inoperable or not currently licensed vehicles, remnants thereof, or parts, shall be stored within a completely enclosed building. Operable new or used automobiles, recreational vehicles, other vehicles, or machinery, normally displayed for sales purposes on an open lot, may be so displayed.

## Chapter 10.1N - Flexible C-R (CR) Zone

### Sections:

10.1N.010	Description and Purpose
10.1N.020	Permitted Primary Uses
10.1N.030	Permitted Accessory Uses
10.1N.040	Conditional Uses
10.1N.050	Site (Lot) Area and Frontage
10.1N.060	Yards and Site Coverage
10.1N.070	Height Limits
10.1N.080	Off-Street Parking and Loading

10.1N.010. Description and Purpose. The Flexible C-R (CR) Zone is intended as a zone which recognizes the viability of a mixed use atmosphere, wherein residential uses can be compatible with limited commercial activities of a low intensity nature in accordance with the Comprehensive Plan.

10.1N.020. Permitted Primary Uses. No building, structure, or land shall be used, and no building, structure, or use in the Flexible C-R (CR) Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

A. One single family residential dwelling per lot or parcel, provided however, two-family (duplex) residential dwellings are permitted subject to the lot area standards in Section 10.1K.050 of WMC Chapter 10.1K.

1. When the permitted residential dwelling is a designated manufactured, manufactured, mobile, or modular home, it shall conform to the following: comply with all provisions of Chapter 10.1T of this Zoning Ordinance; be permanently connected to water, power, and sanitary sewer utilities; and be landscaped in a manner so as to be in harmony with surrounding residential properties so that the general character and integrity of the neighborhood are preserved.

B. Bed and breakfast inns.

C. Art galleries and libraries.

D. Fruit and vegetable gardening and on-site sale of such produce.

E. Nurseries, garden supplies, and greenhouses.

F. Day care, nursery school, or preschool facilities and services.

G. Florist and plant shops.

- H. Fraternal or philanthropic lodges and institutions.
- I. Public parks or playgrounds, and buildings accessory thereto.
- J. Other uses which the Planning Commission determines to be similar in nature, function, and operation to permitted primary uses in the CR Zone.

10.1N.030. Permitted Accessory Uses. The following accessory uses shall be permitted in the Flexible C-R (CR) Zone:

- A. Any accessory use allowed in Section 10.1K.030 of WMC Chapter 10.1K (the R-1 Zone).
- B. An on-site residence for security persons, caretakers, custodians, or officials of a church or other house of worship employed or otherwise retained by the primary use.
- C. Parking in conformance with the provisions set for in WMC Chapter 10.1U.
- D. Signs in conformance with the provisions set forth in WMC Chapter 10.1V.

10.1N.040. Conditional Uses. The following uses may be permitted in the Limited Commercial (C-3) Zone, subject to the approval of a Conditional Use Permit in compliance with the conditions and requirements set forth in WMC Chapter 10.1I:

- A. Any conditional use listed in Section 10.1K.030 of WMC Chapter 10.1K (the R-1 Zone) which is not a permitted primary use in the Flexible C-R (CR) Zone.
- B. Exceptions to the height of buildings and structures as provided for in Section 10.1N.070 of this Chapter.

10.1N.050. Site (Lot) Area and Frontage. The following site size and street frontage standards shall apply to all uses in the Flexible C-R (CR) Zone:

- A. The minimum site or parcel area for all sites shall be determined by the Planning Commission on a case-by-case basis, depending upon the nature of the proposed use.
- B. Each site or parcel shall have a minimum width at the street facing property line as determined by the Planning Commission to be appropriate for the proposed use.

10.1N.060. Yards and Site Coverage. The following yard (setback) and site coverage standards shall be observed by all uses in the Flexible C-R (CR) Zone:

A. All residential uses shall observe the yard area and site coverage standards of Section 10.1K.060 of WMC Chapter 10.1K (the R-1 Zone).

B. When a nonresidential use is abutting a residential use, the nonresidential use shall observe the yard area and site coverage standards required in Section 10.1K.060 of WMC Chapter 10.1K (the R-1 Zone).

C. When a nonresidential use is abutting another nonresidential use, the nonresidential use shall observe the yard area and site coverage standards required in Section 10.1M.060 of WMC Chapter 10.1N (the C-2 Zone).

D. The “clear view triangle” provisions contained in Section 10.1K.060 of WMC Chapter 10.1K shall apply.

E. Exceptions. The provisions contained in Section 10.1K.060 of WMC Chapter 10.1K shall apply.

10.1N.070. Height Limits. No building or structure in the Flexible C-R (CR) Zone shall exceed a height of 35 feet or two stories. Additional height may be permitted subject to the Conditional Use Permit provisions of WMC Chapter 10.1I.

10.1N.080. Off-Street Parking and Loading. Parking and loading for uses in the Flexible C-R (CR) Zone shall conform to the standards set forth in WMC Chapter 10.1U.

A. Where the parking requirements for a use are not specifically defined in this Zoning Ordinance, the parking requirements for such use shall be determined by the Planning Commission, and such determination shall be based upon the requirements for the most comparable use specified in this Zoning Ordinance, or other requirements based upon the best available information concerning the proposed use.

## Chapter 10.10 - Industrial (I-1)Zone

### Sections:

10.10.010	Description and Purpose
10.10.020	Permitted Primary Uses
10.10.030	Permitted Accessory Uses
10.10.040	Conditional Uses
10.10.050	Site (Lot) Area and Frontage
10.10.060	Yards and Site Coverage
10.10.070	Height Limits
10.10.080	Off-Street Parking and Loading
10.10.090	Performance Standards

10.10.010. Description and Purpose. The Industrial (I-1) Zone is intended as a zone which recognizes the industrial development patterns of the City in accordance with the Comprehensive Plan. In order to promote the public health, safety, and general welfare of the community, and to assure compatibility with surrounding areas, an appropriate variety of industrial uses shall be allowed.

10.10.020. Permitted Primary Uses. No building, structure, or land shall be used, and no building, structure, or use in the Industrial (I-1) Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

#### A. Industrial uses:

1. Agricultural uses of the land pertaining to crops;
2. Beverage and water production, bottling and distribution operations;
3. Car washes;
4. Carpet, furniture, and upholstery cleaning and repair establishments;
5. Contractors' offices, shops, and storage, including electrical, masonry, tile, plumbing, heating and ventilating, plastering, carpentry, roofing, glass, insulation, iron work, and similar services;
6. Electrical appliance and motor repair shops;
7. Electronic instrument manufacturing and assembly;
8. Food and dry good processing, packaging, and distribution operations;
9. Grain storage, warehousing and milling;
10. Household appliance repair shops;
11. Jewelry manufacturing;
12. Laboratories, experimental or testing;
13. Manufacture, sales, and service of windows, window screens, rain gutters, shades and awnings;
14. Optical device manufacturing and assembly;
15. Precision instruments manufacturing;
16. Recording and sensory instrument or device manufacturing and assembly;

17. Research, development, and testing, including scientific research or experimental development of materials, methods, and products;
18. Small tool sharpening and repair;
19. Vehicle and machinery repair and storage;
20. Warehousing and distribution;
21. Welding and metal fabricating shops;
22. Wineries;
23. Wholesaling; and
24. Other uses which the City Council determines to be similar in nature, function, and operation to permitted primary industrial uses in the I-1 Zone.

10.1O.030. Permitted Accessory Uses. The following accessory uses shall be permitted in the Industrial (I-1) Zone:

- A. Parking in conformance with the provisions set forth in WMC Chapter 10.1U.
- B. Signs in conformance with the provisions set forth in WMC Chapter 10.1V.

10.1O.040. Conditional Uses. The following uses may be permitted in the Industrial (I-1) Zone, subject to the approval of a Conditional Use Permit in compliance with the conditions and requirements set forth in WMC Chapter 10.1I:

- A. Agricultural uses of the land pertaining to livestock;
- B. Kennels;
- C. Manufacturing, processing, and fabrication uses not listed among permitted uses in the Industrial (I-1) Zone;
- D. Exceptions to the yard area requirements as provided for in Section 10.1O.060 of this Chapter;
- E. Structures that exceed the height restrictions of this Chapter.

10.1O.050. Site (Lot) Area and Frontage. There shall be no minimum lot area width or depth requirements in the Industrial (I-1) Zone.

10.1O.060. Yards and Site Coverage. The following yard (setback) and site coverage standards shall be observed by all uses in the Industrial (I-1) Zone:

- A. Street Frontage Yard. There shall be no minimum setback from any street, fronting or flanking, except at intersecting streets where the “clear view triangle” provisions contained in Section 10.1K.060 of WMC Chapter 10.1K shall apply, and except where the opposite side of the fronting or flanking street is in the



Residential (R-1) Zone, in which case buildings and structures shall observe a minimum street frontage yard setback of 50 feet.

1. Relief from the fronting or flanking street yard setback adjoining an R-1 Zone may be permitted subject to the Conditional Use Permit provisions of WMC Chapter 10.1I.

B. Rear and Side Yards. There shall be no rear or side yard setbacks from the rear or side property line, except where the rear or side property line abuts property in the Residential (R-1) Zone, in which case buildings and structures shall observe a minimum rear and/or side yard setback of 20 feet.

1. Relief from the rear and/or side yard setback adjoining an R-1 Zone may be permitted subject to the Conditional Use Permit provisions of WMC Chapter 10.1I.

C. Site Coverage. The maximum site coverage of all buildings and structures shall be 80%.

10.10.070. Height Limits. There shall be a height limit of 35 feet in the Industrial (I-1) Zone.

10.10.080. Off-Street Parking and Loading. Parking and loading standards for uses in the Industrial (I-1) Zone shall conform to the standards set forth in WMC Chapter 10.1U.

A. Where the parking requirements for a use are not specifically defined in this Zoning Ordinance, the parking requirements for such use shall be determined by the Planning Commission, and such determination shall be based upon the requirements for the most comparable use specified in this Zoning Ordinance, or other requirements based upon the best available information concerning the proposed use.

10.10.090. Performance Standards. All uses in the Industrial (I-1) Zone shall be developed and used in a manner that complies with the following performance standards:

A. All uses shall fully comply with all applicable federal, State, and County standards governing noise, vibrations, odors, air quality, smoke, hazardous materials, sanitary waste, and solid waste.

B. All uses shall be operated in such a manner that there is no discharge whatsoever into a public or private sewerage disposal system or into the ground of any materials that may contaminate any domestic water supply source or surface waters, or that may otherwise cause the emission of dangerous or offensive elements.

C. All flammable materials shall be stored in accordance with the latest edition of the Uniform Fire Code in a manner satisfactory to the Fire Chief.

D. All lighting shall be arranged so as to not produce glare on public roadways and/or upon any neighboring residential properties. Welding, acetylene torch, or other similar processes shall be performed so as to not be seen from outside the property lines.

E. All roadways, parking spaces, and storage areas shall be treated and maintained to effectively eliminate dust as a result of wind or usage. Open spaces shall be landscaped or otherwise maintained to effectively eliminate dust and to enhance the aesthetic appearance of the use of the property.

F. All uses shall collect and suitably dispose of stormwater runoff. Any building permit application shall be accompanied by a drainage plan, and the approved stormwater runoff collection and disposal system shall be installed and functional prior to approval of completed construction on the property.

G. All open storage shall be enclosed by a fence which obscures the view of the open storage area from adjoining properties and streets. Inoperable or not currently licensed vehicles, remnants thereof, or parts, shall be stored within a completely enclosed building. Operable new or used automobiles, recreational vehicles, other vehicles, or machinery, normally displayed for sales purposes on an open lot, may be so displayed.

## Chapter 10.1P - Cemetery (CEM) Zone

### Sections:

10.1P.010 Description and Purpose

10.1P.020 General Provisions

10.1P.030 Permitted Primary Uses

10.1P.040 Permitted Accessory Uses

10.1P.050 Landscaping and Screening

10.1P.010. Description and Purpose. The Cemetery (CEM) Zone is intended as a zone to address the unique requirements of cemetery uses in a manner conducive to the public health, safety, and general welfare, and in accordance with the Comprehensive Plan of the City.

10.1P.020. General Provisions. No person shall bury or inter, or cause to be buried or interred in the City, the body or remains of any human being except in the Cemetery (CEM) Zone.

10.1P.030. Permitted Primary Uses. No building, structure, or land shall be used, and no building, structure, or use in the Cemetery (CEM) Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted usage:

A. Cemeteries, including grounds, buildings, and structures intended for the interment of human remains, churches, chapels, crematories, mortuaries, mausoleums, columbariums, and sarcophagi.

10.1P.040. Permitted Accessory Uses. The following accessory uses, buildings, and structures shall be permitted in the Cemetery (CEM) Zone:

- A. Administrative buildings.
- B. Auditoriums.
- C. Cemetery maintenance facilities.
- D. Dwellings and/or sleeping quarters of persons employed on the premises.
- E. Fabrication of caskets and urns for human remains.
- F. Florist and plant shops.
- G. Garden crypts.
- H. Gates, fountains, statuary, and decorative features.

I. Markers, headstones, or monuments.

J. Parking in accordance with WMC Chapter 10.1U.

10.1P.050. Landscaping and Screening. The perimeter of any cemetery shall be screened from view by adjacent uses by appropriate evergreen landscaping and shrubbery providing a minimum five-foot high sight-obscuring boundary, or by a wall or fence providing a comparable sight-obscuring boundary five feet in height. The principal access ways to a cemetery shall be clearly defined by landscaping or gating techniques. Any space between a public street and a perimeter landscape screen, wall, or fence, shall be landscaped and permanently maintained, and such area shall not be used for interment.

## Chapter 10.1Q - Historic Preservation (HP) Overlay Zone

### Sections:

- 10.1Q.010 Purpose
- 10.1Q.020 Responsible Agency
- 10.1Q.030 Description and Boundary Changes
- 10.1Q.040 Permitted Uses and Zoning Standards
- 10.1Q.050 Application Requirements
- 10.1Q.060 Planning Commission Action
- 10.1Q.070 Appeals
- 10.1Q.080 Application Review Criteria
- 10.1Q.090 Demolition or Moving of Buildings
- 10.1Q.100 Preservation of Trees and Shrubs

10.1Q.010. Purpose. There exist within the City of Waitsburg many original homes, buildings, and places of business which reflect the City's origin and represent the historical and architectural character of the area during which the City was founded. Therefore, to promote the public welfare by creating an awareness of the City's historical heritage and origin, to protect such homes, buildings, and places of business, the Historic Preservation (HP) Overlay Zone is established.

10.1Q.020. Responsible Agency. The Planning Commission is designated as the official body for the purpose of the administration and review functions created by this Chapter.

10.1Q.030. Description and Boundary Changes. The physical boundaries of the Historic Preservation (HP) Overlay Zone are identified on the Official Zoning Map of the City on file in the City Hall. Any changes to the boundaries of the Historic Preservation (HP) Overlay Zone shall follow the procedures set forth in WMC Chapter 10.1G for a change of zone.

10.1Q.040. Permitted Uses and Zoning Standards. Properties encompassed within the boundaries of the Historic Preservation (HP) Overlay Zone shall be subject to the provisions of this Chapter, as well as all other controls of the underlying zoning classification in which they are located.

A. Exception. Designated manufactured homes, manufactured homes, mobile homes, modular homes, and manufactured home parks shall not be permitted in the Historic Preservation (HP) Overlay Zone.

10.1Q.050. Application Requirements. Any application for a permit for the erection or construction of a new building or structure, or modification, addition, alteration, moving, or demolition of existing structures which would affect the exterior appearance of any existing building or structure, including signs, located within the Historic Preservation (HP) Overlay Zone, shall be filed with the

Planning Commissioner. Such applications shall be processed in accordance with the administrative application procedures set forth in WMC Title 10A.

Applications seeking approval of the Planning Commission for projects in the Historic Preservation (HP) Overlay Zone shall include the following components:

A. Color photographs showing external views of all existing structures on the site and on properties immediately adjacent thereto, including across a street or alley.

B. The legal description of the property.

C. A site plan, drawn to scale, showing:

1. Existing and proposed structures and their relationship to adjacent buildings;

2. Existing natural features;

3. Existing and proposed landscaping and plantings;

4. Existing and proposed parking and loading areas;

5. Existing and proposed sidewalks and other pedestrian walks or paths;

6. Existing and proposed street furniture;

7. Existing and proposed outdoor lighting; and

8. Existing and proposed walls, fences, retaining walls, and terraces.

D. Architectural and related drawings, drawn to scale, showing:

1. Height and scale of existing and proposed buildings in relation to adjacent buildings;

2. All four elevations of any structure depicting walls and materials, roof and roof related design, including chimneys and gutters, and treatment of windows and doors, including moldings and trim;

3. Color scheme of buildings, trim, signs, and other features;

4. Street furniture, signs, and any other architectural features in public view.

Nothing in this Section shall be construed to reduce or alter any building, plumbing, electrical, structural, or other requirements as may be required by the Building Inspector for issuance of building permits.

(Ord. 799. June 21, 2000)

10.1Q.060. Planning Commission Action. The Planning Commission shall consider the application materials at a regularly scheduled meeting. The Commission may request additional information from the applicant and postpone action on the matter until a later meeting date after the additional information has been furnished. The Commission further reserves the right to continue consideration to the next available meeting date in order to perform an inspection of the property and the vicinity in which it is located. The Commission shall approve, approve with conditions, or deny the application, in writing, stating the facts and findings for its determination. The Commission shall furnish such determination to the applicant and Building Inspector. Upon approval or approval with conditions, the Building Inspector shall proceed with issuance of appropriate permits.

10.1Q.070. Appeals. The applicant may appeal the Planning Commission's determination to the City Council within the time frame and in the manner set forth in WMC Title 10A. In turn, the decision of the City Council on any such appeal may be further appealed to the Superior Court in accordance with WMC Title 10A and Chapter 36.70C RCW.

10.1Q.080. Application Review Criteria. In reviewing applications for regulated improvements, the Planning Commission shall be guided by the following criteria:

A. Relationship to Site.

1. The site should be planned to accomplish a desirable transition with the streetscape and facilitate pedestrian movement.
2. The height and scale of each building should be compatible with its site and adjoining buildings.
3. Harmony in texture, lines, and masses to site and adjoining areas should be encouraged.
4. Adequate planting should be provided, including portable planters and hanging baskets, where appropriate.
5. Where building sites limit planting, the placement of trees or shrubs in parkway or paved areas is encouraged.
6. Exterior lighting, when used, should enhance the building design and the adjoining landscape. Lighting standards and fixtures should be of a design and size compatible with the building and adjacent areas. Lighting should be shielded

and restrained. Excessive brilliance and colored lighting should be avoided in exterior lighting.

7. Service areas should be screened from public view.

#### B. Building Design.

1. Architectural style consistent with existing historic buildings should be encouraged. Evaluation of a project should be based on the quality of its design and relationship to existing historic buildings.

2. Exterior building components, such as windows, doors, and eaves, should have good proportion and relationship with each other, with the style of the building, and with other historic buildings.

3. Exterior walls and materials used for new or remodeled structures should relate harmoniously to the historic character of the area, and with the architectural style of the building.

4. Roof shapes, materials, and pitch should harmonize with the historic character of the area. If a new structure is adjacent to an historic structure, it should appear compatible.

5. Chimney detail should be incorporated into and be compatible with the roof design.

6. Select paint and material colors which are historically appropriate, coordinate the entire facade, and do not conflict with adjacent buildings.

7. Design attention should be given to mechanical equipment or other utility hardware on roofs, grounds, or buildings to screen them from view.

8. Monotony of design in single or multiple building projects should be avoided. Variety of detail, form, and siting should be used to provide visual interest. In multiple building projects, variable design or staggered siting of the individual buildings may be used to prevent monotonous appearance.

#### C. Signs.

1. Signs within the Historic Preservation (HP) Overlay Zone shall conform to the provisions of WMC Chapter 10.1V, and shall comply with the provisions of this Section, including Planning Commission approval.

2. Signs should be part of the architectural concept. Size, material, color, lettering, location, number, and arrangement, should be harmonious with the building design.



3. The number and size of signs should be minimized to avoid visual clutter.
4. Color should be used with restraint. Excessive color and brilliant colors should be avoided. Lighting should be harmonious with the design. If external spot or flood lighting is used, it should be arranged so that the light source is shielded from view.

D. Street furniture and miscellaneous structures located on private property, public rights-of-way, and other public property should be designed to be a part of the architectural concept of the design and landscape. Materials should be compatible with buildings. Scale should be appropriate. Color should be in harmony with buildings and surroundings.

#### 10.1Q.090. Demolition or Moving of Buildings.

A. No structurally sound building or architectural feature identified on an historic structures inventory adopted by the City shall be demolished or moved out of the Historic Preservation (HP) Overlay Zone unless the Planning Commission finds that such building or architectural feature does not have aesthetic or historic significance.

1. If demolished or moved and the area left vacant, the area shall be maintained in a clean and inoffensive manner.

B. No building shall be moved within the boundaries of the Historic Preservation (HP) Overlay Zone without compliance with the requirements of this Chapter.

10.1Q.100. Preservation of Trees and Shrubs. No trees or flowering shrubs shall be removed from any site within the boundaries of the Historic Preservation (HP) Overlay Zone without a finding of the City Tree Committee that such tree or shrub does not have aesthetic or historic significance. This Section shall not prevent normal maintenance and trimming, or the removal of dead or diseased plant material.

## Chapter 10.1R - Open Space (OS) Zone

### Sections:

- 10.1R.010 Description and Purpose
- 10.1R.020 General Requirements
- 10.1R.030 Permitted Uses

10.1R.010. Description and Purpose. The Open Space (OS) Zone is intended as a zone for protecting lands in flood hazard areas that have experienced reoccurring significant flooding and property damage in years past, from vulnerable structural improvements and uses in the future. Uses are intentionally restrictive in accordance with the Comprehensive Plan of the City, and in order to protect the public health, safety, and general welfare of the community.

10.1R.020. General Requirements. All permitted uses in the Open Space (OS) Zone shall comply with the following requirements and shall also comply with WMC Chapter 10.7A. No new buildings or structures shall be erected except:

- A. A public facility that is open on all sides and functionally related to a designated open space or recreational use;
- B. A rest room; or
- C. A structure that is compatible with open space, recreational, or wetlands management usage and proper floodplain management policies and practices.

10.1R.030. Permitted Uses. No building, structure, or land shall be used, and no building, structure, or use in the Open Space (OS) Zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

- A. Open space, conservation areas, natural reserves, and buffer areas.
- B. Parks, recreation areas, tennis courts, and/or playfields.
- C. Publicly owned recreational campgrounds with or without over-night accommodations.
- D. Other uses compatible with open space, recreational, or wetlands management practices as determined by the Planning Commission and/or City Council.

## Chapter 10.1S - Manufactured Home Park Standards

### Sections:

- 10.1S.010 Intent
- 10.1S.020 Primary Uses
- 10.1S.030 Accessory Uses
- 10.1S.040 Property Development Standards
- 10.1S.050 Manufactured Home Placement
- 10.1S.060 General Regulations
- 10.1S.070 Park Management
- 10.1S.080 Nonconforming Existing Parks

10.1S.010. Intent. Recognizing that manufactured home parks are only authorized in selected zoning classifications, and then only by Conditional Use Permit, it is the intent of this Chapter to establish minimum standards for manufactured home parks, and to better enable the Planning Commission and City Council to determine whether it would be appropriate to issue a Conditional Use Permit for any such application. Standards are designed to establish, stabilize, and protect the residential character of the park, the character of surrounding land uses, and to prohibit all incompatible activities. These standards are minimums and nothing in this Chapter precludes the Planning Commission and/or City Council from establishing more restrictive provisions and conditions in approving a Conditional Use Permit application.

10.1S.020. Primary Uses. The following primary uses may be permitted in a manufactured home park:

- A. One designated manufactured home, manufactured home, mobile home, or modular home per lot space.

Travel trailers, recreational vehicles, camping trailers, and other trailer forms shall not be permitted within the area designated for a manufactured home park.

10.1S.030. Accessory Uses. The following accessory uses may be permitted in a manufactured home park:

- A. One attached carport or one detached garage, one attached cabana or covered patio, and one attached or detached storage room per designated manufactured home, manufactured home, mobile home, or modular home.
- B. Community recreation, laundry, and boat or travel trailer storage facilities serving residents of the park.
- C. Management offices and storage facilities accessory thereto.

10.1S.040. Property Development Standards. Property development standards for manufactured home parks shall be as follows:

- A. The minimum land area for a park shall be one acre
- B. The external boundary of the park shall observe a minimum separation of 50 feet from off-site buildings.
- C. The maximum building height shall be 25 feet.
- D. The minimum net owned, rented, or leased occupancy space areas shall be:
  - 1. Per designated manufactured home, manufactured home, mobile home, or modular home: 2,000 square feet,
  - 2. Per travel trailer, recreational vehicle, camping trailer, and other trailer forms: 800 square feet;
- E. For each owned, rented, or leased occupancy space for designated manufactured homes, manufactured homes, mobile homes, or modular homes, there shall be provided a minimum of 50 cubic feet of lockable storage space located in a common area and not on the occupancy space.
- F. The minimum setback from any public street property line shall be 15 feet for any building, designated manufactured home, manufactured home, mobile home, modular home, travel trailer, recreational vehicle, camping trailer, or other trailer form.
- G. The minimum setback from any rear or side property line shall be 15 feet for any building, designated manufactured home, manufactured home, mobile home, modular home, travel trailer, recreational vehicle, camping trailer, or other trailer form.
- H. All perimeter property lines of a manufactured home park shall have a six-foot high solid, sight-obscuring fence or vegetation which creates the same affect.
- I. The owned, rented, or leased sites within the park shall be designed in such a manner that there is at least a 15-foot separation between any building, designated manufactured home, manufactured home, mobile home, or modular home, and at least a 10-foot separation between any travel trailer, recreational vehicle, camping trailer, or other trailer form.

10.1S.050. Manufactured Home Placement. Placement of a designated manufactured home, manufactured home, mobile home, or modular home on an individually owned, leased, or rented space within a manufactured home park shall adhere to the following standards:

- A. The minimum setback from any private access street shall be 10 feet.
- B. The minimum distance between such dwelling units and related improvements shall be:
  - 1. Between two opposing sides or between a side and an opposing end or between a designated manufactured/manufactured/mobile/modular unit and a detached accessory building: a minimum of 15 feet;
  - 2. Between two opposing ends of any designated manufactured/manufactured/ mobile/modular unit or a detached accessory building: a minimum of 10 feet.
- C. The minimum side yard on any owned, rented, or leased site, on the side of a designated manufactured home, manufactured home, mobile home, or modular home having no doors, shall be three feet.
- D. All previously occupied designated manufactured homes, manufactured homes, mobile homes, or modular homes shall be inspected by the Washington State Department of Labor and Industries and brought up to the most recent HUD specifications before being granted an occupancy permit. Prior to occupancy, even those having a HUD certificate must first be approved by the City Building Inspector to determine whether through misuse, neglect, alterations, or accident the designated manufactured home, manufactured home, mobile home, or modular home has fallen below safety and livability standards of the Uniform Building Code. All new designated manufactured homes, manufactured homes, mobile homes, or modular homes must meet HUD and Uniform Building Code requirements.
- E. All fees must be paid.
- F. All designated manufactured homes, manufactured homes, mobile homes, or modular homes must meet the tiedown and all weather/fire-resistant requirements of the Uniform Building Code, and WAC 296-150B-250 concerning anchoring systems.

#### 10.1S.060. General Regulations.

- A. Attached accessory buildings shall meet all yard requirements for the mobile home, manufactured home, designated manufactured home, or modular home itself.
- B. Expandable sections of mobile homes, manufactured homes, designated manufactured homes, or modular homes shall be considered a part of the mobile home, manufactured home, designated manufactured home, or modular home proper.

C. All utility distribution and service lines located within the boundaries of a mobile home park, including electric power, water supply, sewage disposal, natural gas, telephone and television cable, shall be installed underground in accordance with applicable City codes.

1. Fire hydrants, in accordance with the Uniform Fire Code and to the satisfaction of the Fire Chief, shall be situated within the park and no occupancy space shall be further than 400 feet from a hydrant.

D. Interior private access streets within the park shall have a minimum pavement width of 20 feet measured between curb faces and shall be provided with cul-de-sac or hammerhead turning areas when interior private streets are not looped.

E. All interior private streets and walkways shall be all-weather surfaced, maintained, and lighted with light standards with an illumination not less than 100 watts each, spaced at intervals not to exceed 100 feet, provided, however, that the City may approve an alternative but equivalent illumination design system.

F. Every mobile home, manufactured home, designated manufactured home, or modular home shall be permanently connected to electric power, water supply, sewage disposal, and telephone service lines in compliance with applicable City codes.

G. Mobile homes, manufactured homes, designated manufactured homes, or modular homes shall be considered single-family units and shall provide adequate on-site parking for at least two vehicles on the occupancy space.

1. For each owned, rented, or leased occupancy space for designated manufactured homes, manufactured homes, mobile homes, or modular homes, there shall be provided 1/4 parking space for visitors, which visitor parking shall be located in a common area.

H. Manufactured home parks shall have an entrance on an arterial or collector public street, and there must be a paved access to pavement.

I. A manufactured home park shall contain walkways to and from all community services, and recreational facilities. Such walkways shall be hard-surfaced, lighted, and shall be at least five feet in width, except that sidewalk width may be reduced to three feet where 5-foot by 5-foot clear passing spaces exist at a minimum interval of 200 feet.

J. All refuse shall be stored in watertight, insect-proof, rodent-proof containers. When central refuse pickup points are used, screening shall be

provided, and no individual space or lot shall be more than 150 feet from a central refuse pickup point.

L. Portable fire extinguishers of a type approved by the Fire Chief shall be kept in community, management, and service buildings, and in other locations deemed necessary by the Fire Chief, and shall be continuously maintained in good operating condition.

M. One freestanding sign per access/egress point may be authorized by the Planning Commission and/or City Council.

10.1S.070. Park Management. The person who operates a manufactured home park shall operate the park in compliance with the rules and regulations issued hereunder and set by the County Health Department and Uniform Building Code, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

A. The operator shall notify park occupants of all applicable provisions of these rules and regulations and inform the occupants of their duties and responsibilities.

B. The operator shall supervise the placement and removal of each mobile home, manufactured home, designated manufactured home, or modular home on its lot and shall, in particular, supervise and ascertain that all Code requirements for the connection of the dwelling unit to sewer, water, and electrical connections have been met.

C. The operator shall not allow the owner or person in charge of a dog, cat, or other pet animal to permit it to run at large or to commit any nuisance within the limits of any manufactured home park.

D. Occupied and unoccupied mobile home, manufactured home, designated manufactured home, and modular home lots or sites shall be well maintained.

E. All mobile home units shall have fire-resistant skirting around the lower part of the mobile home covering the wheels and undercarriage. Each skirting shall provide at least one opening door or removable panel for inspection purposes.

F. Manufactured home parks shall provide adequate open space and recreation areas.

10.1S.080. Nonconforming Existing Parks. Existing manufactured home parks not meeting the minimum standards of this Chapter are hereafter deemed to be nonconforming.

A. Existing nonconforming parks may be maintained as presently established, provided that, at a minimum, the standards set forth in paragraphs D and E of Section 10.1S.050, paragraphs F, J, and L of Section 10.1S.060, and paragraphs A through E of Section 10.1S.070 of this Chapter are observed at all times.

B. If an existing nonconforming park intends to add spaces or make any improvements or changes, the Condition Use Permit provisions of WMC Chapter 10.1I and the standards of this Chapter shall apply to all such space additions, improvements, or changes.

C. If an existing nonconforming park ceases operation for a period of three consecutive months, it shall not reopen until a Conditional Use permit is obtained pursuant to WMC Chapter 10.1I and all the standards of this Chapter are met.



## Chapter 10.1T - Mobile, Manufactured, and Modular Structure Requirements

### Sections:

10.1T.010 Intent

10.1T.020 Requirements

#### 10.1T.010. Intent.

A. This Chapter specifies the requirements of the City for the use of mobile and manufactured structures for residential and nonresidential uses, including, but not limited to, business offices and portable classrooms.

1. Mobile homes, manufactured homes, designated manufactured homes, and modular homes are permitted in the Residential (R-1) and Flexible C-R (CR) Zones, subject to the requirements stated in Section 10.1T.020.

2. Nonresidential mobile structures, manufactured structures, designated manufactured structures, and modular structures are permitted in the General Commercial (C-2), Flexible C-R (CR), and Industrial (I-1), subject to the requirements stated in Section 10.1T.020.

B. Mobile, manufactured, designated manufactured, and modular homes or structures not meeting the requirements of Section 10.1T.020, will only be allowed to be sited in a manufactured home park and shall comply with the provisions of WMC Chapter 10.1S.

10.1T.020. Requirements. Mobile, manufactured, designated manufactured, or modular homes and structures may be used as a place of human habitation or nonresidential occupancy in the City upon compliance with the conditions set forth herein. Portable school classrooms shall also be subject to all the provisions of this Chapter.

A. No mobile, manufactured, designated manufactured, or modular home or structure shall be used as a habitation or nonresidential occupancy unless and until all forms of mobility have been removed from such structure. After such removal, such house or structure shall have been installed upon a permanent foundation and permanently attached to power, water, and sanitary facilities, all in accordance with the Uniform Building Code.

B. No such mobile, manufactured, designated manufactured, or modular home or structure installation may be made, unless and until the owner thereof shall have first presented to the City written plans and plots, clearly showing all streets, alleys, easements, setbacks, and specifications, and shall have received a building permit.

C. No such permit shall be issued unless the City shall find that such mobile, manufactured, designated manufactured, or modular home or structure complies with all existing Zoning Ordinance requirements.

D. All previously occupied mobile, manufactured, designated manufactured, or modular homes or structures shall be inspected by the Washington State Department of Labor and Industries and shall be brought up to the most recent HUD specifications before being granted an occupancy permit.

1. Prior to installation, even those homes or structures having a HUD certificate must first be approved by the City's Building Inspector to determine whether through misuse, neglect, alterations, or accident, the mobile, manufactured, designated manufactured, or modular home or structure has fallen below the safety and occupancy standards of the Uniform Building Code.

2. All new mobile, manufactured, designated manufactured, or modular homes or structures must meet HUD and Uniform Building Code requirements.

3. All fees must be paid.

E. All mobile, manufactured, designated manufactured, and modular homes or structures must meet the tiedown and all weather/fire-resistant requirements of the Uniform Building Code, and WAC 296-150B-250 concerning anchoring systems.

F. All mobile, manufactured, designated manufactured, or modular homes or structures shall meet the requirements of the applicable zone classification in which they are located relating to front yards, rear yards, side yards, site area, accessory buildings, height, and off-street parking requirements.

1. No travel/dependent trailers or other recreational vehicles shall be used as a place of residential occupancy, except when regularly installed and located in a manufactured home or trailer park zoned, used, and maintained as such a park.

2. For all the purposes of this Chapter, the term "vehicle" shall mean all instrumentalities capable of movement by means of wheels, skids, or runners of any kind, specifically including, but not limited to, all forms of motor vehicles and trailers of any size, whether capable of supplying their own motive power or not.

G. All mobile, manufactured, or modular homes or structures not located in an established manufactured home park, applying for placement permits in the City, shall have been constructed within the previous five years. Pursuant to RCW 35A.63.145, the provisions of this paragraph shall not apply to designated manufactured homes and structures.

H. All mobile, manufactured, designated manufactured, or modular homes or structures, not located in an established manufactured home park, shall be set on permanent foundations, either concrete or of other permanent material.

I. Except where the base of the mobile, manufactured, designated manufactured, or modular home or structure is flush to the ground level, the mobile, manufactured, designated manufactured, or modular home or structure shall be provided with permanent foundation. Every mobile, manufactured, designated manufactured, or modular home or structure shall be provided with a door, or easily removed portion thereof, for access to the crawl space under the mobile, manufactured, designated manufactured, or modular home or structure.

J. No building permit shall be issued for any mobile or manufactured homes or structures, smaller than 20 feet in width and 40 feet in length and at least 800 square feet, except within established manufactured home parks. No building permit shall be issued for any designated manufactured or modular homes or structures of less than 24 feet in width and 36 feet in length, and at least 850 square feet.

K. The roofs of all mobile, manufactured, designated manufactured, or modular homes or structures shall have a minimum pitch of three feet of rise for each 12 feet of horizontal run, and shall have an eave of six-inch minimum attached to the entire perimeter. Roofs shall be constructed of roofing material that is acceptable for housing or nonresidential structures built on site, and applied in such a manner as to be similar in appearance.

L. The exterior of all mobile, manufactured, designated manufactured, or modular homes or structures shall be finished with horizontal metal lap siding, simulated wood siding, wood siding, or other acceptable method of exterior treatment (i.e., stucco), applied in such a manner as to be similar in appearance to housing or nonresidential structures built on site.

M. Single-wide mobile homes may be installed or located within manufactured home parks within the City, provided that such installation/location complies with all requirements of the Uniform Building Code and the Zoning Ordinance.

N. Any mobile, manufactured, designated manufactured, or modular home or structure, which is the principal residence or place of nonresidential occupancy of the owner at the time of the passage of this Zoning Ordinance, such owner shall maintain vested rights to repair, and maintain, the existing mobile, manufactured, designated manufactured, or modular home or structure, and not conform to the minimum size, age, siding, and roof requirements as stated in this Chapter. These vested rights are not transferable and shall not apply to parties that do not owner-occupy such mobile, manufactured, designated manufactured, or modular homes or structures.

## Chapter 10.1U - Off-Street Parking and Loading

### Sections:

- 10.1U.010 Purpose
- 10.1U.020 Application of Requirements
- 10.1U.030 Computation of Required Parking and Loading Spaces
- 10.1U.040 Off-Street Parking Requirements
- 10.1U.050 Location of Off-Street Parking and Loading Spaces
- 10.1U.060 Driveway Standards
- 10.1U.070 Improvement of Driveways and Parking Areas
- 10.1U.080 Off-Street Loading Requirements
- 10.1U.090 Landscaping Requirements for Parking Areas

10.1U.010. Purpose. The purpose of off-street parking and loading requirements is to provide for the general welfare and convenience of persons within the City and to protect the public safety by lessening traffic congestion on public streets.

10.1U.020. Application of Requirements. The provisions of this Chapter shall apply and govern in all zones.

A. No person shall cause, use or occupancy of any premises unless the off-street parking and loading facilities maintained thereon, or in connection therewith, conform to the requirements of this Chapter.

B. Any change to a building, or any change in use of a building or site, shall require compliance with the provisions contained herein.

C. All required parking shall be made permanently available and shall be maintained for parking purposes only.

D. No building permit shall be issued until plans showing provisions for the required off-street parking have been submitted and approved.

E. All off-street parking and loading spaces being maintained in connection with any existing building, structure, or use on the effective date of this Zoning Ordinance, and all parking and loading spaces subsequently required by this Zoning Ordinance for any building, structure, or use, shall be maintained as long as said building, structure, or use remains, unless an equivalent number of parking and loading spaces is provided conforming to the requirements of this Chapter.

10.1U.030. Computation of Required Parking and Loading Spaces. The number of off-street parking and loading spaces required shall be no less than as set forth in this Chapter. In the case of a combination of uses in a building or on a lot, the minimum number of spaces required shall be not less than the total of the requirements for all the individual uses. In computation of the total parking and

loading spaces required for any use, fractional spaces shall be rounded off to the nearest whole number; fractions of five-tenths or more being counted as one full space. Where fixed seats provided are either benches or bleachers, such seats shall be construed to be not more than 20 lineal inches each.

Section 110.1U.040. Off-Street Parking Requirements. All off-street parking shall conform to the following requirements. No on-street parking shall be considered in fulfilling the requirements for any use, except that development within the C-1 zone shall be exempt from the provisions of the chapter as they relate to the number of parking spaces required; provided that all the other requirements of this chapter shall apply to any parking provided by the applicant.

A. Residential Uses.

1. Single-family dwellings: two spaces per dwelling unit.
  - a. An accessory dwelling unit established in a single-family residence: one additional space over and above the parking required above.
2. Duplex dwelling units: two spaces per dwelling unit.
3. Multi-family dwelling units: two spaces per dwelling unit plus one-half space per dwelling unit for guest parking.

B. Commercial, Educational, Institutional, and Industrial Uses.

1. Hotels, motels, bed and breakfast inns, boarding and lodging houses: one space per each guest room.
2. Churches, synagogues, temples, assembly halls, auditoriums, theaters, private clubs and lodges, or similar places of assembly: one space for each four fixed seats, or for each 35 square feet of assembly area where there are no fixed seats.
3. Elementary and junior high schools: two spaces per teaching station.
4. High schools: five spaces per teaching station.
5. Specialized schools and studios (dance, martial arts, gymnastics, fitness, etc.): one space for each 50 square feet of gross floor area.
6. Full-service restaurants, taverns, and lounges: one space for each 100 square feet of gross floor area, plus one space for each 100 square feet of outdoor customer service area.
7. Fast-food restaurants: one space for each 50 square feet of gross floor area, plus one space for each 50 square feet of outdoor customer service area.

8. Group homes: one space for each staff person, plus one space for each five residents, plus one space for each vehicle operated by the facility.
  9. Convalescent homes, sanitariums, and retirement homes: one space for each four beds.
  10. Hospitals: one space for each two beds.
  11. Medical and dental offices: one space for each 170 square feet of gross floor area.
  12. Banks and business or professional offices: one space for each 325 square feet of gross floor area.
  13. Nursery and garden supplies or construction materials, retail: one space for 200 square feet of gross floor area, plus one space for each one-thousand 1,000 square feet of outdoor storage or display area.
  14. Motor vehicles, boats, or large machinery, retail: one space for each 1,000 square feet of gross floor area, plus one space for each 1,500 square feet of outdoor storage and display area.
  15. Recreation vehicles and manufactured homes and structures, retail: one space for each 1,000 square feet of gross floor area, plus one space for each 3,000 square feet of outdoor storage and display area.
  16. Furniture, carpeting, or large appliance, retail: one space for each 500 square feet of gross floor area.
  17. Other retail and service uses: one space for each 200 square feet of gross floor area.
  18. Warehousing and wholesaling: one space for each 1,000 square feet of gross floor area, plus one space for each 1,000 square feet of outdoor storage area.
  19. Industrial uses: one space for each 400 square feet of gross floor area.
  20. Research and development uses: one space for each 325 square feet of gross floor area.
- 10.1U.050. Location of Off-Street Parking and Loading Spaces. Off-street parking and loading spaces shall be located as specified herein.

A. All required off-street parking and loading spaces shall be accessible and shall be located on the same lot as the use or building requiring such spaces,

except that parking facilities for nonresidential uses may be separated from the use or building it serves by an alley as long as the ownership of the parking area is the same as the use or building it serves.

B. Off-street parking and loading spaces shall not be located within any required yard area.

C. Except for single-family and duplex dwelling units, parking shall be so designed that vehicles shall not back out into public streets.

D. Parking and loading spaces shall not preclude direct and free access to stairways, walkways, any pedestrian accesses, or fire safety equipment.

E. Where attached or detached residential garages are provided, the design thereof shall conform to the dimensions set forth in Figure No. 1, "Minimum Garage Dimensions", included herein and made a part hereof.

F. All other parking spaces and/or stalls and aisles shall be designed in accordance with Figure No. 2, "Minimum One-Way Parking Design", or Figure No. 3, "Minimum Two-Way Parking Design", included herein and made a part hereof. Parking spaces designed at any angle other than those shown in said figures are permitted, provided the width of stalls and aisles is proportionately adjusted based upon the angle proposed.

G. Handicap parking shall be installed and designated in accordance with the "Regulations for Barrier-Free Facilities" as adopted by the Washington State Building Code Advisory Council.

H. Whenever 25 or more parking spaces are required for a building or use, bicycle racks or bicycle storage areas shall be provided at a ratio of one bicycle rack or bicycle storage area for each 25 required parking spaces.

I. All parking plans shall be submitted to the Planning Commission for review and approval prior to the issuance of any building or land use permits.

10.1U.060. Driveway Standards. Each parking space and loading space shall be accessible as to both entrance and exit as provided for herein.

A. The curb openings or entryways to the lot and driveways or approaches to parking spaces shall not exceed 30 feet except where a circular driveway is provided.

B. Each driveway or approach to a parking space shall have a minimum clear width of ten feet provided, however, that a driveway in residential zones may be reduced to nine feet where no pedestrian passage is required. The width of the driveway or approach to a loading space shall be as set forth in Section 10.1U.080.

C. The vertical clearance above the surface of the driveway or approach to a parking space shall be not less than seven feet. The vertical clearance for the driveway or approach to a loading space shall be as set forth in Section 10.1U.080.

D. No driveway or approach to a parking space shall have a slope in excess of eight percent, except for residential uses which shall not exceed 12 percent. For loading spaces, the slope of the driveway or approach shall be as set forth in Section 10.1U.080.

E. The outer radius of a curve in any driveway or approach shall be a minimum of 25 feet.

10.1U.070. Improvement of Driveway and Parking Areas. All parking and loading areas and driveway access thereto shall be graded. In addition, all parking and loading areas and driveways shall be paved or hard-surfaced to a standard comparable to the public street which services the driveway and parking area, or as determined by the Planning Commission. In rendering its determination, the Planning Commission shall take into consideration the nature of the proposed use (i.e., an individual residence, or a parking area for cleated and other heavy equipment, may not warrant paving or hard surfacing). In determining the type of surfacing to be utilized, the Planning Commission shall insure that it will not adversely affect air quality, water quality, or the integrity of the driveway and parking area.

A. All paving and hard surfacing, or alternative improvements authorized by the Planning Commission, shall be completed from the parking area to the nearest public street or right-of-way and provide for proper storm drainage, and allow for parking stalls and installation of other traffic control devices as set forth in this Chapter. All traffic control devices, such as parking strips designating car stalls, directional arrows or signs, curbs and other traffic control devices, shall be installed and completed as required by this Chapter and as shown on the approved plans. Paint or markers shall be used to delineate parking stalls and directional arrows on paved or hard-surfaced areas.

B. Where more than ten parking spaces are required, paved pedestrian sidewalks shall be provided on the exterior of the parking lot and between any parking lot and road right-of-way. The paved sidewalks shall be curbed or raised six inches above the lot surface, excluding those areas used for driveways and curb cuts necessary for meeting handicap requirements, and shall be provided with a minimum of 60 inches in width. The parking lot surfacing and drainage facilities shall be inspected and approved prior to occupancy of the premises.

10.1U.080. Off-Street Loading Requirements. Off-street loading facilities are intended to provide adequate space to accommodate outside deliveries from large vehicles which cannot be functionally served by normal parking stalls.



A. Off-street loading spaces must be located in such a manner that large vehicles do not block or intrude into public rights-of-way or block driveways or parking area circulation.

B. In all cases, loading spaces shall be located on the same lot as the use or structure they are designed to serve. Off-street loading spaces shall not be included in any area used to satisfy off-street parking requirements.

C. Loading spaces shall be designed so no vehicles are required to back to or from an adjacent street, except for minor trucking access on local access streets in the General Commercial (C-2) or Industrial (I-1) Zones.

D. Where a proposed building or structure is intended to be used concurrently for different uses, final determination of required loading spaces shall be made by the Planning Commission, provided that the loading requirement for the combined uses shall not be less than the total requirement for each separate use.

E. Off-street loading spaces shall measure 15 feet wide, 60 feet long, and 15 feet high, except if this Section requires only one loading space, it may measure 12 feet wide, 30 feet long, and 14 feet high. The width of any driveway or aisle providing access to a loading space shall not be less than 12 feet, it shall have a vertical clearance of sixteen feet, and shall be generally level. In no event shall the outer radius of any turning area to a required loading space be less than 25 feet.

F. The minimum number of off-street loading spaces for each building or structure shall be in accordance with the following:

1. Department stores, retail, and other commercial uses, and industrial, manufacturing, wholesaling, warehousing, and similar uses:

Gross Floor Area (Sq. Ft.) Required Loading Spaces

Less than 10,000	0
10,000 to 25,000	1
25,001 to 50,000	2
50,001 to 100,000	3
Over 100,000	3 plus 1 for each additional
50,000 sq. ft. or part thereof	

2. Offices, hotels and motels, restaurants, hospitals, convalescent centers, and similar businesses and institutions:

Gross Floor Area (Sq. Ft.) Required Loading Spaces

Less than 10,000	0
10,000 to 50,000	1
50,001 to 100,000	2
Over 100,000	2 plus 1 for each additional
50,000 sq. ft. or part thereof	

10.1U.090. Landscaping Requirements for Parking Areas. No building permit shall be issued where landscaping is required until a landscaping plan has been submitted and approved by the Planning Commission.

A. A parking area fronting on a street right-of-way shall provide a landscaped planting area, of at least three feet in width, along the entire street frontage except for driveways, provided that the plantings shall not obstruct the sight distance required at street intersections or driveway approaches.

B. At least ten percent of the interior of the parking area shall be devoted to landscaping, and no such landscaping area shall be less than 32 square feet in area.

C. All such interior landscaping shall be located between parking stalls, at the end of parking columns, or between stalls and the property line. Parking spaces shall be designed so that no parking space allows vehicles to overhang into a landscaping area.

D. Where a parking area abuts residentially zoned property along any interior side or rear property line, either a wall or fence with a height of five feet, or a landscaped strip with a minimum width of five feet, shall be installed adjacent to the property line.

E. Where a parking area contains less than 20 spaces, street facing and interior property line landscaping shall be required, however, no internal landscaping shall be required within such parking area.

F. All landscaping shall consist of a liberal mix of deciduous and/or evergreen trees, planted in wells or strips, with a variety of ornamental deciduous and evergreen shrubs, and ground covers, the latter which may include such features as lawn, bark, decorative rock, or gravel. Where practical and feasible, existing trees shall be retained in all landscaping areas. All such planting areas shall be automatically irrigated and shall be maintained in a live and healthy condition. Dead or dying plantings shall be promptly removed and replaced.

G. All landscaped areas along the perimeter of a parking area, and within the interior of a parking area, shall be separated from such parking area by six-inch high curbing.

H. All required landscaping and irrigation shall be installed prior to occupancy of the premises. In the event that winter weather precludes timely

completion of landscaping improvements in accordance with the approved plans, the Planning Commission may allow occupancy to proceed upon receipt of an acceptable guarantee of financial surety to complete installation when weather conditions allow.

Figure No. 1

Minimum Garage Dimensions

Figure No. 2

Minimum One-Way Parking Design

Minimum Parking Space Dimensions = 8.5 Feet by 18.0 Feet

Figure No. 3

Minimum Two-Way Parking Design

Minimum Parking Space Dimensions = 8.5 Feet by 18.0 Feet

## Chapter 10.1V - Signage Regulations

### Sections:

10.1V.010	Purpose and Scope
10.1V.020	Definitions
10.1V.030	Permits and Exceptions
10.1V.040	Permit Applications and Fees
10.1V.050	Prohibited Signs
10.1V.060	Signs Permitted in All Zones
10.1V.070	Signs Permitted in the C-1 and CR Zones
10.1V.080	Signs Permitted in the C-2 and I-1 Zones
10.1V.090	Sign Location
10.1V.100	Sign Area and Calculation
10.1V.110	Nonconforming Signs

10.1V.010. Purpose and Scope. The purpose of this Chapter is to promote commerce, traffic safety, and community identify, while improving the visual environment of residential and nonresidential areas.

This Chapter shall not regulate traffic and directional signs; signs not readable from, nor intended to be viewed from, a public right-of-way; merchandise displays; advertising displays upon vending machines; national flags; flags of a political subdivision; symbolic flags of an institution; legal notices required by law; barber poles; historic site monuments and plaques; cemetery interment markers; single purpose structures such as telephone booths and donation or recycling containers; or lettering or symbols painted directly onto or flush-mounted magnetically onto a motor vehicle operating in the normal course of business.

10.1V.020. Definitions. The following definitions shall apply to this Chapter:

A. Banner. Means any sign of light-weight fabric, or similar material, that is mounted to a pole or a building on one or more edges.

B. Bulletin Board. Means any sign erected by a charitable, educational, or religious institution, or by a public agency, which is erected upon the same site as said institution or agency, for purposes of announcing events which are held on the premises, and contains no advertising message for commercial purposes.

C. Flashing Sign. Means an illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all time when in use.

D. Incidental Sign. Means a sign, strictly informational, that has a purpose secondary to the use of the building or lot on which it is located, such as “no parking”, “entrance”, “exit”, “loading only”, “telephone”, and other similar

informational directives. No sign with a commercial message, legible from any position off the property on which the sign is located, shall be considered to be incidental.

E. Off-Site Sign. Means a sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed. The term “off-site sign” shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.

F. On-Site Sign. Means a sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing on the same lot where such sign is displayed. An “on-site sign” may also display a noncommercial message.

G. Pennant. Means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, and usually designed to move in the wind.

H. Portable Sign. Means any sign not permanently attached to the ground or a permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; “A”-frame or “T”-frame signs; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of a licensed business.

I. Real Estate Sign. Means a temporary sign placed upon property for the purpose of advertising to the public the sale, lease, or rent of said property.

J. Residential Sign. Means any sign located in a residentially zoned area that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located.

K. Temporary Sign. Means any sign that is used only temporarily and is not permanently mounted.

L. Wall Sign. Means any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this Chapter, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the building marquee, building awning, or a building canopy, shall be considered a wall sign.

M. Window Sign. Means any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon a window.

10.1V.030. Permits and Exceptions. No sign shall hereafter be erected, re-erected, constructed, painted, posted, applied or structurally altered except as provided in this Chapter and pursuant to a sign permit issued by the City Clerk or approved and issued by the Planning Commission in the event the City Clerk refuses or declines to issue a permit. A separate sign permit shall be required for each sign installed on a single supporting structure. (Ord. No. 892; July 2005)

A. Exceptions. The following shall not require a sign permit, provided, however, that these exceptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this Zoning Ordinance or any other law or ordinance, including the Uniform Building Code.

1. The changing of the advertising copy or message on a lawfully erected sign specifically designed for replaceable copy.

2. Painting, repainting, or normal maintenance, unless a structural or electrical change is made.

3. Temporary banners and temporary signs as regulated herein.

4. Real estate signs as regulated herein.

5. Incidental signs.

6. Political signs on private property.

7. One nonelectric bulletin board as regulated herein for each public, charitable, or religious organization.

8. Contractor, architect, surveyor, or engineer signs as regulated for properties undergoing construction.

(Ord. 808, Dec. 2000)

10.1V.040. Permit Applications and Fees. If a sign requiring a permit under the provisions of the Chapter is to be placed, constructed, erected, or modified, the owner of the affected property shall secure a sign permit prior to the construction, placement, erection, or modification of such sign. No signs shall be erected in the public right-of-way except in accordance with this Chapter. No permit shall be issued for any sign unless such sign is consistent with the requirements of this Chapter.

A. Applications for sign permits shall be filed with the City Clerk and shall contain the following minimum information, except that Nos. 1 and 2 shall be the only information needed for applications involving banners and A-frames:

1. Name, address, and telephone number of the applicant;
2. Site plan of the parcel showing locations of the building, structure, or lot to which or upon which the sign or advertising structure is to be attached or erected;
3. Position of the sign or advertising structure in relation to nearby buildings or structures, including dimensional data;
4. Blueprints of the plans with color designations, specifications, method of construction, and attachment to the building or in the ground;
5. Name of the person, firm, or corporation erecting the sign or advertising structure, and a copy of the contractor's license;
6. Written consent of the owner of the building, structure, or land to which or on which the sign or advertising structure is to be erected.

B Applicable fees, as established by resolution of the City Council, shall accompany each application.

10.1V.050. Prohibited Signs. The following types of signs are prohibited in all zones unless otherwise specifically permitted:

- A. Signs which in coloring, shape, wording, or location resemble or conflict with traffic control signs or devices.
- B. Signs that create a safety hazard for pedestrian or vehicular traffic.
- C. Flashing signs.
- D. Portable signs exceeding nine square feet.
- E. All billboard type advertising signs.
- F. Any sign in a public right of way, except for traffic control, public safety, or as expressly allowed under another section of this Chapter.

G. Signs primarily intended to identify a business, office, or location where professional or commercial activities are conducted shall not contain or display third-part advertising, trademarks, or logos.

(Ord. 808, Dec.2000)

10.1V.060. Signs Permitted in All Zones. The following signs may be permitted in any zone, subject to the limitations as provided herein:

A. Bulletin Boards. Bulletin boards on the premises of public, charitable, or religious institutions shall be permitted subject to the following criteria:

1. Such sign shall contain not more than 25 square feet in area on a face and may be double-faced;
2. No part of the sign shall exceed a height of six feet above the ground; and
3. The sign, if lighted, may be indirectly lighted only.

B. Temporary Subdivision and Related Signs. A temporary real estate sign advertising the initial sale, lease, or rental of a group of new lots or dwellings within a subdivision, or condominium complex, or apartment complex, or spaces within a business complex, shall be permitted subject to the following criteria:

1. The sign shall be detached and shall be located on the premises being sold, leased, or rented;
2. The sign shall not exceed a maximum of 40 square feet in area on any face and may be double-faced;
3. The sign shall remain only as long as property remains unsold, unleased, or unrented for the first time, but not to exceed one year, provided, however, that the Planning Commission may extend the duration limit upon the written request of the owner or developer of the project;
4. The sign shall be non-illuminated; and
5. The top of the sign shall be no higher than ten feet above the ground level of the property upon which the sign is located.

C. Permanent Subdivision or Area Name Signs. A decorative and permanent sign, announcing the name of a subdivision or area, located at the public street entrance or entrances to the subdivision or area, which identifies the name of the subdivision or area, shall be permitted subject to the following criteria:

1. The sign shall consist of a decorative masonry wall or wood fence with illuminated, indirectly lighted, or non-illuminated name plates or letters, and shall be located in a continuously maintained landscaped area;
2. The wall/fence and/or sign shall not exceed five feet in height; and



3. The location of the wall/fence and/or sign on the property shall not be within the “clear view triangle” at street intersections, as delineated in WMC Chapter 10.1K.

D. Contractor, Financier, Architect, Surveyor, and/or Engineer Signs. One on-premises sign identifying the project, developers, financiers, contractors, architect, surveyor, and/or engineer affiliated with a construction project may be situated on such construction site during the construction period only and shall be permitted subject to the following criteria:

1. The sign shall be placed at a location approved by the Planning Commission on the premises being constructed;

2. The sign shall not exceed a maximum of 40 square feet in area;

3. The sign shall remain only as long as the premises is under construction, but not to exceed one year, provided, however, that the Planning Commission may extend the duration limit upon the written request of the owner or developer of the project;

4. The sign shall be non-illuminated; and

5. The top of the sign shall be no higher than ten feet above the ground level of the property upon which the sign is located.

E. Real Estate Signs. Residential real estate signs are permitted subject to the limitations set forth in the WMC Chapter 10.1K. In the C-1, C-2, CR, and I-1 Zones, one temporary, on-site sign is permitted advertising the sale, lease, or rental of the building, property, or premises, provided that such sign is non-illuminated, does not exceed 32 square feet in area, and does not exceed a height above ground level of ten feet.

1. An “open house” directional sign shall be allowed on each access street to property provided that it is not placed in the right-of-way in such a manner as to interfere with vehicular or pedestrian traffic, it is maintained only when the premises is actually open for immediate inspection, it is non-illuminated, does not exceed five square feet in area, and does not exceed a height above ground level of three feet.

10.1V.070. Signs Permitted in the C-1 and CR Zones. Signs which pertain only to the identification of a permitted use in the C-1 and CR Zones are permitted, provided that such signs are located entirely on the property with the use or business served, and provided further than such signs conform to the following standards:

A. A wall sign is permitted which does not exceed the outer limits of the wall and which does not cover more than one wall.

B. One free-standing billboard type sign located entirely on and over private property, is permitted with a maximum area of 50 square feet and a maximum height above ground level of 20 feet.

C. No sign shall project over a public right-of-way, nor shall it be located in such a way that it obstructs safe vision for pedestrian or vehicular traffic either on the public right-of-way or at entering and exiting access points.

1. Exception. In the C-1 Zone, a hanging sign is allowed that meets the following criteria:

a. a minimum of ten feet of vertical clearance is provided between the bottom of the sidewalk and the bottom of the sign projection;

b. sign hanging hardware and fittings shall be approved by the building inspector;

c. sign shall not exceed 16 square feet in area and the longest side shall not exceed five and a half feet, and the shortest side shall be not less than two and a half feet, unless a permit is obtained from the Planning Commission;

d. design and appearance of the sign shall be consistent with the historic preservation ordinance;

e. the inside edge of the sign shall be 12 inches or less from the exterior wall of the building.

D. Placement of lighted signs shall be such that no light extends over property lines to any adjoining property.

E. Signs painted on, or affixed to, glass surfaces of windows or doors, and pertaining to the lawful use conducted within the building, are allowed without a permit.

(Ord. 808, Dec. 2000)

10.1V.080. Signs Permitted in the C-2 and I-1 Zones. Signs which pertain only to the identification of a permitted use in the C-2 and I-1 Zoned are permitted, provided that such signs are located entirely on the property with the use or business served, and provided further than such signs conform to the following standards:

A. On-site signs shall meet the following criteria:

1. Wall signs shall not exceed the outer limits of the wall and shall not cover more than two walls. In the case of multiple businesses in a building, wall signs shall not exceed the outer limits of the wall of each business.

2. The total area of all other signs shall not exceed two square feet per lineal foot of street frontage, up to a maximum of 250 square feet of sign area, and shall not exceed a height of 30 feet above ground level.

3. Freestanding signs shall not exceed two square feet per lineal foot of street frontage, up to a maximum of 200 square feet of sign area, and shall not exceed a height of 30 feet above ground level. There shall be no more than one such sign for each 200 feet of street frontage or portion thereof.

4. No sign shall project over a public right-of-way, nor shall it be located in such a way that it obstructs safe vision for pedestrian or vehicular traffic either on the public right-of-way or at entering and exiting access points.

5. Placement of lighted signs shall be such that no light extends over property lines to any adjoining property.

B. Electronically changeable message signs shall be permitted subject to the limitations in paragraph "A" of this Section.

C. Signs advertising the price of motor vehicle fuel sold from a fuel pump located on the premises shall be permitted in conformance with the following criteria:

1. Only one fuel price informational sign shall be permitted per fuel pump.

2. Fuel price informational signs shall be limited in size to an area of one and five-tenths square feet.

3. Each fuel price informational sign shall be affixed directly to a fuel pump and shall be stationary.

4. One freestanding sign to include a changeable copy is allowed. The size of such freestanding sign shall be determined by using eight square feet per fuel pump up to a maximum area of 48 square feet. The maximum size is to include company name, logo, price information, etc., if applicable.

5. Nothing contained herein shall be construed to prohibit the use of other signs meeting the requirements of this Section.

D. Outdoor menu boards are only allowed on lots which have been approved for restaurants, full-service or fast-food, and shall be in conformance with the following criteria:

1. Only one outdoor menu board shall be permitted on a lot.

2. The area of the menu board shall not exceed 32 square feet.

3. If the sign is lighted, it shall be via internal illumination.

4. The menu board lettering shall not be legible from off-site properties and rights-of-ways.

E. Signs painted on, or affixed to, glass surfaces of windows or doors, and pertaining to the lawful business conducted within the building, are allowed without a permit.

10.1V.090. Sign Location. All signs and advertising structures shall be located in accordance with the following standards:

A. No sign or advertising structure shall interfere with vehicular or pedestrian accessibility or sight distance.

B. All signs and advertising structures shall conform to the “clear view triangle” set forth in WMC Chapter 10.1K..

C. Any portion of a sign or advertising structure, including structural supports, that is higher than three feet and less than seven feet above ground level, shall be located a minimum of ten feet from any public right-of-way. This requirement shall not apply when structural supports are less than two feet wide at any point on the support three to seven feet above ground level.

10.1V.100. Sign Area and Calculation. Sign area is the total area of a sign visible from any one viewpoint or direction, excluding the sign support structure, and its size shall be calculated by measuring from the outside edge of the frame. This includes only one side of a double-faced sign.

A. Individual letters, words or symbol signs on a wall shall be calculated by measuring the area created by drawing imaginary straight lines around the entire copy or grouping of such letters, words, or symbols.

B. Module signs consisting of more than one sign cabinet shall be computed by adding together the total area of each module.

C. Any portion of the sign not necessary for structural support of the sign, or any structural support greater than two feet in width, shall be considered in the determination of the square footage of the sign.

10.1V.110. Nonconforming Signs. Nonconforming signs, those that were permanently installed and legally erected prior to the effective date of this Ordinance, shall be allowed to continue in use so long as they are continuously maintained, are not relocated, and are not structurally altered or made more nonconforming in any way.

10.1V.120. Issuance of Variances. Notwithstanding any of the other provisions of this Chapter, the City Council shall have the authority in its sole discretion to grant variances authorizing the installation of signs which are not in complete

compliance with the provisions of this Chapter, so long as the City Council determines that the benefit to the citizens of the City of Waitsburg by allowing the installation of such noncomplying signs outweighs any harm which might result from strict compliance with this Chapter. (Ord. No. 892; July 2005)

## Chapter 10.1W - Nonconforming Uses and Buildings

- 10.1W.010 Purpose.
- 10.1W.020 Preexisting legal lots of record
- 10.1W.030 Nonconforming uses of land - Continuance conditions
- 10.1W.040 Nonconforming structures - Continuance conditions
- 10.1W.050 Existing nonconforming uses of structure or land - Continuance terms and conditions
- 10.1W.060 Planning Commission Authority - Change of Use
- 10.1W.070 Change in Nonconforming Use - Procedure - Petition and Public Hearing
- 10.1W.080 Findings
- 10.1W.090 Rehearing or Petition Refiling
- 10.1W.100 Appeal
- 10.1W.110 Repair and Maintenance - Building safety

### 10.1W.010. Purpose

The provisions of this chapter shall apply to legally preexisting structures, lots and uses that are made nonconforming as a result of the application of this Title (or any subsequent amendment thereto) to the preexisting structures, lands or uses. The purpose of this Chapter is to permit reasonable continuance of the operation of nonconforming uses while providing for their gradual elimination. Additionally, it is the purpose of this chapter to prohibit additional nonconformities and prevent the enlargement, expansion, or extension of existing nonconformities.

### 10.1W.020. Preexisting lots of record

A permitted use or structure may be established on a preexisting lot of record that contains less area or width than required under the terms of this title, provided the front, side and rear yard setback requirements as well as other applicable standards of this title are met.

### 10.1W.030. Nonconforming uses of land - Continuance conditions.

Where, at the effective date of adoption or amendment of this Title, lawful use of land exists that is made no longer permissible under the terms of this Title as enacted or amended, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

Except as provided for in Section 10.1W.050, no such nonconforming use shall be enlarged, increased or extended in scope, in intensity, or in regard to the area of land occupied, as compared to the scope, intensity or area occupied at the effective date of adoption or amendment of this Title.

B. If any such nonconforming use ceases, for any reason, for a period of six months, any subsequent use of such land shall conform to the regulations specified by this Title for the district in which such land is located.

10.1W.040. Nonconforming structures - Continuance conditions. If there exists at the effective date of adoption or amendment of this Title a lawful structure that could not be built under the terms of this Title by reason of restrictions on area, land coverage, height, yards, or other characteristics of the structure or its location, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

No structure may be enlarged or altered unless the enlargement or structural alteration makes the building more conforming or is required by law or as provided in this Chapter.

Should the structure be damaged or destroyed, by any means, to an extent that the cost to restore the structure to its condition prior to the damage or destruction is equal to or more than fifty percent of the fair market value of the structure prior to the damage or destruction, it shall not be reconstructed except in conformity with the provision of this Title.

C. Should the structure be moved, for any reason, for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Minor modifications may be made to nonconforming structures provided the value of such modification is twenty-five percent or less than the value of the structure prior to the modification, the modification is consistent with the existing nonconforming use, and the modification is a change or addition to the existing structure and not an independent structure, and change or modification not increase the footprint of the building more than twenty-five percent.

10.1W.050. Existing nonconforming uses of structure or land - Continuance terms and conditions.

If a lawful use or structure exists at the effective date of adoption or amendment of this Title that would not be allowed in the district under the terms of this Title, the use or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

No existing use not permitted by this Title in the district in which it is located shall be changed except in changing the use to a use permitted in the district in which it is located.

A nonconforming use may be extended throughout any parts of a building that were designed for such use at the time of adoption or amendment of this Title, but no such use shall be extended to or occupy any land outside the building.

When a nonconforming use is superseded by a permitted, then subsequently any use shall thereafter conform to the regulations for the district in which it is located, and the nonconforming use may not be resumed.

When a nonconforming is discontinued or abandoned for six months, then subsequently no use shall take place except a use in conformance with the regulations of the district.

E. Upon the removal or destruction of a structure in which a nonconforming use is taking place, then subsequently only an allowed use may be conducted on the property.

#### 10.1W.060. Planning Commission Authority – Change of Use.

Notwithstanding any other provision of this Title, the Planning Commission after public hearing, shall have the power to grant a special permit for a change of said nonconforming use on the application by the owners showing. In any case, the following conditions shall be considered by the Planning Commission in determining whether or not to grant said special permit:

1. The change in said nonconforming use must generally conform to the provision of the city comprehensive plan.
2. Increase in the need for off-street parking due to the proposed change should be discouraged.
3. Safe, convenient, ingress and egress should be provided.
4. The potential for increased traffic flows and turning movements should be evaluated.
5. Adequate landscaping and buffering from any adjacent residential uses and streets should be required.
6. Compatibility with the adjacent uses should be evaluated.
7. Utility services should be considered.
8. The proposed use is equally appropriate or more appropriate than the existing use.
9. The Planning Commission shall prescribe a time limit within which the action for which the permit is issued shall be begun or completed or both. Failure to begin or complete or both the action within the time period set shall void the permit.
10. The Planning Commission may impose conditions applicable to such new nonconforming uses that are in accord with this Title. If, after consideration of the applicant's petition, the Planning Commission finds the change in nonconforming use will not be adverse to the public health, safety or general welfare of the immediate neighborhood where it is located or of the community as a whole, the Planning Commission may grant a permit, with or without conditions, authorizing the change.

The Planning Commission must determine whether the proposed change in said nonconforming use shall not be adverse to the public health, safety or general welfare of the immediate neighborhood within which it is located or of the community as a whole.

#### 10.1W.070. Change in nonconforming use procedure - Petition and public hearing required.



A petition for change of a nonconforming use shall be filed with the Planning Commission by the owner, owners, or contract purchaser.

B. When a petition has been filed with and certified by the City Clerk as Complete, notice of public hearing shall be given in accordance with Title 10A of this Code.

C. The public hearing shall be held. Any party may appear in person or by agent or attorney.

10.1W.080. Public hearing required - Notice - Findings.

Upon receipt of a request for a change in nonconforming use, the Planning Commission shall set a date for a public hearing and give public notice of the time and place of the hearing. Findings and determination of the Planning Commission resulting from this public hearing shall be made in writing and transmitted to the applicant within fifteen days after the date of the hearing

10.1W.090 Rehearing or petition refiling.

If a petition for change of a non-conforming use is denied by the Planning Commission, another petition shall not be filed within a period of six months from the date of denial.

10.1W.100. Appeal

Action taken by the Planning Commission with regard to permits for the change of nonconforming use shall be final and conclusive unless within ten days of the effective date of the board's action an aggrieved party files an appeal pursuant to Title 10A of this Code.

10.1W.110. Repair and maintenance.

A. Nothing in this chapter shall be deemed to prevent the ordinary, day-to-day minor repairs and maintenance of nonconforming structures.

B. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any nonconforming building declared to be unsafe by a city official, provided such strengthening or restoration can be completed for a total cost that is not more than fifty percent of the fair market value of the structure prior to such strengthening or restoring.

C. Nothing in this chapter shall prevent minor modifications or structural changes designed to enhance access, structural integrity, safety or compliance with regulations, provided the cost of the modification does not exceed twenty-five percent of the value of the structure prior to the modification or change and the modification does not expand or increase the scope of the nonconforming use.

## Chapter 10.1X - Concurrency Management

### Sections:

10.1X.010	Description and Purpose
10.1X.020	Definitions
10.1X.030	Concurrency Determination
10.1X.040	Exemptions
10.1X.050	Concurrency Monitoring
10.1X.060	Intergovernmental Coordination
10.1X.070	Fees

Section 10.1X.010. Description and Purpose. The purpose of this Chapter is to set forth standards providing for municipal compliance with the concurrency requirements of the State's Growth Management Act (GMA) and to further provide for consistency between municipal and County-wide planning policies under GMA. GMA requires that adequate street capacity be provided concurrently with development to handle the increased traffic projected to result from such growth and development. GMA also authorizes local jurisdictions to establish concurrency parameters for facilities other than transportation. Therefore, while GMA requires that concurrency management be addressed in the context of the municipal street system, nothing in this Chapter precludes the City from applying the provisions of this Chapter to other infrastructure systems including, but not limited to, municipal water and sewer utilities.

A. When concurrency management for a segment of the transportation system is regional in nature as determined by Walla Walla County, the Regional Transportation Planning Organization (RTPO) shall be responsible for a concurrency determination in accordance with Level of Service (LOS) standards adopted for the regional transportation system.

Section 10.1X.020. Definitions. For the purposes of this Chapter, certain words and terms are defined herein. Words used in the present tense include the future; words used in the singular number include the plural; and words in the plural numbers include the singular.

A. Concurrency. Means the municipal infrastructure systems needed to achieve and maintain the standards for Level of Service (LOS) adopted in the City's Comprehensive Plan, as such Comprehensive Plan now exists or as it may be subsequently amended in the future, is available to serve new development no later than six years after the impacts of development are incurred.

B. Concurrency Determination. Means the comparison of an applicant's impacts on concurrency facilities to the capacity, including available and planned capacity of the concurrency facilities.

C. Development Permit. Means a land use or building permit. Development permits are classified as exempt, final, or preliminary. Exempt permits are set forth in Section 10.1X.040 of this Chapter.

D. Development Permit, Final. Means a building permit.

E. Development Permit, Preliminary. Means one or more of the following permits: a conditional use permit, a preliminary plat, a rezone, a short plat, or any other official action of the City having the effect of authorizing the development of land.

F. Level of Service (LOS). Means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of a facility. LOS is an established minimum capacity of certain capital facilities that must be provided per unit of demand or other appropriate measures as needed. LOS standards are found in the Transportation and Capital Facilities Elements of the City's Comprehensive Plan, as such Comprehensive Plan now exists or as it may be subsequently amended in the future.

G. Reserve Level of Service (LOS) Capacity. Means total capacity of concurrency facilities less currently existing demands, and less committed but not yet implemented demands upon such concurrency facilities and services.

H. Vested. Means the right to develop or continue development in accordance with the laws, rules, and other regulations in effect at the time vesting is achieved.

Section 10.1X.030. Concurrency Determination. Level of Service (LOS) standards are the benchmarks used to determine if concurrency facilities are adequate to serve new development. LOS standards are used to calculate the capacity of concurrency facilities for each development. Concurrency is determined by comparing the capacity required to the uncommitted capacity that is available.

A. A concurrency determination shall be performed by the City prior to the issuance of a preliminary development permit. If the concurrency determination results in a finding that facilities and services are sufficient to serve the development, the City shall reserve the capacity required for the final development permit. Such capacity shall not be returned to the uncommitted amount of reserve capacity unless and until the application is, for whatever reason, denied, rejected, expired, or otherwise invalidated.

1. A concurrency determination does not compromise the City's ability to address project mitigation under the State Environmental Policy Act (SEPA), where applicable.

B. If the concurrency determination results in a finding that one or more concurrency facilities do not have sufficient reserve capacity to serve the development, the application shall be returned to the applicant with an explanation as to the deficiencies with the affected concurrency facility or facilities. Development approval is prohibited if the development causes the LOS of a concurrency facility to decline below the LOS adopted in the City's Comprehensive Plan, as such Comprehensive Plan now exists or as it may be subsequently amended in the future, unless improvements or strategies to accommodate the impacts of development are made concurrent with the development. The applicant may:

1. Mitigate capacity impacts by arranging with the City for the provision of additional capacity of the affected concurrency facility or facilities required either concurrent with the development, or within six years of when the impact is incurred; or
2. Revise the proposed development by reducing impacts so as to maintain a satisfactory LOS; or
3. Phase the proposed development to coincide with later availability of increased concurrency facility capacity; or
4. Accept denial of the application.

Section 10.1X.040. Exemptions. While the following permits are exempt from the concurrency requirements of this Chapter, the City is not precluded from mitigating the impacts of such permits through other mechanisms such as by a Local Improvement District, by State Environmental Policy Act (SEPA) compliance, etc. The following development permits are exempt from concurrency determination requirements:

- A. Any addition or accessory structure to a residence, public facility, or business with no change or increase in use or increase in the number of dwelling units;
- B. Interior or exterior renovations or modifications of structures with no change or increase in use or increase in the number of dwelling units;
- C. Replacement structures with no change or increase in use or increase in the number of dwelling units;
- D. Temporary structures;
- E. Resurfacing of existing driveways, streets, or parking lots;
- F. Landscaping, lighting, or fencing;

- G. Signs;
- H. Demolitions;
- I. Connection of an existing single family residence to municipal utility systems;
- J. Street vacations;
- K. Lot line adjustments;
- L. Permits for construction of single family or two- family residences on platted lots of record existing before the effective date of this Chapter, provided such lot or combination of lots forming a development parcel duly conforms to minimum municipal standards for a development site as set forth elsewhere in this Zoning Ordinance.
- M. Final plats provided that the requirements of Section 10.1X.030 of this Chapter were satisfied at the time of preliminary plat approval;
- N. The subsequent building permit for an approved development provided that the requirements of Section 10.1X.030 of this Chapter were satisfied at the time of preliminary development approval and there is no change in use, densities, and intensities.

Section 10.1X.050. Concurrency Monitoring. The City shall monitor final development permits for their impact on concurrency facilities. The impacts from final development permits exempt under Section 10.1X.040 of this Chapter shall be taken into consideration. The City shall determine whether final development permit impacts should be monitored on an annual or other periodic basis.

Section 10.1X.060. Intergovernmental Coordination. The City may enter into an interlocal agreement with Walla Walla County or other entities to coordinate Level of Service (LOS) standards, concurrency mitigation strategies, and other facets of concurrency management.

Section 10.1X.070. Fees. Fees in an amount specified by resolution of the City Council shall be paid upon the filing of any development permit application to defray the expenses of conducting concurrency determinations, providing written information, and for providing other concurrency management services in support of this Chapter.

## Chapter 10.1Y - Official Zoning Map

### Sections:

- 10.1Y.010 Adoption of the Official Zoning Map with the Zoning Ordinance
- 10.1Y.020 Subsequent Amendment of the Official Zoning Map

10.1Y.010. Adoption of the Official Zoning Map with the Zoning Ordinance. When an Official Zoning Map is adopted by the City in conjunction with adoption of the text of the Zoning Ordinance, the Official Zoning Map shall be adopted as part of the same ordinance as the text of the zoning regulations.

A. The Official Zoning Map adopted in conjunction with this Ordinance is attached hereto and by this reference made a part hereof.

10.1Y.020. Subsequent Amendment of the Official Zoning Map. Adoption of subsequent amendments to the Official Zoning Map of the City shall be by separate ordinance from the text of this Zoning Ordinance.

## Chapter 10.1Z - Comprehensive Plan Dates and Revisions

10.1Z.010. The revised comprehensive plan, as recommended by the Planning Commission, dated March 18, 1998, is hereby approved and adopted as the Comprehensive Plan of the City.

(Ord. No. 746; March, 1998.)

10.1Z.020. The revised comprehensive plan, as recommended by the Planning Commission, dated August 1999, is hereby approved and adopted as the Comprehensive Plan of the City.

(Ord. No. 990804-771; Aug. 1999)

10.1Z.030. The revised comprehensive plan, as recommended by the Planning Commission, dated April 5, 2000, is hereby approved and adopted as the Comprehensive Plan of the City. The ordinance states as follows:

A. Sections III and IV of the City's Comprehensive Plan are amended to reduce the target minimum lot size for residential development from 10,000 square feet to 7,500 square feet.

B. SECTION V, Policy 15 of the City's Comprehensive Plan is amended to read as follows: Platted but undeveloped right of way should not be permitted to be used for residential access until the street has been developed to adopted standards and accepted by the City; provided, however, that for a short plat in which a building permit has been issued for only one lot, paved access routes are not required. Pavement of access routes will only be required on short plats once a permit is issued for construction on a second lot.

C. Sub part B of Appendix B of the Comprehensive Plan is hereby amended in its entirety to read as follows:

B. Six-Year Transportation Improvement Plan. The Six Year Transportation Improvement Plan included under Appendix C of this Comprehensive Plan shall be deemed to be amended when the Council of the City of Waitsburg formally adopts, changes, or makes revisions to the then existing Six-Year Transportation Improvement Plan. When adopted by the Council of the City of Waitsburg changes to the Six-Year Transportation Improvement Plan shall be deemed immediately to become amendments to this Comprehensive Plan without the need to follow the procedures stated in this Appendix B, or amendment to the Comprehensive Plan; provided however, that not more than one (1) amendment to the Six-year Transportation Improvement Plan per calendar year shall be effective, unless the procedures stated in this Appendix B are followed.

D. Appendix C of the Comprehensive Plan is amended by adding the following: Adopted Six-Year Transportation Improvement Plan. The Six Year Transportation Improvement Plan shall be deemed to be amended when the Council of the City of Waitsburg formally adopts, changes, or makes revisions to the then existing Six-Year Transportation Improvement Plan. When adopted by the Council of the City of Waitsburg changes to the Six-Year Transportation Improvement Plan shall be deemed immediately to become amendments to this Comprehensive Plan without the need to follow the procedures stated in Appendix B, or amendment to the Comprehensive Plan; provided however, that not more than one (1) amendment to the Six-year Transportation Improvement

Plan per calendar year shall be effective, unless the procedures stated in Appendix B are followed.

E. The transportation element of the Comprehensive Plan is amended by adding the following:

All tables in this Element V of the Comprehensive Plan that contain information derived from or contained in the Six-Year Transportation Improvement Plan shall be deemed to be amended to include current information from the Six-Year Transportation Improvement Plan, Appendix C, each time the Transportation Improvement Plan is amended; and it shall not be necessary to separately amend each table contained in this Element V.

10.1Z.040. The revised comprehensive plan, as recommended by the Planning Commission, dated March 21, 2001, is hereby approved and adopted as the Comprehensive Plan of the City.

10.1Z.050. A. Planning Commission Review. All proposed amendments to the City's Comprehensive Plan shall be reviewed and assessed by the Waitsburg Planning Commission (10A.030.040) which shall make a recommendation to the City Council after holding at least one (1) open record public hearing, noticed as required by WMC section 10A.070.030.

1. Required Findings – Generally. For all proposed amendments, the Planning Commission shall develop findings and conclusions and a recommendation which includes the following:

- a. The proposal meets a definable public need;
- b. The public need was not recognized in the existing comprehensive plan due to a change in circumstances in the community or due to an error in development of the plan as it currently exists.
- c. The defined need conforms to policy directives of the comprehensive plan and Citywide Planning Policies.
- d. The proposal does or does not require amendment of current policies in other areas of the comprehensive plan.

2. Additional Required Findings – Site Specific Amendments. In addition to the required findings set forth above, in order to recommend approval of a site-specific proposal to amend the comprehensive plan, the Planning Commission must also make the following findings:

a. The proposed site-specific amendment meets concurrency requirements (WMC 10.1X) for transportation and does not adversely affect adopted level of service standards for other public facilities and services (e.g. sheriff, fire and emergency medical services, parks, fire flow, and general governmental services);

b. The proposed site-specific amendment is consistent with the goals, policies and implementation strategies of the various elements of the City of Waitsburg Comprehensive Plan

c. The proposed site-specific amendment will not result in probable significant adverse impacts to the City's transportation network, capital facilities, utilities, parks, and environmental features that cannot be mitigated, and will not place uncompensated burdens upon existing or planned service capabilities;

d. In case of a site-specific amendment to the land use map, the subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including but not limited to the following;



- i. Access;
    - ii. Provision of utilities; and
    - iii. Compatibility with existing and planned surrounding land uses;
  - e. The proposed site-specific amendment will not create a pressure to change the land use designation of the other properties unless the change in land use designation for other properties is in the long-term best interests of the City as a whole;
  - f. The proposed site-specific amendment does not affect the land use and population growth projections that are based on the Comprehensive Plan;
  - g. If within an unincorporated urban growth area (UGA), the proposed site-specific amendment does not affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA;
  - h. The proposed amendment is consistent with the Growth Management Act (RCW Chapter 36.70A), the Citywide Planning Policies for the City of Waitsburg, and any other applicable interjurisdictional policies or agreements, and any other local, state or federal laws.
3. Recommendation. The Planning Commission's findings and conclusions shall include a recommendation to the Waitsburg City Council that proposed amendment(s) be denied, approved, or approved with conditions or modifications (10A.09.030 (4D)).

#### B. City Council Review

1. The City Council may first review the recommendation of the Planning Commission at a regular or special meeting (if necessary).
2. City Council Public Hearing. The City Council shall consider the proposed amendments to the Comprehensive Plan at a regularly scheduled meeting and conduct a public hearing, noticed as set forth in WMC 10A.090.040.
3. Criteria for Evaluation of Proposed Plan Amendments. The City Council shall apply the same criteria as the Planning Commission as set forth in section 10.1A.050 (A) 1 and 2 above, as applicable.
4. Adoption by Ordinance. The City Council shall adopt any amendments to the City of Waitsburg Comprehensive Plan by ordinance.

C. Transmittal to State. The City Clerk shall transmit a copy of any proposed amendments of the Comprehensive Plan to the Washington State Office of Community Trade and Economic Development (CTED) at least sixty (60) days prior to the expected date of final action by the Waitsburg City Council, as consistent with RCW Chapter 36.70A. The City Clerk shall transmit a copy of any adopted Comprehensive Plan amendments to CTED within ten (10) days after adoption by the Council.

D. Appeals. All appeals to the adoption of an amendment to the City of Waitsburg's Comprehensive Plan shall be filed with and processed by the Eastern Washington Growth Management Hearings Board in accordance with the provisions of RCW Chapter 36.70A.

E. Application. All applications for amendment to the City's Comprehensive Plan shall be submitted on forms provided by the City of Waitsburg. All applications shall be acknowledged by the applicant. (Ord. No. 914; January, 2007)

(Ord. No. 990804-771; August, 1999.)

Chapter 10.2A - Critical Areas

Sections:

- 10.2A.010 Purpose
- 10.2A.020 Definitions
- 10.2A.030 Applications/Designations
- 10.2A.040 Construction with Other Laws
- 10.2A.050 Regulated Activities: Critical Areas Permit Required
- 10.2A.060 Permitting
- 10.2A.070 Extraordinary Hardships
- 10.2A.080 Emergency Activities: Temporary Emergency Notice and Permit
- 10.2A.090 Nonconforming Development
- 10.2A.100 Enforcement
- 10.2A.110 Penalties
- 10.2A.120 Severability

10.2A.010. Purpose. The purpose of this Chapter is to protect the public health, safety, and welfare by protecting critical areas. The Waitsburg City Council finds that development in critical areas poses threats to the public health, safety, and welfare, to clean water and to fish and wildlife habitat. This Chapter aims to protect critical areas and to channel development to less ecologically sensitive areas.

The City of Waitsburg is required by state law (RCW 36.70A) to adopt an interim ordinance which identifies and protects critical areas while developing a Comprehensive Plan and development regulations. Once the Comprehensive Plan and related ordinances have been developed, then the City may revise its interim ordinances if necessary, to ensure that the final ordinances are in keeping with the Comprehensive Plan and the related development regulations. Ordinance No. 725, adopted on April 17, 1996, established Chapter 10.2A as the required interim regulations. The Comprehensive Plan has since been adopted. Therefore, the purpose of these amendments to make any changes necessary as a result of the Plan, and hereafter, Chapter 10.2A shall carry permanent status. The term "Critical Areas Ordinance" shall be synonymous with this Chapter 10.2A.

RCW 36.70A.060 states "(2) Each county and city shall adopt development regulations that protect critical areas that are required to be designated under RCW 36.70A.170... (3) Such counties and cities shall review these designations and development regulations when adopting their comprehensive plans under RCW 36.70A.040 and implementing development regulations under RCW 36.70A.120 and may alter such designations and development regulations for consistency." (Ord. No. 725; April, 1996); (Ord. No. 990804-771; August, 1999.)

10.2A.020. Definitions.

Administrator means the individual or official vested in this title with the duty of administering critical areas regulations within the City of Waitsburg. For purposes of this ordinance, Administrator shall mean the Mayor or his designated representative.

Buffer means a designated area adjacent to and a part of a steep slope which protects slope stability; a designated area adjacent to and a part of a stream or wetland that is an integral part of the stream or wetland ecosystem.

Specifically, the following buffers shall apply to regulated activities within the city limits:

A. Touchet River: 25 feet from the ordinary high water line as defined in WAC 220-110-020(31).

B. Coppei Creek: 15 feet from the ordinary high water line as defined in WAC 220-110-020(31).

C. Steep slopes exceeding 15% slope: 15 feet from the top and the bottom of the ravine, side walls, hillsides, and bluffs.

Critical Areas means:

- A. Wetlands;
- B. Areas with a critical recharging effect on aquifers used for potable water;
- C. Fish and wildlife habitat conservation areas;
- D. Frequently flooded areas; or
- E. Geologic hazardous areas.

Fish and Wildlife Habitat Conservation Areas means:

- A. Areas with which endangered, threatened, and sensitive species have primary association;
- B. Naturally occurring ponds under 20 acres that provide fish or wildlife habitat;
- C. Waters of the State;
- D. Lakes, ponds, streams, and rivers planted with game fish by governmental or tribal entity; or
- E. State natural area preserves and natural resource conservation areas.

Functions and Values means the beneficial roles served by wetlands, including but not limited to: water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage; source of surface water; groundwater recharge; erosion control, historical, archeological and aesthetic value protection; and recreation. These beneficial roles are not listed by priority or in order.

Geologically Hazardous Areas means an area that is not suited to commercial, residential, or industrial development because of its susceptibility to erosion, sliding, earthquakes, or other geological events hazardous to public health or safety.

Habitat means the sum of all environmental factors of a specific place necessary for the support and sustenance on a permanent or temporary basis, of an organism, species, population or community.

Mitigation means avoiding, minimizing or compensating for adverse impact to critical areas or their buffers. Mitigation in the following order of preference is:

- A. Avoiding the impact altogether by not taking a certain action or parts of an action;
- B. Minimizing impacts by limiting the degree of magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
- C. Rectifying the impact by repairing, rehabilitating or restoring the affected area;
- D. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- E. Compensating for the impact by replacing, enhancing, or providing substitute resources or areas;

F. Monitoring the impact and the compensation project and taking appropriate corrective measures.  
Mitigation for individual actions may include a combination of the above.

Slope means and inclined ground surface, the inclination of which is expressed as a ratio (percentage) of vertical distance to horizontal distance by the following formula:

$$\frac{\text{vertical distance}}{\text{horizontal distance}} \times 100 = \% \text{ slope}$$

Wetlands means areas that are inundated or saturated by surface water or ground water at a frequency or duration sufficient to support, and that under normal circumstances to do support, a prevalence of vegetation, typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetlands sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. Wetlands include artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands. These areas may serve a variety of functions, including, but not limited to: flood storage and conveyance, water quality protections, recharge and discharge areas for ground water, erosion control, sediment control, fish and wildlife habitat, recreation, education and scientific research.

Wetlands shall be delineated using the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, with amendments. (Ord. No 725; April, 1996).

10.2A. 030. Applications/Designations. The City of Waitsburg has determined that critical areas (aquifer recharge areas, fish and wildlife habitat conservation areas, wetlands, geologically hazardous areas, and frequently flooded areas) exist within the Waitsburg City limits and the adopted Urban Growth Area. Waitsburg has both wetlands and wildlife habitat associated with the river and creeks, geologically hazardous areas, and frequently flooded areas. There are no known aquifer recharge areas within the City limits or the Urban Growth Areas. In order to implement regulatory reform, only those critical areas not already regulated by existing ordinances are addressed by the City of Waitsburg Critical Areas Ordinance.

Frequently flooded areas are regulated in the Waitsburg Flood Plain Ordinance as adopted in the Waitsburg Municipal Code (WMC), Title 10, Article 10.7, Chapter 10.7A, and according to the Waitsburg Shoreline Master Program, WMC Title 13, Chapter 13.03. Therefore, frequently flooded areas are not addressed in the Waitsburg Critical Areas Ordinance. Likewise, activities within the Touchet River and the Coppei Creek which are regulated by the United States Army Corps of

Engineers and the Washington State Department of Fish and Wildlife, and not regulated by this Chapter.

This Chapter addresses only those activities within the buffer zones on the Touchet River and the Coppei Creek, and geologically hazardous areas. The National Wetlands Inventory Maps show all wetlands within the City and adopted Urban Growth Areas are directly associated with the Touchet River and the Coppei Creek. These buffers along the Touchet and the Coppei also contain all the wildlife habitat within the current City limits and adopted Urban Growth Area. Geologically hazardous areas are limited to a small portion located to the south of the City.

This Chapter applies only to incorporated lands within the Waitsburg City limits. Existing and on-going agricultural lands/uses, as defined herein, are exempt. Lawful uses, existing at the time of adoption are also exempt. (Ord. No 725; April, 1996; Ord. No.990804-771; Aug, 1999).

#### 10.2A.040. Construction with Other Laws.

A. Abrogation and Greater Restrictions. It is not intended that this chapter repeals, abrogates, or impairs any existing regulations including the Waitsburg Shoreline Master Program and the Waitsburg Flood Plain Ordinance, easements, covenants, or deed restrictions. However, when this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

B. Interpretation. The provisions of this chapter shall be liberally construed to serve the purposes of this chapter. (Ord. No 725; April, 1996).

10.2A.050. Regulated Activities: Critical Areas Permit Required. No regulated activity shall be undertaken in the buffers of the Touchet River or the Coppei Creek, or within a geologically hazardous area without first obtaining a critical areas permit.

Where a regulated activity is proposed which would be partly inside and partly outside a critical area or buffer, or an activity which may not be within a buffer area, but will impact a critical area, a critical areas permit shall be required of the entire regulated activity. All activities that occur outside a critical area or buffer should avoid negatively impacting a wetland or wetland buffer.

Regulated activities are any of the following activities which occur within 25 feet of the Touchet River, within 15 feet of the Coppei Creek, or on steep slopes:

- A. Removing, excavating, grading or dredging soil, sand, gravel, minerals, organic matter or material of any kind;
- B. Dumping, discharging or filling with any material;
- C. Draining or flooding, or disturbing of the water level or water table;
- D. Cutting, clearing, harvesting, shading, intentional burning, including removal of snags or dead or downed woody material, beyond that which is necessary for normal safety and maintenance of personal property, or planting of vegetation that would degrade a wetland;
- E. Construction or installation of streets or utilities;
- F. Construction and maintenance of trails;
- G. Creation of commercial, industrial, institutional or multi-family dwelling;
- H. Placing of obstructions;
- I. Construction, reconstruction, demolition, or expansion of any structure;
- J. Activities that restrict, increase or otherwise measurably alter the hydrology, water quality, or limnology of a wetland;
- K. Activities that result in significant change of physical or chemical characteristics of wetlands water sources, including quantity or the introduction of pollutants;
- L. Any land use or other activity having the potential to significantly degrade the habitat or harm fish and wildlife; and
- M. Any land use or other activity likely to contribute to a significant increase in geologic hazardous or to place people in danger. (Ord. No 725; April, 1996).

10.2A.060. Permitting. Critical areas permits shall be processed in accordance with the administrative application procedures set forth in WMC Title 10A unless

the permit is processed concurrently with an application requiring a quasi-judicial procedure.

A. Standards. All applications for permits to conduct activities having a possible significant impact on critical areas must identify the critical areas affected and make an estimate of the probable impact. The Administrator shall deny all requests for permits which would result in activities degrading a wetland or fish and wildlife habitat conservation area, which would put people or property in a position of unacceptable risk with respect to geological hazards, or which would tend to aggravate geological hazards. The Administrator may, however, grant permits which include mitigating measures if the mitigation measures adequately protect the critical area and people involved. Applications may be processed concurrently with other development requests such as subdivisions or building permits.

B. Application Requirements.

1. Applications for critical areas permits shall be made by the property owner, lessee, contract purchaser, or by an authorized agent thereof.
2. All applications for critical areas permits shall be made to the Administrator on the Washington Joint Aquatic Resource Permits Application (JARPA). The application form will be provided by the City.
3. Applications shall be accompanied by the payment of the applicable filing fees, which shall be the same as a variance fee as established by the City of Waitsburg Fee Ordinance.
4. All applications shall contain the submittal information required within this Chapter.
5. Bonding may be required if necessary mitigation cannot be completed prior to project completion.
6. Construction Oversight - The construction of the mitigation project will be monitored by a qualified professional at the expense of the permittee to ensure that the project fulfills its goals.
7. Contingency Plan - The permit application must identify potential courses of action that can be taken when monitoring or evaluation indicate project performance standards are not being met.
8. Permit Conditions - Any mitigation plan prepared pursuant to this Section shall become part of the wetland permit application.
9. Performance Bonds and Demonstration of Competence - The applicant shall provide demonstration of administrative, supervisory, and technical competence, financial resources, and scientific expertise of sufficient standing to successfully execute any required mitigation. The applicant will name a mitigation project manager and provide the qualifications of each team member involved in preparing, implementing, and supervising the mitigation plan. This shall include educational background and areas of expertise, training and experience with comparable projects. In addition, except for public agencies, bonds ensuring fulfillment of the mitigation proposal monitoring program, and any contingency measure shall be posed in the amount of 125 percent of the expected project cost of mitigation, plus a factor to be determined to allow for



inflation during the time the project is being monitored. An administration fee for the mitigation project may be assessed to reimburse the City for costs incurred during the course of monitoring the program. (Ord. No 725; April, 1996; Ord. No. 990804-771; Aug., 1999).

10.2A.070. Extraordinary Hardships. Regulated activities that are otherwise not allowed shall not be authorized within a critical area or buffer except where it can be demonstrated that an extraordinary hardship exists, or the impact is both unavoidable and necessary, or that all reasonable economic uses are denied.

A. With respect to wetlands, an applicant must demonstrate that denial of the permit would impose an extraordinary hardship and that the need for the exception is brought about by circumstances peculiar to the subject property. In addition, it must be demonstrated that the impacts are unavoidable and necessary.

B. With respect to all other critical areas, the following provisions shall apply:

1. For water dependent activities, unavoidable and necessary impacts can be demonstrated when:

a. There are no practicable alternatives, consistent with the applicable city codes, to the proposed activities which would not involve a critical area or which would not have less adverse impacts on a critical area;

b. There are no particular alternatives which would not have other significant adverse environmental consequences.

2. Where non-water dependent activities are proposed, unavoidable and necessary impacts can be demonstrated when:

a. The basic project purpose cannot reasonably be accomplished using an alternative site in the general region that is available to the applicant;

b. A reduction in the size, scope, configuration, or density of the project as proposed or alternative designs that would avoid, or result in less, adverse impact on a critical area or its buffer will not accomplish the basic purpose of the project; and

c. In cases where the applicant has rejected alternatives to the project as proposed due to constraints such as zoning, deficiencies of infrastructure, or parcel size, the applicant has made a reasonable attempt to remove or accommodate such constraints.

C. If an applicant for a development proposal demonstrates to the satisfaction of the Administrator that the standards of this ordinance would deny substantial, reasonable economic use of property, development as conditioned shall be allowed if the applicant also demonstrates all of the following to the satisfaction of the Administrator:

1. That the proposed development is water-dependent or requires use of a critical area as a central element of its basic function, or is not water-dependent but has no practical alternative pursuant to this Section;

2. That no reasonable use is possible that would have less impact on the critical area and its buffer;

3. That there is no feasible on-site alternative to the proposed development, including reduction in density, planning unit development, and/or revision of road and lot layout that would allow a reasonable economic use with less adverse impacts to the critical area or buffers;

4. That the proposed development will not jeopardize the continued existence of species listed by the federal government or the state as endangered, threatened, sensitive, or documented priority species or priority habitats;

5. That any and all alterations to critical areas and buffers will be mitigated as provided in this ordinance;

6. That there will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property; and

7. That the inability to derive reasonable economic use of the property is not the result of actions by the applicant, or the present or prior owner of the property, in segregating or dividing the property and creating the undevelopable condition after the effective date of this chapter.

D. Mitigation will be required for impacts to critical area or buffer caused by unavoidable and necessary, extraordinary hardships, and reasonable use exceptions to standards. See Section 2 for specific mitigation definition.

E. Prior to granting any special exception under this Section, the Administrator shall make written findings on each of the items listed above. (Ord. No 725; April, 1996).

#### 10.2A.080. Emergency Activities : Temporary Emergency Notice and Permit.

##### A. Criteria for Granting a Temporary Emergency Permit.

Notwithstanding the provisions of this ordinance or any other laws to the contrary, the Administrator may issue a temporary emergency critical areas permit for otherwise lawful activities within critical areas or their protection zones if:

1. The Administrator determines that an imminent threat to public health, safety or the environment will occur if an emergency permit is not granted; and

2. The threat of loss may occur before a critical areas permit can be issued or modified under the procedures otherwise required by this ordinance.

B. Conditions of Emergency Permit. An emergency permit granted shall:

1. Incorporate to the greatest extent practicable the standards and criteria required for non-emergency activities;

2. Be limited in duration to the time required to complete the authorized emergency activity, not to exceed ninety (90) days without re-application; and

3. Require the restoration of any wetland altered as a result of the emergency activity within ninety days following the emergency repair, or during the growing season after the emergency repair. A critical areas permit must be obtained for emergency repair in accordance with this chapter.

##### C. Procedure.

1. The Administrator shall issue immediately upon request verbal approval for the necessary emergency activities to take place. All efforts must be

made to contact the City Administrator, however, if that is not possible, the Administrator must be notified within 48 hours.

2. Within two weeks a written permit shall be issued and complied with as provided in this Section. (Ord. No 725; April, 1996).

10.2A.090. Nonconforming Development. Within the critical areas established by this ordinance, there exists development and non-conforming uses which were lawfully established at the time, but which would be prohibited, regulated or restricted under the terms of this document. It is the intent of this ordinance to permit these non-conformities to continue as previously approved. These regulations shall not prohibit uses legally existing on any parcel prior to their adoption subject to the following:

A. No such activity shall be expanded, changed, enlarged, or altered in any way that increases the extent of its nonconformity without a permit issued pursuant to the provisions of this chapter.

B. Except for cases of discontinuance as part of normal agricultural practices, if a non-conforming activity is discontinued for 12 consecutive months, any resumption of the activity shall conform to this chapter.

C. If a non-conforming use or activity is destroyed by human activities or an act of God, it shall not be resumed except in conformity with the provisions of this chapter. (Ord. No 725; April, 1996).

10.2A.100. Enforcement. The City of Waitsburg shall have the authority to enforce this chapter, any rule or regulation adopted, and any permit or order issued pursuant to this chapter, against any violation or threat of violation. The City is authorized to issue violation notices and administrative orders, levy fines, and/or institute legal actions in court. Recourse to any single remedy shall not preclude recourse to any of the other remedies. Each violation of any rule or regulation adopted, or any permit, permit condition or order issued pursuant to this chapter shall be a separate offense and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offence. All costs, fees, and expenses in connection with enforcement actions may be recovered as damages against the violator. (Ord. No 725; April, 1996).

10.2A.110. Penalties. If any person or entity carries out or performs an activity without first obtaining a permit required by this Chapter, the violator shall be liable for a civil penalty not to exceed \$300. Any person or entity aggrieved by any act done without a permit required by this Chapter may bring a civil action to enforce these penalty provisions, and the court shall order the violator to pay the plaintiff's attorneys fees if the action is successful. (Ord. No 725; April, 1996; Ord. No. 990804-771 ; Aug., 1999).

10.2a.120. Severability. If any clause, sentence, paragraph, section or part of this chapter or the application thereof to any person or circumstances shall be adjudged by any court of competent Jurisdiction to be invalid, such order or judgement shall be confined in its operation to the controversy in which it was

rendered and shall not affect or invalidate the remainder of any part thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable. (Ord. No 725; April, 1996).

## **ARTICLE 10.3 - BLOCK NUMBERING**

### Chapter 10.3A - Block Numbering

Sections:

10.3A.010 Block Numbering

Block Numbering. The block system of numbering the houses within the City of Waitsburg is hereby adopted as follows:

- A. The said system requiring a number every 20 feet and containing 100 numbers to a block.
- B. The base line east and west to be Main Street and the base line north and south to be Front Street.
- C. The numbers from Front Street to First Street to be from 1 to 99 and between First Street and Second Street to be from 100 to 199 inclusive; between Second Street and Third Street to be from 200 to 299 inclusive.
- D. Each street will be numbered in like manner from the base line and even numbers will be on the right and odd numbers on the left side of each street.
- E. Cross numbers will be numbered in like from the base line of Main Street, even numbers on the right and odd numbers on the left side.

(This Chapter was formerly Chapter 10.10.)

## ARTICLE 10.4 - TREES

### Chapter 10.4A - Trees

#### Sections:

- 10.4A.010 Declaration and Purpose
- 10.4A.020 Definitions
- 10.4A.030 Establishment of City Tree Committee
- 10.4A.040 Jurisdiction
- 10.4A.050 Duties of Committee
- 10.4A.060 Committee Control of Activities Affecting Trees
- 10.4A.070 Tree Destruction
- 10.4A.080 Appeals
- 10.4A.090 Regulations; Violations

10.4A.010. Declaration and Purpose. The Council of the City finds and declares that there are benefits, both tangible and intangible, of maintaining trees on public and private property within the City. The Council finds that trees are valuable assets and that the benefits to the public of maintaining trees on public and private property significantly outweigh the detriments. (Ord. No. 822; September 2001)

10.4A.020. Definitions. As used in this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section.

- A. "City" means the City of Waitsburg, Washington.
- B. "Committee" means the Street Committee of the City Council.
- C. "Number". The singular number includes the plural, and the plural shall include the singular.
- D. "Owner" means the legal owner of real property and also includes the person legally entitled to possession of real property.
- E. "Person" means and includes any individual, firm, association, corporation, partnership and trust, and the lessees, receivers, agents, and employees of any individual, firm, association, corporation, partnership or trust.
- F. "Public Property" means all roads, streets, avenues, alleys, parking strips, public rights-of-way, and all other property owned or possessed by the City of Waitsburg, within the City limits or any portion thereof.  
(Ord. No. 822; September 2001)

10.4A.030 Establishment of City Tree Committee. There is hereby created a Committee to be designated as the "City Tree Committee." It shall be composed of five members, which shall be designated positions one, two, three, four and five. Committee members holding positions one, three and five shall be appointed by the Mayor, with Council confirmation. The Committee member holding position two shall be appointed by the Park and Recreation District Board. The Committee member holding position four shall be appointed by the City Planning Commission. The first members forming this Committee shall be appointed for terms as follows: positions one and two, one year; positions three and four, two years; and position five, three years. Thereafter, successors shall be appointed for a term of three years. Vacancies caused by death, resignation or otherwise shall be filled for the unexpired term in the same manner as original appointments are made. All members of the Committee shall serve without pay. Within a reasonable time after the appointment of said Committee, and the approval of said members thereof, the Committee shall meet and organize by the election of chairman. The Committee shall then provide for the adoption of rules and procedures, and for the holding of regular and special meetings as said Committee shall deem advisable and necessary in order to perform the duties set forth herein. (Ord. No. 650; April, 1989; Ord. No. ; Aug., 1999).

10.4A.040. Jurisdiction. The Committee shall have jurisdiction, control and direction of the planting, setting out location, placement, removal, care and trimming and cutting of all trees on public property. (Ord. No. 650; April, 1989; Ord. No. ; Aug., 1999).

10.4A.050. Duties of Committee. The duties of the Committee with regard to trees. In addition to other duties of the committee, the duties of the Committee with regard to trees shall be as follows:

- A. To formulate a tree maintenance program for the City.
- B. To provide to the City information regarding the selection, planting, and maintenance of trees within the City, whether on public property.
- C. Repealed.
- D. Repealed.
- E. To determine the types and species suitable and desirable for planting and the areas and conditions under which such trees should be planted on public property. The Committee shall make such determinations after consulting persons familiar with the subject of such plantings, such as landscape architects, arborist, nurserymen, extension service and others who may have pertinent information.
- F. To establish a program for inspecting all trees which are upon public property or which overhang any public property to determine the condition of the same. After such periodic inspections the Committee shall make such reports or take such action as are necessary and appropriate for the abatement of nuisances, planting trees, maintenance of existing trees, control of disease or pest or other such action as may be reasonably necessary.

(Ord. No. 650; April, 1989; Ord. No. ; Aug., 1999; Ord. No. 822; Sept., 2001.)

10.4A.060. Committee Control of Activities Affecting Trees. No person other than the Committee or persons authorized by it, may cut, trim, prune, spray, plant, move, remove or replace any tree located on public property or which encroaches on public property. (Ord. No. 650; April, 1989).

10.12.070. Tree Destruction. It is unlawful for any person to break, injure, deface, mutilate, cut, kill or destroy any tree or to set a fire or permit any fire to burn where such fire or heat thereof may injure any portion of a tree on public property. It is also unlawful for any such person to place, apply, attach, or keep attached to any tree any wire, rope, sign, paint or any other substance, structure or thing or device of any kind or nature whatsoever. (Ord. No. 650; April, 1989; Ord. No. ; Aug., 1999).

10.4A.080. Appeals. Any person aggrieved by any act or determination of the Committee shall have the right of appeal to the City Council, as provided for and in accordance with WMC Title 10A. (Ord. No. 650; April, 1989; Ord. No. ; Aug., 1999).

10.4A.090. Regulations; Violations. The regulations adopted by the Committee and approved by the City Council shall have force of law and be enforceable to the same extent as any ordinance of the City. Any person violating any provisions of this Chapter or any other regulations adopted by the Committee and approved by the Council or failing to comply with them, shall upon conviction be punished by a fine not to exceed \$300.00 for each offense. Each day or part thereof that a violation of this Chapter occurs shall be deemed as a separate offense. (Ord. No. 650; April, 1989; Ord. No. ; Aug., 1999).

(This Chapter was formerly Chapter 10.12.)



## **ARTICLE 10.5 - BARNS**

### Chapter 10.5A - Barns

Sections:

10.5A.010 Barns

10.5A.010. Barns.

A. Notwithstanding any other provision of this Title, no barn shall be constructed under any circumstances within the corporate limits of the City that is closer than 200 feet to any street and closer than 300 feet to any property on which a dwelling is located.

B. This Chapter is intended to be a limitation on the construction of barns within the City, and nothing herein shall be construed to permit the construction of a barn when such construction is prohibited by any other provision of this WMC.

(This Chapter was formerly Section 10.02.100.)

## ARTICLE 10.6 - STABLES

### Chapter 10.6A - Stables

Sections:

10.6A.010 Stables

10.6A.010. Stables.

A. In addition to all other provisions which may relate to or govern stables, it shall be unlawful for any person, firm or corporation to construct, reconstruct, maintain, use or occupy any building or premises within the limits of the City of Waitsburg, Washington, as a stable for one or more animals, without first obtaining a permit from the Health Officer of such City, specifying the name of the permittee, the location of the building or premises to be used as a stable, and the number and kind of animals that may be kept therein, and such restrictions as said Health Officer may prescribe, provided same are not in conflict with any Ordinance or Municipal Code provision of said City.

B. It shall hereafter be unlawful for any person, firm or corporation to construct, reconstruct, maintain, use or occupy any building or premises as a stable, without first complying with such restrictions or regulations as the Health Officer may prescribe.

C. Applications for a permit for a stable required by the foregoing action shall be made on forms to be furnished by said City and shall state the location of the buildings or premises to be used as a stable, the number and kind of animals to be sheltered therein, and the Health Department or Health Officer of said City shall within 48 hours following the receipt of the application, approve the same and issue a permit therefor, or reject the same and notify the applicant of such rejection by mail. Such permit shall be processed in accordance with the administrative application procedures of WMC Title 10A, and the determination of the Health Officer may be appealed to the City Council pursuant to said Title 10A.

D. All stables to be erected, occupied or used as provided for in this Chapter, and also all poultry houses, used or occupied as such, shall be subject to the following requirements and conditions:

1. No such stable or poultry house shall be nearer than 200 feet to any dwelling or residence or building occupied as such, without the consent of the occupant thereof.

2. All yards surrounding stables or buildings where animals or poultry are housed, shall be kept well drained and free from standing water and filth.

E. This Chapter shall be in addition to, and shall not be held to repeal, any other provisions of this Title or other Titles of the Municipal Code relative to the public health, and the keeping of animals or poultry within said City, and the construction or maintenance of buildings where same are kept, except where same are in conflict herewith.

F. Any person, firm or corporation violating any of the provisions of this Chapter or failing, refusing or neglecting to comply with the rules and provisions thereof, shall be deemed guilty of a violation thereof, and shall be fined not less than \$5.00 or more than \$100.00 plus costs of prosecution; in addition to such fine, any building erected or maintained in violation of said Chapter, may be ordered abated, removed or destroyed as a nuisance and execution for costs of such proceeding may be assessed against the property owner and collected as like costs are collected in criminal cases.

(This Chapter was formerly Section 10.02.110.)

## **ARTICLE 10.7 - FLOOD HAZARD AREAS**

### Chapter 10.7A - Flood Zones

#### Sections:

10.7A.005	Authority
10.7A.010	Findings of Facts
10.7A.020	Statement of Purpose
10.7A.030	Methods of Reducing Flood Losses
10.7A.040	Definitions
10.7A.050	Lands to Which this Chapter Applies
10.7A.060	Basis for Establishing the Areas of Special Flood Hazard
10.7A.070	Violations
10.7A.080	Abrogation and Greater Restriction
10.7A.090	Interpretation
10.7A.100	Warning and Disclaimer of Liability
10.7A.110	Establishment of Development Permit
10.7A.115	Application for Development Permit
10.7A.120	Designation of the Local Administrator
10.7A.130	Duties and Responsibilities of the Planning Commission
10.7A.140	Appeal and Variance Procedure
10.7A.150	Conditions for Variances
10.7A.160	Anchoring
10.7A.170	Construction Materials and Methods
10.7A.180	Utilities
10.7A.190	Subdivision Proposals
10.7A.200	Review of Building Permits
10.7A.210	Construction—Specific Standards
10.7A.220	Manufactured Homes
10.7A.225	Recreation Vehicles
10.7A.230	Floodways
10.7A.235	Encroachments
10.7A.240	Standards for Shallow Flooding Areas (AO Zones)
10.7A.250	Critical Facility
10.7A.260	Severability

10.7A.005. Authority. The legislature of the State of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and welfare of its citizenry. This Chapter is adopted pursuant to that delegation. (Ord. No. 652; July, 1989; Ord. No. 990804-771; Aug., 1999).

10.7A.010. Findings of Facts. A. The floor hazard areas of the City of Waitsburg are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and

impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

10.7A.020. Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood condition in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

10.7A.030. Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage;

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

10.7A.040. Definitions. Unless specifically defined herein, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

A. "Appeal" means a request for a review of the Planning Commission's interpretation of any provisions of this Chapter or a request for a variance. (Ord. No. 747; March, 1998; Ord. No. ; Aug., 1999.)

B. "Area of Shallow Flooding" means a designated AO or AH zone on the flood insurance map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding. (Ord. No. 652; July, 1989).

C. "Area of Special Flood Hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always include the letters A or V. (Ord. No. 652; July, 1989).

D. "Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always included the letters A or V. (Ord. No. 747; March, 1998. Former section repealed; Ord. No. 652; July, 1989).

E. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides. (Ord. No. 747; March, 1998; Ord No. 765, Feb., 1999.)

F. "Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. (Ord. No. 747; March, 1998.)

G. "Critical Facility" means a facility for which even a slight chance of flooding might be to great. Critical facilities include, but are not limited to,

schools, nursing homes, hospitals, fire, police and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. (Ord. No. 652; July, 1989; Ord. No. ; Aug., 1999).

H. "Development" means 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 located within the area of special flood hazard.

I. "Elevated Building" means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation, walls, shear walls, posts, piers, pilings, or columns. (Ord. No. 747; March, 1998; Ord. No. ; Aug., 1999.)

J. "Existing Manufactured Home Park or Manufactured Home Park Subdivision" means a manufactured home park or a subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations. (Ord. No. 747; March, 1998; Ord. No. ; Aug., 1999.)

K. "Expansion of an Existing Manufactured Home Park or Manufactured Home Park Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.) (Ord. No. 747; March, 1998; Ord. No. ; Aug., 1999.)

L. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

M. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. (Ord. No. 747; March, 1998; Ord. No. ; Aug., 1999.)

N. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation on the base flood. (Ord. No. 747; March, 1998; Ord. No. ; Aug., 1999.)

O. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

P. "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, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

Q. "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle." (Ord. No. 747; March, 1998; Ord. No. ; Aug., 1999.)

R. "Manufactured Home Park or Manufactured Home Park Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

S. "New Construction" means structures for which the "start of construction" commenced on or after the effective date of this Chapter.

T. "New Manufactured Home Park or Manufactured Home Park Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations. (Ord. No. 747; March, 1998; Ord. No. ; Aug., 1999.)

U. "Recreation Vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Encompasses 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (Ord. No. 747; March, 1998; Ord. No. ; Aug., 1999.)



V. "Start of Construction" includes a substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement is within 180 days of the permit date. The actual date means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footing, the installation of piles, the construction of columns, or any work beyond the state 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 foundations or the 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (Ord. No. 747; March, 1998; Ord. No. ; Aug., 1999.)

W. "Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground. (Ord. No. 747; March, 1998; Ord. No. ; Aug., 1999.)

X. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (Ord. No. 747; March, 1998; Ord. No. ; Aug., 1999.)

Y. "Substantial Improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started, or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure." (Ord. No. 765, Feb., 1999; Ord. No. ; Aug., 1999.)

Z. "Variance" means a grant of relief from the requirements of this Chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

AA. "Water Dependent" means any structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. (Ord. No. 652; July, 1989; Ord. No. 990804-771; Aug., 1999).

10.7A.050. Lands to Which this Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Waitsburg.

10.7A.060. Basis For Establishing The Areas Of Special Flood Hazard. The area of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Waitsburg," dated November 3, 1982, as amended, with an accompanying Flood Insurance Map (FIRM), as amended, are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at Waitsburg City Hall. (Ord. No. 747; March, 1998.)

10.7A.070. Violations. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a civil infraction. Any person who violates this Chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$250.00 per day for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

A separate violation shall be deemed to exist for each day during which a failure to comply with the requirements of this Chapter shall be allowed to continue. (Ord. No. 652; July, 1989; Ord. No. 747; March, 1998; Ord. No. 990804-771; Aug., 1999).

10.7A.080. Abrogation and Greater Restriction. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and other ordinances, easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

10.7A.090. Interpretation. In the interpretation and application of this chapter , all provisions shall be:

- A. considered as minimum requirements;
- B. liberally construed in favor of the governing body; and
- C. deemed neither to limit nor repeal any other powers granted under state statutes.

10.7A.100. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Waitsburg, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

10.7A.110. Establishment of Development Permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in this Chapter. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions" and for all other development including fill and other activities, also as set forth in the "Definitions." Application for a development permit shall be made on forms furnished by the City of Waitsburg and may include but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fills, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- B. elevation in relation to mean sea level to which any structure has been flood proofed;
- C. certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in this Chapter; and
- D. description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

10.7A.115. Application for Development Permit. Permits issued under the provisions of this Chapter shall be processed in accordance with the administrative application procedures set forth in WMC Title 10.A. Application for a development permit shall be made on forms furnished by the City and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing criteria in this Chapter has been implemented; and
- D. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. (Ord. No. 747; March, 1998; Ord. No. 990804-771; Aug., 1999.)

10.7A.120. Designation of the Local Administrator. The Waitsburg City Clerk is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. NO. 842; October, 2002.)

10.7A.130. Duties and responsibilities of the local administrator. The duties of the local administrator shall include, but not be limited to:

A. Permit Review

- 1. Review all development permits to determine that the permit requirements of this Chapter have been satisfied;
- 2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;
- 3. Review all development permits to determine if the proposed development is located within the floodway. If located within the floodway, assure that the provisions of this Chapter are met and Section 10.7A.230 are met.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with this Chapter, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data

available from a federal, state or other source, in order to administer the provisions of this Chapter.

C. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study or otherwise, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved flood-proofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in Section 10.7A.115:
  - a. Obtain and record the elevation (in relation to mean sea level) to which the structure was flood-proofed. (Ord. No. 913; Feb. 2007)
  - b. Maintain the flood-proofing certifications required by this Chapter.
3. Maintain for public inspection all records pertaining to the provisions of this Chapter.

D. Alteration of Watercourses.

1. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. (Ord. No. 913; Feb. 2007)
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Interpretation of FHBM Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundaries shall be given a reasonable opportunity to appeal the interpretation as provided in Section 10.7A.140 below.

F. The local administrator is authorized to consult with and obtain information and opinions from other federal, state, and local officials as deemed necessary in order to implement and administer this chapter. (Ord. NO. 842; October, 2002.)

10.7A.140. Appeal and Variance Procedure. Appeals of the local administrator's determination shall be processed in accordance with the requirements set forth in Waitsburg Municipal Code Title 10a. Variances from the requirements of this chapter shall follow the judicial application procedures set forth in Waitsburg Municipal code Title 10a.

A. The City Council as provided by the City of Waitsburg shall hear and decide appeals and requests for variances from the requirements of this Chapter.

B. The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the local administrator in the enforcement or administration of this Chapter.

C. Those aggrieved by the decision of the Waitsburg City Council or any taxpayer, may appeal such decision to the Superior Court of Walla Walla County as provided in WMC Title 10A and in RCW Chapter 36.70C.

D. In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other Sections of this Chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The compatibility of the proposed use with existing and anticipated development;

7. The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;

8. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

E. Repealed.

F. Upon consideration of the factors and the purposes of this Chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

G. The City Council shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.  
(Ord. NO. 842; October, 2002.)

#### 10.7A.150. Conditions for Variances.

A. Generally, the only condition which a variance from the elevation standard may be issued is for new construction and for substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that 10.7A.140.D.1 through 10.7A.140.D.11 have been fully considered. As the lot size increases the technical justification required for issuing the variances increases.  
(Ord. No. 652; July, 1989; Ord. No. ; Aug., 1999).

B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or a municipal Register of Historic Places, without regard to the procedures set forth in the remainder of this Section.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance which result in exceptional hardship to the applicant; and
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in this Chapter or conflict with existing local laws or ordinances. (Ord. No. 652; July, 1989; Ord. No. ; Aug., 1999).

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below

the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

G. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

H. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry-flood proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except the required elevation and otherwise complies with the other standards of this Chapter.

(Ord. No. 990804-771; Aug. 1999)

10.7A.160. Anchoring. A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

B. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame to ground anchors. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques.)

10.7A.170. Construction Materials and Methods. A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. (Ord. No. 652; July, 1989).

10.7A.180. Utilities. A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

C. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.



D. Electrical heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. Water wells shall be located on high ground that is not in the floodway. (Ord. No. 913; Feb. 2007)

#### 10.7A.190. Subdivision Proposals.

A. All subdivision proposals shall be consistent with the need to minimize flood damage;

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage;

D. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).; and

E. No new lot shall be platted, and no existing lot shall be replatted, unless it can be demonstrated per 10.7A.115 that division and development of the lot(s) will not substantially increase hazardous impacts related to flooding events. (Ord. No. 913; Feb. 2007)

10.7A.200. Review of Building Permits. Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building permits shall be reviewed to insure that the proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates. (Ord. No. 652; July, 1989).

10.7A.210. Construction—Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in this Chapter, the following provisions are required:

#### A. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above base flood elevation.

2. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including the basement, elevated one foot above the base flood elevation; or, together with attendant utility and sanitary facilities shall:

1. Be flood proofed so that below one foot above the base flood level the structure is water tight with walls substantially impermeable to the passage of waste;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this sub-section based on his development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 10.7A.130;

4. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 10.7A.210.A.2;

5. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proof level (e.g., a building flood proofed to the base flood level will be rated as one foot below). (Ord. No. 747; March, 1998; Ord. No. 652; July, 1989; Ord. No. 990804-771; Aug., 1999).

C. Repealed. (Ord. No. 652; July, 1989).

10.7A.220. Manufactured Homes.

A. All manufactured homes to be placed or substantially improved within Zone A1-A30, AH, and AE on the community's FIRM on sites:

1. Outside of a manufactured home park or subdivision,
2. In a new manufactured home park or subdivision,
3. In an expansion to an existing manufactured home park or subdivision, or
4. All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement (Ord. No. 913; Feb. 2007).

B. Manufactured homes to be placed or substantially improved on site in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:

1. The lowest floor of the manufactured home is elevated one foot above the base flood elevation, or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above ground and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement. (Ord. No. 747; March, 1998; Ord. No. 652; July, 1989; Ord. No. 990804-771; Aug., 1999).

10.7A.225. Recreation Vehicles.

A. Recreational vehicles placed on sites within Zone A1-30, AH, and AE on the community's FIRM shall either:

1. Be on the site for fewer than 180 consecutive days,;
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the requirements herein and the elevation and anchoring requirements for manufactured homes. (Ord. No. 747; March, 1998; Ord. No. 990804-771; Aug., 1999).

10.7A.230. Floodways. Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Prohibit encroachment, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If the preceding sub-section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Chapter.

C. Any project for improvement of a structure to correct existing violations of state or local health, sanitary and safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions, or to structures identified as historic places shall not be included in the fifty percent. (Ord. No. 913; Feb. 2007)

10.7A.235. Encroachments The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. (Ord. No. 747; March, 1998).

10.7A.240. Standards for Shallow Flooding Areas (AO Zones). Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions shall apply:

A. New construction and substantial improvements of residential structures within AO Zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified).

B. New construction and substantial improvements of nonresidential structures within AO zones shall either:

1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or (Ord. No. 747; March, 1998).

2. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 10.7A.210.B.3.

C. Require adequate drainage paths around structures on slopes to guide flood waters around and away proposed structures.

D. Recreational vehicles placed on sites within AO zones on the community's FIRM shall either:

1. Be on the site for fewer than 180 consecutive days,;

2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Meet the requirements of this Chapter for the elevation and anchoring requirements for manufactured homes. (Ord. No. 747; March, 1998; Ord. No. 990804-771; Aug., 1999.)

10.7A.250. Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplan). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or more above the level of the base flood elevation (100-year) at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. (Ord. No. 747; March, 1998.)

10.7A.260. Severability. If any provisions of this Chapter, or its application any person or legal entity or circumstances, is held invalid, the remainder of the ordinance or the application of the provision to other persons or legal entities or circumstances, shall not be affected. (Ord. NO. 747; March, 1998.)

## **ARTICLE 10.8 - SUBDIVISIONS**

Ord. No. 990804-771; Aug. 1999

### Chapters:

- 10.8A General Provisions
- 10.8B Definitions
- 10.8C Preliminary Plats
- 10.8D Alteration of Subdivision Procedures
- 10.8E Vacation of Subdivision Procedures
- 10.8F Planned Unit Developments
- 10.8G Design Standards
- 10.8H Improvements
- 10.8I Dedications
- 10.8J Final Plats
- 10.8K Variances
- 10.8L Enforcement
- 10.8M Short Plat Procedures

Ord. No. 990804-771; Aug. 1999

Chapter 10.8A - General Provisions

Sections:

- 10.8A.010 Short Title
- 10.8A.020 Regulations Compliance Requirements
- 10.8A.030 Purpose
- 10.8A.040 Scope
- 10.8A.050 Severability
- 10.8A.060 Exemptions
- 10.8A.070 Applicability
- 10.8A.080 Development of Illegally Divided Land
- 10.8A.090 Development of Illegally Divided Land—Innocent Purchaser for Value
- 10.8A.100 Liability
- 10.8A.110 Review by Public Agencies

10.8A.010. Short Title. This Article shall be known and may be cited as the Subdivision Ordinance of the City of Waitsburg, Washington.

10.8A.020. Regulations Compliance Requirements. No division of land shall hereafter be made within the incorporated territory of Waitsburg, Washington, except in full compliance with the provisions of this Article as it now exists or is hereafter amended.

10.8A.030. Purpose. The provisions of this Article are deemed necessary in order to:

- A. Regulate subdivisions of land;
- B. Promote the public health, safety and general welfare;
- C. Promote safe and convenient travel by the public on streets and highways;
- D. Facilitate adequate provision for water, sewage, drainage, parks and recreation areas, sites for schools and school grounds, and other public requirements;
- E. Provide for property ingress and egress;
- F. Promote the conservation of energy and resources through efficient land use and design;

G. Ensure that the general taxpaying public is not burdened with development costs which are more appropriately borne by the original developer;

H. Prevent overcrowding and provide a balanced, attractive community; and

I. Require uniform monumenting of land subdivisions and conveyancing by accurate legal description.

10.8A.040. Scope. In their interpretation and applications, the provisions of this Article shall be held to be minimum requirements. Wherever the requirements of this Article are at variance with the requirements of any other lawfully adopted rules, regulations, and ordinances, the most restrictive, or that imposing the higher standards, shall govern.

10.8A.050. Severability. If any provision of this Article is for any reason held to be invalid, the remainder of this Article shall not be affected. If any provision of this Article is adjudged invalid as applied to a particular person or circumstance, the remainder of this Article shall remain in effect.

10.8A.060. Exemptions. The provisions of this Article shall not apply to:

A. Cemeteries and other burial plots, while used for that purpose;

B. Any division of land not containing a dedication, in which the smallest lot created by the division exceeds five acres in area;

C. A division made solely for the purpose of adjusting boundary lines between adjoining properties which does not create any additional lot, tract, parcel, site, or division, nor create any lot, tract, parcel, site, or division which contains insufficient area and dimensions to meet the minimum requirements of the Zoning Ordinance for width, depth, and area, provided that any such lot line adjustment complies with the following before recordation:

1. The party or parties proposing to adjust boundary lines shall submit the following information to the City for Planning Commission consideration:

a. The legal description for the old parcels;

b. The legal description for the new parcels;

c. A legible scale drawing of the before and after configuration of the parcels, showing before and after dimensions of all property lines, and before and after square footages of the parcels; and

d. A notarized acknowledgment of the affected property owners.



2. Upon receipt of the above materials, the matter shall be placed on the next regular agenda of the Planning Commission. The Planning Commission shall issue its approval of the boundary line adjustment when it finds compliance with minimum zoning, building, and similar regulations, and that the adjustment will not adversely affect existing property access or existing easements.

D. Divisions created by action of public bodies not for the purpose of future sale or lease, including:

1. Acquisitions through negotiation or condemnation of fractional parts of land by public bodies for the purpose of future public use as public highways or public utility facilities; and

2. Annexations and land vacations accomplished pursuant to and in accordance with state and local laws governing same.

10.8A.070. Applicability. Every subdivision of land within the City creating five or more lots shall proceed in compliance with this Article. Every division of land creating two or more, but less than five lots, shall proceed in compliance with Chapter 10.8M of this Article for short subdivisions. Land divided as a short subdivision within five years immediately preceding may be redivided only pursuant to the provisions of this Article for long subdivisions.

10.8A.080. Development of Illegally Divided Land. Except as provided in the following Section, no building permit or other development shall be issued for any lot, tract or parcel of land divided in violation of state law or of this Article.

10.8A.090. Development of Illegally Divided Land - Innocent Purchaser for Value. An application for a building permit or other development permit for any lot, tract or parcel of land divided in violation of state law or of this Article shall not be granted without prior approval of the City Council, which approval shall only be given following a public meeting at which the applicant shall demonstrate to the satisfaction of the Council that:

A. The applicant purchased the lot, tract or parcel for value; and

B. The applicant did not know, and could not have known by the exercise of care which a reasonable purchaser would have used in purchasing the land, that the lot, tract or parcel had been part of a larger lot, tract or parcel divided in violation of state law or of this Article.

10.8A.100. Liability. This Article shall not be construed to relieve from, or lessen the responsibility of, any person owning any land or building, or constructing or modifying any long subdivision or short subdivision within the City, for damages to anyone injured or damaged either in person or property by any defect therein; nor shall the City or any agent thereof be held as assuming such liability by

reason of any preliminary or final approval, or by issuance of any permits or certificates authorized herein.

10.8A.110. Review by Public Agencies. Prior to conducting a public hearing on any proposed amendments or additions to the text of this Subdivision Article, such amendments or additions, together with appropriate supporting materials, shall be forwarded to the State Department of Community Trade and Economic Development for its preliminary review as required by Washington Administrative Code (WAC) Section 365-195-620. Other State, County, and/or local agencies shall be similarly notified where any such agency may have an interest in the amendments or additions to the text of this Article. Such distribution shall be the responsibility of the City Clerk. Amendments to the text of this Article shall be forwarded to the County Assessor pursuant to State law.

## TITLE 10A - DEVELOPMENT CODE ADMINISTRATION

### TITLE 10A DEVELOPMENT CODE ADMINISTRATION

- Chapters: 10A.01 INTRODUCTION  
10A.03 ADMINISTRATION  
10A.05 CONSOLIDATED APPLICATION PROCESS  
10A.06 FEES  
10A.07 PUBLIC NOTICE REQUIREMENTS  
10A.09 REVIEW AND APPROVAL PROCESS  
10A.11 APPEALS  
10A.13 ENFORCEMENT  
10A.15 SUMMARY OF REQUIREMENTS

(Ord. No 990804-773; Aug., 1999)

### Preface and Adoption

WHEREAS, the Washington State Legislature passed, and the Governor signed into law, the Washington State Growth Management Act of 1990 and amendments thereto (hereinafter the Growth Management Act), requiring selected counties and cities to prepare comprehensive plans consistent with the provisions of the Growth Management Act, all as generally codified at Chapter 36.70A RCW; and

WHEREAS, the Planning Commission and City Council for Waitsburg are working to prepare a comprehensive plan consistent with Chapter 36.70A RCW and the Growth Management Act; and

WHEREAS, the 1995 Washington State legislature passed, and the Governor signed into law, the Integration of Growth Management Planning and Environmental Review Act, Engrossed Substitute House Bill 1724, 1994 Laws Ch.

347 (hereinafter the SEPA/GMA Act), requiring counties and cities planning under GMA to establish certain uniform procedural actions in the processing of development applications; and

WHEREAS, the City Council has reviewed alternatives for compliance with the SEPA/GMA Act, and has proposed a new Title 10A of the Waitsburg Municipal Code to meet the legislative directive for uniform processing of development applications for consideration by the Planning Commission; and

WHEREAS, on March 20, 1996, the City Council held a public hearing, after legal and sufficient notice, on the proposed adoption of a new Title 10A of the Waitsburg Municipal Code which will implement the SEPA/GMA Act and make other changes to procedural and substantive requirements for processing development applications; and

WHEREAS, the Council has duly and thoroughly considered the public testimony and evidence from said hearing and finds that adoption of the proposed Title 10A WMC would be consistent with the provisions of the SEPA/GMA Act and would benefit the public health, safety, and welfare, NOW,

THEREFORE, THE CITY COUNCIL OF THE CITY OF WAITSBURG, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new Title 10A, entitled "Development Code Administration", attached as Exhibit A to this ordinance and incorporated by this reference, is adopted for the City of Waitsburg and is added to the Waitsburg Municipal Code.

Section 2. The new Title 10A as adopted shall be filed with the City Clerk and shall be available for public inspection upon the effective date of this ordinance.

Section 3. The City Clerk shall transmit a copy of the new Title 10A to the State Department of Community Development within ten (10) days of the effective date of this ordinance, and to such other offices and agencies as may be required by law.

Section 4. If any action, sentence, clause, phrase, or application of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, phrase or application of this ordinance.

Section 5. This ordinance shall be in full force and effect from and after March 30, 1996.

## Chapter 10A.01 - Introduction

Sections: 10A.01.010	Intent
10A.01.020	Rules of Interpretation
10A.01.030	Definitions

10A.01.010. Intent. The purpose of this title is to combine and consolidate the application, review, and approval processes for land development in the City of Waitsburg in a manner that is clear, concise, and understandable. It is further intended to comply with state guidelines for combining and expediting development review and integrating environmental review and land use development plans. Final decisions on development proposals shall be made within 120 days of the date of the Letter of Completeness, except as provided in Section 10A.09.090.

10A.01.020. Rules of Interpretation. A. All words used in the code shall have their normal and customary meanings, unless specifically defined otherwise in this Title 10, 10A, 11, or 13.

B. Words used in the present tense include the future.

C. The plural includes the singular and vice-versa.

D. The words "will" and "shall" are mandatory.

E. The word "may" indicates that discretion is allowed.

F. The word "used" includes designed, intended, or arranged to be used.

G. The masculine gender includes the feminine and vice-versa.

H. Distances shall be measured horizontally unless otherwise specified.

I. The word "building" includes a portion of a building or a portion of the lot on which it stands.

10A.01.030. Definitions. The following definitions shall apply to Titles 10, 10A, 11, and 13. Additional definitions may be found in Titles 10, 11, and 13. Those definitions are hereby adopted by reference and shall apply to this Title. In the event of conflict, the definitions of Titles 10, 11, or 13 shall prevail.

### 10A.01.030A.

Accessory Building: A building that is subordinate to the principal building and is incidental to the use of the principal building on the same lot.

Accessory Use: A use that is clearly incidental and subordinate to the principal use on the same lot.

Applicant: A person seeking development approval from the City.

### 10A.01.030B.

Boarding House: A dwelling unit in which roomers, lodgers, or boarders are housed or fed for compensation.

### 10A.01.030C.

Closed Record Appeal: An appeal to the City Council based on the existing record.

Comprehensive Plan: The Waitsburg Comprehensive Plan as adopted and amended from time to time.

Conditional Use: A use allowed in one or more zones as defined by the Zoning Code, but which because of characteristics peculiar to such use, the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvement or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent and compatible with other existing or permissible uses in the same zone and mitigate adverse impacts of the use.

#### 10A.01.030D.

Development Code: Waitsburg Municipal Code Titles 10, 10A, 11, and 13.

Director: The Director is the person designated to be primarily responsible for a portion of the Development Code. Where a section or chapter of the Development Code designates a specific person or official to be the Director, that person shall be the Director for purposes of that section or chapter. Where no Director is named for a section or chapter, then Mayor shall be the Director; provided that the Mayor may appoint the Planning Commission or a another official of the City as Director, as the Mayor deems appropriate.

Dwelling Unit: A building or portion thereof providing complete housekeeping facilities for one family. Dwelling until does not include recreation vehicles or mobile homes. (Ord. 873 May 19, 2004)

#### 10A.01.030G.

Group A Home Occupation: A home occupation that meets all of the home occupation minimum standards and has no nonresident worker.

Group B Home Occupation: A home occupation that meets all of the home occupation minimum standards and has nonresident workers.

#### 10A.01.030H.

Hazardous Waste: Hazardous waste means all dangerous and extremely hazardous waste as defined in RCW 70.105.010(15), or its successor, except for moderate risk waste as set forth in RCW 70.105.101(17), or its successor.

Hedge: A fence or boundary formed by a dense row of shrubs or low trees.

Height, Building: The vertical distance from the average of the lowest and highest point exposed by the finished ground level to the highest point of the building excluding chimneys.

Home Occupation: An economic enterprise to make a product or perform a service that is conducted or operated within a residential dwelling unit, or building accessory to a residential dwelling unit, by the resident occupant or owner, and which use shall be clearly incidental and secondary to the residential use of the dwelling unit, including the use of the dwelling unit as a business address in a directory or as a business mailing address.

10A.01.030I.

Irregular Lot: A lot which is shaped so that application of setback requirements is difficult. Examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.

10A.01.030L.

Lot: A fractional part of divided lands having fixed boundaries, being a sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include "tracts" and "parcels." Lot Area: The total horizontal area within the boundary lines of a lot, excluding any street right-of-way or access easement.

Lot Line Adjustment: The adjustment of a boundary line between existing lots which results in no more lots than existed before the adjustment.

Lot, Through: A lot fronting on two streets that is not a corner lot.

10A.01.030M.

Mitigation Contribution: A cash donation or other valuable consideration offered by the applicant in lieu of: 1) a required dedication of land for public park, recreation, open space, public facilities, or schools; or 2) road improvements needed to maintain adopted levels of service or to ameliorate identified impacts and accepted on the public's behalf as a condition of approval of a subdivision, plat or binding site plan. Voluntary contributions may be accepted by the City.

10A.01.030N.

Non-Conforming Structure: A lawfully erected structure which does not conform to the provisions of the Development Code.

Non-Conforming Use: A lawfully established use which does not conform to the provisions of the Development Code.

Non-Conforming Lot: A lawfully established lot which does not conform to the provisions of the Development Code.

10A.01.030P.

Person: Any person, firm, business, corporation, partnership or other associations or organization, martial community, municipal corporation, or governmental agency.

Planned Action: A significant development proposal as defined in RCW 43.21C.031 as amended.

Primary or Principal Use: The predominate use of the land or building to which all other uses are secondary.

Private Parking: Parking facilities for the non-commercial use of the occupant and guest of the occupant.

Project: A proposal for development.

Property Buffer: A greenbelt of varying width located on private property intended to serve as a tree preservation area and/or to separate contiguous developments. The property buffer may be a separate tract or an

easement across property and shall be clearly depicted on the face of a plat or binding site plan.

**Public Facilities and Utilities:** Land or structures owned by or operated for the benefit of the public use and necessity, including but not limited to public facilities defined in RCW 36.70A.030, as amended.

**Public Hearing:** An open record hearing at which evidence is presented and testimony is taken.

**Public Improvement:** Any structure, utility, roadway or sidewalk for use by the public, required as a condition of development approval.

#### 10A.01.030R.

**Recreational Facilities:** Facilities for recreational use such as swimming pools, athletic clubs, tennis courts, ball fields, play fields, and the like.

#### 10A.01.030S.

**Screen, Screening:** A continuous fence, hedge or combination of both which obscures vision through eighty percent or more of the screen area, not including drives or walkways.

**Secondary Use:** A use, subordinate to the primary use which may exist only when a primary use is existing on the same lot. The floor area of a secondary use must be less than that devoted to the primary use.

**Single-Family Dwelling:** A building containing only one dwelling unit.

**Site Plan:** A scale drawing which shows the areas and locations of all building, street, roads, improvements, easements, utilities, open spaces and other principal development features for a specific parcel of property.

**Site Plan, Binding:** A site plan containing the inscriptions or attachments setting forth the limitations and conditions of use for a specific parcel of property and meeting the requirements of the Walla Walla County Auditor for recording.

**Street:** A public or private right-of-way or easement which provides vehicle access to more than three lots or potential lots.

**Street Lot Line:** The lot line or lines along the edge of a street.

**Street Setback:** The minimum distance required for buildings to be set back from the street lot line.

**10A.01.030 Variance:** A permissible modification of the application of Title 10 WMC to a particular property.

Chapter 10A.03 - Administration  
(Ord. No. 990804-773; Aug., 1999)

Sections: 10A.03.010	Roles and Responsibilities
10A.03.020	Administration, Interpretation, Approvals
10A.03.030	City Council
10A.03.040	Planning Commission

10A.03.010. Roles and Responsibilities. A. The regulation of land development is a cooperative activity including many different elected and appointed boards and City staff. The specific responsibilities of these bodies is set forth below.

B. A developer is expected to read and understand the City Development Code and be prepared to fulfill the obligations placed on the developer by Titles 10, 11, and 13, WMC.

10A.03.020. Administration, Interpretation, Approvals. A. Authority: The Director is responsible for the administration of the applicable provisions of the Development Code.

B. Interpretation: Upon request or as determined necessary, the Planning Commission shall interpret the meaning or application of the provisions of the development code and issue a written administrative interpretation within thirty (30) days. Requests for interpretation shall be written and shall concisely identify the issue and desired interpretation.

C. Administrative Approvals: Administrative approvals are governed by Sections 10A.09.010 and 10A.09.020.

10A.03.030. City Council. In addition to its legislative responsibility, the City Council shall review and act on the following subjects:

- A. Recommendations of the Planning Commission
- B. Appeal of the Planning Commission recommendations
- C. Appeal of administrative interpretations
- D. Appeal of administrative approvals as set forth in Section 10A.09.010 and 10A.09.020
- E. Appeal of Design Review Board decisions
- F. Appeal of a Determination of Significance under WMC Chapter 10A.04.

10A.03.040. Planning Commission. The Planning Commission shall review and make recommendations on the following applications and subjects:

- A. Amendments to the Comprehensive Plan;
- B. Amendments to the Building Code, Title 11;
- C. Amendments to the Subdivisions Code, Title 10, Article 10.8;



- D. Amendments to the Zoning Code or the Official Zoning Map, Title 10, Article 10.1;
- E. Amendments to the Environment Code, Title 13;
- F. Applications for Preliminary Plats and Binding Site Plans;
- G. Appeal of SEPA Determinations of Nonsignificance of the underlying land use action;
- H. Other actions requested or remanded by the City Council;
- I. Variances from the standards and dimensional regulation of the Zoning Code, Article 10.1 of Title 10, such as height, width, size, setback and yard restrictions;
- J. Amortization periods for nonconforming signs.;
- K. All applications requiring building permits except single-family residences;
- L. Landscape plans;
- M. Signs;
- N. Appeals of decisions of the Building Official on the interpretation or application of the Building or Fire Code; and
- O. Disapproval of a permit for failure to meet the Uniform Building or Fire Codes. The review criteria for certain of these actions are contained in Section 10A.09.030, WMC.

(Ord. No 990804-773; Aug., 1999).

## Chapter 10A.05 - Consolidated Application Process

Sections: 10A.05.010	Application
10A.05.020	Preapplication Meetings
10A.05.030	Content of Applications
10A.05.040	Letter of Completeness
10A.05.050	Technical Review
10A.05.060	Environmental Review

10A.05.101. Application. A. The city shall consolidate development application and review in order to integrate the development permit and environmental review process, while avoiding duplication of the review processes.

B. All applications for development permits, design review approvals, variances and other City approvals under the Development Code shall be submitted on forms provided by the City. All applications shall be acknowledged by the property owner.

10A.05.020. Preapplication Meetings. A. Informal Applicants for development are encouraged to participate in an informal meeting prior to the formal preapplication meeting. The purpose of the meeting is to discuss, in general terms, the proposed development, City design standards, design alternatives, and required permits and approval process.

B. Formal Every person proposing a development, with exception of building permits, in the City shall attend a preapplication meeting. The purpose of the meeting is to discuss the nature of the proposed development, application and permit requirements, fees, review process and schedule, applicable plans, policies and regulations. In order to expedite development review, the City shall invite all affected jurisdictions, agencies and/or special districts to the preapplication meeting.

10A.05.030. Content of Applications. A. All application for approval under Title 10, 10A, 11, and 13 shall include the information specified in the applicable title. The Director may require such additional information as reasonable necessary to fully and properly evaluate the proposal.

B. The applicant shall apply for all permits identified in the preapplication meeting.

10A.05.040. Letter of Completeness. A. Within twenty-eight (28) days of receiving a date stamped application, the City shall review the application as set forth below, provide applicants with a written determination that the application is complete or incomplete.

B. A project application shall be declared complete only when it contains all of the following materials:

1. A fully completed, signed, and acknowledged development application and all applicable review fees.

2. A fully completed, signed, and acknowledged environmental checklist for projects subject to review under the State Environmental Policy Act.

3. The information specified for the desired project in the appropriate chapters of the Waitsburg Municipal Code and as identified in Section 10A.05.030.

4. Any supplemental information for special studies identified by the Director.

C. For applications determined to be incomplete, the City shall identify, in writing, the specific requirements or information necessary to constitute a complete application. Upon submittal of the additional information, the City shall, within fourteen (14) days, issue a letter of completeness or identify what additional information is required.

10A.05.050. Technical Review Committee. A. Immediately following the issuance of a letter of completeness, the City shall schedule a meeting of the Technical Review Committee (TRC). The TRC may be composed of representatives of all affected City department, utility districts, the fire department, and any other entities or agencies with jurisdiction.

B. The TRC shall review the development application for compliance with City plans and regulations, coordinate necessary permit reviews, and identify the development's environmental impacts.

10A.05.060. Environmental Review. A. Development and planned actions subject to the provisions of the State Environmental Policy Act (SEPA) shall be reviewed in accordance with the policies and procedure contained in Title 13 WMC.

B. SEPA review shall be conducted concurrently with development project review. The following are exempt from concurrent review:

1. Projects categorically exempt from SEPA.
2. Components of previously completed planned actions, to the extent permitted by law and consistent with the EIS for the planned action.

Chapter 10A.06 - Fees

10A.06.010. In making any application subject to or governed by this Title 10A, the applicant shall pay the fee specified for that application by the following schedule:

Application for any Variance (except fencing)	\$ 150.00
Application for any Conditional Use Permit	\$ 150.00
Application for Short Plat	\$ 150.00
Environmental Check List	\$ 150.00
Sub-Division	
Preliminary Plat	\$ 300.00
Final Plat	\$ 300.00
Boundary Adjustment	\$ 50.00
Re-Zones	\$ 300.00
Application to install fence or for any other permit, except building permits, that are subject to this Title 10A (Ord. No. 740; Nov., 1997)	\$100.00

10A.06.020. No application shall be accepted or deemed complete until the fee is paid.  
(Ord. No. 740; Nov., 1997)

10A.06.030. All provisions of the Waitsburg Municipal Code that are in conflict with Section 10A.06.010 above, are hereby amended to conform with that section.  
(Ord. No. 740; Nov., 1997)

10A.06.040. The Council of the City of Waitsburg is hereby authorized to amend, by resolution and without the need to adopt an ordinance, any of the fees stated above. If adopted, such resolution shall be filed with the clerk and with this ordinance.  
(Ord. No. 740; Nov., 1997)

## Chapter 10A.07 - Public Notice

Sections: 10A.07.010	Notice of Development Application
10A.07.020	Notice of Administrative Approvals
10A.07.030	Notice of Public Hearing
10A.07.040	Notice of Appeal Hearings
10A.07.050	Notice of Decision

10A.07.010. Notice of Development Application. A. Within fourteen (14) days of issuing a letter of completeness under Chapter 10A.05, the City shall issue a Notice of Development Application. The notice shall include but not be limited to the following:

1. The name of the applicant.
2. Date of application.
3. The date of the letter of completeness.
4. The location of the project.
5. A project description.
6. The requested approvals, actions, and/or required studies.
7. A public comment period not less than fourteen (14) nor more than thirty (30) days.
8. Identification of existing environmental documents.
9. A City staff contact and phone number.
10. The date, time, and place of a public hearing if one has been scheduled.
11. A statement that the decision on the application will be made within 120 days of the date of the letter of completeness.

B. The Notice of Development Application shall be posted on the subject property and published once in a newspaper of general circulation.

C. The Notice of Development Application shall be issued prior to and is not a substitute for required notice of a public hearing.

D. A Notice of Application is not required for the following actions, when they are categorically exempt from SEPA or environmental review has been completed:

1. Application for building permits.
2. Application for lot line adjustments
3. Application for administrative approvals.

10A.07.020. Notice of Administrative Approvals. Notice of administrative approvals subject to notice under Section 10A.09.020 shall be made as follows:

A. Notification of Preliminary Approval: The Director shall notify the adjacent property owners of his intent to grant approval. Notification shall be made by mail only. The notice shall include:

1. A description of the preliminary approval granted, including any conditions of approval.
2. A place where further information may be obtained.

3. A statement that final approval will be granted unless an appeal requesting a public hearing is filed with the City Clerk with fifteen (15) days of the date of the notice.

10A.07.030. Notice of Public Hearing. Notice of a public hearing for all development applications and all open record appeals shall be given as follows:

A. Time of Notices: Except as otherwise required, public notification of meetings, hearings, and pending actions under Titles 10, 10A, 11, and 13, WMC, shall be made by:

1. Publication at least 15 days before the date of a public meeting, hearing, or pending action in the official newspaper if one has been designated or a newspaper of general circulation in the City; and

2. Mailing at least 15 days before the date of a public meeting, hearing, or pending action to all property owners as shown on the records of the County Assessor and to all street addresses of properties within the distance set forth in the Municipal Code Chapter or Section for the type of application, or if no distance is identified, within 300 feet, not including street rights-of-way, of the boundaries of the property which is the subject of the meeting or pending action. Addressed, pre-stamped envelopes shall be provided by the applicant; and

3. Posting at least 15 days before the meeting, hearing, or pending action in three public places where ordinances are posted and at least one notice on the subject property.

B. Content of Notice: The public notice shall include a general description of the proposed project, action to be taken, a non-legal description of the property or a vicinity map or sketch, the time, date and place of the public hearing and the place where further information may be obtained.

C. Continuations: If for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this Section is required.

(Ord. No. 990804-773; Aug., 1999)

10A.07.040. Notice of Appeal Hearings. In addition to the posting and publication requirements of Section 10A.07.030, notice of appeal hearings shall be as follows:

A. For administrative approvals, notice shall be mailed to adjacent property owners.

B. For Planning Commission recommendations, mailing to parties of record from the Commission hearing.

10A.07.050 Notice of Decision. A written notice for all final decision shall be sent to the applicant and all parties of record. For development applications requiring Planning Commission review and City Council approval, the notice shall be the signed ordinance or resolution.

## Chapter 10A.09 - Review And Approval Process

Sections: 10A.09.010	ADMINISTRATIVE	APPROVALS	WITHOUT
NOTICE			
10A.09.020	ADMINISTRATIVE	APPROVALS	SUBJECT TO
NOTICE			
10A.09.030	PLANNING	COMMISSION	REVIEW AND
RECOMMENDATION			
10A.09.040	CITY COUNCIL ACTION		
10A.09.050	PROCEDURES FOR PUBLIC HEARINGS		
10A.09.060	PROCEDURES FOR CLOSED RECORDS APPEALS		
10A.09.070	RECONSIDERATION		
10A.09.080	REMAND		
10A.09.090	FINAL DECISION		

10A.09.010 ADMINISTRATIVE APPROVALS WITHOUT NOTICE A. The Director may approve, approve with conditions, or deny the following without notice:

1. Lot line adjustments.
  2. Extension of time for approval.
  3. Minor amendments or modifications to approved developments or permits. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not affect: (i) overall project character, (ii) increase the number of lots, dwelling units, or density or (iii) decrease the quality or amount of open space.
  4. Adjustment to yard requirements.
- B. Director's decisions under this section shall be final on the date issued.

10A.09.020 ADMINISTRATIVE APPROVALS SUBJECT TO NOTICE A. The Director may grant preliminary approval or approval with conditions, or may deny the following actions subject to the notice and appeal requirements of this section:

1. Short Subdivisions.
2. Conditional Use Permits.
3. Development permits required under Chapter 10.07 of this Waitsburg Municipal Code. (Ord. No. 745; Jan. 1998.)

B. Final Administrative Approvals: Preliminary approvals under this section shall become final subject to the following:

1. If no appeal is submitted, the preliminary approval becomes final at the expiration of the fifteen (15) day period.
2. If a written notice of appeal is received within the specified time the matter will be referred to the City Council for a public hearing.

10A.09.025. HOME OCCUPATION PERMIT APPLICATIONS.



A. Application. All Home Occupation permit applications shall be subject to review and approval or revocation by the Planning Commission.

B. Approval Process. The Planning Commission shall consider Home Occupations permit applications based on the standards set forth in section 10.IJ.020 of the Waitsburg Municipal Code, and may inspect the premises, after which a decision to either grant the home occupation permit, conditionally grant the home occupation permit, or deny the permit shall be issued in writing. The written notice of decision shall be mailed to the applicant and to other interested parties of record, in accord with WMC Title 10A.

C. Repeal. Those sections of all prior ordinances establishing a decision and hearing process for home occupation permit applications in conflict with the provision of this ordinance are repealed.(Ord. 000119-788, January 2000)

#### 10A.09.030 PLANNING COMMISSION REVIEW AND RECOMMENDATION

A. Report. The Director or his designee shall report to the proposed development or action, summarizing the comments and recommendations of City departments, affected agencies and special districts, and evaluating the development's consistency with the City's Development Code, adopted plans and regulations.

B. Hearing. The Planning Commission shall conduct a public hearing on development proposals for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the City's Development Code, adopted plans and regulations. Notice of the Planning Commission hearing shall be in accordance with Section 10A.07.030.

C. Required Findings. The Planning Commission shall not approve a proposed development unless it first makes the following findings and conclusions:

1. The development is consistent with the Comprehensive Plan and meets the requirement sand intend of the Waitsburg Municipal Code.

2. The development makes adequate provisions for open space, drainage ways, streets and other public ways, transit stops, water supply, sanitary wastes, parks and recreation facilities, playgrounds, sites for schools and school grounds.

3. The development adequately mitigates impacts identified under Titles 10 and 13, WMC.

4. The development is beneficial to the public health, safety and welfare and is in the public interest. The area, location and features of land proposed for dedication are direct results of the development proposal, are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development.

D. Recommendation. Upon approving or disapproving a development proposal or action, the Planning Commission shall prepare and adopt a resolution setting forth its findings, conclusions and recommendations and promptly forward it to the City Council for consideration.

10A.09.040 CITY COUNCIL ACTIONS A. Actions. Upon receiving a recommendation from the Planing Commission or notice of any other matter

requiring the Council's attention, the Council shall perform the following actions as appropriate:

1. Make a decision on a Planning Commission recommendation.
2. At the Council's discretion, hold a public hearing and make a decision on the following matters:
  - i. Appeal of administrative interpretations.
  - ii. Appeal of administrative approvals.
  - iii. Appeal of determinations of significance.
  - iv. Other matters not prohibited by law.
3. Hold a closed record hearing and make a decision on the following matters:
  - i. Appeal of a Planning Commission recommendation.
  - ii. Appeal of a Design Review Board decision.

B. Decisions. The City Council shall make its decision by motion, resolution, or ordinance as appropriate.

1. A Council decision on a Planning Commission recommendation or following a public hearing shall include one of the following actions:

- i. Approve as recommended.
- ii. Approve with additional conditions.
- iii. Modify, with or without the applicant's concurrence, provided that the modifications do not:
  - a. Enlarge the area of scope of the project.
  - b. Increase the density or proposed building size.
  - c. Significantly increase adverse environmental impacts as determined by the responsible official.
- iv. Deny (reapplication or resubmittal is permitted).
- v. Deny with prejudice (reapplication or resubmittal is not allowed for one (1) year).
- vi. Remand for further proceedings and/or evidentiary hearing in accordance with Section 10A.09.080.

2. A Council decision following a closed record appeal hearing shall include one of the following actions:

- i. Grant the appeal in whole or in part.
- ii. Deny the appeal in whole or in part.
- iii. Remand for further proceedings and/or evidentiary hearing in accordance with Section 14.09.080.

10A.09.050 PROCEDURES FOR PUBLIC HEARINGS Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. The Chair shall open the public hearing and, in general, observe the following sequence of events:

A. Summary of proposed action, including submittal of any administrative report. Members of the hearing body may ask questions of the staff.

B. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.

C. Testimony or comments by the public germane to the matter. Questions directed to the staff of the applicant shall be posed by the Chair at its discretion.

D. Rebuttal, response or clarifying statements by the staff and the applicant.

E. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it.

10A.09.060 PROCEDURES FOR CLOSED RECORD APPEALS Closed record appeals shall be conducted in accordance with the hearing body's rules of procedure and shall serve to provide argument and guidance for the body's decision. Closed record appeals shall be conducted generally as provided for public hearings. Except as provided in Section 10A.09.080, no new evidence or testimony shall be given or received. The parties to the appeal may submit timely written statements or arguments.

10A.09.070 RECONSIDERATION A party to a public hearing or closed record appeal may seek reconsideration only of a final decision by filing a written reconsideration with the Director within five (5) days of the oral announcement of the final decision. The request shall comply with WMC 10A.11.030(B). The Council or hearing body shall consider the request at its next regularly scheduled meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the Council or hearing body may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

10A.09.080 REMAND In the event the City Council determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the Council may remand the matter back to the hearing body to correct the deficiencies. The Council shall specify the items or issues to be considered and the time frame for completing the additional work. The Council may hold a public hearing on a closed record appeal only for the limited purposes identified in RCW 34.005.562(1).

10A.09.090. Final Decision.

A. Time. The final decision on a development proposal shall be made within 120 days from the date of the letter of completeness. Exceptions to this include:

1. Amendments to the Comprehensive Plan or Development Code.
2. Any time required to correct plans, perform studies or provide additional information, provided that within 14 days of receiving the requested additional

information, the Director shall determine whether the information is adequate to resume the project review.

3. Substantial project revisions made or requested by an applicant, in which case the 120 days will be calculated from the time that the City determines the revised application to be complete.
4. All time required for the preparation and review of an environmental impact statement.
5. Projects involving the siting of an essential public facility.
6. An extension of time mutually agreed upon by the City and the applicant.
7. All time required to obtain a variance.
8. Any remand to the hearing body.
9. All time required for the administrative appeal of a Determination of Significance.

B. **Effective Date.** The final decision of the Council or hearing body shall be effective on the date stated in the decision, motion, resolution, or ordinance, provided that the date from which appeal periods shall be calculated shall be the date the Council or hearing body takes action on the motion, resolution, or ordinance.

(Ord. No. 990804-773; Aug., 1999)

## Chapter 10A.11 - Appeals

Sections:     10A.11.010 Appeals of Administrative Interpretations & Approvals  
              10A.11.020 Appeal of Planning Commission Recommendations  
              10A.11.030 Appeal to the City Council  
              10A.11.040 Judicial Appeal

10A.11.010. Appeals of Administrative Interpretations and Approvals. Administrative interpretations and administrative approvals may be appealed, by applicants or parties of record, to the City Council.

10A.11.020. Appeal of Planning Commission Recommendations. Recommendations of the Planning Commission may be appealed, by applicants or parties of record from the Planning Commission hearing, to the City Council.

10A.11.030. Appeal to the City Council.

A. Filing. Every appeal to the City Council shall be filed with the Director within 15 days after the date of the recommendation or decision of the matter being appealed.

B. Contents. The notice of appeal shall contain a concise statement identifying:

1. The decision being appealed.
2. The name and address of the appellant and his interest(s) in the matter.
3. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong.
4. The desired outcome or changes to the decision.
5. The appeals fee.

10A.11.040. Judicial Appeal.

A. Appeals from the final decision of the City Council, or other City board or body involving Titles 10, 10A, 11, and 13, WMC, and for all other appeals specifically authorized have been timely exhausted, shall be made to Walla Walla County Superior Court within 21 days of the date the decision or action became final, as provided for in RCW Chapter 70.C, unless another time period is established by state law or local ordinance.

B. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the City Clerk, Director, and City Attorney within the applicable time period. This requirement is jurisdictional.

C. The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The appellant shall post with the City Clerk prior to the preparation of any records an advance fee deposit in the amount specified by the City Clerk. Any coverage will be promptly returned to the appellant.

(Ord. No. 990804-773; Aug., 1999)

## Chapter 10A.13 Enforcement

Sections: 10A.13.010	Enforcing Official
10A.13.020	General Penalty
10A.13.030	Application
10A.13.040	Civil Regulatory Order
10A.13.050	Civil Fines
10A.13.060	Review
10A.13.070	Revocation or Modification of Permits and Approval

10A.13.010. Enforcing Official. The Director shall be responsible for enforcing applicable provisions of the development code, and may adopt administrative rules to meet that responsibility. The director may delegate enforcement responsibility to the City Engineer, Director of Public Works, Fire Chief, or other official of the City, as appropriate. (Ord. 873 May 19, 2004)

10A.13.020. General Penalty. Compliance with the requirements of Titles 10, 11, and 13, WMC, shall be mandatory. The general penalties and remedies established in the Waitsburg Municipal Code, for such violations shall apply to any violation to those titles. The enforcement actions authorized under this chapter shall be supplemental to those general penalties and remedies.

10A.13.030. Application. A. Actions under this chapter may be taken in any order deemed necessary or desirable by the Director to achieve the purpose of this chapter or of the Development Code.

B. Proof of a violation of a development permit or approval shall constitute prima facie evidence that the violation is that of the applicant and/or owner of the property upon which the violation exists. An enforcement action under this chapter shall not relieve or prevent enforcement against any other responsible person.

10A.13.040. Civil Regulatory Order. A. A civil regulatory order may be issued and served upon a person if any activity by or at the direction of that person is, has been, or may be taken in violation of the Development Code.

B. Notice. A civil regulatory order shall be deemed served and shall be effective when posted at the location of the violation and/or delivered to any suitable person at the location and/or delivered by mail or otherwise to the owner or other person having responsibility for the location.

C. Content. A civil regulatory order shall set forth:

1. The name and address of the person to whom it is directed.
2. The location and specific description of the violation.
3. A notice that the order is effective immediately upon posting at the site and/or receipt by the person to whom it is directed.
4. An order that the violation immediately cease, or that the potential violation be avoided.

5. An order that the person stop work until correction and/or remediation of the violation as specified in the order.

6. A specific description of the actions required to correct, remedy, or avoid the violation, including a time limit to complete such actions.

7. A notice that failure to comply with the regulatory order may result in further enforcement actions, including civil fines and criminal penalties.

D. Remedial Action. The Director may require any action reasonably calculated to correct or avoid the violation, including but not limited to replacement, repair, supplementation, revegetation, or restoration.

E. Appeal: A civil regulatory order may be repealed in accordance with Chapter 10A.11, WMC.

10A.13.050. Civil Fines. A. A person who violates any provision of the Development Code, or who fails to obtain any necessary permit, or who fails to comply with a civil regulatory order shall be subject to a civil fine.

B. Amount. The civil fine assessed shall not exceed three hundred dollars (\$300) for each violation. Each separate day, event, action or occurrence shall constitute a separate violation.

C. Notice. A civil fine shall be imposed by a written notice, and shall be effective when served or posed as set forth in 10A.13.030(B). The notice shall describe the date, nature, location, and act(s) comprising the violation, the amount of the fine, and the authority under which the fine has been issued.

D. Collection. Civil fines shall be immediately due and payable upon issuance and receipt of the notice. The Director may issue a regulatory order stopping work until such fine is paid. If remission or appeal of the fine is sought, the fine shall be due and payable upon issuance of a final decision. If a fine remains unpaid thirty (30) days after it becomes due and payable, the Director may take actions necessary to recover the fine. Civil fines shall be paid into the City's general fund.

E. Application for Remission. Any person incurring a civil fine may, within ten (10) days of receipt of the notice, apply in writing to the Director for remission of the fine. The Director shall issue a decision on the application within ten (10) days. A fine may be remitted only upon a demonstration of extraordinary circumstances.

F. Appeal. A civil fine may be appealed to the City Council as set forth in Chapter 10A.11, Waitsburg Municipal Code.

10A.13.060. Review of Approved Permits. Review: Any approval or permit issued under the authority of the Development Code may be reviewed for compliance with the requirements of the Development Code, or to determine if the action is creating a nuisance or hazard, has been abandoned, or the approval or permit was obtained by fraud or deception.

B. Initiation of Review: The review of an approval or permit may be initiated by the Director, City Council or by petition to the Director by three (3) property owners or three (3) residents of separate dwelling units in the City,



stating their belief as to the noncompliance, nuisance or hazard of the permitted activity.

C. Director's Investigation: Upon receipt of information indicating the need for, or upon receiving a request for review of permit or approval, the Director shall investigate the matter and take one or more of the following actions:

1. Notify the property owner or permit holder of the investigation; and/or
2. Issue a civil regulatory order and/or civil fine and/or recommend revocation or modification of the permit or approval; and/or
3. Refer the matter to the City Attorney; and/or
4. Refer the matter to the City Council with a recommendation for action.

10A.13.070. Revocation or Modification of Permits and Approval. A. Upon receiving a Director's recommendation for revocation or modification of a permit or approval, the City Council shall review the matter at a public hearing. Upon a finding that the activity does not comply with the conditions of approval or the provisions of the Development Code, or creates a nuisance or hazard, the City Council may delete, modify or impose such conditions on the permit or approval it deems sufficient to remedy the deficiencies. If the Council finds no reasonable conditions which would remedy the deficiencies, the permit or approval shall be revoked and the activity allowed by the permit or approval shall cease.

B Reapplication. If a permit or approval is revoked for fraud or deception, no similar application shall be accepted for a period of one (1) year from the date of final action and appeal, if any. If a permit or approval is revoked for any reason, another application may be submitted subject to all of the requirements of the Development Code.

#### Chapter 10A.15 - Summary of Requirements

(Ord. No. 990804-773; Aug. 1999).

Sections:

10A.15.010 Flow Chart of Quasi-Judicial Project Application Process

10A.15.020 Flow Chart of Administrative Project Application Process

10A.15.010. Flow Chart of Quasi-Judicial Project Application Process.

Application Filed

28 days maximum

Issue Determination of Completeness

10 days maximum

Distribute completed application for comment to municipal departments and interested agencies with 15 to 45-day comment period

- Issue Notice of Application/Public Notice
- 15 to 30 days before public hearing
- Complete SEPA threshold determination at least 15 days before public hearing
- Complete Staff Report at least 10 days before public hearing and make it available to the applicant, interested agencies, and the public
- Hold Open Record Predecision Public Hearing
- 120 days maximum after issuance of Determination of Completeness
- Prepare findings and conclusions, applicable approval conditions, and issue Notice of Decision
- Closed Record Reconsideration/Appeal available for 15 days after Notice of Decision issuance
- Hold Closed Record Reconsideration/Appeal hearing and issue Notice of Decision no later than 60 days after the original Notice of Decision that followed the Open Record Predecision Hearing
- Judicial Appeal available for 21 days after issuance of Notice of Decision

10A.15.020. Flow Chart of Administrative Project Application Process

- Application Filed
- 28 days maximum
- Issue Determination of Completeness
- 10 days maximum
- Distribute completed application for comment to municipal departments and interested agencies with 15 to 45-day comment period
-

Issue Notice of Application

14 to 30 days before administrative decision

Complete SEPA threshold determination  
after comment period (when applicable)

Complete Staff Report after comment period  
and make it available to the applicant,  
interested agencies, and the public

120 days maximum after issuance  
of Determination of Completeness

Prepare findings and conclusions, applicable  
approval conditions, and issue Notice of Decision

Open Record Reconsideration/Appeal  
available for 15 days after  
Notice of Decision issuance

Hold Open Record Reconsideration/Appeal  
hearing and issue Notice of Decision  
no later than 90 days after the original  
Notice of Decision that followed the  
administrative comment period

Judicial Appeal available for 21 days after  
issuance of Notice of Decision