



**CITY OF NAPAVINE PLANNING COMMISSION MEETING**  
**Monday– April 20, 2026 – 6:00 PM**

Deborah Graham,  
*Position 1*

Amy Hollinger  
*Position 2*

Arnold Haberstroh,  
*Position 3*

Christian Loos  
*Position 4*

Kacey Torgerson  
*Position 5*

Will Tastad  
*PW Director*

Katie Williams  
*CD Specialist*

**I. PLEDGE OF ALLEGIANCE**

**II. INVOCATION**

**III. CALL TO ORDER**

**IV. ROLL CALL**

**V. APPROVAL OF AGENDA – As Presented**

**VI. APPROVAL OF MINUTES**

- 1) Planning Commission Meeting Minutes- March 13, 2026

**VII. CITIZEN COMMENT**

**VIII. OLD BUSINESS**

- 1) Development Code Updates - Comp Plan Implementation

**IX. GOOD OF THE ORDER**

**X. ADJOURNMENT**

**Planning Commission Meeting is held in person and via  
Teleconference.**

**Teleconference Information**

**Dial-in number (US): (720) 740-9753**

**Access code: 8460198**

**To join the online meeting:**

**<https://join.freeconferencecall.com/rdenham8>**

**City of Napavine**  
407 Birch Ave SW  
P O Box 810  
Napavine, WA 98565  
360-262-3547

**City Website**  
[www.cityofnapavine.com](http://www.cityofnapavine.com)



**NAPAVINE PLANNING COMMISSION MINUTES**  
**March 16, 2026 6:00 P.M.**  
**Napavine City Hall, 407 Birch Ave SW, Napavine, WA**

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**PLEDGE OF ALLEGIANCE:**

**INVOCATION:** Invocation was led by **Commissioner Torgerson**.

**CALL TO ORDER:**

**Commissioner Graham** opened the Planning Commission meeting to order at 6:00 PM.

**ROLL CALL:**

Planning Commission present: Commissioner Loose, Commissioner Torgerson, Commissioner Graham.

**Commissioner Torgerson motioned to excuse Commissioner Haberstroh and Commissioner Hollinger, seconded by Commissioner Loose.**

**APPROVAL OF AGENDA – As presented:**

**Commissioner Loose motioned to approve the agenda as presented, seconded by Commissioner Torgerson. Vote on motion 2 ayes, 0 nay.**

**APPROVAL OF MINUTES:**

**Commissioner Torgerson motioned to approve regular meeting minutes from March 2nd, 2026, seconded by Commissioner Loose. Vote on motion 2 ayes and 0 nay.**

**OLD BUSINESS:**

**1) Development Code Updates – Comp Plan Implementation**

**Paul Dennis** with Jackson Civil reviewed NMC Chapter 17 with the planning commission.

**Commissioner Graham asked if everyone agreed to table until the next meeting, all present agreed. No motions were made.**

**GOOD OF THE ORDER:** Commissioner Graham will be excused for the March 2nd meeting. Commissioner Graham announced a reminder date for the next Planning Commission Meeting Monday, March 2<sup>nd</sup>.

**ADJOURNMENT** 7:32 PM

**Commissioner Torgerson motioned to adjourn, seconded by Commissioner Hollinger Vote 2 ayes, 0 nay.**

*These minutes are not verbatim. If so desired, a recording of this meeting is available online at*

*<https://fccdl.in/8d14i4a3Li> .*

**Respectfully submitted,**

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Katie Williams, CD/Public Works Interim Director

Planning Commission Chairperson

## **Chapter 17.xx – Landscaping, Fences & Walls**

### **17.xx.010 Purpose & Applicability**

The purpose of this chapter is to:

1. Promote safe, attractive, and sustainable development;
2. Establish standards for fences, walls, hedges, and landscaping;
3. Ensure visibility at intersections;
4. Provide buffering and screening between uses and zones; and
5. Encourage landscaping that enhances pedestrian environments and community character.

This chapter applies to all new development, redevelopment, and major site improvements in residential, commercial, and industrial zones unless otherwise noted.

### **17.xx.020 Definitions**

**Buffer / Screening:** Landscaping and/or physical elements used to separate different uses or zones.

**Opacity:** The degree to which a fence, hedge, or planting obstructs visibility (100% = fully opaque).

**Street Setback:** The required distance between a building or fence and the street right-of-way.

**L-Level Landscaping (L1–L4):** Standardized landscape buffer types described in 17.xx.050.

**Vision Triangle:** Area at intersections where obstructions to sightlines are restricted.

### **17.xx.030 Fences, Walls, Hedges, & Retaining Walls**

A. Fences within street setback area:

1. If the fence is >50% opaque: maximum 42" above adjacent grade.
2. If the fence is ≤50% opaque: maximum 48" above adjacent grade.

B. Fences outside street setbacks: Maximum 6' high above adjacent grade unless approved by site plan review.

C. Prohibited fence materials: barbed wire, razor wire, broken glass, electrified fencing, or other hazardous materials or substances, except as noted for agricultural uses per city code.

D. Farm/Livestock fencing: Barbed wire or electric fences may be used if the following conditions are met:

1. Set back ≥20' from public rights-of-way or public property;
2. Set back ≥3' from adjacent private property;
3. Warning signs posted at intervals at gates, corners, and along the fence line per NMC 17.62.070(V).
4. The fence does not create a hazard to pedestrians, vehicles, or neighboring properties.

E. Security Fencing:

1. When required, shall be a combination of solid wall, wrought iron, dense hedges or other similar treatment.
2. Long expanses shall be visually broken with trees or hedges at least every fifty (50) feet for a distance of at least five (5) feet.

F. Retaining walls:

1. Must be entirely on private property unless required by public works to protect public property.
2. Shall be maximum 6' above higher adjacent grade unless part of a structural element of a building or structure.
3. >4' high (footing to top) requires building permit and compliance with building code.

G. Hedges:

1. Shall follow fence height requirements except when not in a street setback, and;
2. Not obstruct traffic visibility or create a public nuisance.

Hedges meeting these criteria are not limited in height.

**17.xx.040 Visibility at Intersections (This said "in residential zones" but I am applying it to all intersections)**

A. Fences, walls, or hedges may be a maximum of 6' high except:

1. Within front or street side setbacks;
2. Between two main structures with <5' continuous horizontal clearance on each side;
3. Within a 20' vision clearance triangle at street intersections;
4. Within a 10' vision triangle at alley-street intersections.

B. Areas described in (A)(1) & (2): maximum 4' high.

C. Areas described in (A)(3) & (4): maximum 3' high (open wire-mesh fences up to 4' high are allowed).

**17.xx.050 Sign Base Landscaping**

- A. Permanent freestanding signs shall have a landscaped area around the base.
- B. Minimum landscaped area: 1 sq. ft. of landscaping per 1 sq. ft. of sign surface.
- C. Plantings shall include trees, shrubs, and/or groundcover for aesthetics and protection from damage.
- D. Minimum 25% coverage at time of installation.
- E. Species must be drought-tolerant, low-maintenance, and suitable for the site and climate.

**17.xx.060 Landscape Buffer Types (L-Level Screening)**

Type	Description	Typical Use / Location	Minimum Planting Standards
L1	Basic site landscaping	Residential front yards, minor commercial areas	1 tree per 25' frontage; shrubs cover 30% of area in 3 yrs
L2	Low screen / buffer	Between commercial and residential, parking edges, RV Park perimeter	Shrubs 3–4' at planting; 90% opacity in 3 yrs; 1 tree per 30' buffer
L3	High screen / buffer	Commercial/industrial next to residential	Shrubs 4–5' at planting; trees ≥6' tall; 95% opacity 3–5 yrs; buffer width 8–12'
L4	Outdoor storage / industrial buffer	Storage yards, heavy industrial	Fence + berm + dense planting; opacity ≥95%; min 6' height

#### Applicability

1. Buffers are required when intensive uses abut less intensive uses (e.g., residential, schools, parks).
2. Commercial/industrial adjacent to residential: L3 required
3. Blank walls >50' facing residential: L3 or architectural treatments required
4. Outdoor storage visible from public ROW or residential: L4 standard
5. Shared buffers: Adjacent commercial developments may use a single 5' buffer with trees every 20' if joint access is provided.
6. The reviewing authority may require L1 or L2 during site plan review based on the intensity of adjacent uses and the need to mitigate visual impacts.

Commented [AB1]: Consider rewording

#### Planting & Maintenance:

1. All plantings must meet minimum size at installation (see 17.xx.130).
2. Irrigation shall be provided for all new plantings unless waived.
3. Dead or diseased plants shall be replaced within 1 year.
4. Trees, shrubs, and groundcover shall be maintained to retain opacity and design intent

#### 17.xx.070 Minimum Site Landscaping

- A. Commercial: min 15% lot area landscaped; zero-lot-line = min 10%; pedestrian plazas/widened sidewalks count 1:1.
- B. Industrial: min 20% landscaped; vegetated stormwater features and pedestrian plazas may count.
- C. Setbacks: street & residential-adjacent setbacks maintained with lawn/groundcover; pedestrian paths, bikeways, and stormwater features allowed.

**17.xx.080 Pedestrian Circulation Landscaping**

- A. Walkways: minimum 8' wide.
- B. Landscape strip: minimum 3' on one side.
- C. Street trees: 30' spacing, 25' from intersections.
- D. Buffer from vehicle areas where feasible.

**17.xx.090 Parking Lot Landscaping & Screening**

- A. Shall provide 1 deciduous tree per 6 parking spaces, distributed to create canopy.
- B. Parking adjacent to residential zones: L3 buffer or ≥5' high sight-obscuring walls/fences, ≥80% opaque.
- C. Parking adjacent to public streets shall be physically separated by landscaping/walls to a 3' height. A combination of low walls, berms, and landscaping material is recommended. Sidewalks may pass through if street speed is ≥35 mph.
- D. Landscape islands to break up long parking rows (>15 spaces).
  - 1. Minimum 120 sq. ft., minimum 6' width, 1 tree + groundcover/shrubs
  - 2. Protected from vehicle overhang
  - 3. Required to break long rows (>15 spaces)
  - 4. Parking rows exceeding 15 spaces must be interrupted by a landscape island

**17.xx.100 Outdoor Storage Screening**

- A. Storage areas shall be screened from adjoining properties or public rights-of-way to the L4 standard unless a building wall provides screening
- B. Prohibited storage locations:
  - 1. Floodways;
  - 2. Slopes >15%;
  - 3. Required parking stalls;
  - 4. Obstructing traffic/pedestrian circulation (>5' clear walkway);
  - 5. Fire lanes;
  - 6. Areas attracting pests.
- C. Site-specific design: Applicant shall minimize impacts

**17.xx.110 Installation & Maintenance**

- A. Landscaping shall be installed prior to final occupancy.

- B. Plantings shall be consistent with an approved landscape plan.
- C. Include soil preparation, mulch, irrigation, pruning, and weed control.
- D. Maintenance, including replacement, is the responsibility of the property owner.

**17.xx.120 Tree Protection During Construction**

- A. Protective fencing around dripline before construction
- B. No grading, storage, or vehicles within protection zone.
- C. Damaged trees must be replaced per minimum plant size.

**17.xx.130 Minimum Plant Sizes**

- A. Deciduous canopy trees: 2" caliper.
- B. Evergreen trees: 6' height.
- C. Ornamental/understory trees: 1.5" caliper or 5' height.
- D. Shrubs: 2-gallon container minimum.
- E. Groundcover: sufficient to cover 75% of area within 3 yrs.

**17.xx.100 Compliance**

In conflicts between this chapter and other Napavine code provisions, the terms of this chapter shall take precedence.

Failure to maintain required landscaping, buffers, and screenings constitutes a violation of city code and may incur penalties under 17.88.090.

## **Title 17 ZONING**

### **Chapter 17.04 GENERAL PROVISIONS**

#### **17.04.010 Purpose.**

- A. The general purpose of this title is to promote and protect the public health, safety and welfare through a well-considered comprehensive program for the regulation of use of land. It classifies land within the city into various zones, each with appropriate zone designations, and within each zone, this title limits the use of land and the height, size, use and locations of structures and requires space for off-street parking in some areas.
- B. This title is intended to help implement the comprehensive plan; to provide adequate light, air and access, to enhance safety from fire and other dangers; to facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public services; to avoid excessive concentration of population, and generally to strike an appropriate balance between maximum flexibility in the use of land and the need for high quality development for overall community good.

(Ord. 163 § 1.1, 1989)

#### **17.04.020 Composition of title.**

To the ends stated in Section 17.04.010, this title is composed of four parts. The first is the text, the second is the zone regulations chart, the third is the map designated as the zoning map, and the fourth is the comprehensive plan map. Copies of the zone regulations chart, comprehensive plan and official zoning map may be found on file in the office of the city clerk-treasurer.

(Ord. 163 § 1.2, 1989)

#### **17.04.030 Provisions of title declared minimum.**

In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of any lawfully adopted rules, regulations, ordinances, deed restrictions and covenants conflict, the most restrictive or that imposing the higher standards shall prevail.

(Ord. 163 § 1.3, 1989)

#### **17.04.040 Liability.**

The granting or approval of any structure or use shall not constitute a representation, guarantee or warranty of any kind or nature by the city or any official or employee thereof on the practicality or safety of any structure or use proposed and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result therefrom.

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(Ord. 163 § 1.4, 1989)

## Chapter 17.08 DEFINITIONS

### 17.08.010 Definitions generally.

- A. For the purpose of this title certain words and terms are defined as follows: Words used in the present tense also include the future, words or phrases used in the singular also include the plural, and words used in the plural also include the singular. The word "building" includes "structure," and "structure" includes "building"; and the word "used" or "occupied" include within their meanings "intended," "arranged," or "designed to be used or occupied." The word "person" includes a corporation, partnership or other entity.
- B. Defined Words. The words defined in this chapter shall be applicable to Chapters 17.04 through 17.88 of this title. An asterisk (\*) indicates that the defined word is also illustrated graphically in the illustrations, and appendix to this title, which is on file in the office of the city clerk-treasurer.

(Ord. 163 § 2.1, 2.2 (part), 1989)

### 17.08.015 Accessory building or use.

"Accessory building" or "accessory use" means the use of land or a subordinate building or of a portion of a principal building, such use or building being used secondary to or incidental to the principal use or structure.

(Ord. 163 § 2.2 (part), 1989)

### 17.08. Accessory Storage Building

"Accessory storage building" means:

1. A building originally constructed for the use as an accessory building for the storage of materials and equipment accessory to a primary use on the property.

2. For the purpose of this title, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for the purpose other than the storage of goods and materials are not accessory storage buildings.

### 17.08. Accessory Structure, Accessory Use

"Accessory Structure, Accessory Use" means a structure or use incidental and subordinate to the main use of the property, and which is located on the same lot with the main use. Private garages and carports are accessory buildings when not attached to the main building.

### 17.08. Addition (to an existing building)

"Addition" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls is considered to be new construction.

### 17.08. Adjacent

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

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(Supp. No. 21)

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**17.08. Adjoin**

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

**17.08.017 Adult family home.**

"Adult family home" means the regular family abode of a person or persons who are providing personal care, room and board to more than one but not more than ~~four~~ six adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of ~~eight~~ six adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law (RCW 70.128.010).

(Ord. 199 § 2 (part), 1992)

(Ord. No. 454, § 2, 2-24-09)

**17.08. Aesthetics**

"Aesthetics" means a characteristic of development or the environment relating to physical beauty.

**17.08.018 Affordable Housing.**

"Affordable Housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, sixty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

**17.08. Affordable Housing**

"Affordable housing" means decent, safe, quality housing that costs no more than 30 percent of a household's gross monthly income for rent/mortgage and utility payments.

**17.08. Agricultural uses**

"Agricultural uses" means the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities; and provided further, that the above uses shall not include slaughterhouses and meat packing or commercial feeding of animals.

**17.08.020 Alley.**

"Alley" means a public ~~or private~~ right-of-way not over 30 feet wide which affords, generally, provides a secondary means of access to abutting lots not intended for general use. a property.

(Ord. 163 § 2.2 (part), 1989)

Commented [AB1]: WAC definition

Commented [AB2]: Katie/PCs Definition

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**17.08. Amusement Park or Center**

"Amusement park or center" means a group of amusement devices for children and/or adults and their accessory uses. Such a park or center may include miniature golf areas, bumper cars, batting cages, arcades, bumper boats, go-carts and other such activities.

**17.08.025 Apartment house.**

"Apartment house" means a room or suite of rooms within an apartment house or apartment hotel, used as a dwelling unit for one family with facilities that function or are intended to function for living, sleeping, and cooking as set out in Section 17.08.125.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Apartment Hotel**

"Apartment hotel" means an apartment house that furnishes services for the use of its tenants which are ordinarily furnished by hotels, but the privileges of which are not primarily available to the general public.

**17.08. Apartment house**

"Apartment house" means the same as "Multiple-family dwelling."

**17.08. Applicant**

"Applicant" means any person or his or her authorized agent or representative who has applied for a permit and who has a valid, existing legal interest in the property proposed to be developed.

**17.08. Appropriate Area, Minimum**

"Appropriate area, minimum" means the smallest total area of property that is allowed in a particular zone.

**17.08. Area of special flood hazard**

"Areas of special flood hazard" means the land in the flood plain subject to a one percent chance or greater of flooding in any given year as shown on flood insurance rate maps (FIRM) or except as otherwise determined by the Federal Emergency Management Agency (FEMA).

**17.08. Assessment**

"Assessment" means an estimation or determination of the significance, importance, or value of land, buildings, or a proposed development activity.

**17.08. Automobile Sales and Service Establishments, New or Used**

"Automobile sales and service establishments, new or used" means an establishment that provides for the sale of motorized vehicles as its primary use, and allows for minor or major repairs, or paint and body work.

**17.08. Automobile Service Station**

"Automobile service station" means a building or structure designed or used for the retail sale or supply of fuels (stored only as prescribed by existing legal regulations), lubricants, air, water, and other operating commodities

for motor vehicles or boats. The cross-section areas of service station canopy supports where they meet the ground shall be measured as coverage for the purposes of determining maximum lot coverage and also shall be used for measurement of setback requirements. Automobile Service Stations may include the following: customary space and facilities to the installation of such commodities on or in such vehicles: space for facilities for the storage, minor repair, or servicing of such vehicle, and space for care washing.

#### **17.08. Automotive Repair Establishment**

"Automotive repair establishment" means a retail sales and service establishment that includes; brake repair, engine tune-ups, oil changes, lubrications, front end alignments, major mechanical repairs and adjustments such as engine overhauls, transmission overhauls and the like. It can also include painting, repainting or retouching services.

#### **17.08. Awning**

"Awning" means any movable roof-like structure cantilevered, or otherwise entirely supported from a building, so constructed and erected as to permit its being readily and easily moved within a few minutes time to close an opening or rolled or folded back to a position flat against the building or a cantilevered projection thereof, or which is detachable.

#### **17.08. Bakery**

"Bakery" means an establishment where products such as breads, cakes, pies, pastries, etc. are baked or produced and sold on premises for wholesale and/or retail sale.

#### **17.08. Bar and/or cocktail lounge**

"Bar and/or cocktail lounge" means any premises wherein alcoholic beverages are sold at retail for consumption on the premises. A Class H Retailer's License is required for serving liquor by the bottle or by the drink.

#### **17.08. Base Flood**

"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.

#### **17.08.030 Basement.**

"Basement" means the lowest any floor level below the first story in a of any building except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein. when the main entrance to the building is on the floor above. When a building has its main entrance on the third actual story, it may be said to have a basement and a subbasement.

**RECOMMENDED:** "Basement" means any floor or portion of a floor that is below grade.

**Commented [AB3]:** Note - Paul's Recommended change

(Ord. 163 § 2.2 (part), 1989)

#### **17.08. Bed and breakfast house**

"Bed and breakfast house" means a hotel in what was built as a single-family dwelling and which offers up to six bedrooms for transient guests.

#### **17.08. Best available science**

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"Best available science" means scientific information or information meeting the criteria set forth in WAC 365-195-900 through 365-195-925.

**17.08. Best management practice (BMP)**

"Best management practices" means when associated with stormwater management means physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water; when associated with groundwater protection means a written plan outlining accepted practices, such as liquid containment, transfer practices, and emergency procedures whose purpose is to provide containment for underground storage tanks.

**17.08. Billboard**

"Billboard" means a surface whereon advertising matter is set in view conspicuously and which advertising does not apply to the premises or any use of the premises wherein it is displayed or posted.

**17.08. Binding site plan**

"Binding site plan" means a drawing to scale which (1) Identifies and shows the locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by the City of Napavine, and (2) Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of land; and Contains provisions for making any development be in conformity with the site plan.

**17.08. Blight**

"Blight" means the concentration of forces which puts a building or neighborhood on its way to becoming a slum. A "blighted" area is one that has deteriorated or has been arrested in its development by physical, economic, or social forces.

**17.08. Block**

"Block" means a group of lots, tracts, or parcels within well-defined and fixed boundaries.

**17.08.035 Board.**

"Board" means the city board of zoning adjustment.

(Ord. 163 § 2.2 (part), 1989)

**17.08.040 Boarding house.**

"Boarding house" means a building or portion thereof, other than a hotel or motel, dwelling where meals or lodging are provided for compensation to at least one (1) person and no and/or meals for five or more persons, but not more than twenty-sixteen (16) persons by prearrangement for definite periods of at least one (1) week's duration. A boarding house is to be distinguished from a hotel, are provided for compensation and without individual cooking facilities.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Bollard**

"Bollard" means a post permanently affixed into the ground or pavement, at least two (2) feet and no more than four (4) feet in height after installation, whose purpose is to segregate automotive traffic from certain areas.

**17.08. Border lots**

"Border lots" means residential lots abutting the urban growth area boundary which may be larger in size than most urban lots to allow for a smoother transition to larger rural lots lying outside the boundary.

**Boundary line adjustment**

"Boundary line adjustment" means the adjustment of boundary lines that does not create any additional lot, tract, parcel, site, or division, nor creates any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site and does not reduce the degree of conformity of any existing lot.

Commented [AB4]: Note - Added language.

**17.08. Buffer area**

"Buffer area" means a landscaped or natural area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another or intended to reduce the impact of noise levels generated on one property from the surrounding properties and intended to enhance the level of safety and promote the aesthetic qualities of the area.

**17.08. Buildable area**

"Buildable area" means The space remaining after the minimum open space and yard setback requirements of this Ordinance have been complied with.

**17.08. Buildable Land**

"Buildable land" means lands not constrained by critical areas and public rights-of-way.

**17.08.045 Building.**

"Building" means a combination of materials to form a structure that is adapted to any use or occupancy. It is a structure having a roof supported by columns or walls for the housing or enclosure of person, animals, or chattel.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Building, nonconforming**

"Building, nonconforming" means A legally existing building that fails to comply with this Ordinance (for height, number or stories, size, area, yards, location, or use) applicable to the district in which the building is located.

**17.08.075 Building, principal.**

"Principal building" means a building in which the primary use of the lot is conducted on which the building is located.

(Ord. 163 § 2.2 (part), 1989)

Commented [PD5]: Is there a better definition? Did this come from already approved defs

Commented [AB6R5]: It was existing in the code, and unchanged during the update. I moved it to this location because it was out of alphabetical order. Based on your comment I have provided a suggested substitute.

**17.08.050 Building code.**

"Building code" means the State Building Code Uniform Building Code, as adopted by the City council of the city.

(Ord. 163 § 2.2 (part), 1989)

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**17.08.055 Building coverage.**

"Building coverage" means that percentage of the total lot area of a lot which is covered by the principal and accessory buildings.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Building height**

"Building height" means The vertical distance from a point as determined in this section to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hip roof. "Building height" does not include such accessory elements as utilities, rooftop mechanical equipment and enclosures for it, chimneys, church spires, water towers and accessory radio antennas. (1) The base point shall be the elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade adjoining the building. (2) The base point shall be 10 feet above the lowest grade adjoining the building when the sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building is more than 10 feet above lowest grade. (3) The height of a steeped or terraced building shall be the height of any segment of the building.

**17.08.060 Building inspector.**

"Building inspector" means the duly appointed building inspector.

(Ord. 163 § 2.2 (part), 1989)

**~~17.08.065 Building height.~~**

~~"Building height"\* means the vertical distance from the average elevation of the proposed finished grade at the front structure line to the highest point of the building excluding chimneys, antennas, belfries, steeples, water tanks, ventilators, and other generally noninhabitable vertical appurtenances measuring under six feet in any horizontal dimension; provided that no such vertical appurtenance shall be over ten feet in height above the building height.~~

~~(Ord. 163 § 2.2 (part), 1989)~~

**17.08.070 Building line.**

"Building line" means as set out in Section 17.08.330.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Building permit**

"Building permit" means the document or certificate issued by the City of Napavine that sanctions adherence to all applicable building and development regulations and gives permission to the applicant to proceed with the actions for which the permit was requested.

**17.08. Building setback line**

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

**17.08. Building site**

"Building site" means a portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

**17.08.075 Building, principal**

"Principal building" means a building in which is conducted the main use of the lot on which the building is located.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Bulk**

"Bulk" means the size of buildings or other structures, and their relationship to each other and to open areas and lot lines.

**17.08. Business services**

"Business services" means an establishment primarily engaged in rendering services to other business establishments on a fee or contract basis, not involving the sale of any goods or commodities available on the premises, and not dispensing a personal service. Business service establishments may include but are not necessarily limited to, activities such as real estate, insurance, accounting or bookkeeping, financial institutions, management or consulting firms, or other similar uses.

**17.08. Camper**

"Camper" means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreational, and/or vacation use.

**17.08. Camping trailer**

"Camping trailer" means a structure mounted on wheels and designed for travel, recreational, and/or vacation uses.

**17.08. Canopy**

"Canopy" means a roof-like structure made of any material that projects from the wall of a building and overhangs a sidewalk.

**17.08. Car Wash**

"Car wash" means a building, or portion thereof, containing facilities for washing automobiles utilizing mechanical devices.

**17.08.080 Carport.**

"Carport" means a building designed to cover, but not enclose, automobile parking spaces as set out in Section 17.08.140.

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(Ord. 163 § 2.2 (part), 1989)

**17.08. Cemetery**

"Cemetery" means as place for the burial or interment of dead persons or household pets.

**17.08. Certificate of occupancy (occupancy permit)**

"Certificate of occupancy" means The official certification that a premise conforms to the provisions of this Ordinance (and the Building Code) and may legally be used or occupied. Such a certificate is required for new construction or for alteration or additions to existing structures. Unless such a certificate is issued for new construction, a structure cannot be occupied.

**17.08.085 Chart.**

"Chart" means the official zone regulations chart of the city.

(Ord. 163 § 2.2 (part), 1989)

**17.08.086 Child day care.**

- A. "Child day care" means the provision of supplemental parental care and supervision.
1. For a non-related child or children;
  2. On a regular basis;
  3. For less than twenty-four hours a day; and
  4. Under license by the Washington State Department of Social and Health Services.
- B. As used in this title, the term is not intended to include babysitting services of a casual, non-recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocal child care by a group of parents in their respective homes.

(Ord. 199 § 2 (part), 1992)

(Ord. No. 454, § 2, 2-24-09)

**17.08.087 Child day care center.**

"Child day care center" means a building or structure in which an agency, person, or persons regularly provide care for a group of six or more children for periods of less than twenty-four hours a day. Child day care centers include family day care homes, out-of-home child mini-day care centers, and child day care centers regulated by the Washington State Department of Social and Health Services, as presently defined and hereafter amended (RCW 74.15, WAC 388-73-422).

(Ord. 199 § 2 (part), 1992)

(Ord. No. 454, § 2, 2-24-09)

**17.08. City**

"City" means the City of Napavine, Washington.

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**17.08. Clearing**

"Clearing" means the act of removing existing vegetations, structures or other items from a site prior to undertaking land improvements.

**17.08. Clinic**

"Clinic" means an establishment where patients who are not lodged overnight are admitted for examination and treatment by one (1) person or group of persons licensed as a physician, dentist, chiropractor, therapist, or other similar health related professional.

**17.08. Club**

"Club" means buildings or facilities owned or operated by a corporation, association, person or persons for a social, educational, fraternal, civic, religious, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.

**17.08. Cluster development**

"Cluster development" means grouping or, concentrating physical structures (buildings) on lots smaller than permitted by the existing zoning to preserve open space without increasing the allowable density of the development.

**17.08.088 Co-Living Housing.**

"Co-Living Housing" means a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, in which residents share kitchen facilities with other sleeping units in the building.

**17.08.090 Commission or planning commission.**

"Commission" or "planning commission" means the city planning commission of the city.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Common area**

"Common area" means the total area not designed for rental or sale to tenants and that is available for common use by all tenants or groups of tenants and their guests, including such areas as parking lots and their appurtenances, lobbies, malls, sidewalks, landscaped areas, public rest rooms, truck and service facilities, etc.

**17.08. Compatible use**

"Compatible use" means a use that is capable of existing in harmony with other uses situated in its immediate vicinity.

**17.08.095 Comprehensive plan.**

"Comprehensive plan" means the official city comprehensive plan as adopted by the council. The goals, objectives and policies, documents and maps adopted by motion by the Council to guide the physical development of the City; to coordinate City programs, services and controls, and to promote the general welfare.

(Ord. 163 § 2.2 (part), 1989)

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**17.08. Concession stand, agricultural or produce**

“Concession stand, agricultural or produce” means an open-air structure, not to exceed twenty (20) feet by thirty (30) feet in its dimensions, and at which fresh eggs, fruits, vegetables; and/or other agricultural products may be sold from local farms to the public.

**17.08. Concrete Slab**

“Concrete slab” means a broad, flat, somewhat thick concrete surface extending under a manufactured home or built in-place to the extent of the structure which rests upon it. Must meet all IBC standards.

**17.08.100 Conditional use.**

“Conditional use” means a use allowed in one or more zones as defined by this title which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone. ~~permitted only after special review and approval by the board, and to which special conditions may be attached by the board.~~

(Ord. 163 § 2.2 (part), 1989)

**17.08. Condominium**

“Condominium” means a development in which each dwelling unit is owned individually but all other common elements are jointly owned on a specified basis - most often in a multifamily structure.

**17.08. Confectionery**

“Confectionery” means an establishment engaged solely in the preparation and production of candy products for direct retail sale to the consumer on the premises.

**17.08. Construction**

“Construction” means the building of, or substantial improvement to, any structure or the clearing, filling, or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, “construction” refers to the act of construction or the result of construction.

**17.08. Contiguous**

“Contiguous” means lands are contiguous if they adjoin each other and share a common boundary.

**17.08. Convenience Store**

“Convenience store” means a retail establishment that is usually open for extended daily hours of business, normally located as a single entity or in a strip building configuration along major roadways, is typically a self-service facility not dependent upon comparison shopping, and by its manner of display and merchandising.

**17.08. Conversion**

“Conversion” means the change of use or purpose to which a structure or building is put.

**17.08. Cottage Housing**

"Cottage housing" means residential units on a lot with a common open space that either:

(a) Is owned in common; or

(b) Has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

**17.08.105 Council.**

"Council" or "city council" means the city council of the city.

(Ord. 163 § 2.2 (part), 1989)

**17.08.110 County.**

"County" means the county of Lewis, Washington.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Cul-de-sac**

"Cul-de-sac" means a local street having only one (1) means of vehicular access to another street and terminating at its other in a circular-shaped turn around. This definition of cul-de-sac shall in no way be interpreted to include a dead-end street.

**17.08. Curb Cut**

"Curb cut" means the level of the established curb in front of a building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished top grade immediately adjacent to a building shall be considered the "curb level".

**17.08. Day care**

"Day care" means a person, group or agency which regularly provides care for a group of children for periods of less than 24 hours a day in accordance with Washington State laws and standards. (1) "Family day care home" means a home which regularly provides care during part of the 24-hour day for six or fewer children. (2) "Mini day care center" means a day care facility for the care of 12 or fewer children either in a home or a separate facility not associated with a home. (3) "Day care center" means a center providing for the care of 13 or more children in a facility other than a private residence or in a portion of a private residence which is used exclusively for the children during the hours the center is in operation, and which is usually separate from the living quarters.

**17.08. Dedication**

"Dedication" means the deliberate appropriation of land by the owner for any general and public uses, reserving to himself no other rights than such as one compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and, the acceptance by the public shall be evidenced by the approval of such plat for filing.

**17.08. Density**

"Density" means the number of permitted dwelling units allowed on each acre of land or fraction thereof.

**Commented [AB7]:** If updating housing section based on meeting with commerce, consider adding additional housing types.

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**17.08. Density, Net**

“Density net” means the number of dwelling units or persons per net acre covering only the land devoted to building lots.

**17.08. Design Storm**

“Design storm” means a prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities or assessing other impacts of a proposed project on the flow of surface water. (A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs).

**17.08. Detention Facility**

“Detention facility” means an above- or below-ground facility, such as a pond or tank, that temporarily stores stormwater runoff and subsequently releases it at a slower rate than it is collected by the drainage facility system. There is little or no infiltration of stored stormwater.

**17.08. Developer**

“Developer” means any person, firm, or corporation undertaking the dividing of any parcel of land by short subdivision or subdivision; also known as the “applicant”.

**17.08. Development**

“Development” means the placement, erection, or removal of any fill, solid material, or structure on land, in or under the water, discharge or disposal of any dredged material or of any liquid or solid waste; or the grading, removing, dredging, mining, or extraction of any materials, including mineral resources; the construction, reconstruction, removal, demolition or alteration of the size of any structure; or the removal or harvesting of vegetation. Development shall not be defined or interpreted to include activities related to or undertaken in conjunction with the cultivation, use, or subdivision of land for agricultural purposes or any improvement made in the interior of any structure.

**17.08. Development Right**

“Development right” means a legal claim to convert a tract of land to a specific purpose by construction, installation, or alteration of a building or other structure.

**17.08. Development, Substantial**

“Development, substantial” means with regard to projects that have been initiated, substantial development shall constitute at least ten (10) percent of the total expected cost (including architectural and engineering fees) to complete the project as it was approved. Development shall also be considered to be substantial if the developer of an approved project has secured financing for the project and can demonstrate, in writing, his or her financial commitments to the project in question.

**17.08. District, Zoning**

“District zoning” means any portion of the City within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this Ordinance and within which certain yards and other open spaces are required, certain lot areas are established, and a combination of such aforesaid conditions are applied.

**Commented [PD8]:** Why are we considering funds. Should be just % of improvements complete

**Commented [AB9R8]:** This was included as proposed by PC. Recommend following up with them at the next meeting.

**17.08. Domestic Animal**

"Domestic animal" means an animal normally kept incidental to a single-family dwelling. Included are dogs and cats; excluded are wild or exotic animals, horses and cows, chickens, goats, or other similar animals.

**17.08. Drainage**

"Drainage" means the removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation, prevention, or alleviation of flooding.

**17.08. Drainage Basin**

"Drainage basin" means a geographic and hydrologic subunit of a watershed.

**17.08. Drive-in or Drive- Through Facility**

"Drive-in or drive-through facility" means an establishment that, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

**17.08. Driveway**

"Driveway" means that space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

**17.08.115 Dwelling.**

"Dwelling" means a building or portion thereof, designed or used as the residence or sleeping place of one or more persons containing one or more residential units.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Dwelling, Attached**

"Dwelling" means a dwelling having any portion of a wall in common with adjoining dwellings.

**17.08. Dwelling, Detached**

"Dwelling, attached" means a dwelling that is surrounded by open space on the same lot.

**17.08.120 Dwelling, duplex.**

"Duplex dwelling" means a detached building, designed for or occupied exclusively by two(2) families living independently of each other, and shall not include a manufactured home, containing two residential units.

**RECOMMEND:** "Duplex Dwelling" means a detached building, comprised of two dwelling units joined by a common wall on the same legal lot.

(Ord. 163 § 2.2 (part), 1989)

**Commented [AB10]:** Note - Paul's recommended definition

**17.08.125 Dwelling, multiple-family.**

"Multiple-family dwelling" means a building or portion thereof designed or used as a residence by two or more families and containing two ~~containing three~~ or more ~~connected dwelling residential~~ units.

(Ord. 163 § 2.2 (part), 1989)

**17.08.130 Dwelling, ~~single~~one-family.**

"~~Single~~ One-family dwelling" means a building designed for use for residence purposes by not more than one family and containing one ~~dwelling residential~~ unit only.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Dwelling unit**

"Dwelling unit" means One or more rooms designed for occupancy by one family, and not having more than one cooking facility. For the purpose of this title, the term "dwelling unit" does not include the term "travel trailer" or "mobile manufactured home".

**17.08. Easement**

"Easement" means a grant by a property owner to specific person(s) or to the public of the right to use certain property for a specific use/purpose.

**17.08. Elevation**

"Elevation" means (1) The vertical distance above or below a fixed reference level; or, (2) A flat scale drawing of the front, rear, or side of a building or structure.

**17.08.131 Emergency Housing.**

"Emergency Housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

Commented [AB11]: WAC Definition

**17.08.132 Emergency Shelter.**

"Emergency Shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations. Emergency shelters include overnight shelters which provide safe and dry conditions which save lives.

Commented [AB12]: WAC Definition

**17.08. Emergency Shelter**

"Emergency shelter" means a facility whose primary purpose is to provide housing for individuals and families in the event of an emergency or an emergency hazardous situation.

Commented [AB13]: PCs definition

**17.08. Eminent Domain**

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"Eminent domain" means the authority of the City of Napavine or other government agency to take, or to authorize the taking of, private property for public use with just compensation to the owner.

**17.08. Employees**

"Employees" means all persons, including proprietors, working on the premises during the largest shift at peak season.

**17.08. Energy-efficient structure**

"Energy-efficient structure" means a structure designed and built to comply with the annual thermal performance standards established by the Northwest Power Planning Council as the Model Conservation Standards.

**17.08. Engineer**

"Engineer" means the city engineer of the city.

**17.08. Enlargement**

"Enlargement" means an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

**17.08. Environment**

"Environment" means the physical, social and economic conditions that exist within the area which will be affected by a proposed project.

**17.08. Environmentally sensitive lands, potential**

"Environmentally sensitive lands, potential" means lands shown on the city zoning map as an overlay to demonstrate areas which may contain wetlands, steep slopes, or other similar environmentally critical features which may limit or prevent construction.

**17.08. Erected**

"Erected" means includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, paving, and the like shall be considered within the definition of "erected".

**17.08. Erosion**

"Erosion" means the detachment and-movement of soil or rock fragments by water, wind, and/or gravity.

**17.08.133 Essential public facilities.**

"Essential public facilities" means facilities meeting the requirements of RCW 36.70A.200 such as airports, state education facilities, state and regional transportation facilities, state and local correctional facilities, solid waste handling facilities and inpatient facilities including substance abuse facilities, mental health facilities, group homes and other as determined by the Washington State Office of Financial Management.

(Ord. 264 § 6 (part), 1998)

**17.08. Establishment**

“Establishment” means an economic unit, generally at a single physical location, where business is conducted, or services are offered.

**17.08.134 Extremely Low-Income Household.**

“Extremely Low-Income household” means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

**17.08. Façade**

“Façade” means the front of a building, particularly that part of a building facing a street or courtyard.

**17.08.135 Family.**

“Family” means an individual or two or more persons related by blood or marriage, living together as a single housekeeping unit and occupying a dwelling unit; provided that occupants of a boarding house, hotel, club, shall not be regarded as a family.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Fence**

“Fence” means any artificially constructed barrier or any material or combination of materials erected to enclose or screen areas of land, and is six feet or less.

**17.08. Fence, sight-obscuring**

“Fence, sight-obscuring” means a fence or evergreen planting, or combination of fence and planting, arranged in such a way as to obstruct vision.

**17.08. Fill**

“Fill” means earth or any other approved substance or material.

**17.08. Final plat**

“Final lot” means the final drawing of the subdivision and dedication, prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title and in state law.

**17.08. Financial Institutions**

“Financial institutions” means establishments such as, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, and other similar uses.

**17.08. Flag lot**

“Flag lot” means a lot the developable portion of which is separated from the public right-of-way to which the lot has direct access by a narrow strip of land often used as a driveway. Creation of a flag lot is subject to additional standards in this code.

**17.08. Flea Market**

Commented [AB14]: WAC Definition

Commented [AB15]: Looking back - I think this definition did not get updated somehow.

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“Flea market” means an occasional sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, but not to include private garage sales.

**17.08. Floor**

“Floor” means the top surface of an enclosed area in a building (including basement), i.e., the top of a slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include the floor of a garage used primarily for the parking of vehicles and where openings are installed to allow the free passage of water.

**17.08. Floor Area**

“Floor” means the sum of the gross horizontal areas of all of the floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes, but need not include a basement or portion of a basement used for storage or housing of mechanical equipment, or the basement apartment of a custodian in a multi-family dwelling, except that portion of said custodian’s dwelling unit which is in excess of fifty (50) percent of the total basement area.

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**17.08. Foster Home**

“Foster home” means a home licensed and regulated by the State and classified by the State as a foster home, providing care and guidance for not more than five (5) unrelated juveniles, adults or both.

**17.08. Frontage**

“Frontage” means that portion of a parcel of property which abuts a dedicated public street or highway, or private road or driveway approved by the city.

**17.08. Frontage, Corner Lot**

“Frontage, corner lot” means all the property on two (2) sides of a street between two (2) intersecting streets, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on two (2) sides between an intersecting street and the dead-end of the street. This definition also includes ingress-egress easements when used as the only means of access.

**17.08. Fuel Storage Facility**

“Fuel storage facility” means an area that is used or planned to be used for the storage of petroleum. The facilities may be above-ground or underground storage tanks.

**17.08. Garage**

“Garage” means a building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, or storing motor vehicles internally and enclosed within the building.

**17.08. Garage, detached**

“Garage, detached” means an accessory building intended and primarily used for the storage of motor vehicles, which is separate from and secondary to the main structure of the occupants.

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**17.08.140 Garage or carport, private.**

"Private garage" or "private carport" means an accessory building or an accessory portion of the principal building designed and/or used primarily for shelter or storage of automobiles, boats, and/or any other vehicles.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Geologically hazardous areas**

Areas that, because of their susceptibility to erosion, sliding, earthquake or other geological events, are not suited to the siting of commercial, residential or industrial development consistent with public health or safety.

**17.08. Grade**

"Grade" (ground level) shall mean the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

**17.08. Greenhouse**

"Greenhouse" means an enclosed building, permanent or portable, that is used for the growth of plants.

**17.08. Ground Floor Area**

"Ground floor area" means the square footage area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, patios, swimming pools, parking areas, driveways, garages, exterior stairways, secondary stairways, and drive-through teller lanes or walk-up windows of financial institutions only. Ground floor area is the total building area used in determining the percentage of lot coverage.

**17.08. Groundwater**

"Groundwater" means the portion of water contained in interconnected pores or fractures in a saturated zone or stratum located beneath the surface of the earth or below a surface water body.

**17.08. Groundwater Management**

"Groundwater management" means the management and coordination of groundwater regulations, strategies, polities, and technical information for the protection and use of groundwater resources.

**17.08. Group Care Facility**

"Group care facility" A facility licensed by the State to provide, on a twenty-four (24) hour basis, training, care, custody, correction or control, or any combination of those functions, to one or more persons who may be children, the aged, disabled, underprivileged, indigent, handicapped or other special class of persons, either by governmental unit or agency or by a person or organization devoted to such functions. This term shall not include schools, hospitals, prisons or other social service facilities.

**17.08. Gutter**

"Gutter" means a constructed waterway, usually along a street curb, installed to collect and conduct street surface water.

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### **17.08. Habitable floor**

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

#### **17.08.145 Hazardous waste.**

"Hazardous waste" means all dangerous and extremely hazardous waste as defined in RCW 70.105.010~~(15)~~, except for moderate risk waste, ~~as set forth in RCW 70.105.010(17).~~ RCW 70.105.010 is adopted by reference for the purposes of this definition.

(Ord. 165 § 1 (part), 1989; Ord. 163 § 2.2 (part), 1989)

#### **17.08.150 Hazardous waste storage.**

"Hazardous waste storage" means the holding of ~~dangerous hazardous~~ waste for a temporary period, as regulated by the ~~S~~state Dangerous Waste Regulations, ~~WAC Chapter 173-303 WAC.~~ For purposes of this title, Chapter 173-303 WAC as existing and hereafter amended is adopted by reference.

(Ord. 165 § 1 (part), 1989; Ord. 163 § 2.2 (part), 1989)

#### **17.08.155 Hazardous waste treatment.**

"Hazardous waste treatment" means the physical, chemical or biological processing of ~~dangerous hazardous~~ waste ~~for the purpose of rendering these to make~~ wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage or reduced in volume, as regulated by the ~~S~~state Dangerous Waste Regulations, WAC Chapter 173-303.

(Ord. 165 § 1 (part), 1989; Ord. 163 § 2.2 (part), 1989)

### **Hazardous waste treatment and storage facility, off-site**

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

#### **17.08.158 Hazardous waste treatment and storage facility, on site.**

"Hazardous waste treatment and storage facility on site" means ~~treatment and storage and treatment~~ facilities ~~that which~~ treat and store ~~hazardous wastes from generators on the same properties on the same~~ geographically contiguous or bordering property.

(Ord. 200 § 1, 1992)

### **17.08. Health Care Facility**

"Health care facility" means an establishment primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners; medical and dental laboratories; out-patient care facilities; blood banks; and oxygen and miscellaneous types of medical supplies and services.

### **17.08. Health club**

"Health club" means gymnasiums (except those associated with educational institutions), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

**17.08. Hearings examiner**

"Hearings examiner" means the person(s) appointed hearings examiner by the city council of Napavine pursuant to Chapter 2.35 NDC.

**17.08. Historic property**

"Historic property" means a building, structure, object, area or site that is significant in the history, architecture, archaeology or culture of Napavine, the region or the nation.

**17.08.160 Home occupation.**

"Home occupation" means any lawful profession, craft, or service activity customarily and historically conducted within a dwelling unit by its inhabitants without the involvement of any servant, employee or other person. Such activity is clearly incidental to the use of the building for dwelling purposes and does not include any display of merchandise which can be seen from the exterior of the dwelling unit.

(Ord. 163 § 2.2 (part), 1989)

**17.08.161 Homeless.**

"Homeless" means persons, including families, who, on one particular day or night, do not have decent and safe shelter nor sufficient funds to purchase or rent a place to stay.

**17.08. Homeowners' association**

"Homeowner's association" means a nonprofit organization operating under recorded land agreements through which the following take place: (1) Each person owning or purchasing a lot in a planned unit or other described land area is automatically a member by such ownership or purchase. (2) Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property. (3) Construction and maintenance responsibilities for any undivided property are identified and assigned.

**17.08. Hospital**

"Hospital" means an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

**17.08.165 Hotel.**

"Hotel" means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests. ~~as set out in Section 17.08.235.~~

(Ord. 163 § 2.2 (part), 1989)

**17.08. House of worship/church**

"House of worship/church" means a building or structure wherein persons regularly assemble for religious worship, is specifically designed and used primarily for such purpose, and is maintained and controlled by a religious body organized to sustain public worship.

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**17.08.166 Housing for people with functional disabilities.**

"Housing for people with functional disabilities" means housing used, or intended for use, by persons with functional disabilities. The term includes, but is not limited to, adult family homes, residential care facilities, and housing for any supported living arrangement, as herein defined.

(Ord. 199 § 2 (part), 1992)

(Ord. No. 454, § 2, 2-24-09)

**17.08. Illuminated sign**

"Illuminated sign" means any sign that has characters, letters, figures, designs or outlines illuminated by electric lights, or from a remote position.

**17.08. Immediate vicinity**

"Immediate vicinity" means with regard to the built-or man-made environment, this refers to all development that is within five hundred (500) linear feet of any proposed development, measured in a straight line from the property line that is closest to any existing development.

**17.08. Impervious surfaces**

"Impervious surfaces" means those surfaces that do not absorb water and consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt on a lot.

**17.08. Improvement**

"Improvement" means any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

**17.08. Improvement plans**

"Improvement plans" means the technical drawings of the design and proposed construction of such items as streets, water and sewer systems, and drainage detention systems.

**17.08. Incompatible use**

"Incompatible use" means a use that is incapable of existing in harmony with the natural environment or with other uses situated in its immediate vicinity.

**17.08. Indoor amusement**

"Indoor amusement" means establishments engaged in providing entertainment indoors for a fee or admission charge, including such activities as theaters, bowling, pool, billiards, or arcades, that feature three (3) or more coin or token operated devices, such as pinball and video games.

**17.08. Indoor storage**

"Indoor storage" means the keeping of any goods, materials, merchandise, or supplies as an accessory use to any retail, office, or service use.

**17.08. Industrial park**

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"Industrial park" means a planned, coordinated development of a tract of land with two (2) or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to onsite circulation, parking, utility needs, building design and orientation, and open space.

**17.08. Industry, heavy**

"Industry, heavy" means a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**17.08. Industry, light**

"Industry, light" means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including process, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

**17.08. Infiltration**

"Infiltration" means the downward movement of water from the surface to the subsoil.

**17.08. Irregular Lot**

"Irregular lot" means 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.

**17.08.170 Kennel.**

"Kennel" means either: (1) Any premises used to conduct a commercial business involving the breeding, buying, selling or letting dogs or cats for hire, boarding, or training dogs or cats; or (2) Any premises at which ~~lot on~~ which three or more dogs or cats, which are six months old or older, are kept for any purpose, including animal shelters, but excluding veterinary clinics or animal hospitals where dogs are kept only for treatment by licensed veterinarians. ~~the noncommercial purpose of breeding or for sale or exchange.~~

(Ord. 163 § 2.2 (part), 1989)

**17.08. Land clearing**

"Land clearing" means the exposure of earth by the removal of vegetative cover of any kind.

**17.08. Land division**

"Land division" means a short subdivision or subdivision.

**17.08. Land-disturbing activity**

"Land-disturbing activity" means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to demolition, construction, clearing, grading, filling and excavation.

**17.08. Landscape plan**

"Landscape plan" means a detailed sketch to scale illustrating the type, size, location and number of plants and other landscape elements to be placed in a development.

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**17.08. Landscaping**

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

**17.08. Laundromat**

"Laundromat" means an establishment providing washing and drying machines on the premises for rental use to the general public for family laundering purposes.

**17.08. Livestock**

"Livestock" means farm animals, such as horses, cattle; pigs, goats, or poultry, kept for their services or raised for food and other products.

**17.08.175 Loading, off-street.**

"Off-street loading" means an off-street space or berth which is located on the same lot with a principal building for the parking of a vehicle while loading or unloading merchandise, and which has direct access from a public street or alley.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Loading space**

"Loading space" means an off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**17.08. Lodging house**

"Lodging house" means a building other than a hotel where lodging is provided for five (5) or more persons for compensation pursuant to previous arrangements, but not open to the public or transients, and meals and drinks are not served.

**17.08.180 Lot.**

"Lot" means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels. "Lot" shall also mean the individual leaseholds within an approved manufactured home park, parcel or plat of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Lot, Building**

"Lot, building" means land occupied or to be occupied by a building and its accessory buildings.

**17.08.185 Lot, corner.**

"Corner lot"\* means a lot situated at the intersection of abutting two or more streets at their intersection, or abutting two parts of the same street, including or if on a curved streets, where the tangents at the points of intersection of curve tangents is form less than one hundred thirty five (130) degrees within the lot lines.

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(Ord. 163 § 2.2 (part), 1989)

**17.08. Lot - Double frontage**

“Lot, double frontage” means a lot with street frontage along opposite boundaries.

**17.08.205 Lot, interior.**

“Interior lot”\* means any lot or parcel of land other than a corner lot.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Lot - Key**

“Lot - key” means the first lot to the rear of a corner lot, the front line of which is an approximate continuation of the side lot lines of the adjacent corner lot.

**17.08. Lot, Through**

“Lot - through” means an interior lot having a frontage on two streets and/or highways.

**17.08. Lot area**

“Lot area” means the computed area contained within the lot lines; said area to be exclusive of street or alley rights-of-way.

**17.08.190 Lot cover.**

"Lot cover," as used in the text of this title means the percentage of the total area of a lot which is covered by principal and accessory buildings as well as driveways, parking lots and patios.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Lot coverage**

“Lot coverage” means that percentage of the total lot area covered by structures, including decks and all other projections except eaves.

**17.08.195 Lot depth.**

"Lot depth"\* means the perpendicular distance measured from the midpoint of the front lot line to the rear lot line or, if necessary, to the extension of the rear lot line.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Lot Dimensions, Minimum Standards**

“Lot dimensions, minimum standards” means the smallest width or depth permitted on a lot within a zone.

**17.08.200 Lot frontage.**

"Lot frontage"\* means the side of a lot adjoining a street right-of-way.

(Ord. 163 § 2.2 (part), 1989)

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**17.08.205 Lot, interior.**

"Interior lot"\* means any lot other than a corner lot.

(Ord. 163 § 2.2 (part), 1989)

**17.08.210 Lot line.**

"Lot line" means the property lines bounding a lot as defined in this title chapter.

(Ord. 163 § 2.2 (part), 1989)

**17.08.215 Lot line, front.**

"Front lot line"\* means The property line abutting a street or approved private road or easements. For corner lots, the front lot line is the property line abutting a street with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the lot line closest to and most parallel with the street, excluding the unbuildable portion of the pole, a line separating the lot from the street or principal means of access.

(Ord. 163 § 2.2 (part), 1989)

**17.08.220 Lot line, rear.**

"Rear lot line" means, for an interior lot, a line separating one lot from an alley or another lot on the opposite side of the lot from the front lot line; in the case of an irregular or triangular shaped lot, the rear lot line shall be a straight line ten feet in length that is parallel to and at the maximum distance from the front lot line. In case of a corner lot, the building inspector shall specify which of the lot lines other than the front lot lines shall be considered a rear lot line and which a side lot line.

(Ord. 163 § 2.2 (part), 1989)

**17.08.225 Lot line, side.**

"Side lot line" means, any lot line that abuts a public street right-of-way or public or private access easement, for an interior lot, a line separating one lot from abutting lots fronting on the same street. For a corner lot, see the definition of rear lot line.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Lot line, street side**

"Lot line, street side" means any side lot line that abuts a public street right-of-way or public or private access easement.

**17.08. Lot of record**

"Lot of record" means a lot as shown on the records of the county assessor or county auditor at the time of the passage of this title; provided, however, this shall not include lots that may appear on the records of the county assessor which were created contrary to the provisions of laws and regulations in effect prior to the passage of this title. Any lots created after the adoption of this title shall comply with the standards contained within.

**17.08.230 Lot width.**

"Lot width" means the horizontal distance measured at the building setback line between the two opposite side lot lines. Average lot width shall be the average of the front and rear lot lines, mean width of the lot measured at right angles to its depth.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Lounge**

"Lot line, street side" means a building or portion of a building, wherein alcoholic beverages are sold by the drink and consumed on premises.

**17.08.231 Low-Income Household.**

"Low-Income Household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

**17.08. Maintain**

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

**17.08. Manufactured home**

"Manufactured home" means a designated manufactured home as defined by RCW 35.63.160.

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**17.08.235 Map.**

"Map" means the official zoning map of the city.

(Ord. 163 § 2.2 (part), 1989)

**17.08.236(a) Marijuana or marihuana.**

"Marijuana" or "marihuana" means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(Ord. No. 537, § 1, 2-10-15)

**17.08.236(g) Marijuana, useable.**

"Marijuana, useable" (or "useable marijuana") means dried marijuana flowers. The term "marijuana, useable" does not include either marijuana concentrates or marijuana-infused products.

(Ord. No. 537, § 1, 2-10-15)

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**17.08.236(b) Marijuana concentrates.**

"Marijuana concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant cannabis and having a THC concentration greater than sixty percent. The term "marijuana concentrates" does not include useable marijuana or marijuana infused products.

(Ord. No. 537, § 1, 2-10-15)

**17.08.236(e) Marijuana-infused products.**

"Marijuana-infused products" means products that contain marijuana or marijuana extracts, are intended for human use, and have a THC concentration greater than 0.3 percent and no greater than sixty percent. The term "marijuana-infused products" does not include useable marijuana or marijuana concentrates.

(Ord. No. 537, § 1, 2-10-15)

**17.08.236(c) Marijuana processing.**

"Marijuana processing" means a business, licensed by the Washington State Liquor Control Board, processing marijuana into useable marijuana and/or marijuana-infused products, and/or packaging and labeling useable marijuana and/or marijuana-infused products for sale in retail outlets, and/or selling useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

(Ord. No. 537, § 1, 2-10-15)

**17.08.236(d) Marijuana producing.**

"Marijuana producing" means a business, licensed by the Washington State Liquor Control Board, producing and/or selling marijuana at wholesale to marijuana processors and other marijuana producers.

(Ord. No. 537, § 1, 2-10-15)

**~~17.08.236(e) Marijuana-infused products.~~**

~~"Marijuana-infused products" means products that contain marijuana or marijuana extracts, are intended for human use, and have a THC concentration greater than 0.3 percent and no greater than sixty percent. The term "marijuana-infused products" does not include useable marijuana or marijuana concentrates.~~

~~(Ord. No. 537, § 1, 2-10-15)~~

**17.08.236(f) Marijuana retailing or marijuana retailer.**

"Marijuana retailing" or "marijuana retailer" means a business, licensed by the Washington State Liquor Control Board, selling useable marijuana, marijuana concentrates, and/or marijuana-infused products in a retail outlet.

(Ord. No. 537, § 1, 2-10-15)

**17.08.236(g) Marijuana, useable.**

"Marijuana, useable" (or "useable marijuana") means dried marijuana flowers. The term "marijuana, useable" does not include either marijuana concentrates or marijuana infused products.

(Ord. No. 537, § 1, 2-10-15)

**17.08. Mayor**

"Mayor" means the mayor of the city.

**17.08. Middle Housing**

"Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

**17.08. Mini-storage or Mini- warehouse**

"Mini-storage or mini-warehouse" means a building or group of buildings consisting of individual storage units that are leased or owned for the storage of business and household goods or contractor's supplies. These facilities shall not be used for any wholesale or retail operations.

**17.08. Mixed Use Zoning**

"Mixed-use zoning" means zoning that permits a combination of typically separated uses within a single development. A planned unit development is an example of mixed-use zoning. Mixed use in an urban context refers to usually a single building with more than one (1) type of activity taking place within its confines. An example of such a type of development could have commercial uses on the ground floor, office above them, and residential units above the office. Other combinations of uses may also occur in this type of setting.

**17.08.240 Mobile home.**

"Mobile home" means a single-family dwelling constructed in accordance with the requirements prescribed under RCW 43.22.340, as amended, and bearing the "mobile home" insignia of the Washington State Department of Labor and Industries. It is a dwelling transportable in one or more sections that are eight feet or more in width and thirty-two feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976. (Note: Manufactured Homes were formerly called "Mobile Homes" before the federal government assumed control of the construction standards for the industry by way of the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S. Code, Section 5401). A factory-built dwelling built prior to June 15, 1976, to standards other than the United States Department of Housing and Urban Development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States Department of Housing and Urban Development manufactured home construction and safety act. structure having a combined width of at least twelve feet and length of at least fifty feet; or a structure which has a combined width of at least twenty feet and length of at least twenty-eight feet, either of which is designed and built to comply with the state Department of Labor and Industries, Rules and Regulations for Mobile Homes and Commercial Coaches. A unit which is classified by the department as a factory built house or commercial structure and bears the official state insignia to this effect, shall not be considered a mobile home regardless of

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manufacturer, but instead shall be treated as a regular residential or commercial structure. Any unit having a combined width less than twelve feet and length less than fifty feet or combined width of less than twenty feet and length less than twenty-eight feet, but classified by the department as a mobile home, shall for the purpose of this title only, be considered a recreational vehicle.

(Ord. 163 § 2.2 (part), 1989)

#### 17.08.245 Mobile home park.

"Mobile home park" means a residential use in which a tract of land is rented for the placement and use of one or more mobile homes to be occupied as dwelling units.

(Ord. 186 § 1, 1991; Ord. 163 § 2.2 (part), 1989)

#### 17.08.246 Moderate-Income Household

"Moderate-Income Household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development. This definition is added to the existing definitions in RCW 36.70A.030 for low-income household, very low-income household, and extremely low-income household.

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#### 17.08. Modular home/prefabricated home

A residential structure consisting of many components which meets the requirements of the International Building Code and is constructed in a factory, transported to the building site, and then partially constructed at the site. The construction requirements are to be the same as for a site-built home. a factory-assembled structure designed primarily for use as a dwelling when connected to the required utilities that include plumbing, heating, and electrical systems contained therein, does not contain its own running gear, and must be mounted on a permanent foundation. A modular home does not include a mobile home or manufactured home.

#### 17.08.250 Motel.

"Motel" means ~~an individual building or group of attached or detached buildings on the same lot~~ containing guest units with separate entrances directly to the exterior, and consisting of individual sleeping quarters, detached or in a connection of rows, with or without cooking facilities rental to transients, rooms together with conveniently located parking spaces which are designed, used or intended to be used for the accommodation of transients. The term includes auto courts, motor lodges, tourist courts and hotels.

(Ord. 163 § 2.2 (part), 1989)

#### 17.08. Motor home

"Motor home" means a portable, temporary dwelling to be used for travel, recreational, and/or vacation use constructed as an integral part of a self-propelled vehicle.

#### 17.08. National register of historic places

"National register of the historic places" means a list of properties that have been formally judged to have historic significance and which have been accepted by the keeper of the National Register.

#### 17.08. Neighborhood

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“Neighborhood” means an identifiable geographic area of relatively small size; a collection of units and other land uses that provide a relationship between dwellings, school, religious facilities, minor retail and/or other local facilities.

**17.08. New construction**

“New construction” means Structures for which the “start of construction” commenced on or after the effective date of this Ordinance.

**17.08. Night club**

“Night club” means An establishment that has a capacity for at least thirty (30) persons seated at tables and the bar employs a bartender and maintains table service, dancing, and/or live entertainment for the guests.

**17.08. Nonconforming development**

“Nonconforming development” means one or more elements of a development, such as setbacks, screening, height or parking area requirements that was created in conformance with the development regulations but which subsequently, due to a change in the zone or zoning regulations, does not conform to the current regulations imposed by this title or amendments thereto.

**17.08. Nonconforming lot**

“Nonconforming lot” means a lot as defined in Section 18.030.040 NDC that does not comply with currently applicable city regulations.

**17.08.255 Nonconforming uses.**

"Nonconforming uses" means the use of a structure or land, or a structure of a size or location which does not conform to the regulations of the zone in which it is located, but which was lawfully in existence prior to the effective date of the ordinance codified in this title.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Nuisance**

“Nuisance” shall include those definitions contained in Chapters 7.48 and 9.66 RCW as well as Chapter 8.12 NMC, or any other provision of the Napavine Municipal Code that includes nuisances. Any violation of this title shall constitute a nuisance, per se.

**17.08. Nursery School**

“Nursery school” means a separately organized and administered school for groups of children during the year or years preceding kindergarten, which provides educational experiences under the direction of professionally qualified teachers.

**17.08.260 Nursing home.**

"Nursing home" means a building or part of a building where sick or infirm persons are cared for in a residential setting at prescribed rates.

(Ord. 163 § 2.2 (part), 1989)

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**17.08. Occupancy**

"Occupancy" means the physical placement of a structure on land, or the utilization of land on a temporary or permanent basis. This includes existing structures built prior to the enactment of this Ordinance that do not have authorization by virtue of a valid permit issued.

**17.08. Office**

"Office" means a building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**17.08.265 Off-site hazardous waste treatment and storage.**

"Off-site hazardous waste treatment and storage" means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facility is located. (Ord. 165 § 1 (part), 1989; Ord. 163 § 2.2 (part), 1989)

**17.08. Off-street parking**

"Off-street parking" means the minimum off-street, on-site parking of vehicles that shall be provided under the terms of this Ordinance.

**17.08.270 On-site hazardous waste treatment and storage.**

"On-site hazardous waste treatment and storage" means hazardous waste treatment and storage facilities that treat and store wastes generated on the same property. (Ord. 165 § 1 (part), 1989; Ord. 163 § 2.2 (part), 1989)

**17.08. Open space**

"Open space" means an area that is intended to provide light and air, and is designed for environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, golf courses, playgrounds, fountains, swimming pools, wooded areas, water courses, driveways, and other surfaces designed or intended for vehicular travel, but shall not include any required off -street parking areas.

**17.08. Open space, common**

"Open space, common" means an area within or related to a development, not in individually owned lots or dedicated for public use, but that is designed and intended for the common use and enjoyment of the residents of a development.

**17.08. Ordinance**

"Ordinance" means a law set forth by governmental authority; a Development regulation adopted by the legislative branch of the locality.

**17.08. Overburdened Community**

"Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, "highly impacted communities" as defined in RCW 19.405.020.

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**17.08. Overlay zone**

"Overlay zone" means a zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements beyond that required by the underlying zones.

**17.08. Owner**

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

**17.08. Parcel**

"Parcel" means a continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

**17.08. Park, public**

"Park, public" means an area that may be improved for the purpose of providing public access in a manner consistent with the preservation of its recreational, educational, cultural, historical, or aesthetic qualities.

**17.08.275 Parking area, public.**

"Public parking area" means a structure or an open space, other than a public street or alley, designed or used for the temporary parking of vehicles and available for public use, whether free, for compensation, or as an accommodation to customers or clients.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Parking lot and/or garage**

"Parking lot and/or garage" means off-street facility used for the storage or parking of four (4) or more motor vehicles to provide an accessory service to a commercial, industrial, public or residential use.

**17.08. Parking space**

"Parking space" means a rectangle not less than 20 feet long and nine feet wide, together with access and maneuvering space, sufficient to permit a standard automobile to be parked within the rectangle without the necessity of moving other vehicles; said rectangle to be located off the street right-of-way.

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**17.08.280 Parking space, off-street.**

"Off-street parking space" means a space for temporary parking of a vehicle, located off any public right-of-way, which is adequate in size for parking a vehicle with room to get out on either side of the vehicle, with adequate maneuvering space, and with access to a public right-of-way.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Parking space – compact**

"Parking space - compact" means a rectangle not less than seven feet five inches wide and 15 feet long, together with access and maneuvering space, sufficient to permit a compact automobile to be parked within the rectangle without the necessity of moving other vehicles; said rectangle to be located off the street right-of-way.

**17.08. Parking Structure**

"Parking structure" means a stand-alone structure used for the storage or parking of motor vehicles. The footprint of a parking structure will be included in the calculation of lot coverage.

**17.08.281 People with functional disabilities.**

"People with functional disabilities" means:

- A. A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:
  - 1. Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living;
  - 2. Needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible;
  - 3. Having a physical or mental impairment which substantially limits one or more of such person's major life activities; or
  - 4. Having a record of having such an impairment.
- B. Being regarded as having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance.

(Ord. 199 § 2 (part), 1992)

(Ord. No. 454, § 2, 2-24-09)

**17.08.282 Permanent Supportive Housing.**

"Permanent Supportive Housing" means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care.

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treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

**17.08. Permit**

"Permit" means any license, certificate, approval, or other entitlement for use granted by any public agency.

**17.08.285 Permitted use.**

"Permitted use" means a use which may legally be constructed or developed in the zone in which it is located, subject to regulations specified in this title and other city ordinances.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Permittee**

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

**17.08. Personal Service**

"Personal service" means beauty parlors, shops or salons; barbershops; reducing or slenderizing studios; electrolysis services; manicurists; and the like.

**17.08.290 Planned unit development.**

"Planned unit development" means a development designed to allow realization of certain requirements of this title where a relatively large area is to be developed in accordance with an approved plan.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Planner, City**

"Planner, city" means the planning director of the city.

**17.08. Plant Nursery**

"Plant nursery" means an enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not farm implements) directly related to their care and maintenance. The accessory items normally sold include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.

**17.08. Plat**

"Plat" means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys, or other divisions and dedications.

**17.08. Plat, Final**

"Plat, final" means that map, plan, or layout of a subdivision of land which is filed after completing the improvements, accompanied by certifications that the improvements have been satisfactorily completed and are recorded with the auditor, and showing all elements required by the Subdivision Ordinance.

**17.08. Platter**

"Platter" See Section 16.08.240.

**17.08. Plot**

"Plot" means a parcel of ground containing more than one (1) lot upon which a building and its accessory buildings have been or may be erected.

**17.08. Preliminary plat**

"Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of rights-of-way and easements, streets and alleys, lots, blocks, and tracts in the subdivision or short subdivision, and other elements of a subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

**17.08. Premises**

"Premises" means land and all buildings and structures thereon.

**17.08. Pre-school facility**

"Pre-school facility" means an educational center or establishment, including a kindergarten, that provides primarily instruction, supplemented by daytime care, for four (4) or more children between the ages of two (2) and five (5) years, and which operates on a regular basis.

**17.08. Private clubs**

"Private clubs" means organizations that are, privately owned and operated by their members and not operated for profit, and which maintain recreational, dining, and/or athletic facilities for the exclusive use of the members and their guests and uses accessory or incidental thereto.

**17.08. Private parking**

Parking facilities for the noncommercial use of the occupant and guests of the occupant, which includes garages and carports as long as dimensional requirements of off-street parking are met.

**17.08. Private road**

That easement or Parcel created to provide the access from a City road to short platted lots, the maintenance of this is to be the responsibility of the lot owners.

**17.08.295 Profession.**

"Profession" means an occupation or calling requiring the practice of an art or science through specialized knowledge ~~or~~ requiring specialized licensing.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Professional office**

"Professional office" means the office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon.

**Commented [AB22]:** Other similarly defined terms were edited to include a definition instead of referring to a RCW.

**Commented [AB23]:** A term for office already exists which encompasses everything said here. Furthermore, this is difficult to follow. If we \*need\* a separate office definition then recommend: "Professional office" means an office used by a person engaged in a profession or occupation that provides specialized services or advice to clients.

**Commented [PD24R23]:** Let's have them pick one or the other

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**17.08. Professional service**

“Professional service” means the conduct of business in any of the following related categories: advertising, architecture, landscape architecture, engineering, planning, law, medicine, music, art, interior design, dentistry, accounting, insurance, real estate, finance and securities investments, and any similar type business.

**17.08.296(h) Prohibited use.**

"Prohibited use" means any use of land or a building upon the land in a particular zoning classification that is: 1) listed as a prohibited use for that zoning classification; or 2) is not a use qualifying as a conditional use, either by listing or administrative interpretation, and is not otherwise listed as a permitted use or an accessory use in the particular zoning classification.

(Ord. No. 537, § 1, 2-10-15)

**17.08.300 Recreational vehicle.**

"Recreational vehicle" means a vehicle self-propelled or otherwise designed for temporary sheltering of persons; any such vehicle having a combined body width of less than twelve feet and length of less than fifty feet; or a combined body width of less than twenty feet and length of less than twenty-eight feet respectively. Recreational vehicles include a truck mounted camper or self-propelled travel van, and units classified and commonly referred to as recreational vehicles by the state Department of Labor and Industries if they are smaller than the combined width of twelve feet and length of fifty feet or the combined width of twenty feet and length of twenty-eight feet.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Public assembly, place of**

“Public assembly, place of” means any area, building or structure where large numbers of individuals meet or collect to participate or to observe programs of participation. Places of public assembly shall include theaters, auditoriums, gymnasiums, stadiums, houses of worship, or comparable facilities.

**17.08. Public building**

“Public building” means buildings which are owned, operated, and maintained by a public agency such as City Hall, police and fire stations, educational institutions, zoos, museums, and the like.

**17.08. Public improvement**

“Public improvement” means any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services.

**17.08. Public use**

“Public use” means the use of any land, water, or building by a public agency for the general public, or by the public itself.

**17.08. Public utility**

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"Public utility" means any person, firm, corporation, governmental department, or board, duly authorized to furnish under government regulations to the public, electricity, gas, communications, transportation, or water.

#### **17.08.305 Recreation vehicle park.**

"Recreation vehicle park" means a residential use in which a tract of land is rented temporarily, for a period of one hundred twenty days or less, for the use of two or more recreational vehicles occupied and used as a dwelling unit.

(Ord. 163 § 2.2 (part), 1989)

#### **17.08. Recreational space**

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

#### **17.08. Recreational vehicle**

"Recreational vehicle" means a vehicular type unit designed as temporary living quarters for travel, recreational, and/or camping use which either has its own mode of power or is mounted on or drawn by another vehicle. ~~It will have a body width of no more than eight feet and a body length of not more than 35 feet when factory equipped for the road.~~ This term shall include but not be limited to travel trailer, camper, motor home, and camping trailer.

#### **17.08.306 Residential care facility.**

"Residential care facility" means a licensed establishment operated with twenty-four hour supervision for the purpose of serving those persons, who by reason of their circumstances require care while living as a single housekeeping unit and/or in a supportive "family" environment. Residential care facilities for the purpose of this title may include group homes, foster homes, congregate care facilities, rest homes, convalescent homes and the like but shall not include correctional facilities. For purpose of this title, residential care facility shall also include facilities providing room, board and counseling services to homeless persons for periods up to forty-five days per family. For purposes of this title, residential care facilities shall also include any facility licensed by the state of Washington that cares for at least three but not more than fifteen people with functional disabilities that has not been licensed as an Adult Family Home pursuant to RCW 70.128.175.

(Ord. 199 § 2 (part), 1992)

(Ord. No. 454, § 2, 2-24-09)

#### **17.08. Residential treatment facility**

"Residential treatment facility" means a facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care homes, emergency or homeless shelters (including victims of violence), recovery homes, and nursing homes, rest and convalescent homes, and orphanages.

#### **17.08. Residential use**

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“Residential use” means use of land or structure thereon, or portion thereof, as a dwelling place for one (1) or more families or households, but not including occupancy of a transient nature such as in hotels, motels, or time-sharing condominium uses.

**17.08.310 Residential zone.**

"Residential zone" means any ~~R-1~~, R-2 or R-3 zone as set forth in Chapters 17.16, 17.20 and 17.24 of this title. (Ord. 163 § 2.2 (part), 1989)

**17.08. Retail food establishment**

“Retail food establishment” means any, fixed or mobile place or facility at or in which food or beverages are offered or prepared for retail sale or for service. The definition includes restaurants, fast food restaurants, carry out restaurants and drive-in restaurants. A cafeteria shall be deemed a restaurant for purposes of this Ordinance.

**17.08. Retail trade**

“Retail trade” means establishments primarily engaged in providing finished products to individual consumers. Retail trade establishments may include, but is not limited to, apparel, books, groceries, camera shops, convenience stores and automobile service stations.

**17.08. Retirement home**

“Retirement home” means a place of residence for several families or individuals in apartment- like quarters, which may feature services such as limited nursing facilities, minimum maintenance living accommodations and recreation programs and facilities.

**17.08. Review official**

“Review official” means the officer designated by the City of Napavine to enforce and administer this Ordinance, or his or her duly authorized representative.

**17.08. Right-of-way**

A street, alley, or other thoroughfare or easement, whether physically accessible or not, that has been permanently established or dedicated for the passage of persons or vehicles. Title to this land remains with the public or private agency until the need no longer exists.

**17.08. Road, Private**

“Road, private” means an easement or parcel created to provide access from a right-of-way to a lot, the maintenance of which shall be the responsibility of the lot owners having access thereto.

**17.08. Roadway**

“Roadway” means that portion of a street or alley right-of-way that is improved for vehicular traffic.

**17.08. Rooming house**

“Rooming house” means a building wherein furnished rooms without cooking facilities are rented for compensation to three or more non-transient persons, not included in the family unit of the owner or tenant of the premises.

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**17.08.315 Salvage yard.**

"Salvage yard" means a place where waste, discarded, or salvaged materials are bought, sold, exchanged, stored, baked, cleaned, packed, disassembled, or handled, including auto wrecking yards, structure wrecking yards, and used lumber yards.

(Ord. 163 § 2.2 (part), 1989)

**17.08.320 Screened.**

"Screened" means concealed or cut off from visual access.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Screening**

"Screening" means a device or materials used to conceal adjacent land or development. Screening may include walls, berms, or vegetation that must be of sufficient density to block the view of adjacent land or development from either side of the screen. The screen, if vegetative, shall be planted and maintained to completely block the view of adjacent land or development after twelve (12) month. The screen shall be maintained or constructed at such a density as to block the view to adjacent properties.

**17.08.325 Setback.**

"Setback" means the minimum allowable horizontal distance ~~an~~ from a property ~~open space between a~~ structure line to the nearest wall or other element of a building or structure as defined herein. Setback is not measured from the curb unless the curb also is the property line, ~~and a lot line.~~

(Ord. 163 § 2.2 (part), 1989)

**17.08.330 Setback, rear.**

"Rear setback"\* means the space extending across the full width of the lot between the respective structure line and rear lot line.

(Ord. 163 § 2.2 (part), 1989)

**17.08.335 Setback, side.**

"Side setback"\* means the space between the side structure line and a side line of a lot, running from the street setback to the rear setback.

(Ord 163 § 2.2 (part), 1989)

**17.08.340 Setback, street.**

"Street setback"\* means the space extending across the full width of the lot between the front structure line and the front lot line. See illustration in appendix on file in the office of the city clerk-treasurer.

(Ord. 163 § 2.2 (part), 1989)

Commented [PD25]: Should get rid of the word "vertical"

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**17.08. Shared access facility**

“Road, private” means A frontage or service road generally parallel to an arterial or connecting parcels to an arterial; alternately, a common accessway serving businesses with one or more ownerships.

**17.08. Shopping Center**

“Shopping center” means a group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit related in its location, size and type of shops to the trade area which the unit serves.

**17.08. Short Plat**

“Short plat” means the map or representation of a short subdivision showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions.

**17.08. Short Subdivision**

“Short subdivision” means the division or re-division of land into four (4) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

**17.08. Sidewalk**

“Sidewalk” means that portion of a transition strip improved for pedestrian traffic in accordance with standards fixed by the Review Official.

**17.08. Sign**

“Sign” means anything whatsoever placed, erected, constructed, posted, or affixed in any manner on the ground or to any post, fence, building, or structure for out-of-doors advertising, but not including devices, structures or representations installed by any governmental authority.

**17.08. Site**

“Site” means the lot(s), parcel(s) and tract(s) included in a proposed subdivision or short subdivision and contiguous lots, parcels or tracts in which the owner of the site has a greater than possessory interest.

**17.08. Site plan**

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

**17.08. Small Animal Husbandry (Commercial)**

“Small animal husbandry (commercial)” means the raising of mink, fox, nutria, rabbits, pigs, sheep, goats, chickens, turkey, guinea hens and similar small animals and fowl not for the primary consumption of or used by the occupants of the premises.

**17.08. Soil**

“Soil” means the surface layer of the earth, supporting plant life.

**17.08. Soil Removal**

“Soil removal” means removal of any kind of soil or earth matter, including top soil, sand, gravel, clay, rock or similar materials or combination thereof, except common household gardening.

**17.08. Solar access**

“Solar access” means the availability of direct sunlight to solar energy systems.

**17.08. Solar access easement**

“Solar access easement” means a right expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring solar access to solar energy systems.

**17.08. Solar energy system**

“Solar energy system” means any structural element, device, or combination of devices or elements which rely upon direct sunlight as an energy source, including, but not limited to, any substance or device which collects, stores, or distributes sunlight for use in the following: (1) The heating or cooling of a structure or building; (2) The heating or pumping of water; (3) Industrial, commercial, or agricultural processes; or (4) The generation of electricity. Use of this term includes passive, active and hybrid systems. Attached solar energy systems shall be considered as a part of the structure or building to which they are attached. Detached solar energy systems shall be considered accessory uses.

**17.08.345 State siting criteria.**

"State siting criteria" means criteria for the siting of hazardous waste treatment and storage facilities adopted pursuant to the requirements of RCW 70.105.210.

(Ord. 165 § 1 (part), 1989; Ord. 163 § 2.2 (part), 1989)

**17.08. Storage, open**

“Storage, open” means the safekeeping of any goods or products in an unoccupied space, open to the sky, for eventual removal not expected within seventy-two (72) hours or for continuous replacement by same or similar goods or products.

**17.08. Stormwater**

“Stormwater” means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility.

**17.08. Story**

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement or unused under-floor space shall be considered as a story.

**Commented [AB26]: Recommend:** “Story” means a portion of a building between the upper surface of one floor and the upper surface of the floor above. The topmost story is the portion between the upper surface of the top floor and the ceiling or roof above. A basement or other below-grade floor shall be considered a story only if the finished floor level above it is more than six feet above grade for more than 50 percent of its perimeter, or more than 12 feet above grade at any point. - This works for walk-out basements and single story buildings, too.

**Commented [PD27R26]:** Should be any occupied space above grade. Look at Winlock

**Commented [AB28R26]:** This is from winlock’s code

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**17.08.350 Street ~~or road~~.**

"Street" ~~or "road"~~ means a public ~~thoroughfare or right-of-way~~ which affords the principal means of access to abutting property, including avenue, place, drive, lane, boulevard, highway, road, or any other thoroughfare except an alley or private driveway.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Street, Public**

"Street, public" means a street affording the principal means of access to abutting property, and dedicated to or maintained by the City of Napavine, Lewis County, or the State of Washington affording the principal-means of access to abutting property and with a right-of-way or easement.

**17.08. Street - Cul-de-sac**

"Street – cul-de-sac" means discontinuous minor street of limited length having an opening on one side of a block or other parcel of land in a vehicular turn-around.

**17.08. Street Line**

"Street line" means the dividing line between any street, road or other thoroughfare and the adjacent lots.

**17.08. Street - Loop**

"Street - loop" means a minor street of limited length which has two openings on the same side of a block or other parcel of land.

**17.08. Street - Major**

"Street - major" means major arterials within the boundaries of a dedicated plat or subdivision in the city, shall be defined as follows: A major arterial is one that is classified as being an arterial road or street for conveyance of through traffic and for the use of the general public.

**17.08. Street - Marginal access**

"Street – marginal access" means a minor street which is generally parallel and adjacent to a limited access or major street or railroad right-of-way and which provides access to abutting properties and protection from through traffic.

**17.08. Street - Minor**

"Street - minor" means a "minor roadway" that serves primarily to provide access to abutting properties only and should be designed to discourage through traffic.

**17.08. Structural alteration**

"Structural alteration" means any change, including but not limited to material or dimensional changes, to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams or girders, or the roof.

Commented [AB29]: Using word within definition

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**17.08.355 Structure.**

"Structure" means anything constructed or erected above or below ground, affixed to the ground, or attached to something fixed to the ground.

(Ord. 163 § 2.2 (part), 1989)

**17.08.360 Structure line.**

"Structure line"\* means the edge or side of a structure nearest a lot line. The line facing the front lot line is the front structure line, the lines facing the side of a lot are the side structure lines, and the line facing the rear of a lot is the rear structure line.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Subdivider**

"Subdivider" means any person, firm or corporation undertaking the subdividing or re-subdividing of a lot, block or other parcel of land.

**17.08. Subdivision**

"Subdivision" means the division or re-division of land into five or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

**17.08. Subdivision - Short**

"Subdivision short " means a subdivision of four or fewer lots and not containing any dedications.

**17.08. Substantial Improvement**

"Substantial improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty (50) percent of the assessed value of the structure. 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.

**17.08.361 Supported living arrangement.**

"Supported living arrangement" means a living unit owned or rented by one or more persons with functional disabilities who receive assistance with activities of daily living, and/or medical care from an individual or agency licensed and/or reimbursed by a public agency to provide such assistance.

(Ord. 199 § 2 (part), 1992)

(Ord. No. 454, § 2, 2-24-09)

**17.08. Surface Water**

"Surface water" means waters that flow over the land surface and frequently interact with groundwater.

**17.08. Swale**

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"Swale" means a shallow drainage conveyance with relatively gentle side slopes, generally with flow depths less than one foot.

#### **17.08.365 Swimming pool.**

"Swimming pool" means and includes either outdoor or indoor private pools, portable or permanently constructed, above or below ground, which are artificially constructed to provide recreational facilities for swimming, bathing, or wading, and which are intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it without payment of any fee. The term shall not include public and semi-public swimming pools as regulated by Washington Administrative Code, Chapter 248-98 et seq. Nothing in this chapter shall be deemed to regulate public and semi-public swimming pools as defined in the Washington Administrative Code.

(Ord. 163 § 2.2 (part), 1989)

#### **17.08. Tavern**

"Tavern" means a building where beer and/or wine is served to the public, which holds a class "A" or "B" license from the Washington State Liquor Control Board.

#### **17.08. Telecommunications facilities**

"Telecommunications facilities" means a land use that sends and/or receives radio frequency signals, including antennas, microwave dishes or horns, structures or towers to support receiving and/or transmitting devices, accessory development and structures, and the land on which they all are situated.

#### **17.08. Temporary building or structure**

"Temporary building or structure" means a building or structure not having or requiring permanent attachment to the ground or to other structures which have no required permanent attachment to the ground.

#### **17.08. Toe of slope**

"Toe of slope" means a point or line on the upper surface of a slope where it changes to horizontal or meets the original surface. The outermost inclined surface at the base of a hill; part of a foot slope.

#### **17.08. Topography**

"Topography" means the drawing accurately on a map lines that represent particular and consistent elevation levels on the land area depicted on said drawing; also, the actual physical surface's relief characteristics.

#### **17.08. Townhouse or rowhouse**

"Townhouse or rowhouse" means a dwelling unit designed exclusively for occupancy by one family, no portion of which lies vertically under or over any portion of any adjacent unit, and which is attached to one (1) or more other dwelling units by common walls which may be located on side lot lines.

#### **17.08. Tract**

"Topography" means a fractional part of divided lands having fixed boundaries that is intended for and limited to use for purposes other than development as a lot. A tract may be for open space, drainage, access or other purposes authorized by the city.

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**17.08. Trailer**

“Trailer” means a separate vehicle, not driven or propelled by its own power, but drawn by some independent power; to include any portable or movable structure or vehicle including trailers designed for living quarters, offices, storage, or for moving or hauling freight, equipment, animals, or merchandise of any kind, including boats, boat trailers, jet skis, half tracks, snowmobile, and the like, not included in other definitions.

**17.08.366 Transitional Housing.**

“Transitional Housing” means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living

**17.08. Travel Trailer**

“Travel trailer” means a vehicle with or without motor power primarily designed as temporary living quarters for recreational, camping, or travel use, and in which the plumbing, heating, and electrical systems, contained therein may be operated without connection to outside utilities, being of such size or weight as not to require a special highway movement permit. The term shall include truck campers.

**17.08. Treatment Best Management Practice**

“Treatment best management practice” means a BMP that is intended to remove pollutants from stormwater. A few examples of treatment BMPs are: detention ponds, oil/water separators, biofiltration swales and constructed wetlands.

**17.08. Units per acre**

“Units per acre” means the number of dwelling units allowed on one acre. For example, a maximum of 4 units/acre would mean that no more than 4 dwelling units on one acre are allowed in a particular zone.

**17.08.367 Unrelated Persons.**

“Unrelated Persons” means persons not related by blood, marriage, or committed intimate relationship that live together in a residential structure. Nothing shall prohibit or limit the number of unrelated persons from occupying a residential unit except for occupancy limits as it pertains to adopted building and fire codes.

**17.08. Unstable slopes**

“Unstable slopes” means those sloping areas of land which have in the past exhibited, are currently exhibiting, or will likely in the future exhibit, movement of earth.

**17.08.370 Use.**

“Use” means the purpose for which land or ~~structures are a building is~~ designed, arranged or intended, or for which it is occupied or maintained, let or leased.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Use, principal**

“Use, principal” means the main use of land or buildings as distinguished from a subordinate or accessory use.

**17.08. Use, temporary**

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“Use, temporary” means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

**17.08. Utilities easements**

“Utilities easements” means a right-of-way that may be used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone, and television cable for the construction, operation, maintenance, alteration, and repair of their respective facilities.

**17.08. Utility substation facilities**

“Utility substation facilities” means a subsidiary or branch facility utilizing aboveground structures, which is necessary to provide or facilitate distribution, transmission, or metering of water, gas, sewage, radio signals and/or electric energy and telecommunication signals. Such facilities have a local impact on surrounding properties and may consist of, but are not limited to, the following: (1) Water, gas, telecommunication and electrical distribution or metering sites; (2) Water or sewage pumping stations; (3) Water towers and reservoirs; (4) Public wells and any accessory treatment facilities; (5) Transmission towers and accessory equipment to provide radio and data communications service, radio paging, or cellular communications service; (6) Telecommunication facilities.

**17.08.375 Variance.**

“Variance” means the modification of the terms of this ordinance to a particular piece of property which because of special circumstances, is deprived of privileges enjoyed by other properties of the same zone and which modification remedies the disparity in privileges, regulations of this title by the board, acting in accordance with specified criteria.

(Ord. 163 § 2.2 (part), 1989)

**17.08.380 Vehicle.**

“Vehicle” means any contrivance in or on which persons or things may be carried or conveyed, whether in motion or standing, including mobile homes or recreational vehicles as defined in this chapter whether or not fixed or fitted with wheels or runners.

(Ord. 163 § 2.2 (part), 1989)

**17.08.381 Very Low-Income Household.**

“Very Low-Income Household” means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

Commented [AB30]: WAC definition

**17.08. Veterinary hospital or clinic**

“Veterinary hospital or clinic” means a building used to provide health care services to animals.

**17.08. Video sales and rental**

“Video sales and rental” means commercial establishments engaged in the sale and rental of video equipment, tapes and accessories for home entertainment.

**17.08. Vision clearance area**

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“Vision clearance area” means a triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines or intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

**17.08. Visual obstruction**

“Visual obstruction” means any fence, hedge, tree, shrub, device, wall, or structure exceeding three and one-half feet in height above the elevation of the top of the curb, and so located on a street or alley intersection as to dangerously limit the visibility of persons in motor vehicles on said streets or alleys. This does not include trees kept trimmed of branches to a minimum height of at least six feet.

**17.08.385 Wading pool.**

"Wading pool" means and includes artificially constructed pools not designated or used for swimming with a maximum area not exceeding one hundred twenty square feet and a maximum water depth not exceeding twelve inches.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Warehouse**

“Warehouse” means a building used primarily for the storage of goods and materials.

**17.08. Watershed**

“Watershed” means a geographic region within which water drains into a particular river, stream, or body of water as identified and numbered by the State of Washington Water Resource Inventory Areas (WRIAs) as defined in Chapter 173-500 WAC.

**17.08. Wetlands**

“Warehouse” means Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands also include streams as defined by Chapter 18.300 NDC. RCW 36.70A.030(23) Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

**17.08. Wholesale (Trade)**

“Wholesale” means the sale of goods or commodities usually in bulk or large quantities and usually at a lower cost to a retailer for resale. Such sales activity takes place in establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**17.08. Yard**

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"Yard" means an open space on a lot which is unobstructed from the ground upward except as specified elsewhere in this title.

**17.08. Yard, front**

"Yard, front" means a yard between side lot lines from the front lot line to the nearest point of the building.

**17.08. Yard, rear**

"Yard, rear" means a yard between side lot lines from the rear lot line to the nearest point of the building.

**17.08. Yard, side**

"Yard, side" means a yard between the front and rear yard from a side lot line or street side lot line to the nearest point of a building.

**17.08. Zero lot line home**

"Zero lot line home" means a residential development approach in which a building is sited on one (1) or more lot lines with no yard area along these lot lines. Conceivably, three (3) of the four (4) sides of the building could be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot. Zero lot line homes may only be built within the context of a zero-lot line development. It shall be required that a minimum of eight (8) units of zero lot line housing constitute such a development.

**17.08.390 Zone.**

"Zone" means area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits and requirements are established, a land use area or district established by the city council for purpose of land use control.

(Ord. 163 § 2.2 (part), 1989)

**17.08. Zone district**

"Zone district" means the same as "district" or "zone".

**17.08. Zoning**

"Zoning" means the legislative division of a community into segments reserved for specific uses and also the minimum required size for such use.

## **Chapter 17.12 ZONING MAP AND ZONING CHART**

**17.12.010 Official zoning map and zone regulations chart.**

There are created as part of this title an official zoning map, referred to in this title as "map," and an official zone regulations chart, referred to in this title as "chart." The map shall show as graphically as possible the zones into which the city has been divided and the chart shall show the regulations for each zone. Both the map and chart shall be on file in the office of the city clerk-treasurer and there shall be only one official copy of each. Attached to the map and chart as addenda shall be the exact legal description by lot and block of each and every zone within the corporate boundary of the city. If, in accordance with this title and RCW 35A.63, changes are made in boundaries or other matters portrayed on the map, or if changes are made in the zone regulations on the

chart, such changes shall be entered promptly on the map or chart, together with the addenda, after the amendment has been approved by the city council. Both map and chart shall bear the signature of the mayor attested by the city clerk-treasurer and the city seal. Such attestation shall identify the map and chart as integral and essential parts of this chapter.

(Ord. 163 § 3.1, 1989)

### 17.12.020 General land use zones.

A. The city is divided into general land use zoning districts, referred to in this title as "zones." Such zones shall be shown on the map and the intent of each zone and limitations and requirements of use of land therein shall be shown on the chart. No structure or land shall hereafter be used or occupied and no building shall be reconstructed, moved or structurally altered except in conformity with all the regulations set forth in the chart and other sections of this title.

B. For the purposes of this title, the city is divided and classified into the following regular zones:

1. ~~R-1~~ Single family residential;
2. R-2 Multiple residential, low density;
3. R-3 Multiple residential, high density;
4. ~~C-1~~ Commercial;
5. ~~H-C~~ Highway commercial;
6. ~~I-1~~ Industrial, light.
7. C-S Community Service

(Ord. 163 § 3.2, 1989)

### 17.12.030 Special land use zones.

Each parcel of land in the city shall be covered by one of the preceding regular zones. In addition, where consistent with the intent of zones as expressed in the chart, land may be classified as a special zone. Such special zone must overlay a regular zone and all uses and structures in a special zone shall conform to the regulations of both the special and regular zones, except where regulations of the regular zone are specifically modified in the chart. Special zones are:

- A. ~~CS~~ Community Service;
- B. PUD Planned unit development;
- C. FP Flood plain;
- D. ~~AS~~ Aerospace.

(Ord. 163 § 3.3, 1989)

### 17.12.040 Interpretation of zone boundaries.

Where there exists an uncertainty as to the boundaries of zones as shown on the map, the following rules shall apply:

**Commented [PD31]:** Can you look to see if Winlock also has Comp Plan Designations

**Commented [AB32R31]:** They have LDR-6, LDR-12, MDR, & MU spelled out in Residential, Commercial, Industrial, and Open space sections are narrative only. Zoning designations are detailed in land use acreage table.

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- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines;
  - B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
  - C. Boundaries indicated as following shorelines of lakes or rivers shall be construed to follow such shorelines and in the event of change in a shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines;
  - D. Boundaries indicated as parallel to or extensions of features indicated in subsections A through C shall be so construed;
  - E. Where physical or cultural features existing on the ground are at variance with those shown on the addenda to the map, or in other circumstances not covered by subsections A through E of this section, the board shall interpret the zone boundaries.

(Ord. 163 § 3.4, 1989)

## **Chapter 17.16 R-1 DISTRICT**

### **17.16.010 Intent.**

~~It is the purpose of this district to provide for existing and future single family low density residential area. Wetland and open space buffers within the area are to protect the existing residential area from adjacent agricultural, freeway, commercial and industrial uses.~~

~~(Ord. 264 § 5 (part), 1998; Ord. 163 § 4.1.1, 1989)~~

### **17.16.020 Permitted uses and structures.**

~~Permitted uses and structures in the R-1 zone are as follows: single family residences, special needs and government housing, mobile homes, provided they comply with requirements set forth in Chapter 17.84 of this title.~~

~~(Ord. 264 § 5 (part), 1998; Ord. 163 § 4.1.2, 1989)~~

### **17.16.030 Permitted accessory uses and structures.**

~~Permitted accessory uses and structures in the R-1 zone are as follows: residential garages and carports; private workshops, private greenhouses, other uses determined by the board of adjustment to be of a similar and compatible nature.~~

~~(Ord. 163 § 4.1.3, 1989)~~

### **17.16.040 Conditional uses.**

~~The following uses are permitted after hearing and attachment of conditions: churches, duplexes, swimming pools, tennis courts, boarding houses, traditional home occupations, libraries, and other uses later deemed by the board of adjustment to be conditional uses.~~

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(Ord. 163 § 4.1.4, 1989)

**17.16.050 Permitted dimensions.**

Permitted dimensions in the R-1 zone are as follows:

- A. Minimum lot size within the urban growth area, forty thousand square feet provided both city water and sewer services are available or for transfer of development rights (TDR); eighty thousand square feet provided only city water is available;
- B. Minimum building lot front, forty feet;
- C. Maximum lot cover, fifty percent;
- D. Minimum front yard depth, twenty feet;
- E. Minimum side yard depth, five feet for principal or accessory building; fifteen feet if building abuts a street;
- F. Minimum rear yard depth, fifteen feet for principal structure; five feet for accessory structure;
- G. Maximum building height, thirty five feet.

(Ord. 264 § 5 (part), 1998; Ord. 163 §§ 4.1.5 — 4.1.11, 1989)

**17.16.060 Prohibited uses.**

The following are prohibited uses for the R-1 district:

- A. Marijuana producing.
- B. Marijuana processing.
- C. Marijuana retailing or marijuana retailers.

(Ord. No. 537, § 2, 2-10-15)

**17.16.070 Fences, walls, and hedges.**

- A. Fences within any street setback area shall be limited to:
  - 1. Forty two inches high above adjacent grade if the fence is more than fifty percent opaque;
  - 2. Forty eight inches high above adjacent grade if the fence is fifty percent or less opaque.
- B. Fences which are not located within any street setback area shall be limited to six feet high above adjacent grade.
- C. No residential fence shall contain barbed wire, broken glass, electricity, or any other hazardous material or substance.
- D. Where a legally established use exists requiring the containment of farm animals or livestock, barbed wire or an electric fence may be used; provided, that such fence is set back more than twenty feet from any public right of way or public property and more than three feet from any adjacent private property, and warning signs are posted consistent with NMC 17.62.070(V).
- E. Retaining walls shall be located entirely upon private property except where required by the public works director to protect public property.

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(Supp. No. 21)

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- F. ~~A retaining wall shall not project higher than six inches above the higher adjacent grade except when it is a structural element of a building or structure.~~
- G. ~~Retaining walls which are higher than four feet from the bottom of the footing to the top of the wall shall comply with all applicable provisions of the building code, including, but not limited to, permit requirements.~~
- H. ~~Retaining walls which serve as a structural element of any building or structure shall comply with all of the applicable provisions of the building code.~~
- I. ~~A hedge shall comply with the requirements for a fence; provided, hedges which are not located within a street setback, and do not otherwise constitute a traffic visibility obstruction on any right-of-way or alley, or any public nuisance condition, are not limited in height.~~

(Ord. No. 614, § 1, 10-13-20)

## Chapter 17.20 R-2 DISTRICT

**Commented [AB33]:** future work may look at creating large single family lots

### 17.20.010 Intent.

It is the purpose of this district to facilitate an orderly transition from low density to higher density residential uses.

(Ord. 163 § 4.2.1, 1989)

### 17.20.020 Permitted uses and structures.

Permitted uses and structures in the R-2 zone are as follows: single-family residences, special needs and government housing, mobile homes, provided they comply with requirements set forth in Chapter 17.84 of this title, all uses permitted in the R-1 district, duplexes and single-family attached units (i.e., "grannie flat") where the second unit is one-half the primary unit.

(Ord. 411 § 1, 2006; Ord. 264 § 5 (part), 1998; Ord. 163 § 4.2.2, 1989)

**Commented [AB34]:** Should we change this wording?

### 17.20.030 Permitted accessory uses and structures.

Permitted accessory uses and structures in the R-2 zone are as follows: residential garages and carports or parking spaces for each dwelling unit; private workshops, other uses determined by the board of adjustment to be of a similar and compatible nature; garages or parking spaces for each dwelling unit; accessory dwelling unit; home occupations, noncommercial swimming pools, greenhouses, garden, tool or garbage sheds.

(Ord. 163 § 4.2.3, 1989)

### 17.20.040 Conditional uses.

The following uses are permitted after hearing and attachment of conditions: traditional home occupations, boarding houses, professional offices, churches, duplexes, swimming pools, tennis courts, libraries, and other uses deemed by the ~~board of adjustment~~ city council to be conditional-

(Ord. 163 § 4.2.4, 1989)

### 17.20.050 Permitted dimensions.

Permitted dimensions in the R-2 zone are as follows:

- A. Minimum lot size, one unit, seven thousand five hundred square feet ~~or for transfer of development (TDR) purposes; two units, ten thousand square feet; three units, twelve thousand five hundred square feet plus one thousand five hundred square feet per added unit;~~
- B. Minimum lot front, forty feet;
- C. Maximum lot cover, fifty percent;
- D. Minimum front yard ~~depth~~setback, fifteen feet;
- E. Minimum side yard ~~depth~~setback, seven and one-half feet for principal or accessory structure; fifteen feet ~~for side yards if structure abuts a street;~~
- F. Minimum rear yard ~~depth~~setback, fifteen feet for principal structure; five feet for accessory structure;
- G. Maximum building height, fifty feet.

**Commented [AB35]:** Limit zone to no more than a fourplex?

**Commented [AB36]:** TDR should be separate process.

**Commented [PD37R36]:** Agree. Look at Winlock

**Commented [AB38R36]:** Created new TDR chapter below "17.26"

**Commented [AB39]:** Keep 15 or increase to 20?

**Commented [AB40]:** Discuss accessory structures - is 5 feet desired for ADUs as well or is this for accessory structures like a shed?

(Ord. 414 §§ 1, 2, 2006; Ord. 411 § 2, 2006; Ord. 402 § 1, 2006; Ord. 264 § 5 (part), 1998; Ord. 163 §§ 4.2.5 — 4.2.11, 1989)

(Ord. No. 575, §§ 1, 2, 3-13-18)

### 17.20.060 Prohibited uses.

The following are prohibited uses for the R-2 district:

- A. Marijuana producing.
- B. Marijuana processing.
- C. Marijuana retailing or marijuana retailers.

(Ord. No. 537, § 3, 2-10-15)

### ~~17.20.070 Fences, walls, and hedges.~~

- ~~A. Fences within any street setback area shall be limited to:
  - 1. Forty two inches high above adjacent grade if the fence is more than fifty percent opaque;
  - 2. Forty eight inches high above adjacent grade if the fence is fifty percent or less opaque.~~
- ~~B. Fences which are not located within any street setback area shall be limited to six feet high above adjacent grade.~~
- ~~C. No residential fence shall contain barbed wire, broken glass, electricity, or any other hazardous material or substance.~~
- ~~D. Where a legally established use exists requiring the containment of farm animals or livestock, barbed wire or an electric fence may be used; provided, that such fence is set back more than twenty feet from any public~~

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right-of-way or public property and more than three feet from any adjacent private property, and warning signs are posted consistent with NMC 17.62.070(V).

- E. Retaining walls shall be located entirely upon private property except where required by the public works director to protect public property.
- F. A retaining wall shall not project higher than six inches above the higher adjacent grade except when it is a structural element of a building or structure.
- G. Retaining walls which are higher than four feet from the bottom of the footing to the top of the wall shall comply with all applicable provisions of the building code, including, but not limited to, permit requirements.
- H. Retaining walls which serve as a structural element of any building or structure shall comply with all of the applicable provisions of the building code.
- I. A hedge shall comply with the requirements for a fence; provided, hedges which are not located within a street setback, and do not otherwise constitute a traffic visibility obstruction on any right-of-way or alley, or any public nuisance condition, are not limited in height.

(Ord. No. 614, § 2, 10-13-20)

## Chapter 17.24 R-3 DISTRICT

### 17.24.010 Intent.

The R-3 zone is a high density area meant to serve as a general residential district, allow a large variety of housing and densities without conflict together with certain nonresidential uses.

(Ord. 163 § 4.3.1, 1989)

### 17.24.020 Permitted uses and structures.

Permitted uses and structures in the R-3 zone are as follows: all uses permitted in the ~~R-1 and~~ R-2 districts; apartment houses, boarding, lodging, or rooming houses, co-living housing, fraternity and sorority houses and dormitories, retirement homes, residential hotels, nursing homes and mobile homes, provided they comply with requirements set forth in Chapter 17.84 of this title. Mobile home parks are permitted in this zone as planned unit developments subject to approval by ~~the board of adjustment~~ city council.

(Ord. 411 § 3, 2006; Ord. 163 § 4.3.2, 1989)

### 17.24.030 Permitted accessory uses and structures.

Permitted accessory uses in the R-3 zone are as follows: garages or parking spaces for each dwelling unit; accessory dwelling unit; home occupations, noncommercial swimming pools, greenhouses, garden, tool or garbage sheds.

(Ord. 163 § 4.3.3, 1989)

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#### 17.24.040 Conditional uses.

The following uses are permitted after hearing and attachment of conditions: traditional home occupations, boarding houses, professional offices, and other conditional uses deemed by the ~~board of adjustment~~ city council to be conditional.

(Ord. 163 § 4.3.4, 1989)

#### 17.24.050 Permitted dimensions.

Permitted dimensions in the R-3 zone are as follows:

- A. Minimum lot size, one unit, seven thousand five hundred square feet or for transfer of development purposes; two units, ten thousand square feet; three units or more, twelve thousand five hundred square feet plus one thousand five hundred square feet per added unit;
- B. Minimum lot front, forty feet;
- C. Maximum lot cover, fifty percent;
- D. Minimum front yard ~~depth~~ setback, ~~fifteen feet~~;
- E. Minimum side yard ~~depth~~ setback, seven and one-half feet for principal or accessory structure; fifteen feet if structure abuts a street;
- F. Minimum rear yard ~~depth~~ setback, fifteen feet for principal structure; five feet for accessory structure;
- G. Maximum building height fifty feet, or thirty-five feet when lot is adjacent to any residential district.

~~H. Co-Living Housing density shall be calculated as one-fourth (0.25) of a unit per sleeping unit.~~

(Ord. 414 §§ 3, 4, 2006; Ord. 402 § 2, 2006; Ord. 264 § 5 (part), 1998; Ord. 163 §§ 4.3.5—4.3.11, 1989)

(Ord. No. 575, §§ 3, 4, 3-13-18)

#### 17.24.060 Prohibited uses.

The following are prohibited uses for the R-3 district:

- A. Marijuana producing.
- B. Marijuana processing.
- C. Marijuana retailing or marijuana retailers.

(Ord. No. 537, § 4, 2-10-15)

Commented [AB41]: Keep or consider changing?

### **17.24.070 Fences, walls, and hedges.**

- A. Fences within any street setback area shall be limited to:
  - 1. Forty two inches high above adjacent grade if the fence is more than fifty percent opaque;
  - 2. Forty eight inches high above adjacent grade if the fence is fifty percent or less opaque.
- B. Fences which are not located within any street setback area shall be limited to six feet high above adjacent grade.
- C. No residential fence shall contain barbed wire, broken glass, electricity, or any other hazardous material or substance.
- D. Where a legally established use exists requiring the containment of farm animals or livestock, barbed wire or an electric fence may be used; provided, that such fence is set back more than twenty feet from any public right of way or public property and more than three feet from any adjacent private property, and warning signs are posted consistent with NMC 17.62.070(V).
- E. Retaining walls shall be located entirely upon private property except where required by the public works director to protect public property.
- F. A retaining wall shall not project higher than six inches above the higher adjacent grade except when it is a structural element of a building or structure.
- G. Retaining walls which are higher than four feet from the bottom of the footing to the top of the wall shall comply with all applicable provisions of the building code, including, but not limited to, permit requirements.
- H. Retaining walls which serve as a structural element of any building or structure shall comply with all of the applicable provisions of the building code.
- I. A hedge shall comply with the requirements for a fence; provided, hedges which are not located within a street setback, and do not otherwise constitute a traffic visibility obstruction on any right of way or alley, or any public nuisance condition, are not limited in height.

{Ord. No. 614, § 3, 10-13-20}

### **Chapter 17.26 RESIDENTIAL DENSITY TRANSFER**

The city may permit density transfer from critical areas (sending lands) to designated noncritical areas (receiving areas).

- (1) Residential Density Transfer. A property owner may transfer residential density to a receiving area.
  - (a) A receiving area shall be on the same parcel or same property, within the same zoning classification, owned by the property owner sending the density.
  - (b) Density may be transferred from a sending area only one time.
  - (c) The value of the transfer shall be calculated as follows:
    - i. R-2 districts: The gross area of a critical area completely avoided times the minimum number of units allowed per gross acre in the affected zoning district times 60%. For example, in an R-2 zone, if 2 acres of critical areas are completely avoided and the minimum density allowed is 4 units per acre, the allowable density transfer would be 4.8 units. (2 ac. X 4 du/ac x 60% = 4.8.)
    - ii. R-3 District: The gross acreage of a critical area completely avoided times the minimum number of units allowed per gross acre in the affected zoning district times 60%. For example, if 2 acres of critical areas are completely avoided and the minimum density allowed is 8 units per acre, the allowable density transfer would be 4 units. (2 ac. x 8 du/ac x 60% = 9.6.)
- (2) Transfer Criteria. The Administrator shall approve requests to transfer density subject to the following criteria:

**Commented [AB42]:** New Chapter - Stolen from 17.20.050 above: "for transfer of development (TDR) purposes; two units, ten thousand square feet; three units, twelve thousand five hundred square feet plus one thousand five hundred square feet per added unit;" but not sure how to integrate language.

- (a) Adverse impacts to natural resources on the receiving areas shall be mitigated consistent with the mitigation section of this chapter.
  - (b) The building height standards of the receiving area shall be met.
  - (c) No lot (gross area) shall be less than 20% of the minimum lot size within the receiving district.
  - (d) No lot created as a result of density transfer that is smaller than the average minimum lot required in the receiving district may be located on the perimeter of the project site.
  - (e) The transfer of density to a receiving area shall not result in an increase in density throughout the project greater than the maximum net density allowed in the base zone or in the construction of a housing type not otherwise allowed in the receiving area.
  - (f) Critical areas and buffers within the sending area shall be enhanced at a ratio of four acres of enhanced function for every one acre (4:1) used in the density transfer calculations.
  - (g) Sending areas shall be:
    - i. Dedicated to the city for public use; or
    - ii. Protected as an unbuildable area by means of deed restriction, conservation easement, or other mechanism approved by the city council.
- (3) Recordation Required. Density may be transferred from a protected critical areas area only once. The Administrator (upon consultation with the city attorney) shall be responsible for approving the mechanism used for protecting each critical area. The Administrator shall maintain a list of sites from which density has been transferred, and a corresponding list of sites that have received density from protected critical areas. The applicant shall record the density transfer mechanism with Lewis County and shall furnish the Administrator with a copy of the recorded instrument.

## Chapter 17.28 C DISTRICT

### 17.28.010 Intent.

This district is intended to provide a full range of commercial and industrial services to the community by providing the more common, everyday goods and service to the residents, tourist and other transient highway uses of the immediate area and a structured review process for non-noxious industrial uses. Off-street parking and loading are required as well as mitigation through site or structure design of adverse impacts on the adjacent neighborhoods or the community.

(Ord. 264 § 4 (part), 1998; Ord. 163 § 4.4.1, 1989)

### 17.28.020 Permitted uses and structures.

Permitted uses and structures in the C-4 zone are as follows: all commercial uses conducted within an enclosed building; professional offices for attorneys, dentists, doctors, engineers, accountants, real estate brokers, restaurants, cafes and other eating establishments, and uses of similar and compatible nature. Motels, hotels, transitional housing and permanent supportive housing, indoor emergency shelters and indoor emergency housing, apartments and recreational vehicle parks are permitted in this zone as planned unit developments. Facilities for managers, caregivers, and uses of similar and compatible nature allowed, subject to planning commission review and council approval. It is specifically provided for in this section that the property, commonly known as tax parcels 17875-7-3, 17875-7-4 and 17875-5 (which are within a C-4 district) shall be allowed to have uses permitted in the building to the standards of single-family residential, multifamily residential and mobile home parks.

(Ord. 371 §§ 1, 2, 2004; Ord. 369 § 1, 2004; Ord. 276 § 2, 1999; Ord. 264 § 4 (part), 1998; Ord. 163 § 4.4.2, 1989)

**Commented [AB43]:** The newly added uses are per recent state legislation.

(Ord. No. 371A, § 1, 12-9-14; Ord. No. 634, § 1, 10-20-22)

**17.28.020 Uses**

The uses set out in Table 17.28.020 NMC are examples of uses allowable in the various zone districts. The appropriate review authority is mandatory.

“P” – Uses allowed subject to approval of applicable permits.

“C” – Conditional uses which may be permitted subject to the approval of a conditional use permit in Chapter 3.250 NMC (Conditional Uses).

“X” – Uses specifically prohibited.

**Table 17.28.020 Uses**

<b><u>Use</u></b>	<b><u>C</u></b>
<b><u>1. Residential</u></b>	
<u>a. Existing residences without any increase in density</u>	<u>P</u>
<u>b. Residential units above first floor</u>	<u>P</u>
<u>c. Home occupation (business)</u>	<u>P</u>
<u>d. Bed and breakfast establishments</u>	<u>P</u>
<u>e. Temporary dwellings</u>	<u>P</u>
<u>f. Transitional housing and permanent supportive housing.</u>	<u>P</u>
<u>g. Indoor emergency shelters and indoor emergency housing</u>	<u>P</u>
<b><u>2. Retail Sales – Food.</u></b>	
<u>a. Markets in excess of 15,000 square feet gross floor area</u>	<u>X</u>
<u>b. Markets – under 15,000 square feet of gross floor area</u>	<u>P</u>
<u>c. Bakery – primarily retail outlet (&gt;10,000 square feet of gross floor area)</u>	<u>X</u>
<u>d. Bakery – primarily retail outlet (&lt; 10,000 square feet of gross floor area)</u>	<u>C</u>
<b><u>3. Retail Sales – General.</u></b>	
<u>a. General retailer (up to 200,000 square feet gross floor area)</u>	<u>X</u>
<u>b. General retailer (under 25,000 square feet gross floor area)</u>	<u>P</u>
<u>c. Single purpose/specialty retailers (less than 10,000 square feet gross floor area)</u>	<u>P</u>
<u>d. Single purpose/specialty retailers (greater than 10,000 square feet gross floor area)</u>	<u>X</u>
<u>e. Yard and garden supplies, including nurseries</u>	<u>X</u>
<u>f. Adult Entertainment</u>	<u>X</u>
<b><u>4. Retail Sales – Restaurants, Drinking Places.</u></b>	

<u>a. Restaurants</u>	<u>P</u>
<u>b. Restaurants, with associated drinking places, alcoholic beverages</u>	<u>C</u>
<u>c. Drive-through, drive-in, or drive-up facilities.</u>	<u>C</u>
<u>5. Retail Sales and Services – Automotive and Related.</u>	
<u>a. Motor vehicle dealers, new and used, including auto, truck trailer, boat, recreational vehicles and equipment</u>	<u>X</u>
<u>b. Quick vehicle servicing</u>	<u>X</u>
<u>c. Filling station</u>	<u>C</u>
<u>d. Manufactured home sales</u>	<u>X</u>
<u>e. Car washes</u>	<u>C</u>
<u>f. Vehicle rental or repair including auto, truck trailer, boat, and recreational vehicles</u>	<u>X</u>
<u>g. Commercial off-street parking facilities</u>	<u>C</u>
<u>h. Vehicle towing and storage services</u>	<u>X</u>
<u>i. Transportation terminals</u>	
<u>(1) Freight</u>	<u>X</u>
<u>(2) People</u>	<u>P</u>
<u>6. Retail Sales – Building Material and Farm Equipment.</u>	
<u>a. Lumber and other building materials stores and yards, with only incidental cutting and planting of products sold</u>	<u>X</u>
<u>b. Heating and plumbing equipment, including incidental fabrication (operated entirely within an enclosed building)</u>	<u>X</u>
<u>c. Hardware, home repair and supply stores (over 100,000 square feet gross floor area)</u>	<u>X</u>
<u>d. Hardware, home repair and supply stores (10,000 to 100,000 square feet gross floor area)</u>	<u>X</u>
<u>e. Hardware, home repair and supply stores (under 10,000 square feet gross floor area)</u>	<u>P</u>
<u>f. Farm equipment and implement dealer</u>	<u>X</u>
<u>g. Hay, grain, and feed stores</u>	<u>X</u>
<u>Retail Sales – Products (Finished product retailers with primary fabrication or assembly on-site. Within an entirely enclosed building.)</u>	
<u>a. Uses of &lt; 10,000 square feet gross floor area</u>	<u>C</u>
<u>b. Uses of 10,000 square feet gross floor area or greater</u>	<u>X</u>
<u>8. Services – Personal.</u>	

<u>a. Self-service laundries, dry cleaning, including pressing, alteration, garment and accessory repair, excluding industrial cleaning services</u>	<u>C</u>
<u>b. Barber and beauty shops</u>	<u>P</u>
<u>c. Clothing rental establishments</u>	<u>P</u>
<u>d. Mortuaries</u>	<u>C</u>
<u>Services – General.</u>	
<u>a. Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services (&lt; 2,500 square feet)</u>	<u>P</u>
<u>b. Office equipment and home appliance rental, service and repair agencies</u>	<u>P</u>
<u>c. Printing, publishing and lithographic shops</u>	<u>P</u>
<u>d. Services to buildings (including dwellings), cleaning and exterminating</u>	<u>P</u>
<u>e. Moving and storage</u>	<u>X</u>
<u>f. Mini-warehouse</u>	<u>X</u>
<u>g. Branch banks</u>	<u>C</u>
<u>j. Event facilities (&lt;10,000 square feet)</u>	<u>C</u>
<u>l. Event facilities (&gt;10,000 square feet)</u>	<u>X</u>
<u>m. RV storage</u>	<u>X</u>
<u>Services – Lodging Places.</u>	
<u>a. Hotels/motels</u>	<u>X</u>
<u>b. Recreational vehicle parks and campgrounds</u>	<u>X</u>
<u>11. Services – Medical and Health.</u>	
<u>a. Hospitals</u>	<u>X</u>
<u>b. Outpatient clinics</u>	<u>C</u>
<u>c. Medical laboratories</u>	<u>X</u>
<u>d. Sanitaria, convalescent and rest homes</u>	<u>C</u>
<u>e. Orthopedic equipment and supplies, rental, sales and services</u>	<u>P</u>
<u>f. Animal hospitals and veterinary clinics</u>	
<u>(1) Outside animal activities</u>	<u>X</u>
<u>(2) Inside animal activities only</u>	<u>C</u>
<u>g. Ambulance services</u>	<u>X</u>

<u>h. Residential care homes</u>	<u>C</u>
<u>i. Residential and congregate care facilities</u>	<u>C</u>
<u>12. Services – Professional Office.</u>	
<u>a. Professional offices (&lt; 10,000 square feet gross floor area)</u>	<u>P</u>
<u>b. Professional offices (&gt; 10,000 square feet gross floor area)</u>	<u>C</u>
<u>c. Artists/photographic studios</u>	<u>P</u>
<u>13. Services – Amusement.</u>	
<u>a. Amusement centers</u>	<u>C</u>
<u>b. Bowling alleys, billiard and pool parlors, and video arcades</u>	<u>C</u>
<u>c. Skating rinks, ice and/or roller</u>	<u>X</u>
<u>d. Theaters, indoor</u>	<u>C</u>
<u>e. Drive-in theaters, stadium and arena facilities</u>	<u>X</u>
<u>f. Athletic, health and racket clubs (&lt; 10,000 square feet of gross floor area)</u>	<u>P</u>
<u>g. Athletic, health and racket clubs (&gt; 10,000 square feet of gross floor area)</u>	<u>X</u>
<u>h. Zoos, Circuses, carnivals, or amusement rides, excluding temporary civic events endorsed by the city council</u>	<u>X</u>
<u>14. Services – Educational.</u>	
<u>a. Nursery schools, preschools</u>	<u>C</u>
<u>b. Day care facilities consistent with RCW 36.70A.450</u>	<u>P</u>
<u>c. Libraries (&lt;10,000 square feet gross floor area)</u>	<u>P</u>
<u>e. Vocational schools</u>	<u>C</u>
<u>f. Artistic studios and schools including but not limited to dance, music and martial arts (&lt;10,000 square feet)</u>	<u>P</u>
<u>g. Artistic studios and schools including but not limited to dance, music and martial arts (&gt;10,000 square feet)</u>	<u>C</u>
<u>h. Public parks, parkways, recreation facilities, trails and related facilities</u>	<u>P</u>
<u>i. Public/private educational institutions</u>	<u>C</u>
<u>15. Services – Membership Organizations.</u>	
<u>a. Business, professional and religious (not including churches)</u>	<u>C</u>
<u>b. Civic, social, fraternal, charitable, labor and political (&lt;5,000 square feet)</u>	<u>P</u>
<u>c. Civic, social, fraternal, charitable, labor and political (&gt;5,000 square feet)</u>	<u>C</u>

<u>d. Churches</u>	<u>C</u>
<u>16. Distribution Facilities. (In conjunction with a permitted use, all activities, except vehicle storage, located entirely within an enclosed building)</u>	
<u>a. Distribution facilities of less than 25,000 square feet gross floor area</u>	<u>X</u>
<u>b. Distribution facilities of between 50,000 and 25,000 square feet gross floor area</u>	<u>X</u>
<u>17. Public Services and Facilities.</u>	
<u>a. Buildings entirely dedicated to public services, such as city hall, police and fire substations</u>	<u>C</u>
<u>b. Sewer, water and utility transmission lines</u>	<u>P</u>
<u>c. Wireless communications facilities</u>	<u>P</u>
<u>d. Museums, historic and cultural exhibits and the like</u>	<u>P</u>
<u>e. U.S. Post Offices</u>	<u>C</u>
<u>f. Public transit facilities including park and ride facilities</u>	<u>P</u>
<u>Accessory Uses and Activities.</u>	
<u>a. On-site hazardous waste treatment and storage facilities, subject to state siting criteria (RCW 70.105.210)</u>	<u>C</u>
<u>b. Drive-through, drive-in or drive-up facilities</u>	<u>C</u>
<u>c. Open Air Activities</u>	
<u>(1) Open air display of plants and produce in conjunction with a permitted use</u>	<u>P</u>
<u>(2) Open air storage of materials</u>	<u>C</u>
<u>(3) Open air work activities such as restaurants, portable walk-up vendors (not including drivethrough facilities) such as espresso carts, flower stands and food stands, plant nurseries and other uses generally conducted outside in conjunction with a permitted commercial use, unless otherwise prohibited by this title</u>	<u>C</u>
<u>Other Uses.</u>	
<u>a. Temporary uses</u>	<u>P</u>
<u>b. Solid waste handling and disposal sites</u>	<u>C</u>

**17.28.030 Permitted accessory uses and structures.**

Permitted accessory uses and structures in the C-4 zone are as follows:

- A. Any use or structure customarily accessory to permitted uses shall be permissible.

- B. On-site hazardous waste treatment and storage facilities that are directly associated with principal uses; provided, that such facilities comply with the state siting criteria contained in RCW 70.105.210 and WAC 173-303-282, or their successors.

(Ord. 200 § 2, 1992: Ord. 163 § 4.4.3, 1989)

#### **17.28.040 Conditional uses.**

After hearing and attachment of conditions, the following uses are permitted: production of items sold on the premises, including small scale production, sewn or woven articles, quilting, ceramics, and similar small scale craft items, garden supply stores, automobile service stations, boarding houses, horticultural nurseries, kennels, stables, and pet shops, and other uses later deemed to be conditional by the ~~board of adjustment~~ city council. Industrial uses of non noxious industry are permitted in this zone as a planned unit development subject to approval by the planning commission. Such industries do not produce noise, odor, smoke, fumes, or other nuisances. Examples include any research, experimental, testing, assembling, manufacturing, compounding, or other activity which is conducted inside a completely enclosed building, except for parking and loading, which creates absolutely no nuisance or pollution which has any effect beyond the confines of the building.

(Ord. 292 § 1, 2000: Ord. 264 § 4 (part), 1998: Ord. 163 § 4.4.4, 1989)

(Ord. No. 634, § 1, 10-20-22)

#### **17.28.045 Conditional use conditions.**

The planning commission shall review the following in identifying appropriate conditions for the proposed use:

- A. Napavine comprehensive plan and zoning requirements review for applicable requirements for signage, light and glare, landscape buffering, parking circulation, critical areas and aquifer protection;
- B. Public facilities impacts such as water, sewer and drainage requirements;
- C. Prior department comments, after inspection, for fire safety requirements and fire flow concerns, if any; and
- D. City police department comments for nuisance, health and safety concerns.

(Ord. 292 § 2, 2000: Ord. 264 § 4 (part), 1998)

#### **17.28.050 Permitted dimensions.**

Permitted dimensions in the C-~~4~~ zone are as follows:

- A. Minimum lot size, five thousand square feet;
- B. Minimum lot front, thirty feet;
- C. Maximum lot cover, one hundred percent, including parking and buffer zones;
- D. Minimum front yard depth, none;
- E. Minimum side yard depth, none, except a fifteen foot buffer where adjacent to a residential district;
- F. Minimum rear yard depth, none, except a twenty-five foot buffer where adjacent to a residential district;
- G. Maximum building height, fifty feet, or thirty-five feet when lot adjacent to any residential district.

(Ord. 163 §§ 4.4.5— 4.4.11, 1989)

#### **17.28.055 Development standards.**

- A. In addition to any other requirements, the development of all parcels in the C or C-~~4~~ zones shall be required to:
  - 1. Meet all minimum construction standards outlined in the WSDOT Standards.

2. Resemble, match, and be cohesive with any and all improvements on contiguous or adjacent parcels; i.e. sidewalks, culverts and driveways, curbs, and gutters.
- B. In addition to any other requirements, the development of parcels parallel to Rush Road may be allowed to install a culvert and a driveway to obtain access to Rush Road.
- C. The Napavine City Council shall have the final authority to determine whether a development shall be required to install curbs and gutters, sidewalks, and streetlights and the city council may waive any other standard set forth herein as allowed by law. Provided however, a person must first exhaust all administrative remedies prior to applying directly to the city council.

(Ord. No. 627, § 1, 11-23-2021)

**17.28.060 Prohibited uses.**

- A. The following are prohibited uses for the ~~C-and-C-1~~ districts:
1. Marijuana producing.
  2. Marijuana processing.
  3. Marijuana retailing or marijuana retailers.
- B. Each lot line of any the following new or expanding uses for the ~~C-and-C-1~~ districts must be located one-half mile or more from any lot line of any school:
1. Gas stations.
  2. Convenience stores.
  3. Automobile service stations.
  4. Industrial specialties shops.
  5. Commercial auto/industrial/farm equipment sales.
  6. Tire shop.
  7. Mechanic shops/engine repair shops.
  8. Hazardous materials storage.
- C. Section 17.28.060(B) shall not apply to those parcel owners who obtain a special zoning permit under Chapter 17.80 of the Napavine Municipal Code.

(Ord. No. 537, § 5, 2-10-15; Ord. No. 622, § 1, 7-27-2021)

~~**17.28.070 Fences, walls, and hedges.**~~

- ~~A. Fences within any street setback area shall be limited to:~~
- ~~1. Forty two inches high above adjacent grade if the fence is more than fifty percent opaque;~~
  - ~~2. Forty eight inches high above adjacent grade if the fence is fifty percent or less opaque.~~
- ~~B. Fences which are not located within any street setback area shall be limited to six feet high above adjacent grade.~~
- ~~C. No residential fence shall contain barbed wire, broken glass, electricity, or any other hazardous material or substance.~~
- ~~D. Where a legally established use exists requiring the containment of farm animals or livestock, barbed wire or an electric fence may be used; provided, that such fence is set back more than twenty feet from any public right-of-way or public property and more than three feet from any adjacent private property, and warning signs are posted consistent with NMC 17.62.070(V).~~
- ~~E. Retaining walls shall be located entirely upon private property except where required by the public works director to protect public property.~~

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- F. ~~A retaining wall shall not project higher than six inches above the higher adjacent grade except when it is a structural element of a building or structure.~~
- G. ~~Retaining walls which are higher than four feet from the bottom of the footing to the top of the wall shall comply with all applicable provisions of the building code, including, but not limited to, permit requirements.~~
- H. ~~Retaining walls which serve as a structural element of any building or structure shall comply with all of the applicable provisions of the building code.~~
- I. ~~A hedge shall comply with the requirements for a fence; provided, hedges which are not located within a street setback, and do not otherwise constitute a traffic visibility obstruction on any right-of-way or alley, or any public nuisance condition, are not limited in height.~~

{Ord. No. 614, § 4, 10-13-20}

### Chapter 17.30 L-I DISTRICT

Sections:

- 17.30.010 Purpose
- 17.30.020 Permitted uses
- 17.30.030 Dimensional requirements
- 17.30.040 Industrial development standards

#### 17.30.010 Purpose

A. It is the city's intent that industrial uses be encouraged in accordance with the comprehensive plan and that potential industrial areas be retained as an essential element for a vital economic base for the population of Napavine. The intent of this district is to provide suitable areas for a variety of industrial uses including manufacturing, wholesale trade and distribution activities. The industries located in this district can be characterized as "clean" or not involving heavy industrial or manufacturing activities and are generally compatible with surrounding uses. The light industrial district is intended to contain uses that will not generate excessive noise, pollution, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisance characteristics. Conditional uses are those which may have some nuisance characteristics that may be mitigated and where such uses may be appropriately sited in Napavine. Light industrial districts are only intended to be located in areas with relatively level topography, adequate water and sewerage facilities, and access to arterial streets and highways.

#### 17.30.020 Permitted uses

The following uses in the Light Industrial (LI) zone are permitted (P), conditional (C) or prohibited (X) as indicated in Table 2.060.020 NMC. Certain commercial activities having an open storage characteristic, or which are most appropriately located as neighbors of industrial uses, are also included as permitted uses in this district.

<u>Use Table 17.30.020</u>	<u>Li</u>
<u>1. Accessory uses and structures normally incidental to one or more permitted principal uses including those uses indicated as prohibited elsewhere in this table</u>	<u>P</u>

<u>2. Acid manufacture</u>	<u>X</u>
<u>3. Art galleries, libraries and museums</u>	<u>P</u>
<u>4. Asphalt plants</u>	<u>X</u>
<u>5. Auditoriums and civic centers</u>	<u>P</u>
<u>6. Automobile, boat, truck, tractor, motorcycle, recreational vehicle, manufactured home and other vehicle service, rental and leasing, new and/or used</u>	<u>P</u>
<u>7. Bulk gasoline storage and fuel oil distributors</u>	<u>C</u>
<u>8. Business services operated in conjunction with one or more permitted uses</u>	<u>P</u>
<u>9. Churches, including cemeteries and customary accessory buildings and uses subject to NMC 18.250.</u>	<u>C</u>
<u>10. Clubs, lodges, fraternal institutions and other places of assembly for membership groups</u>	<u>P</u>
<u>11. Cold storage plants, frozen food lockers and ice manufacture</u>	<u>P</u>
<u>12. Colleges and universities</u>	<u>C</u>

<u>13. Commercial recreation facilities, enclosed only</u>	<u>P</u>
<u>14. Commercial recreation facilities, unenclosed</u>	<u>P</u>
<u>15. Conical burners and incinerators, including biomedical waste</u>	<u>X</u>
<u>16. Contractor's establishments</u>	<u>P</u>
<u>17. Day care centers</u>	<u>P</u>
<u>18. Distribution facilities</u>	<u>P</u>
<u>19. Dry-cleaning plants</u>	<u>P</u>
<u>20. Explosives manufacture and storage</u>	<u>X</u>
<u>21. Exterminators and pest control businesses</u>	<u>P</u>
<u>22. Fertilizer manufacture</u>	<u>X</u>
<u>23. Finance, insurance and real estate offices</u>	<u>X</u>
<u>24. Hospitals, health and medical clinics</u>	<u>X</u>
<u>25. Institutionalized residential-living facilities, such as personal-care homes, nursing homes, convalescent homes, group homes, continuing care retirement facilities and similar uses</u>	<u>X</u>
<u>26. Junkyards, wrecked motor vehicle compounds and used auto or other vehicle parts yards</u>	<u>P</u>
<u>27. Kennels</u>	<u>P</u>
<u>28. Landfills</u>	<u>X</u>
<u>29. Lumber yards, planing and saw mills</u>	<u>P</u>
<u>30. Machine shops</u>	<u>P</u>
<u>31. Manufacturing, fabrication, assembling and packaging activities, including accessory storage, for the following products and/or materials: cloth, fiber, fur and hair; electrical and communication equipment; cosmetics, drugs and pharmaceuticals; food, beverage, dairy and P tobacco products; and medical, dental, optical precision and surgical instruments and equipment</u>	<u>P</u>
<u>32. Manufacturing, fabrication, assembling, processing, canning, packaging, compounding, storage and treatment activities for the following activities and/or materials: brick, concrete,</u>	<u>P</u>

cement, clay, mortar, plaster and tile; chemicals and floor coverings; extraction or removal of sand, gravel, topsoil, clay, dirt, precious metals, gems or other natural resources; and paper	
33. Offices	P
34. Paper and pulp mills	X
35. Parking garages and parking lots	P
36. Personal service establishments, in conjunction with one or more permitted uses	P
37. Printing, publishing, bookbinding and blueprinting establishments	P
38. Public and semipublic buildings and uses	P
39. Radio and television studios	P
40. Radio, television and cellular phone towers and antennas	P
41. Recreational facilities of a noncommercial nature, including parks, playfields and golf	P
42. Recycling plants, including any processing facilities	P
43. Research and scientific laboratories	P
44. Residences for a caretaker or night watchman	P
45. Residences of all types, when located on upper floors, in the rear of, or otherwise clearly secondary to commercial buildings	X
46. Restaurants, lounges, taverns and nightclubs, including drive-in and drive-through facilities	C
47. Lounges and taverns	C
48. Restaurants	C
49. Restaurants, drive-through	C
50. Retail trade establishments, not to exceed 15,000 GFA	X
51. Retail trade establishments, unenclosed	X
52. Retail trade gasoline sales, enclosed or unenclosed	P
53. Rubber manufacture	X
54. Schools, public, parochial, private, vocational, technical, business and others, nonprofit or operated for profit	P
55. Services, automotive, including gasoline sales	P
56. Services, business, health, miscellaneous and personal	X
57. Services, lodging	X
58. Services, lodging, but only when accessory to another principal use	X
59. Single-family detached dwellings and their customary accessory buildings and uses, existing on the effective date of the regulations codified in this title, but not including new single-family residences	P
60. Storage buildings and storage yards, for non-hazardous raw materials and finished products	P
61. Temporary uses which may be approved by the planning director	P
62. Tire retreading, recapping and manufacturing	P
63. Transportation, communication and utility facilities, not otherwise specifically permitted	P

64. Utilities and communication facilities, such as telephone exchanges, electric substations and public television stations-	P
65. Warehouses, wholesale and storage establishments, mail order houses and distribution facilities occupying no more than fifty thousand square feet of enclosed gross floor area	P
66. Welding shops	P
67. Wholesale distribution and warehousing facilities, including mail order houses, occupying more than 50,000 square feet	P
68. Wineries, breweries and distilleries	P

### 17.30.030 Dimensional requirements

Table 2.060.030 establishes dimensional requirements for light industrial and employment center districts:

Standard	LI
Minimum lot size	1 acre
Minimum lot frontage	30 ft.
Minimum lot width	200 ft.
Front and street side yard building setback	30 ft.
Side and rear yard building setback	30 ft.
Minimum distance between principal buildings	30 ft.
Maximum building coverage	50%
Maximum height	35 feet

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### 17.30.040 Industrial development standards

Developments in the LI zoning district shall be designed in accordance with the following standards:

- A. Shared access points with abutting or adjacent development shall be provided whenever practicable.
- B. New land divisions creating lots of less than one (1) acre are not permitted unless consistent with a site plan approved under the standards of this title.
- C. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title.
- D. Service Roads, Spur Tracks, Hard Stands, Outside Storage Area, Etc. No service road, hard stand or outside storage area, etc., shall be permitted within required setbacks adjoining residential districts. Required landscaping and buffering shall comply with Chapter 17.xx Landscaping, Fences & Walls
- E. Fences & Walls. Sight obscuring fencing or walls, visible from the public right of way, shall be consistent with section 17.xx.xxx and screened with green growing plant materials, planted and maintained to an L4 standard.
- F. Site Landscaping and Design Plan Standards. Development within this zoning district shall be subject to

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site plan review prior to the issuance of a building permit; which review may be conducted concurrent with the processing of building permits. In addition to the site plan application requirements, the following requirements shall apply:

1. Blank walls are discouraged next to residential zones. If a blank wall is adjacent to residential zones the applicant shall provide and maintain a vegetative buffer of at least eleven (11) feet high consistent with an L3 standard that creates a varied appearance to the blank wall. Other features such as false or display windows, artwork, and varied building materials are acceptable.
2. Building facades facing public streets shall have at least thirty-five percent (35%) of the total surface area of the wall transparent.
3. Parking areas adjacent to rights of way shall be physically separated from the rights of way by landscaping or other features to a height of three (3) feet. A combination of walls, berms and landscape materials is highly recommended. Sidewalks may be placed within this landscaping if the street is defined as a collector or arterial with a speed limit of thirty five (35) mph or above, in order to separate the pedestrian from heavy or high speed traffic on adjacent roads.
4. Primary building entrances shall be physically oriented to the street or to a pedestrian walkway.
5. If a development is located within two hundred fifty (250) feet of an existing or proposed transit stop the applicant shall provide a transit stop and shelter directly adjacent or as close as possible to the main building entrance as the transit authority requires.
6. All off street parking areas shall be planted with a minimum of one (1) deciduous tree for every six (6) parking spaces. Trees shall be of such species and spacing that a canopy effect shall result. Trees must be dispersed throughout the parking lot.
7. Required setback areas adjacent to streets and those abutting a residential district shall be continuously maintained in lawn or live groundcover. Allowed uses in these areas are bikeways, pedestrian paths and water quality facilities.
8. A minimum of twenty percent (20%) of the site shall be landscaped. Vegetated stormwater treatment facilities and pedestrian plazas may be used to satisfy the requirement. To qualify as a pedestrian plaza the following conditions must be met:
  - a. Minimum Size. A minimum of ten (10) feet depth and width with a minimum size of six hundred fifty (650) square feet.
  - b. Paving. A minimum of eighty percent (80%) of the area shall be paved in a decorative paver or textured, colored concrete. Asphalt is prohibited as a paver in pedestrian plazas.
9. Structures and open spaces should be clustered on-site to maximize the campus and open space qualities within the development.
10. When security fencing is required it shall be a combination of solid wall, wrought iron, dense hedges or other similar treatment. Long expanses of fences or walls shall be interspersed with trees or hedges to break up the appearance of the wall at least every fifty (50) feet for a distance of at least five (5) feet.
11. Required setbacks adjacent to streets and those abutting a residential district shall be continuously maintained in lawn or live.

G. Pedestrian Access Plan. An on-site pedestrian circulation system must be provided, which connects the street to the public entrances of the structure(s) on-site.

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1. The circulation system shall be hard surfaced and be at least five (5) feet wide.
2. Where the system crosses driveways, parking, and/or loading areas, the system must be clearly identifiable through the use of elevation changes, speed bumps, varied paving materials or other similar methods approved by the reviewing authority and in compliance with the Americans with Disabilities Act (ADA).
3. The on-site pedestrian circulation system and parking areas must be lighted to a level which provides adequate lighting so that parking areas can be used safely when natural light is not present.
4. The pedestrian system must connect the site to adjacent streets and transit stops. The pedestrian system must also connect on-site public open space or parks, commercial, office and institutional developments to adjacent like uses and developments for all buildings set back forty-five (45) feet or farther from the street lot line, when existing development does not preclude such connection. Development patterns must not preclude eventual site-to-site connections, even if an adjoining site is not planned for development at the time of the applicant's development.

H. Performance Standards.

1. No land or structure shall be used or occupied within this district unless there is compliance with the following minimum performance standards:
  - a. Maximum permissible noise levels shall be as determined by Chapter 173-60 WAC, as amended.
  - b. Vibration. Vibration other than that caused by highway vehicles, trains, and aircraft, which is discernible without instruments at the property line of the use concerned, is prohibited.
  - c. Smoke and Particulate Matter. Air emissions must be within legal limits as approved by the Southwest Clean Air Agency.
  - d. Odors. The emission of noxious gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors is prohibited.
  - e. ~~Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from nuisance and glare.~~
2. Administration. As a condition for the granting of a building permit and/or site plan approval, at the request of the responsible official, information sufficient to determine the degree of compliance with the standards in this title shall be furnished by the applicant. Such request may include submission of continuous records of operation for periodic checks to assure maintenance of standards, and special surveys.

I. Light and Glare Standards.

1. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building.
2. Exterior lighting shall be shielded and directed away from lots in adjacent uses.
3. Interior lighting in parking structures shall be shielded, to minimize nighttime glare affecting lots in adjacent uses.
4. When nonconforming exterior lighting is replaced, new lighting shall conform to the requirements of this section.
5. Glare diagrams which clearly identify potential adverse glare impacts on any residential zone and on arterials shall be required when:

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- a. Any structure is proposed to have facades of reflective coated glass or other highly reflective material, and/or a new structure or expansion of an existing structure greater than thirty-five (35) feet in height is proposed to have more than thirty percent (30%) of the facades comprised of clear or tinted glass; and when glare diagrams are required, the director may require modification of the plans to mitigate adverse impacts.
- b. The facade(s) surfaced or comprised of such materials either:
  - 1. Are oriented towards and are less than two hundred (200) feet from any residential zone, and/or
  - 2. Are oriented towards and are less than four hundred (400) feet from a major arterial with more than fifteen thousand (15,000) vehicle trips per day.
- 6. When glare diagrams are required, the responsible official may require modification of the plans to mitigate adverse impacts, using methods including but not limited to the following:
  - a. Minimizing the percentage of exterior facade that is composed of glass;
  - b. Using exterior glass of low reflectance;
  - c. Tilting glass areas to prevent glare which could affect arterials, pedestrians or surrounding structures;
  - d. Alternating glass and non-glass materials on the exterior facade; and
  - e. Changing the orientation of the structure.

J. Outdoor Storage Standards.

- 1. All storage areas (including but not limited to areas used to store raw materials, finished and partially finished products and wastes) shall be screened from adjoining properties or public rights-of-way to the L4 standard. Storage areas which adjoin residential districts or in areas where differences in elevation defeat the purpose of this requirement shall be screened with a fence to an F2 standard which shall be placed on top of a berm to an LS standard.
- 2. Screening shall be placed on all sides of storage areas other than where a building wall would act as a screen.
- 3. Outdoor storage is prohibited as follows:
  - a. In floodways;
  - b. On slopes greater than fifteen percent (15%);
  - c. In parking stalls required by Chapter 3.280 WDC
  - d. In areas where outdoor storage or display causes traffic or pedestrian circulation problems as determined by the responsible official or where a minimum five (5) foot wide walkway does not remain clear and free of obstructions;
  - e. Any materials that attract animals, birds or vermin; and
  - f. In fire lanes.
- 4. The applicant shall demonstrate that both outdoor storage and the screening for outdoor storage are in the appropriate locations on the site to minimize impacts, given the operational practices of the facility.
- K. Vibration. Site generated ground vibrations shall not be perceptible by a person of ordinary sensitivity, without instruments, at any point of any boundary line of the property on which

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Chapter 17.40 C-S DISTRICT

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~~a use or structure is located. Vibrations from temporary construction activities and vehicles that leave the property (such as trucks, trains, airplanes and helicopters) are excluded.~~

~~l. Electromagnetic Interference. Electric fields and magnetic fields shall not be created that adversely affect the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted. This section does not apply to telecommunication facilities which are regulated by the Federal Communications Commission under the Federal Telecommunication Act of 1996 or its successor.~~

## Chapter 17.40 C-S DISTRICT

### 17.40.010 Intent.

The C-S district is intended to provide for the review and location of public and semi-public uses which, by reason of their convenience, necessity, character or effect, may be appropriate in any district.

(Ord. 163 § 4.7.1, 1989)

### 17.40.020 Permitted uses and structures.

Permitted uses and structures in the C-S zone are as follows: museums, public and private; churches, schools, public and parochial; burial facilities; parks, playgrounds, public golf courses; government buildings or uses, hospitals; philanthropic or nonprofit institutions; public utilities; nonprofit campgrounds.

(Ord. 163 § 4.7.2, 1989)

### 17.40.030 Permitted accessory uses and structures.

Permitted accessory uses and structures in the C-S zone are as follows:

- A. Any use or structure customarily accessory to a permitted use shall be permitted.
- B. On-site hazardous waste treatment and storage facilities that are directly associated with principal uses provided that such facilities comply with the state siting criteria contained in RCW 70.105.210 and WAC 173-303-282, or their successors.

(Ord. 200 § 5, 1992; Ord. 163 § 4.7.3, 1989)

### 17.40.040 Conditional uses.

Conditional uses in the C-S zone are as follows: uses determined by the ~~board of adjustment~~ city council to be of a similar and compatible nature.

(Ord. 163 § 4.7.4, 1989)

**17.40.050 Permitted dimensions.**

Permitted dimensions in the C-S zone are as follows:

- A. Minimum lot size shall be the same as underlying district;
- B. Minimum lot front shall be the same as underlying district;
- C. Maximum lot coverage shall be the same as underlying district;
- D. Minimum front yard depth shall be the same as underlying district;
- E. Minimum side yard depth shall be the same as underlying district;
- F. Minimum rear yard depth shall be the same as underlying district;
- G. Maximum building height, fifty feet.

(Ord. 163 §§ 4.7.5—4.7.12, 1989)

**17.40.060 Prohibited uses.**

The following are prohibited uses for the C-S district:

- A. Marijuana producing.
- B. Marijuana processing.
- C. Marijuana retailing or marijuana retailers.

(Ord. No. 537, § 6, 2-10-15)

**17.40.070 Permitted uses**

The following uses are permitted within the C-S district subject to the applicable provisions of this and other applicable Napavine Development Code titles. The uses set out in Table 17.40.020 NMC are examples of uses allowable in the various zone districts. The appropriate review authority is mandatory.

“P” – Uses allowed subject to approval of applicable permits.

“C” – Conditional uses which may be permitted subject to the approval of a conditional use permit in Chapter 3.250 NMC (Conditional Uses).

“X” – Uses specifically prohibited. :

**Table 17.40.070 Uses**

<u>Use</u>	<u>C-S</u>
<u>1. Museums, public and private</u>	<u>P</u>
<u>2. Churches</u>	<u>P</u>
<u>3. Schools, public and parochial;</u>	<u>P</u>
<u>4. Burial facilities</u>	<u>P</u>
<u>5. Parks</u>	<u>P</u>
<u>6. Playgrounds</u>	<u>P</u>
<u>7. Public Golf Courses</u>	<u>P</u>

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8. Government Buildings Or Uses	<u>P</u>
9. Hospitals	<u>P</u>
10. Philanthropic Or Nonprofit Institutions	<u>P</u>
11. Public Utilities	<u>P</u>
12. Nonprofit Campgrounds	<u>P</u>
13. Any use or structure customarily accessory to a permitted use	<u>C</u>
14. On-site hazardous waste treatment and storage facilities that are directly associated with principal uses provided that such facilities comply with the state siting criteria contained in RCW 70.105.210 and WAC 173-303-282, or their successors	<u>C</u>
15. Marijuana producing	<u>X</u>
16. Marijuana processing	<u>X</u>
17. Marijuana retailing or marijuana retailers.	<u>X</u>

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**17.40.070 Fences, walls, and hedges.**

- A. Fences within any street setback area shall be limited to:
  - 1. Forty two inches high above adjacent grade if the fence is more than fifty percent opaque;
  - 2. Forty eight inches high above adjacent grade if the fence is fifty percent or less opaque.
- B. Fences which are not located within any street setback area shall be limited to six feet high above adjacent grade.
- C. No residential fence shall contain barbed wire, broken glass, electricity, or any other hazardous material or substance.
- D. Where a legally established use exists requiring the containment of farm animals or livestock, barbed wire or an electric fence may be used; provided, that such fence is set back more than twenty feet from any public right of way or public property and more than three feet from any adjacent private property, and warning signs are posted consistent with NMC 17.62.070(V).
- E. Retaining walls shall be located entirely upon private property except where required by the public works director to protect public property.
- F. A retaining wall shall not project higher than six inches above the higher adjacent grade except when it is a structural element of a building or structure.
- G. Retaining walls which are higher than four feet from the bottom of the footing to the top of the wall shall comply with all applicable provisions of the building code, including, but not limited to, permit requirements.
- H. Retaining walls which serve as a structural element of any building or structure shall comply with all of the applicable provisions of the building code.
- I. A hedge shall comply with the requirements for a fence; provided, hedges which are not located within a street setback, and do not otherwise constitute a traffic visibility obstruction on any right of way or alley, or any public nuisance condition, are not limited in height.

(Ord. No. 614, § 5, 10-13-20)

## Chapter 17.44 PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

### 17.44.010 Intent.

This district is intended to provide an area for single total development whether residential, commercial, or industrial. Commonly owned land is a major element in such developments.

(Ord. 163 § 4.8.1, 1989)

### 17.44.020 Permitted uses and structures.

Planned unit developments shall be permitted in this district if they conform to the following required conditions:

- A. For any planned unit development, the original minimum lot size and frontage may be decreased by one-fifth each, and original maximum lot coverage may be expanded by the fifth. The original restrictions are those for the underlying zone provided there shall be no minimum district size for planned developments required for critical areas, the relaxing of these types of restrictions still depends on the overall design and the planning commission may still require more compliance when circumstances dictate the need of such.
- B. Twenty percent of the new development area shall be established as open space and community recreational facilities. Upon approval of the planning commission, some unbuildable land may be included in the open space land.
- C. One acre of land for every three hundred dwelling units may be used for neighborhood business purposes. Schools, churches, recreational facilities and uses deemed similar by the planning commission may be permitted in this zone.
- D. Before approval may be granted, the developer shall submit to the planning commission covenants, deed restrictions, and home association bylaws and other documents guaranteeing maintenance and construction of common open space, community facilities, private roads and drives and all other commonly owned and operated property. The documents shall be reviewed and approved by the city attorney prior to approval by the planning commission and be recorded with the county auditor.

(Ord. 264 § 3, 1998: Ord. 163 § 4.8.2, 1989)

### 17.44.030 Permitted dimensions.

Permitted dimensions in this zone are as follows:

- A. Minimum zone size, three acres;
- B. Minimum lot size, six thousand square feet; for a mobile home park, three thousand square feet;
- C. Minimum lot front, sixty feet; for a mobile home park, forty feet;
- D. Minimum front yard depth shall be the same as underlying district; for a mobile home park, fifteen feet;

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- E. Minimum side yard depth shall be the same as underlying district; for a mobile home park, five feet one side, ten feet on other side;
  - F. Minimum rear yard depth shall be the same as underlying district;
  - G. Maximum building height shall be thirty-five feet; for a mobile home park, twenty feet.

(Ord. 163 §§ 4.8.3—4.8.9, 1989)

#### 17.44.040 Mobile home park siting.

Mobile home parks are permitted to be located as planned unit developments in general land use zones R-3 and C-1 and H-C as defined in Section 17.12.020 of this title subject to site plan approval by the ~~board of adjustment~~ city council under the standards set forth in Section 17.44.020.

(Ord. 163 § 4.8.10, 1989)

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#### 17.44.050 Standards for mobile home parks.

Mobile home parks developed or enlarged after the effective date of this title shall be designed and developed in accordance with the following conditions and limitations:

- A. The minimum site area of a mobile home park shall be three acres.
- B. Landscaping shall be provided around the perimeter of the site as directed by the ~~board of adjustment~~ city council.
- C. Two off-street parking stalls shall be provided for each mobile home. The required parking may be located adjacent to the unit in either a side-by-side or tandem arrangement or in common parking areas within the park. The parking requirement may be reduced to one off-street parking stall in cases of mobile home parks dedicated to senior citizen housing.
- D. A minimum of five percent of the site shall be set aside and maintained for recreational activity for the occupants of the park. The manager may reduce the minimum to three percent of the site if substantial and appropriate recreational facilities, such as a recreational building, swimming pool, or tennis courts, are provided. The area shall be exclusive of the required perimeter buffer, centrally located, and of such grade and surface to be suitable for active recreation.
- E. Internal circulatory roads shall provide access to each mobile home space and shall have a minimum driving surface of twenty-two feet in width and shall be constructed with a road base and surface in accordance with the adopted county road standards for local access streets.
- F. Access to the site shall be over a county or state maintained road improved to county standards as determined by the department of public works.
- G. Pedestrian walkways shall be provided throughout the park to enable access from each space to the recreational area and to an adjacent street. A portion of the road surface may be reserved for walkways provided the roadway width is widened accordingly. Walkways shall be of a hard, durable all-weather surface and a minimum width of four feet.
- H. There shall be a minimum of ten feet of separation maintained between all mobile homes on the site. Accessory structures may be located no closer than:
  - 1. Ten feet to mobile homes on adjacent spaces;
  - 2. Five feet to accessory structures of mobile homes on adjacent spaces;

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3. Five feet to the mobile home or other accessory structures on the same space, except that separation may be reduced to three feet when the affected structures are constructed of noncombustible materials.
- I. Surface water runoff shall be controlled in accordance with county standards.
  - J. Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impacts on adjacent properties.
  - K. All public streets abutting the site shall be improved to county standards in accordance with the adopted road standards for the classification of road involved.
  - L. Water supply shall be provided subject to the approval of the county fire marshal.
  - M. Garbage disposal facilities shall be provided in accordance with applicable county board of health rules and regulations, and subject to approval of the health department.
  - N. Electrical service connections shall meet state Department of Labor and Industries standards.
  - O. In addition to the standards set forth in this section, mobile homes installed in parks shall comply with the standards set forth in Chapter 17.84 of this title.

(Ord. 163 § 4.8.11, 1989)

#### **17.44.060 Recreational vehicle parks.**

Recreational vehicle parks are permitted as planned unit developments in ~~H-C and C-1~~ general land use zones, subject to plan approval by the ~~board of adjustment~~ city council as set forth in Section 17.44.020.

(Ord. 163 § 4.8.12, 1989)

#### **17.44.070 Standards for recreational vehicle parks.**

Recreational vehicle parks developed or enlarged after the effective date of the ordinance codified in this title shall be designed and developed in accordance with the following conditions and limitations:

- A. The minimum site area shall be three acres.
- B. The maximum length of stay of any unit shall be one hundred eighty days.
- C. ~~Landscaping shall be provided around the perimeter of the site as approved by the board of adjustment~~ city council. Landscaping and perimeter buffering shall comply with Chapter 17.xx Landscaping, Fences & Walls.
- D. There shall be a minimum of ten feet of separation maintained between all recreational vehicle pads.
- E. One off-street parking stall shall be provided for each designated recreational vehicle space.
- F. The following facilities shall be provided in accordance with rules and regulations promulgated by the director of the county health department:
  1. Laundry facilities;
  2. Toilets;
  3. Bathing facilities;
  4. Garbage disposal facilities.

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- G. A minimum of five percent of the site shall be provided for recreational activity for the occupants of the park. The area shall be exclusive of the required perimeter buffer area, centrally located and of such grade and surface to be suitable for active recreation.
  - H. Internal circulatory roads shall provide access to each space and shall have a minimum driving surface of twenty-two feet in width and shall be constructed with a road base and surface in accordance with the adopted county road standards for local access streets.
  - I. Access to the site shall be over a county or state maintained road improved to county standards as determined by the department of public works and transportation.
  - J. Pedestrian walkways shall be provided to the service building(s), recreational activities and adjacent public street(s). Walkways shall be of a hard, durable, all-weather surface and a minimum width of four feet.
  - K. Surface water runoff shall be controlled in accordance with county standards.
  - L. Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impacts on adjacent properties.
  - M. All public streets abutting the site shall be improved to county standards in accordance with the adopted road standards for the classification of road involved.
  - N. Water supply shall be provided subject to the approval of the county fire marshal.
  - O. Garbage disposal facilities shall be provided in accordance with applicable county board of health rules and regulations, and subject to approval of the health department.
  - P. Electrical service connections shall meet state Department of Labor and Industries standards.

(Ord. 163 § 4.8.13, 1989)

#### **17.44.080 Prohibited uses.**

The following are prohibited uses for the planned unit development district:

- A. Marijuana producing.
- B. Marijuana processing.
- C. Marijuana retailing or marijuana retailers.

(Ord. No. 537, § 7, 2-10-15)

#### **~~17.44.090 Fences, walls, and hedges.~~**

~~A. Fences within any street setback area shall be limited to:~~

- ~~1. Forty-two inches high above adjacent grade if the fence is more than fifty percent opaque;~~
- ~~2. Forty-eight inches high above adjacent grade if the fence is fifty percent or less opaque.~~

~~B. Fences which are not located within any street setback area shall be limited to six feet high above adjacent grade.~~

~~C. No residential fence shall contain barbed wire, broken glass, electricity, or any other hazardous material or substance.~~

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- ~~D. Where a legally established use exists requiring the containment of farm animals or livestock, barbed wire or an electric fence may be used; provided, that such fence is set back more than twenty feet from any public right of way or public property and more than three feet from any adjacent private property, and warning signs are posted consistent with NMC 17.62.070(V).~~
  - ~~E. Retaining walls shall be located entirely upon private property except where required by the public works director to protect public property.~~
  - ~~F. A retaining wall shall not project higher than six inches above the higher adjacent grade except when it is a structural element of a building or structure.~~
  - ~~G. Retaining walls which are higher than four feet from the bottom of the footing to the top of the wall shall comply with all applicable provisions of the building code, including, but not limited to, permit requirements.~~
  - ~~H. Retaining walls which serve as a structural element of any building or structure shall comply with all of the applicable provisions of the building code.~~
  - ~~I. A hedge shall comply with the requirements for a fence; provided, hedges which are not located within a street setback, and do not otherwise constitute a traffic visibility obstruction on any right of way or alley, or any public nuisance condition, are not limited in height.~~

(Ord. No. 614, § 6, 10-13-20)

## Chapter 17.48 FLOODPLAIN

### 17.48.010 Intent.

In those areas known to have high water tables and/or impermeable soils which would cause standing water there shall be restrictions on development where such standing water will create sewage, building and access problems.

(Ord. 163 § 4.9.1, 1989)

### 17.48.020 Permitted uses and structures.

No building or structure may be erected on land used in this district unless it is constructed on compacted fill, piling or other hazard protecting method, and any construction is subject to the county health department's approval of water supply and sewage disposal. Permitted underlying uses are allowed as well as water and flood control facilities.

(Ord. 163 § 4.9.2, 1989)

### 17.48.030 Permitted accessory uses and structures.

Any use or structure customarily permitted and not violating the other standards for this section shall be permitted.

(Ord. 163 § 4.9.3, 1989)

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**17.48.040 Conditional uses.**

Filling or other use which could materially obstruct the movement of floodwaters or substantially reduce the floodwater capacity of the floodplain, storage of dumping or buoyant materials with adequate safeguards, and campsites, or other activity which could cause a problem in a floodplain shall be reviewable by the ~~board of adjustment, city council.~~

(Ord. 163 § 4.9.4, 1989)

**17.48.050 Permitted dimensions.**

Permitted dimensions in the floodplain zone are as follows:

- A. Minimum zone size shall be the floodplain boundary;
- B. Minimum lot size shall be the same as underlying district;
- C. Minimum lot front, not applicable;
- D. Maximum lot cover shall be the same as underlying district;
- E. Minimum front yard depth shall be the same as underlying district;
- F. Minimum side yard depth shall be the same as underlying district;
- G. Minimum rear yard depth shall be the same as underlying district;
- H. Minimum building height shall be the same as underlying district.

(Ord. 163 §§ 4.9.5—4.9.12, 1989)

**17.48.060 Prohibited uses.**

The following are prohibited uses for the floodplain district:

- A. Marijuana producing.
- B. Marijuana processing.
- C. Marijuana retailing or marijuana retailers.

(Ord. No. 537, § 8, 2-10-15)

~~**17.48.070 Fences, walls, and hedges.**~~

~~A. Fences within any street setback area shall be limited to:~~

- ~~1. Forty two inches high above adjacent grade if the fence is more than fifty percent opaque;~~
- ~~2. Forty eight inches high above adjacent grade if the fence is fifty percent or less opaque.~~

~~B. Fences which are not located within any street setback area shall be limited to six feet high above adjacent grade.~~

~~C. No residential fence shall contain barbed wire, broken glass, electricity, or any other hazardous material or substance.~~

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- D. ~~Where a legally established use exists requiring the containment of farm animals or livestock, barbed wire or an electric fence may be used; provided, that such fence is set back more than twenty feet from any public right of way or public property and more than three feet from any adjacent private property, and warning signs are posted consistent with NMC 17.62.070(V).~~
  - E. ~~Retaining walls shall be located entirely upon private property except where required by the public works director to protect public property.~~
  - F. ~~A retaining wall shall not project higher than six inches above the higher adjacent grade except when it is a structural element of a building or structure.~~
  - G. ~~Retaining walls which are higher than four feet from the bottom of the footing to the top of the wall shall comply with all applicable provisions of the building code, including, but not limited to, permit requirements.~~
  - H. ~~Retaining walls which serve as a structural element of any building or structure shall comply with all of the applicable provisions of the building code.~~
  - I. ~~A hedge shall comply with the requirements for a fence; provided, hedges which are not located within a street setback, and do not otherwise constitute a traffic visibility obstruction on any right of way or alley, or any public nuisance condition, are not limited in height.~~

~~In the event any conflict exists between the provisions of this chapter and other currently existing provisions of the city of Napavine code or other ordinances of the city, the terms and provisions of the chapter shall take precedence and to the extent of any such conflict, the terms and conditions of any existing provisions of the city of Napavine or other ordinances of the city shall be and hereby are amended insofar as necessary to conform to the provisions of the chapter.~~

~~(Ord. No. 614, § 7, 10-13-20)~~

## **Chapter 17.52 AS DISTRICT**

### **17.52.010 Intent.**

~~This district is intended to provide terminals for craft capable of flight and for facilities related to such craft. Impact on other properties and users require that there may be restrictions on property affected by SD-AP uses.~~

~~(Ord. 163 § 4.10.1, 1989)~~

### **17.52.020 Permitted uses and structures.**

~~Permitted uses and structures in the AS zone are as follows: airport, heliport, helistop, rocket and guided missile launching and/or retrieval site, moorage for lighter than air craft, and hangars, fuel depots, waiting rooms, ticket facilities and similar supporting uses for the principal uses. Restrictions on the underlying zones are as follows:~~

- A. ~~In approach zones to landing or take off areas, as designated by the planning commission in consultation with the Federal Aviation Agency, no single public or private structure which is designed to accommodate more than twenty five persons shall be permitted.~~
- B. ~~In approach zones to landing or take off areas as designated by the planning commission in consultation with the Federal Aviation Agency, the height of any structure or part of a structure shall be limited according to requirements established by the planning commission.~~

- 
- C. ~~The planning commission may attach any reasonable restrictions and requirements to any parcel of land proposed for an aerospace district as they find necessary to protect the public health, safety and general welfare and to mitigate any adverse effects of the proposed district upon surrounding properties.~~
  - D. ~~No searchlight, beacon light or other glaring light shall be used, maintained, or operated within one and one-half miles of the airport, so that the same shall reflect, glare, or shine upon or in the direction of said airport.~~

~~(Ord. 163 § 4.10.2, 1989)~~

#### **17.52.030 Permitted dimensions.**

Permitted dimensions in the AS zone are as follows:

- A. ~~Minimum zone size shall be as set by FAA;~~
- B. ~~Minimum lot size shall be the same as underlying district with FAA approval;~~
- C. ~~Minimum lot front shall be the same as underlying district with FAA approval;~~
- D. ~~Maximum lot cover shall be the same as underlying district with FAA approval;~~
- E. ~~Minimum front yard depth shall be the same as underlying district with FAA approval;~~
- F. ~~Minimum side yard depth shall be the same as underlying district with FAA approval;~~
- G. ~~Minimum rear yard depth shall be the same as underlying district with FAA approval;~~
- H. ~~Maximum building height shall be twenty five feet except for port facilities.~~

~~(Ord. 163 §§ 4.10.3—4.10.10, 1989)~~

#### **17.52.040 Prohibited uses.**

The following are prohibited uses for the AS district:

- A. ~~Marijuana producing.~~
- B. ~~Marijuana processing.~~
- C. ~~Marijuana retailing or marijuana retailers.~~

~~(Ord. No. 537, § 9, 2-10-15)~~

#### **17.52.050 Fences, walls, and hedges.**

- A. ~~Fences within any street setback area shall be limited to:
  - 1. ~~Forty two inches high above adjacent grade if the fence is more than fifty percent opaque;~~
  - 2. ~~Forty eight inches high above adjacent grade if the fence is fifty percent or less opaque.~~~~
- B. ~~Fences which are not located within any street setback area shall be limited to six feet high above adjacent grade.~~
- C. ~~No residential fence shall contain barbed wire, broken glass, electricity, or any other hazardous material or substance.~~

- 
- D. ~~Where a legally established use exists requiring the containment of farm animals or livestock, barbed wire or an electric fence may be used; provided, that such fence is set back more than twenty feet from any public right of way or public property and more than three feet from any adjacent private property, and warning signs are posted consistent with NMC 17.62.070(V).~~
  - E. ~~Retaining walls shall be located entirely upon private property except where required by the public works director to protect public property.~~
  - F. ~~A retaining wall shall not project higher than six inches above the higher adjacent grade except when it is a structural element of a building or structure.~~
  - G. ~~Retaining walls which are higher than four feet from the bottom of the footing to the top of the wall shall comply with all applicable provisions of the building code, including, but not limited to, permit requirements.~~
  - H. ~~Retaining walls which serve as a structural element of any building or structure shall comply with all of the applicable provisions of the building code.~~
  - I. ~~A hedge shall comply with the requirements for a fence; provided, hedges which are not located within a street setback, and do not otherwise constitute a traffic visibility obstruction on any right of way or alley, or any public nuisance condition, are not limited in height.~~

(Ord. No. 614, § 8, 10-13-20)

## Chapter 17.56 NONCONFORMING USES

### 17.56.010 Existing structures and uses.

A nonconforming use of a structure or land may continue, provided that if such nonconforming use is discontinued, future use of the structure or land shall be provided in the following section.

(Ord. 163 § 5.1, 1989)

### 17.56.020 Discontinuance.

Any nonconforming use which has been discontinued shall be replaced and may be replaced with any use which is permitted in the underlying zone, subject to the exceptions listed in this section.

- A. Discontinuance for a period of six months or longer shall constitute prima facie evidence of an intent to abandon the nonconforming use.
- B. If the new use lies wholly within the structure which housed the nonconforming use, the structure setback or height, or lot size or lot coverage, need not be brought into conformance with the regulations.
- C. A nonconforming commercial or industrial use in any residential zone may be replaced by any use permitted in the R-2 zone, or by the office or institutional use, provided that such replacement use shall be considered a conditional use and subject to procedures and approval outlined in Section 17.80.030 of this title, and provided further that any such conditional use not located wholly within an existing structure must conform to structure setback and height regulations, and to lot coverage regulations, of the zone within which it is located. A use development in this fashion shall thereafter be subject to the limitations on nonconforming uses specified in this title.

(Ord. 163 § 5.2, 1989)

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**17.56.030 Expansion of nonconforming use.**

An existing nonconforming structure shall not be enlarged or expanded nor shall a nonconforming use be expanded in a structure partially occupied by such a use.

(Ord. 163 § 5.3, 1989)

**17.56.040 Maintenance and repair of nonconforming use.**

Repair of an existing nonconforming structure and its equipment or fixtures is permitted provided that the value of repair does not exceed twenty percent of the assessed value of the structure as determined by the county assessor for the year in which the work is done; a greater amount of repair shall be permitted under conditions to be set or approved by ~~the board of adjustment~~city council.

(Ord. 163 § 5.4, 1989)

**17.56.050 Reconstruction of nonconforming use.**

If a nonconforming structure is damaged by fire, explosion, accident, act of God or act of the public enemy, to the extent of more than fifty percent of the assessed value, thereafter the land and any development on it shall conform to the regulations to the zone in which it is located, provided that the board may grant a conditional use permit, under procedures outlined in Section 17.80.030 of this title, for rebuilding of the nonconforming use approximately to its status prior to the act of damage; if damage is fifty percent or less, restoration of the nonconforming use approximately to its status prior to the act of damage is permitted without board action. If restored under either of these circumstances, the use shall remain nonconforming.

(Ord. 163 § 5.5, 1989)

**17.56.060 Exceptions.**

City Council may authorize a temporary permit under procedures outline in Chapter 17.80 of this title for a nonconforming building or for a nonconforming use for a period not to exceed one year.

(Ord. 163 § 5.6, 1989)

**17.56.070 Mitigating undue hardship.**

To avoid undue hardship at the date of the adoption of the ordinance codified in this title, nothing in this title shall be deemed to require a change in plans, construction or designated use of any building on which actual construction has been carried on diligently. "Actual construction" includes the placing of construction materials in permanent position and fastened in a permanent manner, or where excavation or demolition and/or removal of an existing structure has been substantially begun preparatory to rebuilding. Such excavation or demolition or removal is deemed to be actual construction provided that the work is carried on diligently.

(Ord. 163 § 5.7, 1989)

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**17.56.080 Nonconforming lots of record.**

A nonconforming lot of record is one which is smaller in area or narrower in width than one permitted by this title. In any zone in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this title, provided it complies with all other provisions of this title. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

(Ord. 163 § 5.8, 1989)

**17.56.090 Multiple nonconforming lots of record.**

If two or more lots or combinations of lots or portions of lots with continuous frontage and single ownership are of record at the time of passage or amendment of the ordinance codified in this title and if all or part of the lots do not meet the requirements of this title, the lot or combination of lots shall be considered an undivided parcel for the purposes of this title. No portion of such parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this title, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this title.

(Ord. 163 § 5.9, 1989)

**Chapter 17.60 MISCELLANEOUS REGULATIONS**

**~~17.60.010 Visibility at intersections in residential zones.~~**

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~~A. Fences, walls or hedges up to a maximum height of six feet may be installed except:~~

- ~~1. Within the existing or zone stipulated, whichever is less, front and street side yard setback;~~
- ~~2. Within the area between two main structures with less than five feet of continuous horizontal clearance on each side of the fence, wall or hedge;~~
- ~~3. Within a twenty foot vision clearance triangle formed by the intersection of two street rights of way;~~
- ~~4. Within a ten foot vision clearance triangle formed by the intersection of an alley and street right of way.~~

~~B. Within the areas identified in subsections (A)(1) and (2), fences, walls and hedges up to a maximum height of four feet may be installed.~~

~~C. Within the areas identified in subsections (A)(3) and (4), fences, walls and hedges up to a maximum height of three feet may be installed, except open wire-mesh fences which may be up to a maximum of four feet.~~

~~(Ord. 163 § 6.1, 1989)~~

**17.60.020 Habitation in recreation vehicles.**

No recreation vehicle shall be used as a place of habitation for a period exceeding fourteen continuous days, nor shall such vehicle be used as a place of habitation for more than twenty days in any one month.

(Ord. 163 § 6.2, 1989)

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**17.60.030 Street access required.**

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street.

(Ord. 375 § 1 (part), 2004; Ord. 163 § 6.4, 1989)

**17.60.040 Horizontal dimensions—One-family dwelling.**

The greatest horizontal dimensions of a one-family dwelling shall not be more than three times its least horizontal dimension. See the appendix for illustration on file in the office of the city clerk-treasurer.

(Ord. 375 § 1 (part), 2004; Ord. 163 § 6.5, 1989)

**17.60.050 Parking restrictions—Recreational vehicles and boats.**

No recreational vehicle, boat, boat trailer or similar equipment shall be parked within the required street or side setbacks of any lot in any residential zone for a period of longer than thirty-six consecutive hours; provided, that one recreational vehicle, boat trailer or similar equipment belonging to visitors to a residence may be parked within such setbacks for a period of up to fourteen days, and provided further, that one such visit shall not be followed by another at the same residence for a period of at least thirty days. Except under circumstances of the preceding provision, a recreational vehicle shall not be used for living, sleeping or housekeeping purposes when parked on a street or any portion of a residential lot.

(Ord. 375 § 1 (part), 2004; Ord. 163 § 6.6, 1989)

**17.60.060 Siting criteria—Hazardous waste facilities.**

On-site and off-site hazardous waste treatment and storage facilities must meet the state siting criteria adopted pursuant to RCW Chapter 70.105.

(Ord. 375 § 1 (part), 2004; Ord. 165 § 2, 1989)

**~~17.60.070 Landscaping.~~**

~~Commercial, multifamily or industrial uses shall submit a landscape plan for approval with the application. Approved landscaping shall be completed prior to issuance of a final occupancy permit. The front yard shall be one hundred percent landscaped including lawns, and shrubs, berms or floral planting areas which shall average ten feet wide but no less than five feet wide at any given point except where access is provided. There shall be a five-foot wide side and rear yard landscape setback between uses. Within the landscape area including acceptable trees, shrubs and lawns, one street tree per twenty-five lineal feet of street frontage shall be provided. In any parking lot over fifteen spaces five percent of the interior of the parking area shall consist of landscape islands. Street trees shall be a minimum of one and one-half inch caliper six feet tall of nursery stock or better quality. Any dead or diseased trees within two years of installation shall be replaced.~~

~~(Ord. 375 § 1 (part), 2004; Ord. 264 § 9 (part), 1998)~~

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**17.60.080 Maintenance.**

~~Failure to maintain required landscaping shall be a violation of the provisions of this title subject to penalty under Section 17.88.090.~~

~~(Ord. 375 § 1 (part), 2004; Ord. 264 § 9 (part), 1998)~~

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## Chapter 17.61 CARGO/STORAGE CONTAINERS

### 17.61.010 Purpose.

The purpose of this chapter is to regulate the use of storage containers on residentially zoned and residentially used properties in the city, which regulations are adopted to protect the public health, safety, and welfare, and promote positive aesthetics in the city.

(Ord. No. 592, § 2, 4-9-19; Ord. No. 592-A, § 2, 5-14-19)

### 17.61.020 Definitions.

The following words or phrases shall have the meanings set forth for the purposes of this chapter:

A. An "accessory storage building" is:

1. A building originally constructed for the use as an accessory building for the storage of materials and equipment accessory to a primary use on the property.
2. For the purpose of this chapter, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for the purpose other than the storage of goods and materials are not accessory storage buildings.

(Ord. No. 592, § 3, 4-9-19; Ord. No. 592-A, § 3, 5-14-19)

### 17.61.030 Storage on residential use properties.

- A. Only accessory storage buildings defined in definitions shall be permitted as accessory storage containers on property in any residential zone of the city, or on any property within the city the primary use of which is residential. Cargo containers, railroad cars, truck vans, converted mobile homes, travel trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for the purposes other than the storage of goods and materials are not permitted to be used as accessory storage buildings on property zoned residential or on property the primary use of which is residential.
- B. Notwithstanding the provisions set forth in subsection A of this section, the temporary placement of transport containers and/or portable site storage containers on residentially zoned properties, or on properties the primary use of which are residential, for the limited purpose of loading and unloading household contents shall be permitted for a period of time not exceeding thirty days in any one calendar year.
- C. Notwithstanding the provisions set forth in subsection A of this section, licensed and bonded contractors may use cargo containers for the temporary location of an office, equipment, and/or materials storage

structure during construction which is taking place on the property where the cargo container is located, if the use of the cargo container is authorized pursuant to a city building permit.

(Ord. No. 592, § 4, 4-9-19; Ord. No. 592-A, § 4, 5-14-19)

**17.61.040 Cargo containers—Permitted locations.**

- A. The placement of cargo containers as an accessory storage use is limited to the following zoning districts:
  - 1. Commercial;
  - 2. Commercial industrial;
  - 3. Parks.
- B. The placement of cargo containers is further limited to properties in the above-identified zones only if the property upon which the cargo container is proposed to be located is not primarily used for residential purposes.

(Ord. No. 592, § 5, 4-9-19; Ord. No. 592-A, § 5, 5-14-19)

**17.61.050 Permit required—Development standards.**

- A. A building permit is required prior to placement of a cargo container larger than two hundred square feet in area, ensuring effective anchoring/foundation according to the then most current edition of the International Building Code. The application shall show the proposed cargo container is accessory to the permitted use of the property and meets the placement of the zone.
- B. Cargo containers shall meet the setback requirements of the underlying zone.
- C. Cargo containers shall not be stacked above the height of a single container device, except for placement in a commercial or industrial zone.
- D. ~~As a condition of placement, cargo containers may be required to be fenced or screened from abutting properties and/or rights of ways pursuant to the provisions of the underlying zone.~~ Cargo containers shall be screened from abutting properties and public rights-of-way as required by Chapter 17.xx Landscaping, Fences & Walls.
- E. A conditional use permit is required for all shipping containers placed on commercial properties.
- F. Cargo containers shall be in an approved designated area and on the same property as the principal use and be included in the calculation of overall lot coverage.
- G. Cargo containers shall not occupy required off-street parking, loading or landscaping areas.
- H. Materials stored within cargo containers are subject to review and approval by the fire district.

(Ord. No. 592, § 6, 4-9-19; Ord. No. 592-A, § 6, 5-14-19)

**17.61.060 Conflicts.**

In the event any conflict exists between the provisions of this chapter and other currently existing provisions of the city of Napavine code or other ordinances of the city, the terms and provisions of the chapter shall take precedence and to the extent of any such conflict, the terms and conditions of any existing provisions of the city of Napavine or other ordinances of the city shall be and hereby are amended insofar as necessary to conform to the provisions of the chapter.

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(Ord. No. 592, § 7, 4-9-19; Ord. No. 592-A, § 7, 5-14-19)

**17.61.070 Violations—Penalties.**

- A. Each violation of the provisions of this chapter shall be a Class I civil infraction with a monetary penalty of two hundred fifty dollars each calendar day a violation of this chapter exists shall be subject to a separate Class I civil infraction with a monetary penalty of two hundred fifty dollars.
- B. A peace officer of the city of Napavine, or any peace officer or other person with code enforcement duties granted authority within the jurisdictional limits of the city of Napavine shall have such authority to issue a Class I civil infraction, if a violation is committed in his or her presence, or after investigation, there is reasonable cause to believe a violation has been committed.
- C. Class I civil infractions issued hereunder shall be subject to RCW Chapter 7.80 and the Napavine Municipal Code. In the event of conflict between the RCW and the Napavine Municipal Code, the Napavine Municipal Code shall control.

(Ord. No. 592, § 8, 4-9-19; Ord. No. 592-A, § 8, 5-14-19)

**Chapter 17.62 SIGN REQUIREMENTS**

Sections:

- 17.62.010 Definitions.
- 17.62.020 Purpose, Scope and Definitions.
- 17.62.030 Permit Required.
- 17.62.040 Variances.
- 17.62.050 Prohibited Signs.
- 17.62.060 Signs Not Requiring a Permit.
- 17.62.070 Requirements Applicable to all Signs.
- 17.62.080 Signs in Residential Zones.
- 17.62.090 Signs in General Commercial District.
- 17.62.100 Lighting of Exterior Signs.
- 17.62.110 Implementation of this Sign Code.
- 17.62.120 Conflict and Severability.
- 17.62.130 Enforcement, Violation, and Penalty.
- 17.62.140 Liability of City

**17.62.010. Definitions.**

- A. The following definitions shall control the interpretation of this chapter, in addition to the definitions in Chapter 16.08 NDC:

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**17.62.010 Title.**

This chapter of the Napavine Municipal Code shall be called the "Sign Ordinance."

(Ord. 355 (part), 2003)

(Ord. No. 445, 11-12-08; Ord. No. 576, § 1, 8-14-18)

**17.62.020 Purpose.**

The purpose of this chapter is to establish sign standards and allowances that balance public and private needs. Within this broad purpose are the following objectives:

- A. Recognize the visual communication needs of all sectors of the community for identification and advertising purposes;
- B. Protect public health, safety, and welfare by regulating the placements, installation, maintenance, size and location of signs;
- C. Promote a positive visual image of the city and protect property values by: (1) encouraging signs that fit surrounding buildings and landscape in both scale and design, and (2) discouraging excessive numbers of signs;
- D. Support and enhance the economic well-being of all business within the city, and in particular recognize the needs of small and/or culturally diverse businesses to identify their premises and advertise their products;
- E. Assure equal protection and fair treatment under the law through consistent application of the regulations and consistent enforcement of these sign regulations;
- F. Support the goals and policies of the city's comprehensive land use plan;
- G. To recognize free speech rights by regulating signs in a content neutral manner;
- H. To promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;
- I. To provide an improved visual environment for the citizens of and visitors to the city and to protect prominent viewsheds within the community.

(Ord. 355 (part), 2003)

(Ord. No. 445, 11-12-08; Ord. No. 576, § 1, 8-14-18)

**17.62.030 Applicability.**

Any sign placed, erected, relocated, enlarged, structurally changed, altered in the city must conform to the standards and procedures described herein. As applied in this chapter, a sign is defined as any device, structure, fixture or placard that uses words, letters, numbers, symbols, graphic designs, logos, or trademarks for the purpose of:

- A. Providing information or directions; or
- B. Identifying or advertising any place, establishment, product, good, or service. Other terms relating to signs as applied in this chapter are described in Section 17.62.050, Definitions.

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Certain signs are allowed without city approval or a city permit (see Section 17.62.070, Signs allowed without city approval or permits); others are prohibited because they are inconsistent with the purpose and scope of this chapter (see Section 17.62.060, Prohibited signs). All non-exempt, allowable temporary and permanent signs are regulated by this chapter and must meet the specification and city permit or approval requirements described in this chapter.

(Ord. 355 (part), 2003)

(Ord. No. 445, 11-12-08; Ord. No. 576, § 1, 8-14-18)

#### **17.62.040 Approval or permit requirements.**

A. ~~General. It shall be unlawful for any person to place, erect, relocate, enlarge, structurally change, or alter any non-exempt temporary or permanent sign in the city without obtaining written approval from the city.~~

B. ~~Discretionary Permits. If the administrator determines that more effective, coordinated signs will result, he/she may require that any signage that is a part of a proposed use or development requires approval through conditional use process.~~

(Ord. 355 (part), 2003)

(Ord. No. 445, 11-12-08; Ord. No. 576, § 2, 8-14-18)

#### **17.62.050 Sign definitions.**

For the purposes of the sign regulations, certain terms are defined as follows:

"Abandoned sign" means any sign remaining in place after closer or vacation of the business or use or a sign that is not maintained for a period of sixty days or more and for which no legal owner can be found.

"Administrator" means the mayor or his/her designated representative.

"Alteration or altered sign" means any physical or structural change to a sign structure, shape, area, equipment or other physical component, but does not include a change in the copy.

"Animated" or "moving sign" means any sign that uses movement or change of lighting, either natural or artificial, to depict action to create a special effect or scene.

"Area of sign" means the entire face of a sign, including the surface and any framing, projections, or molding, but not including the support structure.

"Awning" or "Canopy Sign" means a non-electrical sign that is printed on, painted on, or attached to an awning or canopy and is only allowed on the vertical surface or flap. (See "marquee sign.")

"Banner sign" means a sign made of fabric of any non-rigid material with no enclosing framework.

"Billboard" means a sign advertising an establishment, merchandise, service, or entertainment that is not sold, produced, manufactured, or furnished at the property on which the sign is located.

"Billboard" means a sign with a display surface of 200 square feet or more.

"Building mounted signs" means any of the following: Wall mounted signs, marquee signs, under marquee signs and projecting signs.

"Bulletin board" means a sign so designed that the message may be changed by removal or addition of specially designed letters that attach to the face of the sign "Center identification sign" means a building mounted

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sign or a ground mounted sign that identifies the name of a development containing more than one office, retail, institutional or industrial use or tenant and which does not identify any individual use or tenant.

"Center identification sign" means a building mounted sign or ground mounted sign that identified the name of a development containing more than one office, retail, institutional or industrial use or tenant and which does not identify any individual use or tenant

"Changeable copy sign/reader board" means a sign whose informational content can be changed or altered by manual or electric, electronic-mechanical, or electronic means. A sign on which the message changes more than eight times a day shall be considered ~~as~~ animated signs and not a changeable copy sign for purposes of this chapter. A sign on which the copy that changes is an electronic or mechanical indication of time and/or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy for purposes of this chapter.

"Changing message center" means a sign, message center or similar device whereby alternating public service information and commercial message are displayed on the same lamp bank.

"City" means unless the context clearly discloses a contrary intent, the word "city" shall mean the city of Napavine.

"Civic event sign" means a temporary sign, other than a commercial sign, posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

"Clearance (of a sign)" means the smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

"Clearview zone" means the area of a corner lot closest to the intersection, which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. Typically, such an area is established by marking a point at which the two curb lines intersect, measuring back twenty feet on each street front, and drawing a line across the two-back point to form a triangulated area. No sign in excess of three feet above curb grade nor support pole larger than twelve inches in diameter may be installed in this area. Freestanding sign must have at least ten feet clearance to grade.

"Construction sign" means a temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction of the property on which the sign is located.

"Copy" means the text, letters, numbers, symbols, pictographic and any other graphic content ~~graphical expressive content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.~~

"Directional/information sign" means an on-premise sign giving directions, instruction, or facility information, and which may contain the name or logo of an establishment but no advertising copy (e.g. parking or exit and entrance signs) provided that the logo may not comprise more than twenty percent of the total sign area. Any signs placed in city right-of-way must be community oriented or recreational in nature and will be approved on a case-by-case basis by the city planning commission.

"Directory sign" means a sign that identifies the names and locations of for listing the tenants or occupants in a multi-tenant building or in a development made up of a group of buildings, and their suite numbers of a building or center.

"Display Surface Area" means the total area of a sign that is available for displaying advertising or an informational message, subject to the provisions of this chapter.

"Electrical sign" means a sign or sign structure in which electrical wiring, connections, or fixtures are used.

"Electronic changeable message sign" means an electronically activated sign whose message content, either whole or in part, may be changed by means of electronic programming.

"Erect or Erected" means to construct, build, assemble, alter, place, affix, attach, create, recreate, paint, draw or in any way bring into being or establish.

"Façade" means the entire building front including the parapet.

"Face of sign" means the area of a sign on which the copy is placed.

"Fence or Fencing" means any barrier or section thereof, other than a wall, designed to define a boundary or provide a visual screen.

"Festoons" means a string of ribbons, tinsel, small flags, or pinwheels.

"Flashing sign" means a sign with any portion of it which changes light intensity or switches on and off in a constant pattern or contains moving parts, or the optical illusion of motion caused by use of electrical energy or illumination.

"Freestanding sign" means a sign supported permanently upon the ground by poles or graces and not attached to any building. Freestanding signs include those signs otherwise known as "pole signs" or "pedestal signs." (Also see "ground mounted sign.")

"Frontage" means the boundary between a single parcel and the public right-of-way. For purposes of this sign code, where a property abuts only one right-of-way, it has only one frontage. Where a property is a corner lot or otherwise abuts more than one right-of-way, it has one frontage for each point where it abuts a different right-of-way. Length of the property line along any public right-of-way.

Frontage, Building. "Building frontage" means the length of the property line along any public right-of-way.

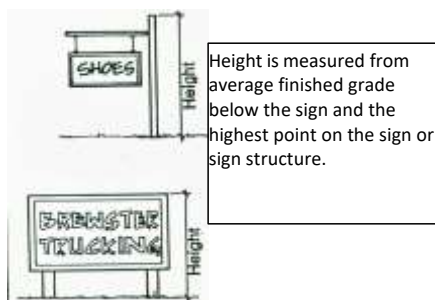
"Fuel price sign" means a wall-mounted or freestanding sign displaying the price of fuel for motorized vehicles.

"Governmental sign" means any temporary or permanent sign erected and maintained by city, county, state or federal government for traffic directions or for designation of or direction to any school, hospital, historical site or public service, property or facility.

"Grade" means the level of the nearest sidewalk or road pavement.

"Ground mounted sign" means a sign that is six feet or less in height above ground level, having the appearance of a solid base (also known as a "monument sign"). (Also see "freestanding sign.")

"Height (of a sign)" means the vertical distance of a sign measured from the average finished grade below the sign and the highest point on the sign or sign structure, whichever is higher, for example: excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.



"Identification sign" means a sign whose copy is limited to the name and address of a building, institution or person, and/or to the activity or occupation being identified.

"Identification sign (subdivision)" means a freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development (center identification sign).

"Illuminated sign" means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

"Incidental sign" means a ~~small sign, emblem, or decal identifying or advertising associated goods, products, services, or facilities available on the premises, including but not limited to trading stamps, credit cards accepted, brand names, price signs, informing the public of goods, facilities, or services available on the premises (e.g. a credit card sign or a sign indicating hours of business).~~

"Instructional sign" means a sign, which designates public information, such as, but not limited to, public rest rooms, public telephones, exit ways and hours of operation.

"Kiosk" means a freestanding sign with three or more faces used to provide directions or tenant information for a multi-use complex or center.

~~"MaintenanceMaintain, maintained, or maintaining" means activities, such as the upkeep and repair of signs or sign structures, and the replacement of sign messages or advertisement displayed on a sign, and an activity by which a sign or sign structure is permitted to exist, for the purposes of this chapter, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.~~

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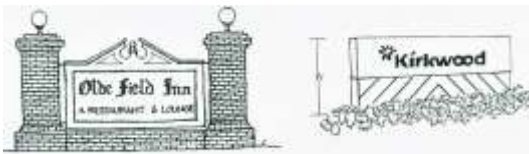
"Marquee sign" means any sign attached to or supported by a marquee, which is a permanent, roof-like projecting structure attached to a building.

"Mobile sign" means any permanent or temporary painted sign or marquee sign mounted on a trailer or on portable supports.

~~"Monument Sign"- means a sign and supporting structure which has similar top and bottom dimensions and is constructed as a solid structure or one which gives the appearance of a continuous, non-hollow, unbroken, unfenestrated mass. Further, similar top and bottom dimensions shall mean dimensions, which are within 10% of each other. See "ground mounted sign."~~

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~~"Multi-Business Building" means a building with two or more commercial businesses on a lot or contiguous lots with common access and parking.~~

"Mural" means a design or representation that is painted or drawn on the exterior surface of a structure and that does not advertise a business, product, service or activity.

"Nameplate" means a non-electric on-premise identification sign giving only the name, address and/or occupation of an occupant or group of occupants.

"Neon (outline tubing) sign" means a sign consisting of glass tubing, filled with neon gas (or other similar gas), which glows when electric current is sent through it.

"Non-conforming sign" means: (1) a sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations; (2) a sign which does not conform to the sign ordinance requirements, but for which a variance has been granted.

"Obsolete signs" means a sign that advertises a product that is no longer made, a business that is no longer in operation, or an activity or event that has already occurred.

"Off-premise sign" means a sign that relates to activities, services, goods, products or other things that are not on the property where the sign is located.

"Off-site directional sign" means a sign, which provides directional assistance to access an establishment, located within Napavine or its urban growth area, conveniently and safely.

"On-site sign" means a sign, which pertains to the use of the premises and/or property on which it is located.

"Person" means any individual, corporation, association, firms, partnership or similarly defined interested party.

"Point of purchase display" means advertising of a retail item accompanying its display (e.g. an advertisement on a product dispenser, tire display, etc.).

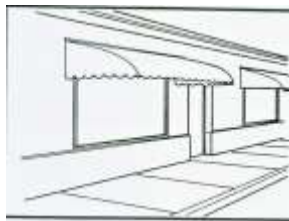
"Political sign" means a temporary sign used in connection with a local, state, or national election or referendum.

"Portable sign" means any sign designed to move or be moved by a trailer or vehicle to advertise at different locations. Further, this includes any sign not permanently fastened to a building or the ground, be moved easily and not permanently affixed to the ground or to a structure or building. Portable sign differs from temporary signs in that portable signs are made of durable materials such as metal, wood, or plastic.

"Private advertising sign" means a sign announcing a temporary event, use or condition of personal concern to the sign user such as, but not limited to, "garage sale" or "lost dog."

"Private traffic direction sign" means a sign on private property which provides information for vehicular movement while on that property.

"Projecting sign" means a sign projecting more than one one foot from the wall of a building, including awnings or similar structures that serve a function and to which a sign face can be affixed, for example: , other than a flat wall sign which is attached to and projects from a building wall or other structure not specifically designed to support the sign.



"Property" means a single, separately deeded parcel of real property.

"Real Estate, Off-Site Sign"; "Off site real estate sign" means a readily removable sign announcing the proposed sale or rental of a property other than the property upon which the sign is located and providing directions to the subject property.

"Real Estate, On-Site Sign"; "On site real estate sign" means a sign announcing the sale or rental of the property upon which the sign is located.

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"Roof sign" means any sign erected or maintained wholly upon or over or on the roof of any building with the principal support on the roof structure.

"Sign" means any sign, display message, emblem, banner, flag, device, figure, painting, drawing, placard, poster, billboard or other thing that is designed, used, or intended to convey a message, advertise something, inform, or attract the attention of the public. Signs include the sign structures, display surface, and all other component parts of a sign; when dimensions of a sign are specified, the term includes panels, frames, and both sides of the sign display surface, structure, fixture, or placard that uses words, letters, numbers, symbols, graphic designs, logos, or trademarks for the purpose of: (1) providing information or directions; or (2) identifying or advertising any place, establishment, product, good, or service.

"Sign area" means the entire face of a sign, including the surface and any framing, projections, or molding, but not including the support structure. The area of message area of a sign, excluding any structural components that do not include text or other message, and is measured as follows:

- a. The area of a free-standing sign or structure not using an integral part of the building for its background. The largest cross-sectional area of the sign measured to a line encompassing all portions of the sign structure, including tubing used in lighting such sign or structure, but excluding posts without attached lighting. Further, the base on which a monument-type sign is set may be excluded provided there is no attached lighting.
- b. The area of a double-faced sign, i.e. a sign marked on 2 sides, or signs which are erected in a "V" configuration with an angle between the 2 faces not exceeding 30°, shall be the largest area on one side of the sign. Further, this type of sign shall be considered one sign for the purpose of determining the number of signs allowed.
- c. The area of any sign or structure using an integral part of the building or awning as a background. The area within the shortest line drawn to include all letters, design, and tubing which are part of the sign or structure. Provided, that for illuminated awnings the area shall be limited to the area within the shortest line drawn to include all copy and graphics, excluding illuminated areas outside of these lines.

"Sign Area" means the total area of a sign face used to display text, symbols, graphics, or other visual elements, including any framing, molding, or projections that are part of the display, but excluding the supporting structure. Sign area shall be measured as follows:

- a. **Freestanding signs.** For a freestanding sign or sign structure not using an integral part of a building as a background, the sign area shall be the area within the smallest continuous line that encompasses all display surfaces. This includes framing and any tubing used for illumination, but excludes posts or supports without attached lighting. The base of a monument-style sign may be excluded, provided no lighting is attached to the base.
- b. **Double-faced and V-shaped signs.** For a sign with two display faces, or for signs arranged in a "V" configuration with an angle of 30 degrees or less between faces, the sign area shall be the area of the largest single face. Such a sign shall be considered one sign for purposes of determining the number of permitted signs.
- c. **Building-mounted signs and awnings.** For a sign that uses an integral part of a building or awning as a background, the sign area shall be the area within the smallest continuous line that encloses all letters, graphics, and illumination forming part of the display. For illuminated awnings, the sign area shall be limited to the area enclosing copy and graphics only, excluding illuminated areas outside those lines.

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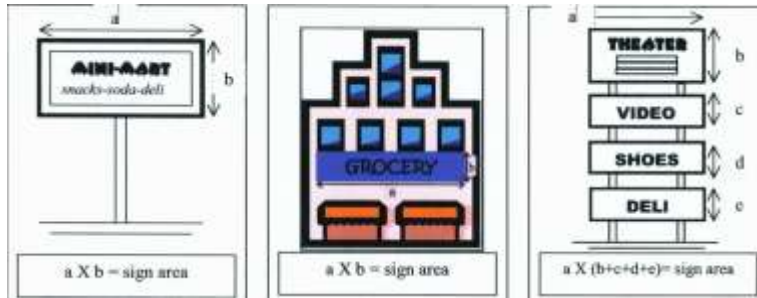
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"Sign Face" means the total display area visible from one side of a sign.

"Snipe sign" means a sign posted on trees, fences, public benches, light posts, or utility poles, except those posted by a government or public utility.

"Street Frontage" means the linear frontage of a parcel or property abutting a single public street.

"Temporary sign" means a sign that will become obsolete after the occurrence of an event or series of events, not constructed or intended for long-term use. Temporary signs are made of less permanent materials such as paper, fabric, plywood or window whitewash. Temporary signs include but are not limited to for sale and lease signs, garage sale signs, and political campaign signs.

"Time and temperature sign" means any sign that displays only the current time and temperature. ~~No commercial message allowed.~~

"Under canopy sign" means any sign suspended beneath a canopy or marquee. These signs are intended generally to attract pedestrian traffic.

"Wall sign" means either a sign applied with paint or similar substance on the surface of a wall or a sign attached essentially parallel to and extending not more than twenty-four inches from the wall of a building with no copy on the side or edges.

"Window sign" means a sign applied or attached to a window and intended to be viewed from the exterior of the structure.

(Ord. 355 (part), 2003)

(Ord. No. 445, 11-12-08; Ord. No. 576, § 3, 8-14-18)

### 17.62.020. Purpose and Scope.

This Chapter regulates the erection, placement, maintenance, and display of signs to protect and enhance public health, safety, welfare, and property.

A. Purposes. The purposes of this sign code are:

1. Allow those signs compatible with the character and uses allowed in the zoning district in which they are located.
2. Maintain the effectiveness of traffic signs and other signs erected for public safety, while limiting the number and scale of distractions to motorists.

**Commented [AB59]:** Have another existing definition for frontage.

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3. Recognize the visual communication needs of all sectors of the community for identification and advertising purposes;
  4. Protect public health, safety, and welfare by regulating the placements, installation, maintenance, size, and location of signs;
  5. Promote a positive visual image of the city and protect property values by: (1) encouraging signs that fit surrounding buildings and landscape in both scale and design, and (2) discouraging excessive numbers of signs;
  6. Support and enhance the economic well-being of all business within the city, and in particular recognize the needs of small and/or culturally diverse businesses to identify their premises and advertise their products;
  7. Assure equal protection and fair treatment under the law through consistent application of the regulations and consistent enforcement of these sign regulations;
  8. Support the goals and policies of the city's comprehensive land use plan;
  9. To recognize free speech rights by regulating signs in a content-neutral manner;
  10. To promote the free flow of traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;
  11. To provide an improved visual environment for the citizens of and visitors to the city and to protect prominent viewsheds within the community. Protect the public right-of-way for the safe, expeditious and uncluttered passage of motorists, bicycles and pedestrians. To prevent signs or portions thereof from interfering with the safe movement of people, vehicles and emergency service providers in the public right-of-way. To prevent signs or portions thereof from creating a public nuisance or hazard by obstructing clear vision or distracting motorists by their dominating size or appearance.
  12. Maintain and enhance the scenic and other aesthetic qualities of the city by limiting the size and number of signs, reducing clutter and the dominance of signs.
- B. Scope. Any sign placed, erected, relocated, enlarged, structurally changed, or altered in the city must conform to the standards and procedures described herein, except for the following.
1. Signs not visible from either a public right-of-way or property under different ownership, provided such signs shall be erected and maintained in accordance with applicable law.
  2. Signs owned and maintained by governmental agencies.
  3. Signs inside a building, except for strobe lights or floating lights visible from a public right-of-way, private road or other private property.
  4. Signs carved into or part of materials that are an integral part of a building.

#### **17.62.030. Permit Required.**

- A. No sign shall be erected or displayed except as provided by this Chapter and for which a permit has been issued by the city. This permit requirement applies to all signs, except those specifically exempt by a provision of this chapter. The City may impose any reasonable condition, including a limitation on duration or a prohibition on renewal, on a sign permit issued under this chapter.
- B. Process. Sign permits under this Chapter shall be processed as Type I decisions according to the procedures and requirements of Section 16.06.080 NDC.
- C. Modifications to Existing Signs: Any sign that is structurally altered, relocated or replaced shall be brought into compliance with all applicable substantive requirements of this Chapter, including the requirement to obtain a permit. Any modification to a sign for which a permit has been issued shall be processed as a Type I decision in the same manner as for a new sign. This requirement to obtain a new permit for sign modifications does not apply to copy or panel changes where the sign area, shape and height are maintained.
- D. Permit Application. Application for a sign permit shall be made in writing upon forms furnished by the city clerk **Community Development Department**. A permit application fee shall accompany the application for it to be

processed by the review authority. The amount of the fee shall be according to a permit fee schedule adopted by resolution of the city council. The application shall include all plans and information necessary to establish that the proposed sign complies with all applicable requirements of this chapter and applicable buildings, structural and life safety codes. The permit shall be valid if the sign is erected and maintained in compliance with the permit, the requirements of this chapter, and if the applicant did not misrepresent or falsify any information supplied in the application. Any permit issued under this chapter shall be void if no substantial physical action is taken, in accordance with any conditions of the permit and the applicable requirements of this chapter, within 90 180 days following the date of its issuance. Any permit issued under this chapter shall remain in effect as long as the sign is maintained in compliance with any permit conditions and all applicable provisions of this chapter.

#### **17.62.040. Variances.**

- A. Grounds for Variance. Upon application by an applicant, the review authority may grant a specific variance from provisions of this Chapter provided all of the requirements of this section are met. The variance provisions in Chapter 16.54 NDC (Variances) that customarily apply to land use permits do not apply to sign code variances:
1. Exceptional or extraordinary circumstances apply to the property which does not generally apply to other properties in the same area or vicinity. Such conditions may be the result of an unusual location or orientation of the applicant's building, topography, vegetation or other circumstance over which the applicant has no control.
  2. The variance is necessary for the preservation of a right of the applicant substantially the same as is possessed by the owners of other property in the area or vicinity.
  3. The authorization of the requested variance will not be materially detrimental to, or conflict with, the purposes of this chapter or be injurious to the use and enjoyment of other property in the area or vicinity, or the public way, in which the property is located.
  4. The variance requested is the minimum variance necessary, to alleviate the identified hardship.
  5. By way of mitigation for the variance of any requirement of this chapter, the city may require mitigation in the form of sign design, area, height, location, duration or other reasonable measure, including compliance with the Downtown Design Guidelines.
- B. Variance Fee. At the time of application for variance from the provisions of this chapter, the applicant shall pay a fee in accordance with the fee schedule established and amended from time to time by the city council and on file with the City Clerk/Treasurer.
- C. Procedure. Any variance sought to the requirements of the sign code shall be processed as a Type II decision and in conjunction with the underlying sign permit application. Once granted, a sign variance shall be valid so long as the sign permit is maintained, including renewals and extensions.

#### **17.62.050. Prohibited Signs.**

It is unlawful for the following signs to be erected, maintained, or displayed except as otherwise provided in this chapter. Signs installed, altered, relocated, maintained, or displayed in violation of this chapter are deemed to be nuisances and subject to enforcement and removal by the city at the owner's expense after appropriate process.

- A. Abandoned, ~~dilapidated~~, obsolete, or non-maintained signs.
- ~~B. Billboards and off premise signs.~~
- C. A sign that obstructs or interferes in any way with the public's ability to clearly view government signs or interferes in any way with traffic, visibility or passage within the public right-of-way, including vehicle travel lanes, sidewalks and bike lanes.

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- ~~D. Any sign with animated, rotating, flashing or moveable parts, lights, video display or changing type/message or emits an audible sound, except for government signs, barber poles, and Time and Temperature signs.~~
  - ~~E. A sign with lighting that shines light directly onto any portion of the main traveled right-of-way of a public street or is of such high intensity or brilliance as to cause glare or shine into the eyes of a pedestrian or motorist in the public right-of-way.~~
  - ~~F. A sign attached to a tree or painted or drawn on a natural feature.~~
  - ~~G. A sign that obstructs free ingress to, or egress from, any door, window or fire escape, alley, driveway or fire lane, or is attached to a fire escape.~~
  - ~~H. Any sign, except for a governmental sign, which is erected or maintained on public property or within the public right-of-way, including the sidewalk, without a permit from the city or permission of the public body having jurisdiction over the right-of-way or public property in question.~~
  - ~~I. Snipe Signs. Sign posted on trees, fences, public benches, light posts or utility poles, except those posted by a government or public utility.~~
  - ~~J. A sign not able to withstand a wind pressure of 20 pounds per square foot of exposed surface or is insecurely erected or is constructed so as to constitute a fire hazard.~~
  - ~~K. A sign not maintained in a safe, neat, clean and attractive condition and in good repair.~~
  - ~~L. Permanent Parked Vehicle Signs. Any sign attached to or placed on a parked vehicle or truck trailer that is being used principally for advertising purposes, rather than for transportation other than current business or land use.~~
  - ~~M. Portable sign, except as expressly allowed in other subsections of this chapter.~~
  - ~~N. Private sign in a public right-of-way.~~
  - ~~O. Searchlights or beacons, except as allowed for special events such as grand openings, etc.~~
  - ~~P. Simulations of Traffic Signs. Any sign using the words "stop," "look," or "danger," or any other words, symbols, or characters in such a manner as to interfere with, mislead or confuse pedestrian or vehicular traffic.~~
  - ~~Q. A sign not otherwise in compliance with any provision of this code, Washington law, or the terms and conditions of any valid sign permit.~~
  - ~~R. Signs on fences or fencing.~~
  - ~~S. Roof signs.~~
  - ~~T. Signs, which by reason of their size, location, movement, content, coloring, or manner of illumination may be confused with a government sign.~~
  - ~~U. A sign erected, maintained, or displayed without a permit where this chapter requires a permit.~~

#### **17.62.060. Signs Not Requiring a Permit.**

In any zoning district, the following signs may be erected and maintained without a permit, so long as they comply with all applicable provisions of this chapter and are not illuminated. Unless otherwise indicated, all signs are allowed only on the subject property and must be kept out of any public right-of-way.

- A. One temporary sign per street frontage of property under a single ownership provided that the sign is not otherwise a prohibited sign, does not cause a public safety hazard or nuisance, has no more than two faces, and no sign face exceeds 4 square feet in area.
- B. Signs carved into a building or which are part of materials that are an integral part of the building not exceeding 10 square feet in area. This subsection does not include wall signs or signs painted on sides of buildings.
- C. A single sign where the display surface area does not exceed 2 square feet.
- D. Incidental signs situated on the inside side of a window or door.
- E. Flags limited to two per premises.
- F. Signs attached to, or carried by, a person.

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- G. Signs required by law or legal action, including but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs.
- H. Address identification, with numbers and letters not more than ten inches in height.
- I. Barber poles.
- J. Content identification, for separate purpose devices such as phone booths, product dispensers, recycling containers, collection containers, gas pumps, etc., indicating only the contents or purpose of device.
- K. Construction Project Signs. Such signs shall be limited to one sign per project, identifying all contractors and related parties. Each sign shall not exceed thirty-two square feet per sign face and five feet in height. Sign shall not be displayed prior to issuance of a building permit and shall be removed prior to issuance of a certificate of occupancy.
- L. Directional signs (on-site), to direct vehicular or pedestrian traffic to parking areas, loading area or certain building or locations on the site. Each sign shall not exceed four square feet in area.
- M. Flags (official), of any nation, government, educational institution or noncommercial organization.
- N. Fuel Price Sign. Such signs shall be located on the property where fuel is sold and shall be limited to one sign per street frontage or entrance. Each sign shall be limited to twenty square feet per sign face (aggregate sign area limitations shall apply).
- O. Gravestones or other memorial displays associated with cemeteries or mausoleums.
- P. Historical site plaques and signs integral to a historic building.
- Q. Holiday decorations displayed in conjunction with holidays.
- R. Incidental signs (such as credit card signs) attached to a structure or building, providing that the total of all such signs per use or business shall not exceed two square feet.
- S. Interior signs located completely within a building or structure and not visible from outside the structure (exclusive of window signs).
- T. Nameplates, identifying the occupants of a building, not to exceed two square feet per sign face.
- U. Open House Real Estate Signs. Portable or temporary signs with an area no greater than six square feet per sign face.
- V. Political signs, temporary signs directly associated with national, state, or local elections. Maximum area per sign is limited to six square feet. No political sign shall be displayed later than seven days after a final election.
- W. Private Event Advertising ("Garage Sale," "Lost Dog," Etc.). A temporary sign limited to eight square feet per sign face and five feet in height. Signs relating to the sale, lease or rent of a vehicle to which signs are attached are allowed as well. Sign must be removed at end of event, use or condition. Every private event advertising sign must contain the address of the event or advertiser. Special events shall not exceed thirty days.
- X. Public signs, including traffic signs, directional signs, warning signs, informational signs, and signs displaying a public service message when any of these signs is installed by a governmental agency or public utility.
- Y. Real Estate Signs (Off-Site). Portable signs that advertise the rental, sale or lease of properties. The number of such signs shall be limited to one per unit, use or development. For dwelling units, the sign shall not exceed six square feet per sign face; for other uses and developments, the size shall not exceed thirty-two square feet per sign face. All off-site real estate signs shall be removed when property is sold, leased, or rented.
- Z. Real Estate Signs (On-Site). Temporary or portable signs placed on subject property that advertise the rental, sale, or lease of properties. The number of such signs shall be limited to one per unit, use, or development. For dwelling units, the sign shall not exceed six square feet per sign face; for other uses and development, the size shall not exceed thirty-two square feet per sign face. All on-site real estate signs shall be removed when property is sold, leased, or rented.
- AA. Warning signs, including "no trespassing," "no hunting" and "no dumping."
- BB. Window sign not exceeding three square feet and limited to business identification, hours or operations, address, and emergency information.
- CC. Government or political election signs.

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### **17.62.070. Requirements applicable to all signs.**

- A. Permit required. Except for signs specifically listed elsewhere in this chapter as not requiring a permit, all signs require a sign permit before being displayed. Sign permits are valid for one year and must be renewed annually so long as the sign is displayed.
- B. Structural specialty code compliance. All signs shall meet the construction and operation standards of the Uniform Sign Code and the National Electrical Code, latest editions and amendments. Where conflicting standards between this title and the codes exist, the more stringent shall apply.
- C. ~~No off premises signs. All signs shall relate exclusively to activities or business conducted, goods sold or manufactured, or services rendered on the property where the sign is located.~~
- D. Sign Maintenance. All signs, including signs heretofore installed, shall be constantly maintained in a state of security, safety, and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it shall be the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five days after receiving notice from the designated public official. The premises surrounding a freestanding sign shall be free and clear of rubbish, and landscaping area free of weeds.
- E. Sign Obstructing View or Passage. No sign shall be located to physically obstruct any door, window, or exit from a building. No sign shall be located to be hazardous to a motorist's ingress and egress from parking areas of any way open to the public.
- F. Landscaping for Freestanding Signs. All permanent freestanding signs shall include as part of their design landscaping about their base to prevent automobiles from hitting the sign-supporting structure and to improve the overall appearance of the installation consistent with the requirements of Chapter 17.xx Landscaping, Fences & Walls.
- G. Removal. All signs shall be removed within 30 days of expiration of the sign permit that authorized their display. An expired sign permit may be extended (as opposed to renewed) for a total of 6 months (a period that includes the first 30 days following expiration).

### **17.62.080. Signs in Residential Zones.**

- A. Signs Allowed. The following signs are allowed in the city's residential zoning districts:
  - 1. Signs allowed without a permit. All signs that are allowed without permit as provided by this chapter are allowed in residential zones so long as all applicable requirements of this chapter are met.
  - 2. Permitted Signs. All signs not otherwise prohibited are permitted in residential zones so long as a permit is first obtained as required by this chapter and the requirements of this section are met.
  - 3. Signs of Limited Duration Following Subdivision or Partition. In addition to the temporary signs allowed without a permit, a single sign is permitted **one per each entrance** on residentially zoned property following subdivision or partition of a ~~parent~~ parcel into multiple new lots for a limited duration. The limited duration sign allowed under this subsection may remain in place from the time of preliminary subdivision or partition plat approval until 14 days following the day on which the last new lot in the subdivision or partition has been sold, at which point the sign must be removed. The limited duration sign allowed by this subsection may be a maximum of ~~32~~ **48** square feet, limited to one sign per ~~parent~~ parcel, and is subject to all sign permit and fee requirements, including non-content-based conditions of approval.
  - 4. Identification Signs.
    - a. Single-Family Dwellings and Duplexes. One identification sign shall be permitted for each occupancy. The said sign shall not exceed an area of 3 square feet, freestanding signs shall not exceed a height of 6 feet above the surface of the street and shall be unlighted or provided with indirect illumination.
    - b. Multi-family Dwellings. One identification sign shall be permitted for each development except that multiple-family dwellings with more than one street frontage may be allowed an additional sign for

each street frontage of such lot. Each sign shall not exceed an area of 25 square feet,, may be a wall or monument sign, shall be unlighted or indirectly lighted, and shall not exceed a height of 6 feet above the ground if a monument sign.

B. Display Requirements. All signs in the residential zones listed in this section shall comply with the following requirements:

1. Measured from the nearest property line.
2. Measured from ground level to the highest part of the sign.
3. Single or double faced.
4. If illuminated, the illumination shall be directed or shielded to not shine directly onto any neighboring structure and so as to not shine directly into the eyes of motorists in the public right-of-way.

**Table 17.62.070 Residential Signs.**

<u>Sign Type</u>	<u>Maximum gross area per face (sq. ft.)</u>	<u>Minimum setback</u>	<u>Maximum height</u>	<u>Maximum number of faces</u>
<u>Residential Nameplate</u>	<u>3</u>	<u>None</u>	<u>None</u>	<u>One</u>
<u>Freestanding Sign</u>	<u>6</u>	<u>1 foot</u>	<u>6 feet</u>	<u>Two</u>
<u>Wall Sign</u>	<u>15</u>	<u>10 feet</u>	<u>10 feet</u>	<u>One</u>
<u>Home occupation</u>	<u>4</u>	<u>10 feet</u>	<u>5 feet</u>	<u>One-Two</u>

**17.62.090. Signs in Commercial, Urban Public, and Light Industrial Zones.**

A. Signs Allowed. In the Commercial, Urban Public, and Light Industrial zoning districts, the following signs are allowed, so long as a sign permit is obtained (excepting signs that specifically do not require a permit) and all other applicable provisions of this chapter are met:

1. Signs that do not require a permit. All signs allowed without permit as provided by this chapter so long as all other applicable requirements are met.
2. Wall signs, so long as a permit is first obtained as required by this chapter, and the display surface area is no larger than 36 square feet.
3. Freestanding signs, if a permit is first obtained as required by this chapter, and the following standards are met:
  - a. Number. One freestanding sign shall be permitted for each street frontage of a premise, provided minimum lot frontage of 25 feet is met. Freestanding signs on the same premises but on different frontages shall be separated by a minimum of 50 feet. No more than two such signs are allowed to advertise a commercial group complex. Any freestanding sign in a multi-tenant group or complex shall be a complex sign. Freestanding signs shall not be located closer than 75 feet to another similar sign along the same street.
  - b. Area. Maximum area is 50 square feet.
  - c. Projection. Freestanding signs shall not project into or over a public right-of-way.
  - d. Height. The height of any freestanding sign shall not exceed 20 feet above grade.
  - e. Only one off-site premises sign allowed per parcel.
4. Electronic Reader board Signs. One wall-mounted or freestanding, monochrome LED or similar electronic reader board (changing text) sign is allowed per property, so long as no part of such a sign is more than 20 feet above the ground, with no video display, and only text, letter, time and temperature display is allowed. Wall-mounted electronic reader board signs allowed under this provision may be up to 15% of the wall surface area on which they are mounted, not to exceed a maximum of 40 square feet. Freestanding electronic reader board signs allowed under this provision shall not exceed 40 square feet in area.

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5. Projecting Signs. Projecting signs are allowed so long as a permit is first obtained as required by this chapter and the following standards are met:
    - a. Number. One projecting sign may be permitted for each business frontage. In a multi-tenant building, a maximum of one projecting sign per tenant for each street frontage is allowed. No projecting signs shall be permitted for the same business frontage where there is a freestanding sign.
    - b. Area. Sign area shall not exceed ~~32-48~~ square feet per sign face. ~~for a single story building and 48 square feet per sign face in sign area for a two-story building.~~
    - c. Projection. Maximum projection from a building wall shall be 4 feet. No sign shall project any closer than 2 feet from the ~~curb line~~ right of way.
    - d. Vertical Dimension. The maximum vertical projection of the sign shall not exceed 3 inches. The visible supporting structure shall be minimized to the greatest extent possible consistent with safe structural support. Signs hanging parallel to the building face shall not exceed the length of the building.
    - e. Clearance. A minimum clearance of 10 feet from grade shall be maintained over pedestrian or vehicular areas, 14 feet over areas of truck access.
    - f. Separation. The minimum distance between adjacent projecting sign shall be 20 feet in the same horizontal plane.
    - g. Projecting Signs on Other Project Structures: awnings, marquees, canopies, false fronts and wall extensions, safety constructed and approved by the review authority, may not extend beyond the limits for projecting signs. Projecting signs on any such structure shall not exceed the limits as to number, area, projection, vertical dimension, clearance and separation as provided for any projecting sign. The only exception shall be for those instances in which a projecting structure would prohibit a projecting sign within sight of pedestrians; in these instances, the clearance under the marquee or other permanent structure may be reduced to 8 feet.
  6. Incidental Signs. One additional sign is allowed per premises, so long as a permit is first obtained under this chapter. An incidental sign may be a freestanding or wall sign, but in either case, shall meet all provisions for such signs, excepting area. The surface display area of an incidental sign shall not exceed 6 square feet.
  7. Portable Signs. Tent signs, streamers, strings of lights, balloons, **canvas banners**, or pennants, excepting traditional holiday decorations.
  8. A-frame signs. A-frame signs shall not exceed ~~48-42~~ inches in height and 32 inches in width, per sign side. One A-frame sign is allowed per business or entity. The sign may not be placed to cause a sight distance problem, obstruction or a hazard, and shall not be displayed outside of business hours. ~~A frame signs placed on a sidewalk within the public right-of-way shall not reduce the sidewalk below 36 inches. Not allowed on sidewalks.~~
  9. Outdoor Sale and Temporary Advertising Signs. Temporary signs are limited to a single sign advertising an event, product or service that is available for a short or limited period of time. Temporary signs need not meet the structural requirements that otherwise apply but shall be weather resistant. Temporary signs shall not display the same copy for more than 30 consecutive calendar days. Temporary signs shall not be illuminated or permanently erected, constructed or otherwise attached to a building. Temporary signs shall not exceed 15% of the building wall area facing the street where the sign is located.
  10. Street Banners. Street banners advertising civic events sponsored by a nonprofit organization may be erected in or over the public right-of-way subject to first obtaining a city sign permit and compliance with conditions attached to that permit. All other banners shall be regulated as signs under this chapter.
  11. Multiple businesses within a common building.
    - a. All signs shall be of common type and appearance.
    - b. Where a common entrance(s) is/are shared:
      - i. A single sign for each street frontage is allowed, but shall not exceed the maximum allowed sign area;

- ii. One sign not to exceed 6 square feet listing the individual occupants or tenants is permitted within the common doorway or entrance;
- iii. A-frame signs. A-frame signs shall not exceed 48 inches in height and 32 inches in width, per sign side. A-frame signs shall not be placed to cause a sight distance problem, obstruction or a hazard, and shall not be displayed outside of business hours. ~~A frame signs placed on a sidewalk within the public right of way shall not reduce the sidewalk below 36 inches. Not allowed on sidewalks.~~
- iv. Where separate entrances are provided, each tenant or establishment may have its own sign; provided, that in no case shall the combined sign area of all such signs exceed 15% of the gross area of the building wall facing the nearest street upon which the signs are located.

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#### **17.62.100. Lighting of Exterior Signs.**

Signs may be lit, either from within the sign structure or by external lights shining on the sign face. In no case shall sign lights be allowed to shine directly onto adjacent property or the public right-of-way or to cast glare into the eyes of pedestrians or motorists in the public right-of-way. All sign lights shall comply with all applicable electrical code requirements. Sign lights shall not substitute for security or safety lighting that may otherwise be required.

#### **17.62.110. Implementation of this Sign Code.**

All signs lawfully established, legal, and in existence on the date this chapter is adopted shall be considered nonconforming and may continue in their current condition so long as they are **maintained in good repair and are not enlarged, relocated, or structurally altered except in conformance with the provisions of this chapter.**

#### **17.62.120. Conflict and Severability.**

In the event any provision herein is found to conflict with any zoning, building, fire safety, health or other code provisions of the city, the provision that establishes the higher, stricter or more specific standard for the promotion and protection of the health, safety and welfare of the people shall prevail. A finding by a court of competent jurisdiction that any portion of this chapter is invalid shall not invalidate the remaining portions. A permit issued pursuant to this chapter does not grant any authority to violate any other law or regulation that may apply.

#### **17.62.130. Enforcement, Violation, and Penalty.**

In addition to any other provisions hereof, it is unlawful for any person or entity to erect, maintain or display a sign in violation of this Chapter. All violations of this chapter are deemed to be a nuisance and subject to civil enforcement. Signs found to be erected, maintained or displayed in violation may be removed by the City and the owner of the sign and/or premises upon which the sign is located subject to enforcement and possible fines and other penalties as provided by applicable laws.

#### **17.62.140. Liability of city.**

The sign regulations shall not be construed to relieve from or lessen the responsibility of any person owning, building, altering, constructing or moving any sign in the city for damages to anyone injured or damaged either to person or property by any defect therein; reason of a permit or inspection authorized in this chapter, or a certificate of inspection issued by the city or any of its agents.

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### **17.62.060 Prohibited signs.**

A. The following signs are inconsistent with the purpose and scope of this chapter and are therefore prohibited in all zones with the city:

1. Abandoned, Dilapidated, or non-maintained signs.
2. Animated or Moving Signs. Including any sign that rotates, turns or moves by electrical, electronic, or mechanical means, including normal wind movement. Exceptions: Barber poles, time and temperature or other public informational displays.
3. Flashing signs.
4. Obstructing signs, which interfere with free access to or egress from a required exit from a building or structure.
5. Snipe Signs. Sign posted on trees, fences, public benches, light posts or utility poles, except those posted by a government or public utility.
6. Parked Vehicle Signs. Any sign attached to or placed on a parked vehicle or truck trailer that is being used principally for advertising purposes, rather than for transportation.
7. Portable sign, except as expressly allowed in other subsections of this chapter.
8. Private sign in a public right of way.
9. Searchlights or beacons, except as allowed for special events such as grand openings, etc.
10. Simulations of Traffic Signs. Any sign using the words "stop," "look," or "danger," or any other words, symbols, or characters in such a manner as to interfere with, mislead or confuse pedestrian or vehicular traffic.

(Ord. 355 (part), 2003)

(Ord. No. 445, 11-12-08; Ord. No. 576, § 4, 8-14-18)

### **17.62.070 Permitted signs—Allowed without city approval or permit.**

The following signs are allowed without obtaining city approval or a city permit; however, such signs shall conform to any limitations and requirements described herein. Unless otherwise indicated, all signs are allowed only on the subject property and must be kept out of any public right of way.

- A. A Board Sign. One per business, not to exceed six square feet per face, not to be placed in public right-of-way or sight obscuring.
- B. Address identification, with numbers and letters not more than ten inches in height.
- C. Barber poles.
- D. Content identification, for separate purpose devices such as phone booths, product dispensers, recycling containers, collection containers, gas pumps, etc., indicating only the contents or purpose of device.
- E. Construction Project Signs. Such signs shall be limited to one sign per project, identifying all contractors and related parties. Each sign shall not exceed thirty two square feet per sign face and five feet in height. Sign shall not be displayed prior to issuance of a building permit and shall be removed prior to issuance of a certificate of occupancy.

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- F. ~~Directional signs (on-site), to direct vehicular or pedestrian traffic to parking areas, loading area or certain building or locations on the site. Each sign shall not exceed four square feet in area.~~
  - G. ~~Flags (official), of any nation, government, educational institution or noncommercial organization.~~
  - H. ~~Fuel Price Sign. Such signs shall be located on the property where fuel is sold and shall be limited to one sign per street frontage or entrance. Each sign shall be limited to twenty square feet per sign face (aggregate sign area limitations shall apply).~~
  - I. ~~Gravestones or other memorial displays associated with cemeteries or mausoleums.~~
  - J. ~~Historical site plaques and signs integral to a historic building.~~
  - K. ~~Holiday decorations displayed in conjunction with holidays.~~
  - L. ~~Integral design features, when such features are an essential part of the architecture of a building and do not represent a product, service or registered trademark, such as murals or wall art maybe subject to city approval.~~
  - M. ~~Incidental signs (such as credit card signs) attached to a structure or building, providing that the total of all such signs per use or business shall not exceed two square feet.~~
  - N. ~~Interior signs located completely within a building or structure and not visible from outside the structure (exclusive of window signs).~~
  - O. ~~Nameplates, identifying the occupants of a building, not to exceed two square feet per sign face.~~
  - P. ~~"Open House" Real Estate Signs. Portable or temporary signs with an area no greater than six square feet per sign face.~~
  - Q. ~~Political signs, temporary signs directly associated with national, state, or local elections. Maximum area per sign is limited to six square feet. No political sign shall be displayed later than seven days after a final election.~~
  - R. ~~Private Event Advertising ("Garage Sale," "Lost Dog," Etc.). A temporary sign limited to eight square feet per sign face and five feet in height. Signs relating to the sale, lease or rent of a vehicle to which signs are attached are allowed as well. Sign must be removed at end of event, use or condition. Every private event advertising sign must contain the address of the event or advertiser. Special events shall not exceed thirty days.~~
  - S. ~~Public signs, including traffic signs, directional signs, warning signs, informational signs, and signs displaying a public service message when any of these signs is installed by a governmental agency or public utility.~~
  - T. ~~Real Estate Signs (Off Site). Portable signs that advertise the rental, sale or lease of properties. The number of such signs shall be limited to one per unit, use or development. For dwelling units, the sign shall not exceed six square feet per sign face; for other uses and developments, the size shall not exceed thirty two square feet per sign face. All off-site real estate signs shall be removed when property is sold, leased, or rented.~~
  - U. ~~Real Estate Signs (On Site). Temporary or portable signs placed on subject property that advertise the rental, sale or lease of properties. The number of such signs shall be limited to one per unit, use or development. For dwelling units, the sign shall not exceed six square feet per sign face; for other uses and development, the size shall not exceed thirty two square feet per sign face. All on-site real estate signs shall be removed when property is sold, leased, or rented.~~
  - V. ~~Warning signs, including "no trespassing," "no hunting" and "no dumping."~~

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W. ~~Window sign not exceeding three square feet and limited to business identification, hours or operations, address, and emergency information.~~

(Ord. 392 § 1, 2005; Ord. 355 (part), 2003)

(Ord. No. 445, 11-12-08; Ord. No. 576, § 4, 8-14-18)

### **17.62.080 Regulations by district.**

#### **A. Signs in Residential Districts.**

1. ~~Identification Signs: Single-Family Dwellings and Duplexes. One identification sign shall be permitted for each occupancy. The said sign shall not exceed an area of three square feet, freestanding signs shall not exceed a height of six feet above the surface of the street and shall be unlighted or provided with indirect illumination. Home occupations shall not be allowed additional sign area.~~
2. ~~Identification Signs: Multi-family Dwellings. One identification sign shall be permitted for each development except that multiple family dwellings with more than one street frontage may be allowed an additional sign for each street frontage of such lot. Each sign shall not exceed an area of twenty-five square feet, may be a wall or monument sign, shall be unlighted or indirectly lighted, and shall not exceed a height of six feet above the ground if a monument sign.~~

#### **B. Signs in Non-residential Zoning Districts.**

1. ~~Maximum Sign Area/Sign Type Allowed. The total aggregate sign area allowed and type and number of signs for developments in business, commercial, office and industrial zones shall be calculated using the following information:~~
  - a. ~~Commercial and Industrial Park Zones.~~
    - i. ~~Aggregate Sign Area. The aggregate sign area for any lot shall not exceed one and one-half square feet for each foot of frontage on a public right of way. The aggregate sign area for corner lots or lots with frontage on more than one public right of way shall not exceed one square foot for each foot of street frontage. Regardless of frontage each lot is allowed a minimum of sixty square feet of signage.~~
    - ii. ~~Identification Signs. Each business establishment may have one freestanding sign for each street frontage if not located in a shopping center, and three additional signs.~~
  - b. ~~Freestanding Signs. The freestanding sign shall not exceed a height of twenty feet. The maximum sign area permitted is one hundred twenty-eight square feet. No one face shall exceed sixty-four square feet. Said sign may be illuminated.~~
  - c. ~~Three Additional Signs. Three additional signs shall be permitted subject to the following restrictions:~~
    - i. ~~The total area of all signs, graphics, or other advertising shall not exceed ten percent of the building façade which they are attached or displayed.~~
    - ii. ~~On properties where a freestanding sign cannot be erected due to setback requirements or building placements, a projecting sign may be allowed in lieu of the permitted freestanding sign. Said projecting sign may not exceed fifteen square feet on the outside dimension.~~
    - iii. ~~Shopping Centers. One freestanding identification sign, which may list the names of the occupants of the center, shall be permitted for each street frontage of each shopping center. The maximum sign area permitted for a freestanding sign shall not exceed two~~

hundred square feet for the total of all faces. No one face shall exceed one hundred square feet. A freestanding sign shall not exceed a height of twenty feet and may be illuminated.

iv. Identification Signs—Multi-Tenant Building. Each multi-tenant building may have one identification sign for each street frontage. Said sign shall not exceed a total of five percent of the façade to which it is attached. Said sign shall not name or advertise the individual tenants of the building. Aggregate sign area shall apply. A multi-tenant building will have the option of the sign described above or the following identification signs.

v. Freestanding Identification Sign. Multi-tenant building may have one freestanding sign on each street frontage. Said sign may not exceed fifteen feet in height. The maximum sign area permitted for the freestanding sign is one hundred square feet for the total of all faces; no one face shall exceed fifty square feet. Multi-tenant freestanding signs shall not name or advertise the individual tenants of the buildings.

vi. Identification Signs—Occupants. Each occupant of a multi-tenant building shall be permitted two wall-mounted signs. Said signs shall not exceed ten percent of the building façade of the individual business. Aggregate sign area shall not apply.

vii. Identification Signs—Single-Tenant Buildings. Each building may have one freestanding sign for each street frontage. Said signs may not exceed fifteen feet in height. The maximum sign area permitted for the freestanding sign shall not exceed one hundred square feet for the total of all faces; no one face shall exceed fifty square feet.

viii. Three-Additional Signs. Three additional signs shall be permitted for single-tenant buildings. All signs are subject to the aggregate sign area allowed. The total area of all signs shall not exceed ten percent of the façade to which they are attached or displayed.

ix. Freestanding Off-Site Directional Signs. One freestanding off-site directional sign is permitted on each side of the I-5 exits on private property. Signs shall not obstruct sight distance requirements on public streets and must not be located within city rights-of-way. Freestanding sign must not exceed fifteen feet in height or one hundred sixty square feet per face and may be illuminated. The private owner shall be responsible for all agreements between/with local businesses for individual sign placement on the freestanding sign.

(A) Final responsibility for maintenance, removal of nuisance/abatement issues will that of the property owner upon which the off-site sign is located.

(B) Individual signs shall be two by four in size and constructed of materials that are hard, durable, weather proof and permanent.

(C) Individual signs shall be limited to copy, text and graphics of business or facility benefitting use of the freestanding sign.

(D) Individual signs shall be limited to one sign per exit.

(E) Two freestanding off-site signs shall be permitted per exit. Additional signs must be approved through city council.

C. Sign Area Multipliers. The total sign area allowed by using the formulae in subsection A above, may be modified in following instances:

1. If no signs on the subject property have internally lighted sign fields, then multiply the total sign area allowed by 1.25.

2. If all signs, other than center identification signs, are building-mounted signs, multiply either the product of 1. above or the total sign area allowed by 1.25.

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(Ord. 355 (part), 2003)

(Ord. No. 445, 11-12-08; Ord. No. 576, § 5, 8-14-18)

#### **17.62.090 Nonconforming signs.**

Nonconforming signs shall be allowed to remain except that nonconformance shall be corrected when:

- A. ~~The structures housing or supporting the sign is altered either by increasing the gross floor area or making improvements the fair market value of which exceeds twenty five percent of the assessed or appraised value of the structure;~~
- B. ~~The property containing the sign is abandoned for ninety or more consecutive days or if the activity conducted on the property ceases for one hundred eighty consecutive days.~~
- C. ~~The nonconforming sign was removed for general cleaning or maintenance and returned to its original placement within sixty days.~~

(Ord. 355 (part), 2003)

(Ord. No. 445, 11-12-08; Ord. No. 576, § 6, 8-14-18)

#### **17.62.100 Sign design standards.**

##### **A. Construction Standards.**

- 1. ~~General Requirements. Every sign, and all parts, portions, and materials shall be manufactured, assemble, and erected in compliance with all applicable state, federal and city regulations and the Uniform Building Ordinance.~~
- 2. ~~Structural Components. To the maximum extent possible, signs should be construed and stalled so that angle irons, guy wires, braces, and other structural elements are not visible. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or woods.~~

B. ~~Location. No sign shall be located so as to physically obstruct any door or exit from a building. No sign shall be located so as to be hazardous to a motorist's ingress or egress from parking areas or any way open to the public. No sign shall be located within the clear view zone.~~

C. ~~Landscaping Around Ground Mounted Signs. An area around the base of each ground mounted sign equal to the sign area must be landscaped to improve the overall appearance of the sign and to reduce the risk of automobiles hitting the sign or supports of the sign. This landscaping must include vegetation and may include other materials and components such as brick or concrete bases, planter boxes, pole covers or decorative framing.~~

D. ~~Illumination Limitations on Electrical Signs. No sign may contain or utilize any of the following:~~

- 1. ~~Any exposed incandescent lamp with wattage in excess of twenty five watts.~~
- 2. ~~Any exposed incandescent lamp with an internal or external reflector.~~
- 3. ~~Any continuous or sequential flashing device or operation.~~
- 4. ~~Except for changing message centers, any incandescent lamp inside internally lighted signs.~~
- 5. ~~External light sources directed towards or shining on vehicular or pedestrian traffic or on a street.~~

6. Internally lighted signs using eight hundred milliamp or larger ballast if the lamps are spaced closer than twelve inches on center.

7. Internally lighted signs using four hundred twenty five milliamp or larger ballast if the lamps are spaced closer than six inches on center.

E. Measurement:

1. Sign Area. Sign area shall be computed as follows:

a. General Requirements. Where a sign consists of a generally flat surface or sign face on which lettering or other information is affixed, the sign area shall be computed by measuring the entire face of the sign.

b. Individual Letters. Where a sign consists of individual letters and/or logo affixed directly to a building canopy, awning or building surface, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering and/or logo. Neon signs are computed in this manner.

2. Setback and Distance Measurements. The following guidelines shall be used to determine compliance with setback and distance measurements:

a. The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.

b. The distance between a sign and a parking lot or building shall be measured along a straight line that represents the shortest distance between the outer edge of the parking lot or building.

(Ord. 355 (part), 2003)

(Ord. No. 445, 11-12-08; Ord. No. 576, § 7, 8-14-18)

### 17.62.110 Compliance and enforcement.

A. Compliance with Other Applicable Ordinances. All signs constructed or altered under this chapter must comply with all applicable state and local regulations relating to signs and signage.

B. Sign Maintenance and Removal:

1. All signs must be kept in good repair and in a safe manner at all times. The property owner must repair damaged or deteriorated signs within sixty days of notification of by the city. The area surrounding ground-mounted signs must be kept free of litter and debris at all times. No additional permits are required for maintenance.

2. Unless otherwise specified in or through this chapter, the property owner must remove all signs within thirty days of the date of the closure or discontinuance of the business, use or event with which the signs were associated.

C. Inspection:

1. The city shall inspect all signs for which a permit has been issued. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable zoning ordinance and other applicable regulations.

2. In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the city when such fastenings are to be installed so that inspection may be completed before enclosure.

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~~(Ord. 355 (part), 2003)~~

~~(Ord. No. 445, 11-12-08; Ord. No. 576, § 7, 8-14-18)~~

### ~~17.62.120 Liability of city.~~

~~The sign regulations shall not be construed to relieve from or lessen the responsibility of any person owning, building, altering, constructing or moving any sign in the city for damages to anyone injured or damaged either to person or property by any defect therein; reason of a permit or inspection authorized in this chapter or a certificate of inspection issued by the city or any of its agents.~~

~~(Ord. 355 (part), 2003)~~

~~(Ord. No. 445, 11-12-08; Ord. No. 576, § 7, 8-14-18)~~

## Chapter 17.64 OFF-STREET PARKING AND LOADING

### 17.64.010 Requirements for off-street parking.

Off-street parking spaces under standards set forth in this chapter shall be provided for new uses in the quantities specified in this section.

A. Residential Uses.

1. One-family dwelling, two spaces;
2. Duplex dwelling, four spaces;
3. Multiple-family dwelling with sixteen or fewer dwelling units, two spaces for each dwelling unit; except in cases of housing dedicated to senior citizen housing one space for each dwelling unit;
4. Multiple-family dwelling with more than sixteen dwelling units, thirty-two spaces, plus one and one-half spaces for each dwelling unit in excess of sixteen; except in cases of housing dedicated to senior citizen housing one space for each dwelling unit;
5. Convalescent homes, homes for the children or aged, and similar residential institutions, one space for each three beds.

6. Co-Living Housing shall be required to provide no more than 0.25 off-street parking spaces per sleeping unit. However, a property owner can voluntarily provide a greater number of spaces subject to City approval.

B. Commercial Uses. Commercial uses within the area designated "Parking Exempt" on the map and addenda to the map shall not be subject to the following requirements:

1. Food or drug stores with more than five thousand square feet of gross floor area: one space for each one hundred square feet of gross floor area;
2. Other retail stores with more than five thousand square feet of gross floor area: one space for each one hundred fifty square feet of gross floor area;

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3. Retail stores with five thousand or less square feet of gross floor area: one space for each three hundred square feet of gross floor area; provided that at least two spaces shall be provided for any such use;
  4. Medical and dental offices: one space for each one hundred square feet of gross floor area;
  5. Offices other than medical or dental: one space for each four hundred square feet of gross floor area; provided that at least two spaces shall be provided for any such use;
  6. Restaurants: one space for every three seats or stools or for every three persons of legal occupancy, whichever is greater;
  7. Bowling alley: four spaces for each alley;
  8. Self-service laundry: one space for every three washing or drying machines;
  9. Banks: one space for each four hundred square feet of gross floor area;
  10. Funeral parlors: one space for each one hundred square feet of chapel or auditorium area;
  11. Barber or beauty shops: two spaces for each operator station;
  12. Personal service establishments not otherwise listed: one space for each four hundred square feet of gross floor area; provided that at least two spaces shall be provided for any such use;
  13. Motel: one space for each sleeping unit;
  14. Motor vehicle or machinery sales: one space for each two thousand square feet of gross floor area;
  15. Wholesale establishments: one space for each two thousand square feet of gross floor area.
- C. Industrial Uses.
1. Manufacturing: one space for each one thousand square feet of gross floor area, provided that additional parking shall be provided for any retail sales or office space at the ratio required in subsection B(1) through (5);
  2. Contractors establishment: one space for each thousand square feet of gross floor area, provided that additional parking shall be provided for any retail sales or office space at the ratio required in subsection B(1) through (5);
  3. Warehouses: one space for each two thousand square feet of gross floor area provided that additional parking shall be provided for any retail sales or office space at the ratio required in subsection B(1) through (5).
- D. Institutional Uses.
1. Schools: one space for each eight seats in auditorium, or one space for each two hundred square feet of public assembly area if such does not have fixed seating;
  2. Auditoriums, theaters, churches, and community centers: one space for each four seats or for each eight feet of bench seating, or one space for each one hundred square feet of public assembly area if use does not have fixed seating;
  3. Libraries, museums: one space for each three hundred square feet of gross floor area;
  4. Hospitals: two spaces for each three beds.
- E. Unlisted Uses. A parking requirement for any use not listed in the preceding sections shall be established by the building inspector, based on the requirement for that listed use deemed to be most comparable in terms of parking demand or on standards in the building code.

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- F. Fractional Spaces. Whenever the preceding formulas result in a requirement for a fractional number of spaces, the requirement shall be rounded upward to a whole number.
  - G. Off-Street Loading Facilities. The building inspector shall require that any new business, industrial or institutional use, provide sufficient off-street truck loading facilities to assure that no loading or unloading occurs within any public right-of-way, provided that uses within the area marked "Parking Exempt" on the map shall not be subject to this requirement.

(Ord. 163 § 7.1, 1989)

#### 17.64.020 Standards for off-street parking.

- A. All parking areas, except residential parking for six spaces or less, shall provide for the turning, maneuvering and parking of the required number of vehicles on the lot.
- B. All areas used for parking and maneuvering of vehicles shall be surfaced as specified by the city public works director.
- C. Artificial lighting which may be provided shall be deflected so as to not shine into adjacent dwellings and so as not to create a hazard to the traveling public on any road.
- D. Each required parking space shall be of usable shape and accessible from a public street or alley. Where access drives are necessary, they shall be no less than fifteen feet in width for nonresidential and multiple family residential developments and no less than nine feet for one family and duplex dwellings.
- E. Parking areas serving commercial or industrial uses that are adjacent to residential zones shall be screened in accordance with Chapter 17.xx Landscaping, Fences & Walls.

~~Commercial or industrial parking area shall be screened from adjacent residential zones by means of sight obscuring landscape, screens, walls or fences, which shall be subject to the following standards:~~

- ~~1. Sight obscuring screening shall be not less than five feet in height;~~
- ~~2. Required screening shall be at least eighty percent opaque when viewed horizontally from between two feet above average grade and the top of the screening;~~
- ~~3. Screen plantings shall be of such size as to provide the required degree of screening within twelve months after installation;~~
- ~~4. Required screening shall be continuously maintained;~~

5.1. All areas used for parking, loading and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required setbacks or by bumper rails, or other effective and suitable barriers against the access or egress of unchanneled motor vehicles.

- F. Joint Use of Parking. The building inspector may authorize the joint use of parking facilities under the following conditions:
  - 1. Up to one hundred percent of the parking space required for a church may be supplied by off-street parking provided for other uses, provided that such parking lies within two hundred feet of the site of the church;
  - 2. Up to fifty percent of the parking space required for a theater, auditorium, bowling alley, or community center may be supplied by off-street parking provided for other uses, provided that such parking lies within two hundred feet of the site of subject use;
  - 3. Two or more uses may join to develop a cooperative parking facility: the total amount of parking required under such circumstances shall be ten percent less than the total amount required for the

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uses separately. In case of uses which operate at totally different times, the total minimum amount is that required for the most intensive use;

4. Under subdivisions 1, 2 or 3 of this subsection, there shall be filed with the building inspector a written agreement between parties involved assuring to the building inspector's satisfaction, the validity and perpetuity of the joint use.
- G. Location of Parking. All required off-street parking other than joint use parking as provided in subsection F shall be located on the same site as the principal use, provided that such parking may be located on another site within two hundred feet of the principal use if a covenant or written agreement is filed with the building inspector assuring to the building inspector's satisfaction the perpetuity of such parking.

(Ord. 163 § 7.2, 1989)

## Chapter 17.68 HOME OCCUPATIONS

### 17.68.010 Purpose.

The purpose of a home occupation is to allow certain activities to be undertaken for gain or profit within a dwelling or a building accessory to a dwelling in any zone in which dwellings are present. The home occupation is to be conducted in such a manner that the residence shall not differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emissions of sounds, noises, vibrations or odors.

(Ord. 163 § 8.1, 1989)

### 17.68.020 Requirements.

Home occupations are required to have a business registration as issued by the city clerk-treasurer, comply with all city codes and ordinances, and shall be consistent with the following provisions:

- A. Only members of the immediate family residing on the premises may be employed;
- B. Inventory—Exemption.
  1. No inventory is kept, other than incidental supplies necessary for and consumed in the conduct of such home occupation, or commodities sold other than those produced on the premises. Samples may be kept but not sold on the premises;
  2. Items commonly collected or traded, and occasionally sold by hobbyists such as coins, stamps, antiques, etc. may be considered to be exempt from this provision, as long as all other requirements of home occupations are met;
- C. No mechanical equipment is used except such as is customarily used for domestic, household or personal purposes, or as deemed similar in terms of power and type;
- D. Not more than one-fourth of the floor area of any building is devoted to such occupation, except accessory buildings which are used for no other purpose; and are not larger than one-quarter of the floor area of the dwelling unit;
- E. That such occupation shall not require internal or external alteration or involve construction features not customarily found in a dwelling;
- F. Shall not involve the use of commercial vehicles for the distribution of materials from the premises;

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- G. The conduct of any home occupation, including but not limited to the storage of goods and equipment, shall not reduce or render unusable, areas provided for the required off-street parking. Additional parking is not allowed in order to conduct a home occupation, except what may be required through the issuance of a special home occupation permit pursuant to Section 17.68.040 of this chapter;
  - H. Only one sign is permitted, three square feet in area, non-illuminated, and attached to a building;
  - I. No display pertaining to the occupation, other than the one permitted sign, is visible from the street or adjacent residences;
  - J. No more animals are maintained on the premises than what may otherwise be permitted in the zone;
  - K. The home occupation is to be conducted in such a manner that the residence shall not differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emissions of sounds, noises, vibrations or odors.

(Ord. 355 (part), 2003; Ord. 163 § 8.2, 1989)

(Ord. No. 445, 11-12-08)

#### **17.68.030 Exceptions.**

Garage sales, yard sales, bake sales, temporary home boutiques or bazaars for handcrafted items, parties for the display of domestic products, and other like uses do not need to comply with the requirements of this section as long as the use does not operate for more than twenty days in any one calendar year or in violation of any other provisions of this code or other ordinances. To qualify for this exemption, garage and yard sales must involve only the sale of household goods, none of which were purchased for the purpose of resale.

(Ord. 163 § 8.3, 1989)

#### **17.68.040 Special home occupation permit.**

- A. Special home occupation permits are required and must be granted by ~~the board of adjustment~~ city council for the following uses, even if the use meets all other requirements of subsections of this section:
  - 1. Automobile repair;
  - 2. Personal service shops;
  - 3. Music and dancing studios;
  - 4. Craft classes.
- B. In considering applications for special home occupation permits, ~~the board of adjustment~~ city council shall consider the nature and conditions of all adjacent uses and structures, and no such special home occupation permit shall be authorized by the ~~hearing examiner~~ planning commission unless the ~~hearing examiner~~ planning commission finds that the authorizing of such special home occupation permit will not be materially detrimental to the public welfare or injurious to the property in the zone or vicinity in which the property is located, and that the authorization of such special home occupation permit will be consistent with the spirit and purpose of this title. In authorizing a special home occupation permit, ~~the board of adjustment~~ city council may impose such requirements and conditions with respect to location, installation, construction, maintenance and operation and extent of open spaces in addition to those expressly set forth in this title, as may be deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

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(Supp. No. 21)

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- C. A public hearing shall be conducted on all applications for a special home occupation permit. The hearing shall be held in the same manner as provided in Chapter 17.80.

(Ord. 163 § 8.4, 1989)

#### **17.68.050 Termination of home occupations.**

Permits for home occupations may be terminated if it is found that, notwithstanding any provision of this chapter, the use is being conducted in a manner which is detrimental to the public health, safety or welfare, and adversely affects the residential qualities of adjacent properties. In making such findings, ~~the board of adjustment~~ city council shall hold a public hearing in the same manner as provided in Chapter 17.80.

(Ord. 163 § 8.5, 1989)

### **Chapter 17.72 SWIMMING POOL STANDARDS AND REGULATIONS**

#### **17.72.010 Definitions.**

"Swimming pool" as used in this chapter is defined in Section 17.08.365 of this title. The term shall not include public and semi-public swimming pools as regulated by Washington Administrative Code, Chapter 248-98 et seq. Nothing in this chapter shall be deemed to regulate public and semi-public swimming pools as defined in the Washington Administrative Code.

(Ord. 163 § 9.1, 1989)

#### **17.72.020 Fences and safety devices.**

- A. The entire area surrounding the swimming pool shall have a security fence or other barrier conforming to height requirements ~~as otherwise set forth in this title of this title or to the minimum requirements of this section, whichever is greater.~~
- B. Fences shall be constructed of wood, masonry, concrete, or other substantial materials acceptable to the building department, not less than five feet in height, with no opening, other than doors and gates, such that a sphere four inches in diameter cannot pass through.
- C. All gates or doors opening through such enclosure shall be equipped with a self-closing and a self-latching device designed to keep such gates or doors securely closed and latched at all times when not in actual use; all latches shall be placed at least four and one-half feet above the ground; provided, however, that the door to any dwelling occupied by human beings and forming any part of the enclosure herein above required need not be so equipped.
- D. Such fencing and latches shall be installed prior to the filling of the pool with water for use.
- E. The city ~~board of adjustment~~ council, pursuant to normal variance procedures, may declare that fencing is not required on one or more sides of any pool when they find that access to said pool by persons would be impossible within reason, because of steep banks, maintained dense vegetation or other barriers which would prevent such access.

(Ord. 163 § 9.2, 1989)

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**17.72.030 Placement of pool on lot.**

All swimming pools, portable or permanent, shall be placed so as to observe the minimum setback for structures as otherwise set forth in this title. Further, no swimming pool shall be constructed or installed in any front yard as the term front yard is otherwise defined in this title. In the case of a corner lot as the term corner lot is defined, no swimming pool shall be constructed or installed nearer to the side street line than the minimum number of feet required for width of the side yard of the street side of such lot nor in the clear vision area. In no event shall any swimming pool be constructed or installed nearer than ten feet to any property line of the property upon which the pool is to be located. No private swimming pool or wading pool shall be constructed or installed on any lot unless a residence building is located upon the lot as permitted in this title.

(Ord. 264 § 10, 1998; Ord. 163 § 9.3, 1989)

**17.72.040 Construction permit—When required.**

It is unlawful to establish or construct a swimming pool within the city without first obtaining a permit therefor in the manner hereinafter prescribed. No permit shall be required for wading pools as described in Section 17.08.385 of this title.

(Ord. 163 § 9.4, 1989)

**17.72.050 Construction permit—Application requirements.**

Application forms shall be provided by the building inspector upon which the applicant for a permit to install a swimming pool shall apply for the same. The application and approval process shall be in accordance with the Uniform Swimming Pool, Spa and Hot Tub Code, as published by the International Association of Plumbing and Mechanical Officials, in the edition as presently adopted and enforced by the city and/or the county. In addition, any such proposed installation shall be or exceed the standards as adopted and enforced by the county health department.

(Ord. 163 § 9.5, 1989)

**17.72.060 Material of construction.**

All material used in the construction of private swimming pools shall be watertight and easily cleaned. The bottom and sides of the pool shall be white or a light color, except that aluminum paint shall not be used as a finish. Construction shall conform to sound engineering principles.

(Ord. 163 § 9.6, 1989)

**17.72.070 Water supply.**

There shall be no physical connection between a potable, public, or private water supply system and such pools at a point below the maximum flow line of the pool, or to a recirculating or heating system of a pool, unless such physical connection is so installed and operated that no pool water can be discharged or siphoned into a potable water supply system. A water vacuum valve shall be installed between the city water system or the entry of the pools operations.

(Ord. 163 § 9.7, 1989)

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**17.72.080 Discharge system.**

The design and layout of the discharge system for all private swimming pools shall be inspected for approval by the building inspector, who will specify whether drainage from the pool should flow into a brook or other natural watercourse, or into a storm sewer, or that such pool be emptied and drained by spraying the water therefrom upon the lawn of the owner. The building inspector will further specify the size and type of pipe and fittings to be installed for the discharge system. The building inspector shall receive for his inspection and approval of the design for the discharge system, prior to approval or disapproval of a permit to construct, a fee as prescribed in the Uniform Building Code. In the event a permit is granted, and supervision of installation by the building inspector or water superintendent is required, there shall be an additional fee of ten dollars for each return inspection. In the event that any public street surface becomes disturbed due to installation or the discharge of the system and must be replaced, a fee in the sum of the total amount of all parts, supplies, and labor shall be paid in full to the city clerk-treasurer prior to water being turned on.

(Ord. 163 § 9.8, 1989)

**17.72.090 Disinfection, filtering and bacteriological standards.**

All private swimming pools shall be constructed, installed, and maintained so as to provide necessary equipment for chlorination and other disinfection and filtering to comply with approved bacteriological standards as may be promulgated by regulations issued by the county health department.

(Ord. 163 § 9.9, 1989)

**17.72.100 Lighting.**

No artificial lighting shall be maintained or operated in connection with the pool in such a manner as to be a nuisance to or an annoyance to neighboring properties.

(Ord. 163 § 9.10, 1989)

**Chapter 17.76 AMENDMENTS AND REZONES**

**17.76.010 General procedure.**

The council may, from time to time, on its own motion, on petition of any person in interest, or on initial recommendation of the commission, amend, supplement or repeal the regulations and provisions of this title, including the chart and map, provided that where territory is sought to be rezoned by application from a person other than the council or commission, the person petitioning for rezoning of territory must have a property interest in the subject property.

(Ord. 163 § 10.1, 1989)

**17.76.020 Planning commission advisory report.**

Any such proposed amendment or change, when initiated by the council or by individual petition, shall be referred to the commission for an advisory report thereon. When a proposed amendment or change is initiated by the commission, said advisory report shall accompany the initial recommendation of the commission.

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(Ord. 163 § 10.2, 1989)

#### **17.76.030 Application—Filing—Forms.**

Application forms shall be provided by the ~~building inspector~~public works director, upon which the initiator of an amendment or rezone shall apply for the same. After the initiator has filled out the form and paid the filing fee specified in Section 17.88.080 of this title, no fee shall be required if the council or the commission is the initiator, the city clerk-treasurer's office shall prepare its recommendation on the matter and submit it with the application to the commission for its review followed by a public hearing and recommendation to the council. The public hearing must be held within forty days after filing of the application unless the applicant approves in writing an extension of this time.

- A. A notice reciting rezoning applied for, and directing further inquiry to the ~~city clerk-treasurer's public works director's~~ office shall be posted by the initiator, using a notice provided or approved by the ~~city clerk-treasurer's office~~public works office, at least ten days prior to the hearing on the property proposed for rezoning along the part thereof fronting on a street, at intervals of approximately five hundred feet; at least two notices shall be posted.
- B. Additional notice of the public hearing shall be given as provided in Section 17.88.070 of this title.

(Ord. 163 § 10.3, 1989)

#### **17.76.040 Procedure before council.**

At the next ensuing regular meeting of the council following receipt of the commission advisory report on a proposed amendment or rezone, the council shall set the date for at least one public hearing. Notice of time, place and purpose of such public hearing shall be given as set forth in Section 17.88.070 of this title. Continued hearings may be held at the discretion of the city council without publication of further notice.

(Ord. 163 § 10.4, 1989)

#### **17.76.050 Policy on rezones.**

For the purpose of establishing and maintaining sound, stable, and desirable development within the city, the rezoning of land is to be discouraged and allowed only under certain circumstances as provided hereafter. This policy is based on the opinion of the city council that the comprehensive plan and zoning ordinance are the result of a detailed and comprehensive appraisal of the city's present and future needs regarding land use allocations and, as such, should not be amended unless to correct a manifest error or because of changed or changing conditions in a particular area or of the city in general. Rezoning shall only be allowed if the applicant demonstrates by clear and convincing evidence that:

- A. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the comprehensive plan; or
- B. Conditions in the area for which rezoning is requested have changed or are changing to such a degree that it is in the public interest to encourage a redevelopment of the area; or
- C. The proposed rezoning is necessary in order to provide land for a community related use which was not anticipated at the time of the adoption of the comprehensive plan, and that such rezoning will be consistent with the policies of the comprehensive plan.

#### **D. Application Timing.**

In order to promote coordinated review and orderly planning, applications for rezoning shall generally

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be submitted during the months of December and January for consideration during the upcoming calendar year. The city may process rezoning requests submitted outside this time period when determined necessary by the city to address urgent circumstances, city-initiated actions, or other situations where the public interest would be served.

This declaration of policy for rezonings shall not control a rezoning which occurs incidental to a comprehensive revision of the city's zoning map.

(Ord. 163 § 10.5, 1989)

#### **17.76.060 Annexed territory.**

- A. Zoning of land in the process of annexation may be done under the procedure and notice requirements of this chapter. The ordinance establishing zoning for annexed territory shall not be passed on the final reading prior to the date when the annexation ordinance is passed on final reading, but the ordinance which annexes property may also establish zoning for it. If the zoning process is commenced prior to the effective date of the annexation ordinance, the written notice area for rezoning shall be determined solely on geographic location, irrespective of whether the land in such written notice area is within or without or partly within or partly without the city limits of the city.
- B. Any area annexed shall be brought under the provisions of this title and the map thereunder within ninety days from the effective date of the annexation ordinance irrespective of any legal review which may be instituted challenging the annexation. During such ninety day period, or such portion thereof as required to zone the territory, the city may refuse to issue any building permit in any portion of the newly annexed area.

(Ord. 163 § 10.6, 1989)

#### **17.76.070 Planned unit development.**

A planned unit development is considered a special zone, and as such an application therefore is subject to the rezoning procedures outlined in this chapter, and to the regulations set forth in the chart, with the following additional requirements:

- A. Prior to filing an application for a planned unit development, a potential applicant shall discuss with the city clerk-treasurer's office his or her general planning concept and approach to the proposed project. The city clerk-treasurer's office shall advise the potential applicant of the approval process involved and provide the applicant with written instructions describing the approval procedure.
- B. Following such an informal meeting, the potential applicant shall meet with the commission in a pre-application conference which shall be held at a regular meeting of the commission. The applicant shall have for this meeting a map on which the proposal is presented, and information on the availability of utility service, the topography of the site, and such other information as requested by the inspector. At the time of this conference, the commission may extend to the potential applicant its preliminary observations and suggestions on the proposal.
- C. Following the pre-application conference, an application for rezoning for a planned unit development may be filed. Such application will be processed in accordance with provisions of this section with final action to be taken by council.
- D. Prior to final recommendation by the commission on an application for a planned unit development, the applicant shall file with the commission covenants, deed restrictions, home association by-laws, and other documents required to guarantee maintenance and construction of common recreation space, private roads and drives, and all other commonly owned property. The documents shall be

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approved by the city attorney, with revisions as appropriate, prior to formal action by the commission. Copies shall then be transmitted to council for its information during consideration of the rezoning ordinance, and finally shall be filed with the county auditor if the application is approved.

(Ord. 163 § 10.7, 1989)

## **Chapter 17.80 SPECIAL ZONING PERMITS**

### **17.80.010 Intent.**

Although each zone is primarily intended for a predominant type of use (e.g., dwelling in residential districts), there are a number of uses which may or may not be appropriate in a particular zone depending upon all of the circumstances of the individual case. Also there are uses which because of their temporary nature cannot be properly classified in any particular zone without individual consideration of impact of those uses upon the neighboring land and of the public need for the particular uses. Such special circumstances are addressed through the conditional use, variance and temporary use permit processes described in the following sections.

(Ord. 163 § 11.1, 1989)

### **17.80.020 Procedure for special permits—Application and hearing.**

Any person desiring a conditional use, variance or temporary use permit shall file an application with the city clerk-treasurer's office or its authorized representative on a form provided by the city. Accuracy and completeness of the application shall be the responsibility of the applicant. Such filing shall be accompanied by the filing fee specified in this section. The inspector shall review the application and make his report thereon, transmit the application and report to the board, and set the date for a public hearing by the board on the application. Such public hearing must be held, with notice as provided in this section, within forty days following the filing of application. The board shall approve or deny the application within thirty days after conclusion of the public hearing, and shall state its findings of fact, conclusions and decisions in writing. In the case of conditional uses and variances, these findings and conclusions shall refer specifically to the conditions listed in Sections 17.80.030 and 17.80.040. Board approval of the application shall constitute authorization and direction to the inspector to issue a permit for the conditional use, variance, or temporary use.

(Ord. 163 § 11.2, 1989)

### **17.80.030 Conditional uses.**

- A. Basis for Approval. A permit to allow a conditional use may be approved by the board after consideration of all or as many of the following conditions as may apply.
1. The use proposed in the application is listed on the chart as a permitted conditional use in the zone in which the proposed use would be located; and
  2. The procedures set forth in the preceding section have been followed; and
  3. The board has found that the proposed use is consistent with the objectives and purposes of this title as declared in Chapter 17.04 and with the comprehensive plan and reports related thereto; and
  4. The board has found that the proposed use is compatible with surrounding land uses and with general character of the district in which it would be located; and

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5. The board has set forth such conditions and modifications to the application as it deems necessary to meet these conditions.
  6. In the case of a conditional use permit allowing the rebuilding of a damaged nonconforming use, the board shall deny the conditional use permit unless the board finds that:
    - a. The damaged nonconforming use possessed substantial value and potential remaining life at the time of damage; and
    - b. The owner can prove substantial hardship if the conditional use is denied; and
    - c. The overall community will not be materially damaged by grant of the permit.
  - B. Imposition of Conditions. In considering an application for a conditional use, the board may consider and may impose modifications or conditions on the application necessary to include consideration of the criteria of the basis for approval, as set forth in the preceding subsection A. Such modifications or conditions may relate to the following or other pertinent factors:
    1. Size and location of site;
    2. Street and road capacities in the area;
    3. Ingress and egress to adjoining public streets;
    4. Location and amount of off-street parking;
    5. Internal traffic circulation system;
    6. Fencing, screening and landscaped buffer areas;
    7. Building bulk and location;
    8. Usable open space;
    9. Signs and lighting;
    10. Drainage of storm water; and
    11. Noise, vibration, air pollution and other environmental influences.
  - C. Official Recording. All approved site plans for conditional uses including modifications and conditions, shall be reviewed by the board and made a permanent part of the application.
  - D. Modification of Approved Conditional Use. No approved conditional use may be modified, structurally enlarged, or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to initial approval of a conditional use.

(Ord. 163 § 11.3, 1989)

#### **17.80.040 Variances.**

Where unnecessary hardships and practical difficulties, resulting from peculiarities of a specific property, render it difficult or inequitable to carry out all provisions of this title, the board shall have the power to grant a variance if it finds that the following conditions are met:

- A. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which subject property is located; and
- B. Such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

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provided that such unusual circumstances or conditions do not exist throughout the neighborhood or zone in which the property is located, and provided further that such unusual circumstances or conditions have not been created by action of the applicant; and

- C. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
- D. The granting of such a variance will not adversely affect the comprehensive plan; and
- E. The variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property; and
- F. The variance so authorized shall become void after the expiration of six months if no substantial construction has taken place in accordance with the plans for which the variance was authorized.

(Ord. 163 § 11.4, 1989)

#### **17.80.050 Temporary uses.**

Notwithstanding the limitations of use as established by this title in each of the several zones, the board may authorize temporary uses, which because of their unique character and temporary nature, are deemed to be suitable and proper temporary uses of land or structures. As a condition of issuance, the board may attach any conditions it deems necessary for the protection and preservation of the property rights and values of adjacent properties. Such authorization shall be issued for a specific period of time not to exceed one year. Authorization may be renewable after re-application on review by the board at least sixty days prior to expiration, provided that such renewals shall not be granted to establish a de facto permanent use in lieu of a rezoning process. Such authorization shall be granted for structures or uses which are of a temporary nature such as:

- A. Storage of equipment during the building of roads, developments, or logging operations;
- B. Real estate office used for the sale of lots or housing in subdivisions, i.e., tract offices;
- C. Contractors job sheds used in conjunction with the building of a structure, road, etc.;
- D. Temporary housing, including mobile homes and travel trailers;
- E. Other uses of a similar temporary nature when approved by the board.

(Ord. 163 § 11.5, 1989)

#### **17.80.110 Essential public facility siting.**

Essential public facilities meeting the requirements of RCW 36.70A.200 shall be permitted in the same manner and with condition similar to other conditional uses provided that the addition of conditions may not preclude the use.

(Ord. 264 § 6 (part), 1998)

**Chapter 17.82 CHILD DAY CARE FACILITIES, FAMILY DAYCARE, ADULT FAMILY  
HOMES, RESIDENTIAL CARE FACILITIES, TRANSITIONAL AND PERMANENT  
SUPPORTIVE HOUSING, EMERGENCY SHELTERS, AND SUPPORTED LIVING  
ARRANGEMENTS<sup>1</sup>**

**17.82.010 Purpose and intent.**

It is the purpose and intent of this chapter to:

- A. Provide for the location of certain types of uses, services and facilities which, because of their unique characteristics, cannot (or should not) be limited to or automatically included in specific land use classification districts.
- B. Permit essential services and facilities which are needed or may be needed by or in the community, but the exact nature, scale, or location of which cannot be foreseen or predicted.
- C. Establish development standards for such uses and facilities in order that properties adjacent to such uses, especially properties which are clearly different character from the use of uses identified in this chapter, are reasonably protected from adverse effects or impact of these special uses.
- D. To authorize the city to impose reasonable conditions, restrictions and development requirements on the uses herein defined as may be deemed appropriate for those uses in any given land use district.
- E. Provide for a review process which will enable city officials, the general public and proponents of the uses herein defined to evaluate the need, location, scale and development characteristics of said uses and their impact on adjacent properties and the community as a whole, to the end that such uses may be approved, modified, or disapproved fairly and objectively.
- F. To facilitate the siting of licensed child day care facilities in the city of Napavine.
- G. To facilitate the siting of residential care facilities and adult family homes in the city of Napavine.
- H. To facilitate the siting of transitional and permanent supportive housing, emergency shelters and emergency housing in the city of Napavine.

(Ord. No. 454, § 1, 2-24-09)

**17.82.035 Family day care in Residential Zones**

Family day care homes are a permitted use in any zone allowing a single-family dwelling provided they have obtained a permit for operation from the city. Permits shall be issued by the city, at no cost, upon proof that the family day care home has obtained all necessary licenses and approvals from the state to operate such a facility.

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<sup>1</sup>Editor's note(s)—Ord. No. 454, adopted February 24, 2009, repealed the former Chapter 17.82, §§ 17.82.010—17.82.100, and enacted a new Chapter 17.82 as set out herein. The former Chapter 17.82 pertained to similar subject matter and derived from Ord. No. 199, §§ 1—7, 1992.

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### 17.82.020 Child day care centers in zoning districts R-2 and R-3.

Child day care centers whether located in the residence of the care provider or in a separate structure may be permitted in zoning districts R-2 and R-3 as an essential public facilities and special property use subject to application, public hearing, administrative review, and consideration by the city council as set forth below:

- A. Application and Administrative Review Process.
1. Application. Application for the siting of a child day care center in zoning districts R-2 and R-3 shall be made to the community development department of the city of Napavine on a form to be provided by the city.
  2. Administrative Review Requirements. City staff shall review applications for child day care centers to be located in zones R-2 and R-3 and may approve, modify or deny the application without further review subject to the following requirements:
    - a. All applicants shall meet Washington state child day care licensing requirements;
    - b. All applicants shall comply with all building, fire safety, health code and city business licensing requirements;
    - c. Signage, if any will conform to the requirements of Section 17.68.020(H) of the Napavine Municipal Code;
    - d. Parking requirements shall conform to Section 17.64.010 of the Napavine Municipal Code;
    - e. The site must be landscaped in a manner compatible with adjacent residences;
    - f. No structural or decorative alteration which will alter the residential structure used for a child day care center is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood;
    - g. ~~The child day care center shall not be located within three hundred feet of another child day care center.~~
  3. Additional Requirements/Staff Recommendations. City staff may attach conditions to the application/permit in order to reduce conflicts between the child day care center and surrounding neighborhood, including but not limited to conditions and limitations to deal with problems of noise attenuation, special parking needs and hours of operation.
  4. Administrative Review—Notice to Public. Notice of each application for siting of a child day care center in zoning districts R-2 and R-3 shall be given to the public as follows:
    - a. Notices shall be posted on site and in two other conspicuous locations in the vicinity of the site at least ten calendar days prior to staff reporting and further action on the application;
    - b. The notice shall include a description of the proposal, site location, deadline for submitting written comments and the address and phone number of the community development department of the city of Napavine.
  5. Staff Report and Forwarding of Application to the City Council. On all applications which are administratively approved and which are to be forwarded to the city council for further action, city staff under the direction of the community development department shall prepare a written staff report. Such staff report shall address all issues of compliance with applicable provisions of the Napavine Municipal Code and shall further address possible impacts upon the neighborhood in which any such use is proposed to be located and shall further contain any all recommended conditions and limitations which city staff deems necessary to accompany an approval of such

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application. The written staff report shall accompany each application forwarded to the city council for further action.

6. Public Hearing and Essential Public Facilities and Special Property Use Permit Process. Final approval of all applications for siting of day care centers in zoning districts R-2 and R-3 shall be subject to a public hearing, notice of which shall be made pursuant to Section 17.88.070 of the Napavine Municipal Code and final approval of all applications shall be determined through the essential public facilities and special property use permit process subject to the requirements of the specific provisions of Chapters 17.80 and 17.88 of the Napavine Municipal Code.

(Ord. No. 454, § 3, 2-24-09)

#### **17.82.030 Child day care centers in all other zoning districts.**

Child day care centers may be sited as a matter of right in all other zoning districts provided that the conditions set forth in Section 17.82.020(A) of this chapter are met.

(Ord. No. 454, § 4, 2-24-09)

#### **17.82.040 Adult family homes, residential care facilities and supported living arrangements in ~~R-2 and R-3~~ residential zones.**

A. Adult family homes are a permitted use in any zone allowing a single-family dwelling provided the adult family home complies with underlying zoning requirements and the requirements set forth in RCW 70.128.

B. Residential care facilities and supported living arrangements whether located in the residence of the care provider or in a separate structure may be permitted in zoning districts R-2 and R-3 as an essential public facilities and special property use subject to application, public hearing, administrative review and consideration by the city council as set forth below:

1A. Application and Administrative Review Process.

a1. Application. Application for the siting of an adult family home, residential care facility or supported living arrangements in zoning districts R-2 and R-3 shall be made to the community development department of the city of Napavine on a form to be provided by the city.

b2. Administrative Review Requirements. City staff shall review applications for adult family home, residential care facility or supported living arrangements to be located in zones R-2 and R-3 and may approve, modify or deny the application without further review subject to the following requirements:

- a. All applicants shall meet Washington state adult family home, residential care facility or supported living arrangements licensing requirements;
- b. All applicants shall comply with all building, fire safety, health code and city business licensing requirements;
- c. Signage, if any will conform to the requirements of Section 17.68.020(H) of the Napavine Municipal Code;
- d. Parking requirements shall conform to Section 17.64.010 of the Napavine Municipal Code;
- e. The site must be landscaped in a manner compatible with adjacent residences;

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- f. No structural or decorative alteration which will alter the residential character of an existing residential structure used for an adult family home, residential care facility or supported living arrangements is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood;
  - g. ~~The adult family home, residential care facilities or supported living arrangements shall not be located within three hundred feet of another adult family home, residential care facility or supported living arrangements.~~
3. Additional Requirements/Staff Recommendations. City staff may attach conditions to the application/permit in order to reduce conflicts between the adult family home, residential care facility or supported living arrangements and surrounding neighborhood, including but not limited to conditions and limitations to deal with problems of noise attenuation, special parking needs and hours of operation;
  4. Administrative Review—Notice to Public. Notice of each application for siting of an adult family home, residential care facility or supported living arrangements in zoning districts R-2 and R-3 shall be given to the public as follows:
    - a. Notices shall be posted on site and in two other conspicuous locations in the vicinity of the site at least ten calendar days prior to the staff report and further action on the application;
    - b. The notice shall include a description of the proposal, site location, deadline for submitting written comments and the address and phone number of the community development department of the city of Napavine.
  6. Staff Report and Forwarding of Application to the City Council. On all applications which are administratively approved and which are to be forwarded to the city council for further action, city staff under the direction of the community development department shall prepare a written staff report. Such staff report shall address all issues of compliance with applicable provisions of the Napavine Municipal Code and shall further address possible impacts upon the neighborhood in which any such use is proposed to be located and shall further contain any and all recommended conditions and limitations which staff deems necessary to accompany an approval of such application. The written staff report shall accompany each application forwarded to the city council for further action.
  7. Public Hearing and Essential Public Facilities and Special Property Use Permit Process. Final approval of all applications for siting of adult family home, residential care facility or supported living arrangements in zoning districts R-2 and R-3 shall be subject to a public hearing, notice of which shall be made pursuant to Section 17.88.070 of the Napavine Municipal Code and final approval of all applications shall be determined through the essential public facilities and special property use permit process subject to the requirements of the specific provisions of Chapters 17.80 and 17.88 of the Napavine Municipal Code.

(Ord. No. 454, § 5, 2-24-09)

**17.82.050 ~~R~~Adult family home, residential care facility or supported living arrangements in all other zoning districts.**

Residential care facility or supported living arrangements may be sited as a matter of right in all other zoning districts provided that the conditions set forth in Section 17.82.040 of this chapter are met.

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**17.82.055 Transitional and permanent supportive housing facilities.**

As required by RCW 35.21.683 and 35A.21.430 as adopted or hereafter amended, permanent supportive housing and transitional housing are permitted in any zone in which residential dwelling units or hotels are allowed, which is all residential and commercial zones. In residential zones, permanent supportive housing and transitional housing must be within the type, scale, density, and intensity of residential use(s) allowed in that zone and are subject to the following criteria:

- A. The number of permanent supportive and transitional housing facilities allowed on any given lot shall be no more than the number of standard dwelling units that would be allowed under NMC [ ].
- B. Permanent supportive and transitional housing facilities must meet the same development and operating regulations as permitted residential dwellings, including adhering to building and fire codes, to ensure consistency in health and safety for all residents.
- C. Permanent supportive and transitional housing facilities are limited to a maximum of six residents at any one time, plus up to four resident staff.
- D. Permanent supportive and transitional housing facilities must be a 24-hour-per-day facility where rooms or units are assigned to specific residents for the duration of their stay. Transitional housing facilities shall require a minimum length stay of 72-hours.
- D. On-site services such as laundry, hygiene, meals, case management, and social programs are limited to the assigned residents and shall not be available for drop in or other use by nonresidents.
- E. No permanent supportive housing or transitional housing facility may be located within half a mile of another property that contains a permanent supportive housing or transitional housing facility, calculated as a radius from the property lines of the site.
- F. Prior to the start of operation for a permanent supportive housing or transitional housing facility, an occupancy agreement shall be submitted to the city meeting the following requirements. The city shall review and determine that the occupancy agreement meets the following requirements to the city's satisfaction before approving the occupancy agreement.
  - 1. Property owners and/or facility operators shall use and enforce the occupancy agreement approved by the city.
  - 2. The occupancy agreement shall include but is not limited to the following:
    - a. Names and contact information for onsite staff. The facility operator shall notify the city of each staff change(s) within 72 hours.
    - b. Description of the services to be provided onsite.
    - c. Description of the staffing plan including the following:
      - i. Number, function, and general schedule of staff supporting residents and operations.
      - ii. Staff certification requirements.
      - iii. Staff training programs.
      - iv. Staff to resident ratios.
      - v. Roles and responsibilities of all staff.
      - vi. The name and contact information for at least one organization member located off-site.
    - d. Rules and/or code of conduct describing resident expectations and consequences for failing to comply. At minimum, the code of conduct shall be consistent with state law prohibitions and restrictions concerning the following:
      - i. Possession and use of illegal drugs onsite.
      - ii. Threatening or unsafe behavior.
      - iii. Possession and use of weapons.

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- e. A fire safety plan reviewed and approved by the Lewis County Fire District 5 confirming fire department access.
  - f. A safety and security plan reviewed and approved by the Napavine Police Department including protocols for response to the facility and to facility residents throughout the city. The safety and security plan shall establish a maximum number of permitted Napavine Police Department response calls to the facility. Any Napavine Police Department call(s) to the facility exceeding the maximum threshold established in the safety and security plan shall be considered a violation of this chapter and the facility operator will be fined in accordance with NMC [\_\_\_\_\_].
  - g. A plan for avoiding potential impacts on nearby residences including a proposed mitigation approach (for example, a Good Neighbor Agreement Plan) that addresses items such as noise, smoking areas, parking, security procedures, and litter.
  - h. Description of eligibility for residency and resident referral process.

### **17.82.060 Indoor Emergency Shelters and Indoor Emergency Housing.**

- A. As required by RCW 35.21.683 and 35A.21.430 as adopted or hereafter amended, indoor emergency shelters and indoor emergency housing are permitted in any zone in which hotels are allowed, which includes the C commercial zones in the city of Napavine, as provided in Section 17.28.020.
  - 1. Indoor emergency shelters, transitional housing, indoor emergency housing, and permanent supportive housing must meet the same development and operating regulations as permitted residential dwellings, including adhering to building and fire codes, to ensure consistency in health and safety for all residents.
  - 2. Hosting of unhoused people by religious organizations must meet the following requirements:
    - a. The requirements set forth in RCW 35A.21.360 as adopted or hereafter amended;
    - b. A memorandum of understanding (MOU) between the city and the religious organization is required to detail the working relationship between and city and the religious organization and additional requirements and expectations. The religious organization shall provide a draft of the MOU which addresses the criteria in RCW 35A.21.360, including fire safety plans and public health and safety impacts;
    - c. Fire and life safety requirements in accordance with RCW 35A.21.360 may be required by the city on a case-by-case basis;
    - d. One location may not be used more than one hundred ninety days within a calendar year;
    - e. Only parking spaces that are in excess of the minimum required by the zoning code for the religious organization use may be used for hosting unhoused people, unless using more spaces is allowed by the MOU;
    - f. The religious organization shall provide restroom access, consistent with the requirements of RCW 35A.21.360 and the Napavine Municipal Code;
    - g. If recreational vehicles are hosted, the religious organization must ensure proper disposal of all waste;
    - h. If the hosting is located outside of a building, the hosting area shall be fenced and screened; and
    - i. Concurrent hosting of an outdoor encampment is not allowed within one thousand feet of another outdoor encampment hosted by a religious organization.
  - 3. Emergency housing or emergency shelters shall be regulated the same as hotels and motels, with the following additional requirements necessary for public health and safety:

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- a. The density of emergency housing or emergency shelter within a facility shall not exceed the requirements of the underlying zone. No occupied structures may exceed occupancy limits set by the currently adopted building code;
  - b. On-site services such as laundry, hygiene, meals, case management, and social programs are limited to the residents of the facility;
  - c. No emergency housing or emergency shelter may also be used as a designated supervised/safer consumption site, supervised/safer injection facility, or supervised/safer injection service;
  - d. The organization managing and operating the emergency housing or emergency shelter facility shall be responsible for the operation and maintenance of the facility itself, and the conduct of the residents of the facility, regardless of whether the organization contracts with a third party for the provision of any services related to the facility itself or its residents;
  - e. The organization managing and operating the emergency housing or emergency shelter facility shall be responsible for the safety of residents of the facility and shall establish a plan to remove individuals who present a threat to other residents, the property of other residents, or the residents or property of adjacent property;
  - f. The organization managing and operating the emergency housing or emergency shelter facilities shall provide sanitation and basic safety measures including the following:
    - i. If on-site food preparation takes place, a kitchen area separated from sleeping areas, with handwashing and dishwashing stations stocked with soap;
    - ii. Two large first-aid kits that include emergency eye wash bottles and naloxone (Narcan) kits;
    - iii. Cleaning supplies including gloves, trash-grabber tool, disinfectant, hand sanitizer, masks, buckets, paper towels, etc.;
    - iv. Refuse receptacles and trash service; and
    - v. Storage of personal belongings; and
  - g. Prior to receiving any permits, or prior to beginning operation if no permits are required, the organization managing and operating the emergency housing or emergency shelter facilities shall provide a plan to the city that includes the following information:
    - i. Emergency contact information;
    - ii. Proposed population to be served; and
    - iii. Confirmation of sanitation and basic safety measures required for emergency housing and emergency shelters.
  - h. Notification.
    - i. Advance Notice Required. The organization managing and operating the emergency housing or emergency shelter facility shall notify the city of the proposed emergency housing or emergency shelter facility a minimum of thirty days in advance of the proposed date of establishment of the facility. The advance notification shall contain the following information:
      - (A) The date the facility will commence;
      - (B) The length of time the facility will continue;
      - (C) The maximum number of residents proposed for the facility;
      - (D) The host location;
      - (E) The names of the organization(s) managing and operating the facility; and

(F) The manner in which the facility will comply with the requirements of this chapter.

- ii. Informational Meeting Required. The organization managing and operating the emergency housing or emergency shelter facility shall conduct at least one informational meeting within, or as close to, the location where the proposed facility will be located, a minimum of two weeks prior to beginning operation. The time and location of the meeting shall be agreed upon between the city and the organization managing and operating the facility. All property owners within five hundred feet of the proposed facility shall be notified by mail ten days in advance of the meeting. In lieu of notice by mail, an alternative means of notice may be provided that is reasonably calculated to notify the neighboring property owners within five hundred feet of the proposed facility.
- ii. Signs Required. The applicant shall also provide notice of the facility and the meeting within the same time frame as the mailed notice by posting two signs on the site or in a location immediately adjacent to the site that provides visibility of the signs to motorists using adjacent streets. The community development director or designee shall establish standards for size, color, layout, design, and placement for installation and removal of the signs. (Ord. 1633 § 4, 2025).

## Chapter 17.84 ~~MOBILE MANUFACTURED HOMES~~

### 17.84.010 Zoning requirements for ~~mobile-manufactured~~ homes.

~~Manufacturedobile~~ homes, as defined in Section 17.08.240 of this title, shall be considered single-family residences and shall be permitted to the same extent as single-family residences would be permitted to be constructed in all areas of the city as set forth in this title; provided however, that such ~~mobile-manufactured~~ homes meet the following criteria and requirements:

- A. The location of ~~mobile-manufactured~~ homes on real property within residential zones within the city shall be subject to the conditions set forth in this chapter. These standards shall not apply to any ~~mobile-manufactured~~ home placed in an approved mobile home park or to any mobile home lawfully placed prior to the adoption of these standards.

The legal status of any existing residential use in which a tract of land is rented for the placement and use of a ~~manufacturedobile~~ home to be occupied as a dwelling unit shall terminate upon the termination of any tenancy of such property now in existence. Upon a change in tenancy of any such ~~manufacturedobile~~ home placed upon a tract of land rented for that purpose and not located in a "mobile home park," the use of such tract of land shall become subject to the standards earlier set forth in this chapter.

The exterior architectural appeal and functional plan of any ~~manufacturedobile~~ home proposed to be placed in a residential zone should not be so at a variance with either the exterior architectural appeal or functional plan of the structures already constructed, or in the course of construction in the immediate neighborhood, as to cause substantial depreciation in the property value in the neighborhood.

For the purpose of fulfilling the intent and purpose of this title, city and county building officials shall be allowed access at all reasonable times and places for necessary inspections.

- B. No "single-wide" mobile home shall be placed in any residential zone in the city. Single-wide mobile homes may only be located in "mobile home parks."

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Each manufacturedobile home placed in a residential zone must be at least twenty feet wide over seventy-five percent of the longest horizontal dimension and be designed and built to comply with the applicable Washington State Department of Labor and Industries rules and regulations for manufacturedobile homes and U.S. Department of Housing and Urban Development (HUD) standards CFR 3280 (June 15, 1976) and bear the applicable tag or seal of approval of the respective departments.

The city retains the authority to demand a Labor and Industries inspection of any manufacturedobile home placed in a residential zone when it appears to the permitting authority of the city that alterations have been made to the mobile home or that safety issues exist.

- C. Each manufacturedobile home structure placed in a residential zone shall be permanently affixed to a permanent foundation as set forth in this section.
- D. Each manufacturedobile home to be placed in a residential zone shall comply with all zoning regulations for the applicable usage, including all structure line and setback requirements applicable to such structures and uses, and including fire resistant construction where required by the Uniform Building Code and Uniform Fire Code.
- E. Each manufacturedobile home to be placed upon real property in a residential zone shall meet the requirements specified for structures constructed on site for all utilities to the point of connection to such mobile home.
- F. Each manufacturedobile home to be placed upon real property in a residential zone shall be installed so that the base of floor joists shall be a minimum of eighteen inches and the frame a minimum of twelve inches and a maximum of twenty-eight inches above grade to provide ventilation and access conforming to the requirements of the Uniform Building Code as adopted by the city. Wood used as back-up framing shall be pressure treated and placed within six inches of the ground and covered with a manufactured skirting which is compatible to and in harmony with foundations and/or skirting utilized by adjoining property owners.
- G. Each manufacturedobile home shall have a designed concrete or masonry foundation under each I-beam which conforms to the requirements of the Department of Housing and Urban Development for vertical, lateral and uplift loads, and the concrete or masonry foundation shall be a minimum of six inches in height and sixteen inches in width and shall be reinforced with at least two No. 4 or larger reinforcing steel bars. The length of the foundation shall be equal to or greater than that of the manufacturedobile home. In addition, each of the following additional criteria must be met:
  - 1. Tie-downs, a system of straps, cables, turnbuckles or chains, or any combination thereof, used to secure a manufacturedobile home to ground anchors shall be installed according to manufacturers' specifications and in the absence of such specifications, there shall be a minimum of three tie-downs per side of the manufacturedobile home. Such tie-downs shall be capable of resisting an allowable working load to or exceeding three thousand one hundred fifty pounds and shall be capable of withstanding a fifty percent overload (four thousand seven hundred twenty-five pounds total) without failure of either the ground anchor, footer anchor or the attachment point on the frame of the mobile home.
  - 2. All outbuildings, which are attached to the manufacturedobile home, shall be built in accordance with the standards set forth in the Uniform Building Code as adopted by the city, or if factory-built, shall be secured and anchored in the same manner as set forth in subsection G1 of this section, pertaining to the mobile home itself.
  - 3. All wheels, axles, running gear, hitches and towbars shall be removed from the manufacturedobile home and the foundation area of the manufacturedobile home consisting of that portion between the bottom of the exterior siding of the manufacturedobile home and the

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ground level shall be skirted within thirty days of the installation of said manufacturedobile home upon a lot.

4. The support foundation and permanent foundation for each manufacturedobile home installed upon real property in a residential zone must be completed within thirty days from the time when the manufacturedobile home is moved onto the site.
- H. Prior to the location, establishment or occupancy of any manufacturedobile home sought to be installed upon real property in a residential zone, the owner or authorized representative shall obtain any and all permits required.

(Ord. 184 § 2, 1991)

#### **17.84.020 Placement of mobile/manufactured homes in residential districts.**

- A. Purpose. The provisions established in this section are intended to assure that the siting of mobile/manufactured homes is harmonious with the surrounding residential uses and preserves the general character and integrity of the neighborhood.
- B. Siting Standards. All mobile/manufactured homes shall be installed in compliance with applicable city and county codes. In addition, mobile/manufactured homes installed in the residential districts, not in manufacturedobile home parks, may be required to meet the following siting standards:
  1. Roof Slope. Roof slope shall be not less than a two-foot rise for each twelve feet of horizontal run.
  2. Roofing Materials. Roofing materials shall be compatible in appearance with surrounding site-built homes.
  3. Siding Materials. Siding materials shall be wood, masonite, or other material compatible with surrounding site-built homes.
  4. Pit Set. Mobile/manufactured homes shall be "pit set" with first floor elevation not more than twelve inches above finished grade. The pit shall be of sufficient depth to accommodate eighteen inches clearance below the frame of the unit with crawl space access located near utility connections. The foundation shall be installed in compliance with the requirements of the Washington Administrative Code. Skirting or side walls shall be installed around the perimeter and the tongue and axle shall be removed.
  5. Skirting. All skirting material shall be of block masonry or cement stem walls and venting must be placed to code.
  6. Age. No manufacturedobile home older than five years old shall be placed within the city limits of Napavine.

(Ord. 390 §§ 1, 2, 2005; Ord. 379 § 1 (part), 2004; Ord. 374 § 1 (part), 2004)

#### **17.84.030 General installation requirements.**

- A. All manufacturedobile homes shall be installed in compliance with the National Manufactured Housing Procedural and Enforcement Regulations.
- B. A United States Department of Housing and Urban Development, hereinafter called HUD, labeled manufacturedobile home shall also be installed in compliance with the manufacturedobile home manufacturer's installation recommendations. The recommendations shall be approved by HUD. The

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manufacturer shall send two copies of its proposed installation recommendations to the purchaser of the manufactured mobile home. The copies shall be in the home and available at the time of inspection.

- C. A manufactured mobile home not labeled HUD shall also be installed in accordance with installation recommendations provided by a professional engineer or architect licensed in Washington.
- D. If manufactured mobile home manufacturer installation design standards are not available for home, then a full concrete slab or runners under each I-beam will be required.
- E. All manufactured mobile homes shall have permanent steps or inclined planes affixed to all entrances and shall have the tow tongue removed except that in identified floodplain areas, it may be camouflaged so that it becomes recognizable.
- F. No person, firm, partnership, corporation, or other entity may install a manufactured mobile home unless he, she, or it owns the manufactured mobile home, is a licensed manufactured mobile home dealer, or is a contractor registered under RCW Chapter 18.27.
- G. In those areas that are recognized as floodplains by the Washington State Department of Ecology or the Federal Emergency Management Agency, or which are hazardous because of the probability of earthquakes, ground slides, avalanches, or high winds, the code administration manager may set additional requirements necessary to lessen the hazards of placing manufactured mobile homes in such areas or he may require that the installation be designed by an engineer or architect licensed in the state of Washington for the same purpose.

(Ord. 379 § 1 (part), 2004; Ord. 374 § 1 (part), 2004)

## Chapter 17.85 ELECTRIC VEHICLE INFRASTRUCTURE

17.85.010 Purpose. The purpose of this chapter is to eliminate obstacles to a transition to electric vehicle use by allowing the establishment of a convenient and cost-effective electric vehicle infrastructure. Where no conflict exists, all other city code provisions shall be in force as to electrical vehicle charging stations as applicable.

### 17.85.020 Permitted Locations.

<u>EVI Type</u>	<u>Zoning District</u>			
	<u>R-2</u>	<u>R-3</u>	<u>C</u>	<u>C-S</u>
<u>EV Charging Station<sup>1, 2</sup></u>	<u>P<sup>3</sup></u>	<u>P<sup>3</sup></u>	<u>P</u>	<u>P</u>
<u>Rapid Charging Station<sup>4</sup></u>	<u>P<sup>5</sup></u>	<u>P<sup>5</sup></u>	<u>P</u>	<u>P</u>
<u>Battery Exchange Station</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>

### Development Standards:

1. Level 1 and Level 2 charging only.
2. Level 1 and Level 2 charging are permitted in aquifer recharge areas and in other critical areas when serving an existing use.
3. Allowed only as accessory to a principal outright permitted use or permitted conditional use.
4. The term "rapid" is used interchangeably with Level 3 and fast charging.

5. Only “electric vehicle charging stations – restricted” as defined in NMC xx.xxx

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**17.85.030 Required Facilities**

The installation or use of electric vehicle charging stations is not required as a condition of any development.

**17.85.040 Electric Vehicle Charging stations, Generally.**

- A. Electric vehicle charging stations are reserved for parking and charging electric vehicles only.
- B. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

**17.85.050 Accessible electric vehicle charging stations quantity and location**

Where electric vehicle charging stations are provided in parking lots or parking garages, accessible electric vehicle charging stations shall be provided as follows:

- A. Accessible electric vehicle charging stations shall be provided in the ratios shown on the following table.

<u>Number of EV Charging Stations</u>	<u>Minimum Accessible EV Charging Stations</u>
<u>1 - 50</u>	<u>1</u>
<u>51 - 100</u>	<u>2</u>
<u>101 - 150</u>	<u>3</u>
<u>151 - 200</u>	<u>4</u>
<u>201 - 250</u>	<u>5</u>
<u>251 - 300</u>	<u>6</u>

- B. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.

**17.85.060 Off-street parking – Electric vehicle charging stations**

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To ensure an effective installation of electric vehicle charging stations, the regulations in this section provide a framework for when a private property owner chooses to provide electric vehicle charging stations.

- A. *Scope.* For all parking lots or garages, except those that include electric vehicle charging stations – restricted.
- B. *Number.* No minimum number of charging station spaces is required.
- C. *Minimum Parking Requirements.* An electric vehicle charging station space may be included in the calculation for minimum required parking spaces that are required pursuant to other provisions of code.
- D. *Location and Design Criteria.* The provision of electric vehicle parking will vary based on the design and use of the primary parking lot. The following required and additional locational and design criteria are provided in recognition of the various parking lot layout options.
  - 1. *Where provided, parking for electric vehicle charging purposes is required to include the following:*
    - a. *Signage.* Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.
    - b. *Maintenance.* Charging station equipment should be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.
    - c. *Accessibility.* Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with accessibility requirements.
    - d. *Lighting.* Where charging station equipment is installed, adequate site lighting should exist, unless charging is for daytime purposes only.
  - 2. *Parking for electric vehicles should also consider the following:*
    - a. *Notification.* Information on the charging station, identifying voltage and amperage levels and any time of use, fees, or safety information.
    - b. *Signage.* Installation of directional signs at the parking lot entrance and at appropriate decision points to effectively guide motorists to the charging station space(s).
- E. *Data Collection.* To allow for maintenance and notification, the city will require the owners of any private new electric vehicle infrastructure station that will be publicly available (see

definition “electric vehicle charging station – public”) to provide information on the station’s geographic location, date of installation, equipment type and model, and owner contact information.

**17.85.070 Signage – Noticing of Electric Vehicle Charging Stations**

- A. Upon adoption, the city shall require appropriate signs and marking to be placed in and around electric vehicle charging station spaces, indicating prominently thereon the parking regulations. The signs shall define time limits and hours of operation, as applicable, shall state that the parking space is reserved for charging electric vehicles and that an electric vehicle may only park in the space for charging purposes.
- B. Public Use Stations. Electric vehicle charging stations available for public use should have posted signage, as identified in this subsection, allowing only charging electric vehicles to park in such spaces. For purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

Example of possible signage to demarcate an off-street parking space with charging station equipment:



**Chapter 17.86 ACCESSORY DWELLING UNITS**

**17.86.010 Purpose.**

It is the purpose of this chapter to regulate the establishment of accessory dwelling units within or in conjunction with single-family dwellings while preserving the character of single-family neighborhoods. The primary purpose of this chapter shall be to permit establishment of additional living quarters within single-family residential neighborhoods in order to:

- A. Make it possible for adult children to provide care and support to a parent or other relatives in need of assistance; and/or

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- B. Provide increased security and companionship for homeowners; and/or
- C. Provide the opportunity for homeowners to gain the extra income necessary to help meet the rising costs of home ownership; and/or
- D. Provide for the care of disabled persons within their own homes; and/or
- E. Provide for a more diverse and affordable housing stock. (Ord. \_\_\_\_\_).

**17.86.020 Intent.**

A maximum of two accessory dwelling units shall be permitted as subordinate to a new or existing residential use if the accessory dwelling unit and lot meet the requirements of this chapter. (Ord. \_\_\_\_\_).

**17.86.030 Definitions.**

- A. "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.
- B. "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.
- C. "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.
- D. "County" means any county planning under RCW 36.70A.040.
- E. "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.
- F. "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.
- G. "Gross floor area" means the interior habitable area of a dwelling unit including basements and attics but not including a garage or accessory structure.
- H. "Owner" means any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.
- I. "Principal unit" means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.
- J. "Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights. (Ord. \_\_\_\_\_).

**17.86.040 Illegal accessory dwelling unit.**

An "illegal accessory dwelling unit" is one that was installed without the required permits. (Ord. \_\_\_\_\_).

**17.86.050 Lot standards.**

Accessory dwelling units may be developed on lots of any size; provided, that all other applicable zoning requirements are met. Detached accessory dwelling units shall comply with the detached accessory building provisions set forth in each residential zoning district. (Ord. \_\_\_\_\_).

**17.86.060 Subdivision.**

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The accessory dwelling unit, or the land on which the accessory dwelling unit is located, shall not be subdivided from the land on which the principal dwelling unit is located. (Ord. \_\_\_\_\_).

**17.86.070 Size.**

- A. An accessory dwelling unit shall not exceed 1,000 square feet of gross floor area in size, and shall not have more than two bedrooms. When an accessory dwelling unit is completely located on a single floor of a multiple-floor dwelling, the administrator may allow increased size up to 50 percent of the principal dwelling unit's livable floor area in order to efficiently use all floor area.
- B. Two accessory dwelling units may be permitted on any residential lots in the following configuration:
  - 1. One attached accessory structure and one detached accessory structure; or
  - 2. Two attached or two detached accessory structures.
- C. Existing Accessory Structures. Lot coverage and setbacks for existing accessory structures shall be exempted to permit conversion to accessory dwelling units. (Ord. \_\_\_\_\_).

**17.86.080 Architectural design.**

The design of the accessory dwelling unit shall be consistent with the design of the principal dwelling unit and shall maintain the style, appearance and character of the main building, and shall use matching materials, colors, window style, and comparable roof appearance. (Ord. \_\_\_\_\_).

**17.86.090 Stairs.**

Exterior stairways shall not be constructed on the front of the principal dwelling unit. (Ord. \_\_\_\_\_).

**17.86.100 Compliance with applicable codes.**

- A. The accessory dwelling unit shall comply with all standards for health and life safety as set forth in the International Building Code, International Residential Code, Uniform Plumbing Code, National Electrical Code, International Mechanical Code, International Fire Code, and Washington State Energy Code as each code is adopted by the city; and any other applicable codes or regulations, except as provided in this chapter. The accessory dwelling unit shall comply with all zoning code provisions for single-family residences, including setbacks, accessory buildings and lot coverage, except as provided in this chapter.
- B. Accessory Structure Height. The maximum height for an accessory structure shall be 24 feet in height.
- C. Setback Exception. For lots that have a rear lot line that abuts an alley, a detached accessory dwelling unit may be sited up to the lot line that abuts the alley. The accessory dwelling unit shall comply with required side yard setbacks.
- D. Parking. One off-street stall parking is required for each accessory dwelling unit unless within one-half-mile walking distance of a major transit stop as defined in NMC XX.XX.XXX. (Ord. \_\_\_\_\_).

**17.86.110 Sewer and water connections.**

The accessory dwelling unit, either attached or detached, shall be served by the existing primary residence sewer and water connections and water meter. The water meter size shall not be increased for the purpose of serving the accessory dwelling unit. (Ord. \_\_\_\_\_).

**17.86.120 Annual report.**

The administrator shall provide an annual report to the planning commission, which indicates the number of units established, the geographic distribution of the units, the average size of the units, the number and type of any

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complaints received, and any enforcement action taken. The annual report shall be provided so that the planning commission may annually assess the ADU provisions with regards to density. (Ord. \_\_\_\_\_).

**17.86.130 Application.**

- A. The property owner shall apply for an accessory dwelling unit permit with the community development department, and shall pay the application fee as established by resolution.
- B. Impact fees shall be assessed at 50 percent of the fees assessed for single-family residential homes pursuant to Chapter XX.XX NMC. (Ord. \_\_\_\_\_).

**17.86.140 Permit issuance.**

A permit for an accessory dwelling unit will be issued upon compliance with the provisions of this chapter. Once the accessory dwelling unit permit is issued, the applicant will need to apply for a city building permit, when applicable. (Ord. \_\_\_\_\_).

**17.86.140 Building plan review.**

The community development department will review submitted building plans to insure adherence to the criteria of this chapter. (Ord. \_\_\_\_\_).

**17.86.150 Enforcement.**

The city retains the right (with reasonable notice) to inspect the accessory dwelling unit for compliance with this chapter. (Ord. \_\_\_\_\_).

**17.86.160 Variances.**

Variances to the chapter shall require variance approval as outlined in Chapter XX.XX NMC. (Ord. \_\_\_\_\_).

## Chapter 17.88 ADMINISTRATION AND ENFORCEMENT

**17.88.010 Governing officials— General.**

Five elements of government of the city are involved in administering and enforcing the various provisions of this title, as outlined in this chapter.

(Ord. 163 § 12.1, 1989)

**17.88.020 City council.**

This is the legal legislative body of the city and, as such, the only body which can adopt or amend ordinances including the one codified in this title. Therefore, it shall be the city council, referred to in this title as "council," which hears and passes on applications for amendments and zone changes. The council shall also appoint the planning commission members and the board of zoning adjustment members.

(Ord. 163 § 12.2, 1989)

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### **17.88.030 Planning commission.**

The planning commission created in this chapter and referred to in this title as "commission," shall make recommendations to the city council and may initiate recommended zone changes and amendments, as its main function within this title.

(Ord. 163 § 12.3, 1989)

### **17.88.040 Board of zoning adjustment.**

The board of zoning adjustment referred to in this title as "board," is specifically designed to meet the needs of this title and has no function outside of it unless the city council should require duties pertaining to other ordinances. The rules for its organization and its powers are:

- A. Organization of a Board of Zoning Adjustment.
  - 1. There is created a board of zoning adjustment to be known as "the board of zoning adjustment of the city," and to be hereinafter referred to as "board."
  - 2. The membership of the board shall consist of five residents of the municipality who shall be voting members appointed by the council. All members of the board shall serve without compensation. Their terms of office shall be for five years and must be fixed so the term of office of a member expires each year. Appointments to fill vacancies are to be made only for the unexpired portion of the term. The council may remove any member of the board for cause upon written charges and after public hearing before the council meeting in open session. There shall be no appeal from a decision by the council to remove or retain a board member.
  - 3. The board shall elect from its own membership its chairman and secretary, who shall serve annual terms and who may succeed themselves. For the conduct of any hearing or the taking of any action, a quorum of three members is required. The board shall adopt such rules and regulations as it deems necessary for its procedures.
  - 4. The board shall hold not less than one regular meeting each month of the year; provided, if no issues over which the board has jurisdiction are pending a meeting may be canceled. All meetings of the board shall be open to the public. Notice of the time, place, and purpose of the meeting shall be given by posting notice of the meetings in the same manner as ordinances are posted at least three days prior to the meeting. The board shall keep a record of the proceedings, either stenographically or by sound recording, and a written transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost. The board shall render written decisions, accompanied by findings of fact and conclusions there, based on any provision of this title. All written decisions shall be promptly filed with the city clerk-treasurer by the secretary and shall be public record.
- B. Powers of the Board. The jurisdictional duties and powers of the board are as follows:
  - 1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or determination made by an administrative official based on or made in the enforcement of this title. In exercising its powers, the board may reserve or affirm wholly or in part, or may modify the order, requirement, decision or determination as it deems necessary and proper and shall have powers of the administrator from whom the appeal is taken.
  - 2. To hear and decide, grant or deny application for variances, conditional uses, and temporary use permits as defined in this title.

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3. Appeals from Board Action. Any person having an interest in the matter being appealed or aggrieved by any decision of the board may seek review of such decision, in the manner provided by the laws of this state and particularly RCW 35A.63.110 as adopted and amended.

(Ord. 163 § 12.4, 1989)

#### **17.88.050 Community development office.**

- A. The community office of the city shall administer and enforce the provisions of this title and the Napavine Municipal Code concerning land, use and development. It shall be the duty of the community development office to coordinate the administration of this title with present and future planning documents having jurisdiction in the city and to see that all development and structures conform to all development and provisions of this title and the Napavine Municipal Code. The director of community development, and the director's authorized designees are hereby empowered to cause any structure or tract of land to be inspected and examined, and to order in writing the remedying of any condition found to exist in violation of any provisions of this title or the Napavine Municipal Code. After such order has been served, no work shall proceed on any structure or tract of land covered by such order, except to correct a violation or comply with an order. The community development office shall have all powers conferred upon it by this title and all other ordinances of the city, in order to perform its functions.
- B. The community development director is authorized to make decisions on conformance of proposed buildings or uses. In the event of ambiguity or dispute, the community development director is authorized to make reasonable interpretations of this title and the Napavine Municipal Code. Such decisions and interpretations shall be in writing and filed in a systematic fashion to facilitate their use by city officials and citizens. The planning commission and ~~the board of adjustment~~ city council shall each receive a copy of any such decisions or interpretation. The community development office may seek the advice of the city attorney on decisions and interpretations. Decisions and interpretations of the inspector are subject to appeal to the city council in the manner provided herein.
- C. It shall be the further duty of the community development office to be certain that no structure is erected, moved, structurally altered or demolished unless a building permit has been obtained under procedures provided under Chapter 3 of the Uniform Building Code.
- D. No department, official or employee of the city shall issue an occupancy permits until there has been endorsed thereon certification of compliance with the applicable regulations of this title and the Napavine Municipal Code by the director of community development, or the director's authorized designee.
- E. The community development office may authorize the issuance of a temporary occupancy permit conditions upon the subsequent completion or satisfaction of unfulfilled requirements or regulations, or uncompleted development proposals. A condition for issuance of such temporary permit may the posting with the city of a performance bond or its equivalent, to ensure fulfillment of all conditions to which such permit is subject. The conditions to which such temporary occupancy permit is subject shall be listed upon the permit or attached thereto. No occupancy permit or certificate of occupancy shall be issued except as hereinabove provided. No occupancy permit shall be issued until such conditions are satisfied. If the conditions are not satisfied within one year from the date of the deadline specified in the temporary occupancy permit, demand may be made by the city against the bond, or its equivalent, for completion and performance. Prior to such demand being given, the community development director shall give reasonable notice to the person or persons involved.
- F. The performance bond, or equivalent, shall be in a form acceptable to the city attorney, and represented a proportion of the fair cost estimate of the proposed development or improvement as determined by the community development director, according to the following schedule:

Fair Cost Estimate	Amount of Bond
Up to \$50,000.00:	100% of Fair Cost Estimate
\$50,000.01 to \$100,000.00:	100% of Fair Cost Estimate
\$100,000.01 to \$250,000.00:	100% of Fair Cost Estimate
\$250,000.01 and over:	100% of Fair Cost Estimate

- G. Whenever a change in use of land or structures takes place, the owner of such land or structures shall be required to submit an application for an occupancy permit for a new used or structures within fourteen calendar days of the date of such change in use. Failure to do so will constitute a misdemeanor punishable by up to ninety days in jail, a fine not to exceed one thousand dollars, as well as other monetary assessments as required by the law.
- H. Nothing contained herein shall prevent the city from seeking such other legal or equitable remedies as may be available to prevent or remedy the violation.

(Ord. No. 590, § 1, 3-26-19)

**17.88.060 City attorney.**

The city attorney shall be the official to act on behalf of the city council to use whatever legal means are necessary to deal with violations of this title. The city attorney shall also advise the commission and the board concerning the legal application of this title, and shall advise the city clerk-treasurer's office, upon its request, on interpretation of the terms of this title.

(Ord. 163 § 12.6, 1989)

**17.88.070 Notice of public hearings.**

- A. Notice of the time, place and purpose of any public hearings before the council, board or commission required by this title shall be published by posting notice of the hearing in three public locations within the city. Such publication shall occur at least ten days prior to the subject hearing.
- B. Radio stations who have requested such notice shall be given notice of any required public hearing at least five days before it occurs.
- C. Similar notice of any public hearing shall be given by mailing of a written notice not less than ten days prior to the date of the hearing to all property owners of record as shown in the records of the county assessor, within three hundred feet of the boundaries of the petitioned property. Failure to send notice to a person specified in this section or failure of a person to receive notice shall not invalidate any proceedings in connection with the application provided there is substantial conformance with the notice requirement.

(Ord. 163 § 12.7, 1989)

**17.88.080 Schedule of fees and charges.**

- A. The council shall establish a schedule of fees, charges, and expenses and a collection procedure for applications and other matters pertaining to this title. The schedule of fees shall be posted in the office of community development and may be altered or amended only by the council through resolution. The city administrator and officials of the city shall be exempt from such fees, charges, or expenses when making applications or appeals on behalf of the city.

(Supp. No. 21)

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B. No permit, certificate, conditional use permit, or variance shall be issued, nor shall any action be taken on proceedings before ~~the board of adjustments~~ city council, until the applicable fees or application fees have been paid in full except where a fee is waived as provided in subsection E.

C. Fees. The following fees shall be paid upon the filing of a petition:

Petitions and applications for:

1. Amendments and rezones, one thousand dollars broken down as an Application Fee, seventy-five dollars; upon council approval nine hundred twenty-five dollars.
2. Annexation Petition, two hundred fifty dollars.
3. Variance, five hundred dollars.
4. Vacate, five hundred dollars.
5. Developers agreement, two hundred fifty dollars.
6. Special permits:
  - a. Conditional use permit, three hundred fifty dollars;
  - b. Home occupation, three hundred fifty dollars;
  - c. Temporary use, one hundred fifty dollars.
7. SEPA Review, three hundred fifty dollars.
8. Environmental impact statement (EIS) review, three hundred fifty dollars.
9. Binding site plan, five hundred dollars.
10. Boundary line adjustment, five hundred dollars.
11. Fill permit of five hundred one cubic yards or greater, five hundred dollars.
12. Grading permit, two hundred fifty dollars.
13. Stock-pile permit, two hundred fifty dollars.
14. Property improvement, twenty-five dollars.
15. Street ROW use, twenty-five dollars.
16. Final plat fee, two hundred fifty dollars.
17. Residential fire sprinkler system, 1.9 percent of project cost.
18. Home placement permit, two hundred dollars.
19. Subdivisions:
  - 2—5 six hundred fifty dollars;
  - 6—10 seven hundred fifty dollars;
  - 11—15 eight hundred fifty dollars;
  - 16—20 nine hundred fifty dollars;
  - 21—25 one thousand fifty dollars;
  - 26—35 one thousand one hundred fifty dollars;
  - 36—50 one thousand two hundred fifty dollars;

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51—75 one thousand three hundred fifty dollars;

76—100 one thousand four hundred fifty dollars.

20. Pass Through Deposits, Fees, and Charges.

a. Pass-Through Fees and Charges.

i. Pass-through fees and charges means any fee or charge incurred by the city in the review of a development application for which the applicant is responsible for.

b. Pass-Through Fees and Charges Agreement.

i. Each applicant shall sign a form created and distributed by the city's community development department acknowledging the applicant's understanding and consent that applicant is liable for payment of pass-through fees and charges.

ii. An administrative fee of five hundred dollars shall be assessed for each pass-through fee agreement.

c. Deposit.

i. Applicant shall submit a deposit of one thousand dollars for outsource engineering, legal review, and other professional services when submitting a site plan to the city for pre-application site plan conditions of approval. No deposit shall be required on pre-application submittals if there will not be a need for outsource engineering, legal review, and other professional services as determined by the community development director.

d. Pass-Through Fees and Charges Costs.

i. The city's costs of internal and outsourced review will be charged on an actual time and materials basis for pass-through fees and charges agreements.

e. Invoices, Payments, and Default.

i. Payment. The city treasurer upon receipt of a pass-through fee or charge shall charge the initial amount deposited into the city's account and shall provide the applicant a copy of such charge and remaining balance when available or within fifteen days, whichever occurs later.

ii. Invoices. If there are no funds held in trust or the amount deposited is insufficient to cover the pass-through fees and charges, the city treasurer shall invoice the applicant for the pass-through fees and charges as they are incurred by the city, providing for twenty days to remit balance due. Prior to any permits being issued, applicant shall pay any invoices due and owing. In the event additional pass-through fees and charges are incurred after permits have been issued, any remaining balance due shall be paid in full before final occupancy is granted.

iii. Default. Failure to pay the pass-through fees and charges within thirty days of invoice date will result in the application being deemed abandoned causing the applicant to start the application process anew and any deposits received by the city, less the five hundred dollars administrative fee, will be applied to any unpaid pass-through fees and charges and the remainder, if any, refunded. Any balance due and owing beyond the deposit will accrue interest at twelve percent per annum and no permits will be issued to the applicant until the balance is paid in full. The city shall have the right to lien the property being developed pursuant to Chapter 60.04 RCW.

iv. If the applicant fails to take substantial steps to complete the project within one year, city will revoke any permits previously issued and deem the project abandoned. Upon the

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project being deemed abandoned, the city will refund any unused amounts held by the city less the five hundred dollars administrative fee. If the amount held by the city is not sufficient to pay any outstanding invoices, the City shall have the right to lien the property being developed pursuant to Chapter 60.04 RCW.

- f. Project Completion and Reimbursement.
  - i. Any balance remaining from the deposit less the administrative fee will be refunded within thirty days of project completion and approval/acceptance by the community development department.
- g. Administrative Remedies.
  - i. Prior to filing any lawsuit, an applicant shall appeal any decision by a city employee over the interpretation or application of the pass-through fees and charges agreement to the city council at an open public meeting. The city council shall issue its decision on the appeal within twenty-one days of the hearing.

21. Performance Assurance for Right-of-Way Construction.

- a. Prior to issuance of any right-of-way permits, an applicant shall submit the following to the city:
  - i. An administrative fee of five hundred dollars plus any additional required fee;
  - ii. A right-of-way application and other documents as required in the city's development regulations and public works standards to the community development department;
  - iii. A nonrevocable notarized agreement executed by the property owner granting the city and its agents the right to enter the property and perform any required work remaining undone at the expiration of the permit and the right to lien the property for any costs incurred by the city above and beyond the bond amount required in NMC 17.88.080.15(d); and
  - iv. A performance assurance at the city's discretion, in one of the following forms:
    - (A) Cash in lieu of performance bond in the sum equal to one-hundred fifteen percent of the supplied quote to complete the right-of-way improvements, but, in any event, not less than one thousand dollars, and a cash in lieu of performance bond agreement on a form to be approved by the city attorney and deposit said amount with the city by delivering it to the city treasurer's office. Such agreement shall be conditioned on the faithful conformance with the provisions of the city's development regulations and public works standards, and shall be further conditioned on the permit applicant carrying out and completing such construction within the specified time and according to the terms of such permit.
    - (B) A bond in the sum equal to one-hundred fifteen percent of the supplied quote to complete the right-of-way improvements, but, in any event, not less than one thousand dollars. Such bond shall be conditioned on the faithful conformance with the provisions of the city's development regulations and public works standards, and shall be further conditioned on the permit applicant carrying out and completing such construction within the specified time and according to the terms of such permit. The bond shall remain in force and effect until acceptance of all work by the city.
- b. The city will retain the cash deposit in lieu of performance bond for no less than one year from the time that amount was paid to the city or the date which the project is completed and accepted/approved by the community development department, whichever occurs later.

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c. Completion of Permitted Work.

- i. Within thirty days of acceptance/approval of the completed project by the community development department, the city shall release any bond and/or refund any balance remaining from the cash deposit in lieu of performance bond.

d. Incomplete Work.

- i. The applicant is responsible for all costs incurred by the city in completing the work covered by the performance assurance. If the applicant fails to complete the project within one year or such other time designated on the right-of-way permit, the city shall call on or use the performance assurance to complete the right-of-way construction. If the amount of the performance assurance is less than the cost and expense incurred by the city in completing the work covered in the permit, the property owner shall be liable to the city for the difference. The city shall release or refund any proceeds of any deposit remaining after subtracting all costs incurred, including, but not limited to, any invoices due and owing from the pass through fees as authorized in NMC 17.88.080(14). If the bond amount or cash in lieu of performance bond is not sufficient to fulfill the completion of the project the City shall have the right to lien the property being developed pursuant to RCW 35A.60.010.

D. Shoreline Permit Fees. The following fees shall be paid for shoreline permits:

1. Shoreline exemption, one hundred seventy-five dollars.
2. Substantial development permit, three thousand five hundred dollars.
3. Conditional Use Permit/Variance, five thousand dollars.

E. Waiver of Fees. Upon appeal of the applicant, the board or commission, may waive any of the fees described in this section and provided that a finding is made that the requirements of a fee resulted from an improper action by the office community development department or other administrative officials of the city.

(Ord. 341 § 1, 2002; Ord. 163 § 12.8, 1989)

(Ord. No. 341A, § 1, 4-24-12; Ord. No. 341-B, § 1, 8-12-14; Ord. No. 341-C, § 1, 2-27-18; Ord. No. 341-D, § 1, 5-14-19; Ord. No. 609, §§ 1, 2, 6-9-20; Ord. No. 620, § 1, 2-23-2021; Ord. No. 630, §§ 1, 2, 3-22-22)

**17.88.090 Violation—Penalty.**

- A. Violation of the provisions of this title or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this title or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than two hundred fifty dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- B. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other such person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.
- C. Nothing in this section shall prevent the city from taking any other legal remedy authorized by law.

(Ord. 163 § 12.9, 1989)

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### 17.88.100 General consideration process.

Each application for a city permit shall be considered within one hundred twenty days using the following procedural steps:

- A. Preapplication Conference/Staff Site Review. Prior to accepting an application for review, the city clerk-treasurer shall schedule a pre-application conference to review city requirements and the proposed site. The potential applicant will be given notice of the meeting and date of the site visit. Applications involving critical areas shall also be notified in writing of the procedures required in Title 14.
- B. Application/Checklist/Determination of Completeness. Within twenty-eight days of receipt of an application and SEPA checklist the city clerk-treasurer shall review the application, critical areas requirements and environmental checklist for completeness. If incomplete, the clerk-treasurer shall notify the applicant of what is necessary. Upon a finding of completeness the city clerk-treasurer shall schedule any necessary hearing and notify the applicant by letter of the completeness of the application and date of the scheduled hearing. The city clerk-treasurer shall also provide a "notice of application" indicating the applicable comment period to the public and to agencies with jurisdictional authority of the opportunity for a combined city and agency public hearing.
- C. City Staff Review. After the comment period the city clerk-treasurer shall review the application and provide a written "single report" to the applicant. The "single report" as required by ESHB 1724 shall include the city SEPA threshold review and non-city thresholds reviews (if any are requested by agencies) and/or the city determination of adequacy of the existing city plan/EIS as well as all permit requirements of this code and recommendations, mitigation requirements and the date of scheduled open record public hearing (if required). The single report will be mailed to the applicant. A threshold determination requiring an EIS shall follow the SEPA procedures of Chapter 18.04.
- D. Planning Commission Public Open Record Hearing. Upon a finding of completeness the city clerk-treasurer shall schedule and advertise open public hearings if required by this code for the next available planning commission meeting. Notice of the hearing shall be provided as required by Section 17.88.070 of this code. After the hearing, the planning commission or (if none) the staff recommendation shall be forwarded to the applicant and to the city council at its next available public meeting along with a notification of the city decision time line for filing and appeal of the planning commissions/staff recommendation. As required by ESHB 1724 all appeals shall be only on the record.
- E. City Council Decision/Appeal Period. Following a fourteen-day appeal period as per RCW 36.70B.130, the city clerk-treasurer shall schedule consideration of the planning commission (or staff) recommendation including any filed appeal at the next available city council meeting. Any appeals shall be in writing. The city council consideration shall be a closed record consideration; provided that nothing herein shall prevent the city council from ascertaining information necessary to its considerations.
- F. Project Completion Review. Within one hundred twenty days of the receipt of a complete application and upon completion of the city council's consideration the city clerk-treasurer shall mail a letter to applicant of the city council's determination.

(Ord. 307 § 3, 2000; Ord. 264 § 1, 1998)

### 17.88.110 Additional considerations in critical areas.

When the pre-application review indicates critical areas, wetlands or a more thorough review of environmental impacts (i.e., SEPA) in addition to the requirements of Section 17.88.100 the application process shall include the following:

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- A. Critical areas include flood plains, steep slopes, wetlands and fish and wildlife habitat. The following steps are required to meet the completeness review prior to schedule city consideration:
1. Steep Slopes. Two areas have steeper slopes, in one area slopes are between eight percent and fifteen percent and another area slopes are between fifteen and thirty percent or greater. At the time of construction structures may be required to have engineered foundations in the first case and shall have engineered foundations in the later case. Applicant is to be so notified in the single report of city requirements.
  2. Wetlands and Fish and Wildlife (Includes All Flood Areas). Applicant must use the planned unit development approach minimizing impacts on wetland and habitat areas and a management plan developed by the applicant with review and comments (pro or con) by the Washington State Department of Fisheries is required for consideration. Applicant is to be so notified in the completeness review and the application is not complete until the management plan is provided.
  3. Flood areas (are included in above areas). All structures must be elevated above the base flood elevation as provided by FEMA or flood proofed as required by the city to a sufficient height to prevent damage to habitable areas. Applicant is to be so notified in the report of city requirements.
  4. State Environmental Policy Act (SEPA) threshold may be exceeded by the nature and size of the potential impacts in that the amount of growth is either more than anticipated by the plan or may be concentrated upon one area such as a street, school, park, stream, wetland, or environmental factor not considered in the city plan/EIS. An applicant's proposal for mitigation must be submitted with the application to be considered in the completeness review. The applicant may be required to develop an environmental impact statement meeting the requirements of the State Environmental Policy Act. Impacts greater than anticipated in the city plan/EIS or for any one area in the plan (i.e., thirty to fifty percent of anticipated twenty-year growth in one development) may be required to accomplish such an analysis. A determination of significance (DS) releases the city from meeting the one hundred twenty-day time line requirements of ESHB 1724. A scoping notice provides the opportunity to accomplish an abbreviated EIS addressing only those areas identified through the scoping process. Time lines are as established in Chapter 18.04.

(Ord. 264 § 2, 1998)