

Title 17ZONINGChapters:

<u>17.04</u>	<u>Definitions</u>
<u>17.08</u>	<u>Residential (R) Zone Regulations</u>
<u>17.12</u>	<u>Commercial/Industrial Zone</u>
<u>17.14</u>	<u>Diversified Use (D) Zone Regulations</u>
<u>17.18</u>	<u>Public and Quasi-Public (P) Zone Regulations</u>
<u>17.20</u>	<u>Unclassified and Conditional Uses</u>
<u>17.28</u>	<u>General Use Provisions</u>
<u>17.32</u>	<u>Nonconforming Uses and Structures</u>
<u>17.36</u>	<u>Administration and Enforcement</u>
<u>17.40</u>	<u>Administration of Conditional Use or</u> <u>Unclassified Permits</u>
<u>17.44</u>	<u>Variances</u>
<u>17.48</u>	<u>Amendment and Rezone</u>
<u>17.50</u>	<u>Comprehensive Plan and Urban Growth Area</u> <u>Amendments</u>
<u>17.52</u>	<u>Miscellaneous</u>
<u>17.56</u>	<u>Zone of Annexed Territory</u>
<u>17.60</u>	<u>Concurrency Management</u>

Chapter 17.04DEFINITIONSSections:

17.04.010 Definitions.

17.04.010 Definitions.

"Accessory building" means a secondary building, or structure, part of a building or another structure which is subordinate to and the use of which is incidental to that of the main building, the structure is used on the same lot, this includes a private garage.

"Accessory living quarters" means a living quarters within an accessory building for the sole use of the family or for persons employed on the premises, or for the temporary use of guests of the occupants of the premises. Such quarters have no kitchen facilities and is not rented or otherwise used as a separate dwelling unit. The term "accessory living quarters" includes "guest house."

"Airport," "heliport" or "aircraft landing field" means any runway, landing area or any other construction, or clearing which is designed, used or intended to be used either by public carriers or by private aircraft for landing or taking off of aircraft, including all necessary

taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces, but not including manufacturing serving aircraft or testing facilities located in the vicinity of any landing area associated with the manufacturing or testing of commercial or military aircraft or activities associated therewith.

"Alley" means a public thoroughfare or driveway which affords only a secondary means of access to abutting properties.

"Alterations" means a change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth of a structure. In buildings for business, commercial or similar uses, the installation or rearrangement of partitions affecting more than one-third of a single floor shall be considered an alteration.

"Amendment" means a change in the working, context or substance of this title; a change in the zone boundaries upon zoning maps adopted under this title.

An "animal unit" equals one living animal, being maintained and cared for within the town limits. (see animal ordinances; see also clinic-animal)

"Apartment" means a room or suite of two or more rooms in a multifamily dwelling or a single-family dwelling that has been altered to accommodate two or more independent living quarters suitable for occupancy as separate functioning dwelling units each for the use of one family.

"Apartment house or complex" means a building or a portion of a building designed for occupancy by three or more families living independently of each other in three or more dwelling units.

"Area" or "site" means the total horizontal area comprised with the property lines excluding external streets.

"Automobile, boat, trailer, and recreational vehicle sales area" means an open area, other than a street, used for the display, sale or rental of new or used automobiles, boats, trailers, or recreational vehicles, and where no repair work is done except minor incidental repair of automobiles, boats, trailers, or recreational vehicles to be sold, displayed, or rented on the premises.

"Bed and breakfast inn" means a residence where sleeping, bathing and toilet accommodations, and one or more meals daily for one or more persons are provided for hire on a daily or weekly basis, and where the living spaces of the residents are shared by the paying guests.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Building height" means the vertical distance above "grade" to the highest point of the coping of a flat roof or to the deck line of mansard roof or to the maximum height of the highest gable of a pitched roof. The measurement may be taken from the adjoining sidewalk or ground

surface within five feet horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

"Building line" means the line along the face of the building nearest to the property line, and which is parallel to the property line.

"Building, main" means the principal building or other structure on a lot or building site designed or used to

accommodate the primary use to which the premises are devoted.

"Building, commerce" means a building or structure supporting commerce, for the purchase, sale, offering for sale, or other transactions involving the handling, disposition of any article, service, substance or commodity for livelihood or profit.

"Cemetery" means land used or intended to be used for the burial of human dead and dedicated for cemetery purposes.

"Church" means an establishment, the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place of worship, and including accessory uses in the main building or in separate buildings or structures, including Sunday school rooms and religious education classrooms, assembly rooms, kitchen, library room or reading room, recreational hall, a single-family dwelling unit and residences on the site for nuns and clergy, but excluding facilities for the training of religious orders (see schools).

"Conditional use" means a use permitted in one or more classifications as defined by this title, but because of characteristics peculiar to it and the site, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses.

"Conditional use permit" means the documented evidence of authority granted by the council to locate a conditional use at a particular location.

"Conforming use" means an activity, the nature and type of which is permitted in the zone in which it is established.

"Day care nursery" means a group child day care facility, including nurseries, nursery schools, privately conducted kindergartens, and programs covering after school care for children.

"Dwelling" means a building designed exclusively for residential purposes.

"Dwelling, single-family" means a detached building designed exclusively for occupancy by one family and containing one dwelling unit.

"Dwelling, two-family (duplex)" means a building designed exclusively for occupancy of two families living independently of each other and containing two dwelling units.

"Dwelling, multifamily" a building designed exclusively for occupancy by three or more families living independently of each other and containing three or more dwelling units. (see also apartments)

"Dwelling unit" means one or more rooms occupied by one family and containing kitchen facilities for use solely by that family. All rooms comprising a dwelling unit shall

have access through interior doors to all other parts of the dwelling unit.

"Family" means an individual, or two or more related by blood or marriage, or a group of not more than five persons who are not related by blood or marriage.

"Farm equipment" means agricultural heavy equipment. (see heavy machinery)

"Fence" means a wall or barrier for the purpose of enclosing space or separating parcels of land.

"First permitted" means the most restricted zone in which a particular use is indicated as a permissible use.

"Floor area" means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of the exterior walls and from the center line of any divider walls. Floor area shall include: basement space, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with head room of seven feet six inches or more, penthouse floors, interior balconies and mezzanines or enclosed porches. Accessory water tanks and cooling tower, mechanical equipment or attic spaces with head room of less than seven feet six inches of which is not more than thirty percent of the floor space, exterior steps of stairs, terraces, breezeways and open spaces shall not be counted.

"Garage, private" means an accessory building or an accessory portion of the main building, designed or used only for the shelter or storage of vehicles owned by or operated only by the occupants of the main building or buildings.

"Garage, public" means a building used for the care, repair or storage of automobiles, or where such vehicles are kept for remuneration, hire or sale.

"Grade" means 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, the lowest point of elevation between the building, and a line five feet from the building.

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

"Heavy machinery" means large mechanical devices used in the making of other machines or large mechanical devices either mobile or nonmobile equipment used to produce commodities, or large production equipment used for agricultural process or pursuits.

"Height" (See building height).

"Home occupation" means an occupation or profession which is customarily incident to or carried on in a dwell-

ing place. The occupation would not be one in which the use of the premise as a dwelling place would be secondary to the occupation being carried on. The occupation must be carried out by a member of the family residing with the dwelling unit.

"Hospital, human" means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state law to provide facilities and services.

"Hospital or clinic, animal" means an establishment in which veterinary medical services, clipping, bathing and similar service are rendered to dogs, cats and other domesticated animals and/or pets (See also animal unit).

"Hotel" means a building in which there is a common entry where there are five or more guest rooms, or lodging

with or without meals provided for compensation, and where no provision is made for cooking in any individual room or suite, and within such a building an apartment may be for the sole use of the resident manager/owner.

"Junk yard" means any premises devoted wholly or in part to the storage, buying, selling or otherwise handling or dealing in old rags, sacks, bottles, cans, papers, metals, rubber or other articles commonly known as junk. Also see nuisance ordinance.

"Kennel" means a place where four or more adult dogs, cats or any combination thereof are kept or boarded. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of six months. Also see animal ordinance.

"Kitchen" means any room or rooms, or portion of a room or rooms, used for or intended to be used for or designed in a manner to be used for the cooking or preparation of food.

"Livestock" means horses, bovine animals, sheep, goats, swine, fowl, donkeys, and mules. Also see nuisance and animal ordinances.

"Loading space" means a space on a site where the use of such space is reserved for temporary parking of a vehicle while loading or unloading of merchandise, materials or passengers.

"Lot" means a building site that is described by reference to a recorded plat, by metes and bounds, or by section, township and range.

"Lot area" means the total horizontal area within the boundary lines of the lot.

"Lot depth" means the mean horizontal dimension of a lot from the front street lot line to the rear lot line.

"Lot width" means the mean horizontal distance between the lot side lines.

"Lot rear line" means a rear lot line(s) which is opposite and the most distant from the lot front line and/or is parallel or within forty-five degrees of being parallel to the front line and does not intersect any street line bounding the lot.

"Lot corner" means a lot situated at the intersection of two or more streets, the street frontages of which forms an angle not greater than one hundred twenty-eight degrees, and not less than forty-five degrees.

"Lot interior" means a lot other than a corner lot.

"Lot through" means a lot having frontage on two streets, including a lot at the intersection of two streets when the side streets of such lot form a internal angle of less than forty-five degrees.

"Mean Depth." The mean depth of a lot is measured on a line approximately perpendicular to the frontage street and midway between the side lines.

"Mobilehome" means a factory-assembled structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear, and designed to be used as a long term dwelling unit or units either with or without a permanent foundation. Such a structure(s) is, or has been constructed such that it will or may be moved from time to time. Mobilehomes are manufactured off site, but shall not be included as a modular home. Also see manufactured home ordinance.

"Mobilehome park" means an approved site within which the individual lots or tracts are designed and intended for the use as a mobilehome site exclusively. Also see manufactured home ordinance.

"Modular home" means a structure constructed of factory-assembled parts that are transported to the building site and assembled at the site. The completed structure is not mobile and should not be considered a mobilehome. Also see manufactured home ordinance.

"Motel" means a group of attached or detached buildings containing individual sleeping units where a majority of such units open individually and directly to the outside.

"Nonconforming building" means a building, or portion thereof, which was lawfully erected or altered and maintained, but which because of the application of this title, no longer conforms to the regulations of the zone in which it is located as defined by this title.

"Nonconforming use" means a land use which was lawfully established and maintained, but which because of the application of this title, no longer conforms to the use regulations of the zone in which it is located as defined by this title.

"Outdoor advertising structure" means a structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising is displayed or can be placed.

"Parcel" means a tract or plat of land of any size which may or may not be subdivided or improved.

"Parking area, private" means an open area other than a street, alley or other public property, limited to the parking of automobiles for the occupants' or employees' use to which these facilities are appurtenant.

"Parking area, public" means an open area other than a street or alley, whether publicly or privately owned, which is used for the parking of more than four automobiles and is available to the public at large.

"Parking space" means an area which is improved, maintained and used for the sole purpose of accommodating a single motor vehicle.

"Principal use" means the primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

"Public utility" means a private business organization such as a public service corporation performing some public service and subject to special governmental regulation, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, natural gas, and transportation for persons and freight.

"Reclassification of property" means a change in zone boundaries upon the zoning map, when adopted in the manner prescribed by law.

"Reclassification of use" means the assignment by amendment of this title, of a particular use to a different use classification other than what was originally permitted.

"Recreation area, commercial" means an area operated for profit and devoted to facilities and equipment for recreational purposes.

"Recreational area, public" means an area devoted to facilities and equipment for recreational purposes.

"Residence" means a building or structure, or portion thereof, which is designed for and used to provide an abode for human beings.

"Rest home," "convalescent home," "guest home," "home for the aged" means a home operated similarly as a boarding house, but not restricted to any number of guest rooms and the operation of which is licensed by the state or county to give nursing, dietary and other personal service. These services are furnished to convalescents, invalids, and aged persons. No persons suffering from mental illness, mental disease, disorder or ailments not contagious with the aged nor a communicable disease. The establishment may not perform any kind of surgery, maternity or other primary treatments such as customarily performed in sanitariums or hospitals, and in which no persons are kept or served who normally would be admissible to a mental hospital, or correctional institution.

"Roof" means a structural over-covering placed upon or above a portion of a building or structure, including those projections beyond the walls or supports of the building or structure.

"Schools," "elementary," "junior high," "senior high" or "institutions of higher education" means an institution of learning offering instruction in the several branches of learning and study required by the Educational Code of the state of Washington to be taught in the public and parochial schools including such facilities for the training of the religious orders.

"Story" or "floor" means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, then the space between the floor and the ceiling next above it shall be considered a story. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall be considered a story.

"Street" means a public or recorded private thoroughfare which affords primary means of access to abutting properties.

"Street line" means the boundary line between a street and the abutting property.

"Structure" means anything constructed in the ground, or anything erected which requires location on the ground or water, or is attached to something having location on or in the ground, but not including fences least than six feet in height, or paved areas.

"Structural alterations" means any change in the supporting member of a building or structure.

"Trailer park," "trailer court," "mobilehome park" and "public trailer camp." See mobilehome park. Also see manufactured home ordinance.

"Unclassified use" means a use possessing characteristics of such uniqueness and special form as to make it impractical to be automatically and consistently permissible in any defined classification or zone as set forth in this title.

"Unclassified use permit" means a limiting authority granted by the council so that the unclassified use may be located at a particular location, and which limiting authority is required to apply or modify the controls stipulated in this title.

"Unlisted uses" means uses which are not specifically named as being permitted in any use classification contained within this title.

"Use" means the nature of the occupancy, the type of activity, or the character and form of improvements to which the land is devoted or may be devoted.

"Variance" means an adjustment in the specific regulations of this title regarding a particular piece of property because it is deprived of the privileges commonly enjoyed by other properties in the same vicinity and zone. This adjustment remedies disparity in privileges. The disparity may not be due to conditions created by the owner or previous owners. Each situation will be considered independently, and shall be not held as present for other considerations.

"Yard" means an open space other than a court unoccupied and unobstructed from the ground upward unless specifically permitted this ordinance.

"Yard, front" means an area extending across the full width of the lot and lying between the front lot line and a line drawn parallel thereto, and at a distance therefrom equal to the required front yard depth.

"Yard, side" means an open area measured from the lot side line extending inwardly to the nearest building or structure. This measurement is applied equally and parallel with lot side line from the nearest point of a building or structure to the rear line and to the front line.

"Yard, rear" means an unoccupied space extending from the rear-most line to the nearest point of the main building on the lot and including the full width of the lot to its side line.

"Zone" means an area accurately defined as to boundaries and location on an official map and within which area only certain types of land uses are permitted, and within which other types of land uses are excluded. (Ord. 282 § 2, 1998; Ord. 232 §1, 1992)

Chapter 17.08

RESIDENTIAL (R) ZONE REGULATIONS

Sections:

- 17.08.010 Purpose.
- 17.08.020 Permitted uses.
- 17.08.030 Conditional uses.
- 17.08.040 Lot requirements.
- 17.08.050 Unclassified uses.

17.08.010 Purpose. The principal objective and purpose to be served by this classification is to create a stable quality environment of the highest standard. (Ord. 232 §2.1, 1992)

17.08.020 Permitted uses. In a residential (R) zone, the following uses are permitted and provided for, in this section. Permitted uses are subject to general provisions and exceptions set forth in this title.

A. Residential (R) Zone Defined. Consists of single-family dwellings and accessory buildings. Duplexes when located on two separate lots. When the structure shares a common wall and roof. Residential businesses that are typically recognized as being maintained in homes and that the business does not generate undue traffic or parking problems. The minimum lot size is seven thousand square feet.

B. Accessory Buildings and Uses. Accessory buildings and their uses may include, but not limited to the following;

1. Accessory living quarters;
2. Private garages, accommodating not more than four automobiles;
3. Cat and dog houses, when the total of dogs or cats are below the number defined as "kennel," and when kept on the same lot as the residence. For provisions for animals see general use provisions and Title 6, Fairfield Municipal Code;
4. Greenhouses, solely maintained for private and noncommercial purposes;
5. Radio or television antenna or tower and satellite communication dishes (noncommercial). Amateur and citizen band antenna when the total height does not exceed the height of the main structure by ten feet. If the towers or antenna are erected upon a structure the total shall not exceed the height of the structure by six feet;
6. Swimming pools and other recreational facilities for the sole use of the occupants of the premises and their guests.
7. In home day care for twelve or fewer children, including the children of the home;
8. In home long-term care of six or fewer elderly persons licensed by the state.

C. Residential Signs.

1. Name Plates. Name plates not exceeding two square feet in area and containing the name of the occupant of the premises.
2. Display Sign. One unlit sign not exceeding six feet square in area pertaining to the sale, lease or hire of only the particular building, property or premises upon which it is displayed (i.e., realtors for sale signs).
3. Advertising Sign. One unlit identification sign not more than twelve square feet in area provided such sign shall not extend into any other yard, street or lot and that the sign does not impede clear view of street, other lots or yards. (Ord. 282 § 3, 1998; Ord. 232 §2.2, 1992)

17.08.030 Conditional uses. The following residential uses require a conditional use permit from the council with recommendations from the planning commission when possible, as provided in Chapter 17.40 of this title.

A. Duplexes and Apartment Complexes. All provisions of these permitted uses to include the following: Duplexes placed on one lot, and apartment complexes. The lot size will be determined by the project complexity. Conditional uses within a residential zone shall not have less than seven-thousand-square foot lots.

1. Private Garages. Private garages, carports and/or off street parking for residential units shall not be less than one for each dwelling unit.

2. Lot Characteristics. Lot area, lot width, yards and setbacks, and height shall be no less than those required for single-family dwellings, unless specified.

3. Recreational Space. Each apartment building or complex that applies for a building permit must provide a minimum area of one hundred square feet of recreational

space or open space for each dwelling unit including those of the manager/owner if located on the same site.

4. Recreational Space Covered. No more than fifty percent of the lot area may be indoors or covered. Where the total recreational square footage is greater than three thousand feet the site may be placed on a contiguous parcel of land.

5. Recreational Open Space. No part of the recreational site or open space shall be used as driveways, parking lot, or other automotive uses or storage.

6. Fencing. Fencing or plant screening shall be used to separate the recreational space from public streets, parking areas and driveways.

7. Parking. Off-street parking lots shall have erected and maintained a solid wall or a view-obscuring fence or an evergreen hedge not less than five feet in height.

8. Illumination. All lights providing illumination for parking areas, or the complex interior shall be so arranged as to direct the light away from any adjoining property.

B. Premanufactured Homes, Mobilehomes, and Trailer Homes. See Fairfield manufactured home ordinance. Homes provided for in the manufactured home ordinance must also abide by the general provisions of this chapter.

The premanufactured homes, mobilehomes, and trailer homes, located within a residential zone shall adhere to the following minimums:

1. Foundation. The mobilehome shall be permanently established upon a foundation approved by the building inspector.

2. Utilities. The mobilehome shall be permanently connected to water, power and sewer utilities.

3. Landscaping. The unit shall be skirted and landscaped in such a way as to be in harmony with the surrounding residential properties and will not be detrimental to adjacent surrounding property and will preserve general character and integrity of the neighborhood. Skirting must be completed within sixty days of installation of the mobilehome.

4. Living Space. No manufactured unit placed with the town shall have less than eight hundred square feet of living space.

C. Cemeteries.

D. Churches.

E. Nursery schools, day care centers.

F. Home occupation (as defined).

1. Parking and Traffic. In the case of those home occupations or cottage industries. These activities shall not interfere with the residential nature of the zone. Residential businesses maintained in the home shall not generate undue traffic or parking problems.

2. Home Occupation Activities. In the case of automobile, appliance, carpentry or other repair shops, no vehicle shall be stored on any public street. All activities, supplies, appliances and vehicles must be enclosed inside the home, accessory building and/or the rear yard within a secure area. Automobiles, appliances, lumber and other articles maintained within the secure areas shall be for the temporary storage of that activity or parts. The secure area shall be enclosed with a sight-obscuring fence or a evergreen hedge not less than six feet and not more than eight feet in height. This paragraph does not allow those activities associated with dismantling vehicles, appliances, or other items for parts consistent with salvage operations or junkyards.

G. Parks, Privately Owned. Parks, privately owned and operated, provided:

1. Bleachers. No permanent bleachers or stadiums are permitted if the site is less than ten acres, and no public amusement devices for hire are permitted, except by specific permit.

2. Illumination. Any lights to provide illumination for any building, recreational area or parking area shall be arranged as to reflect light away from adjacent property.

3. Building Site. Any building or structure shall maintain a distance of not less than fifty feet from any property line that has a common property line with a single-family dwelling or not less than twenty feet from a public street.

H. Public utility facilities.

I. Schools (as defined).

J. Lodges, etc. Lodges, private clubs and fraternal societies must provide adequate off-street parking at one space per twenty-five square feet of meeting space.

K. Bed and breakfast inn.

L. Group home. (Ord. 282 §§4, 5, 1998; Ord. 232 §2.3, 1992)

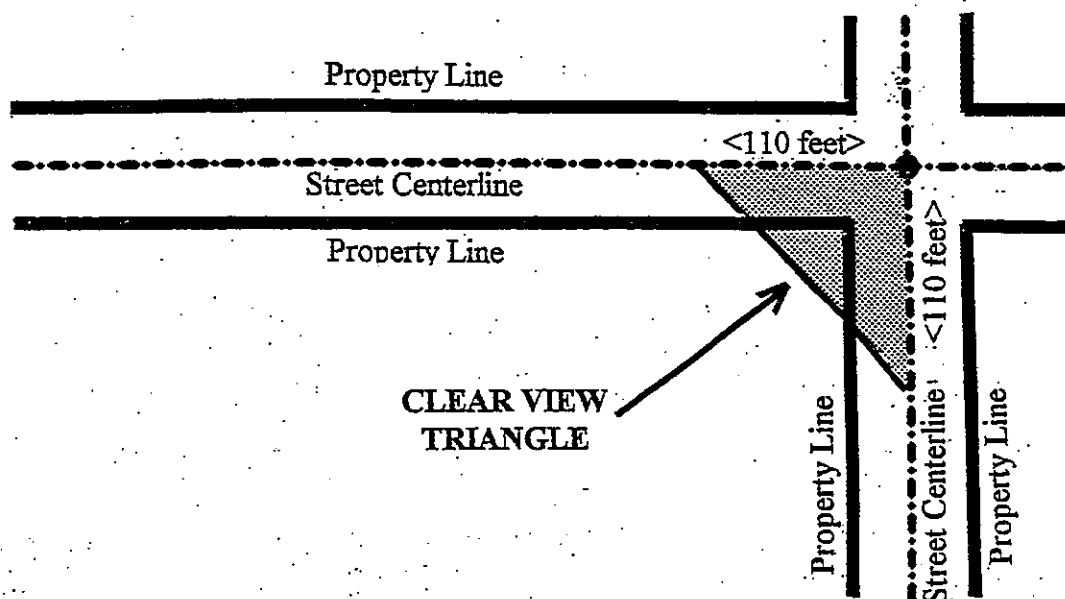
17.08.040 Lot requirements. The minimum requirements of lots within a residential (R) zone shall be:

A. Lot Area. The minimum lot area shall be seven thousand square feet.

B. Lot Width. The minimum lot width at the property line shall be seventy-five feet.

C. Front Yard. Every lot shall have a front yard with a depth of not less than fifteen feet or forty-five feet from the centerline of the street, whichever is farthest back from the property line. In the case of a corner lot, the flanking street side yard shall not be less than fifteen feet.

No building or fencing, nor any sight obstruction which constitutes a hazard to the traveling public as determined by the town council, shall be permitted on any corner lot within the area designated as the "clear view triangle," which can be determined by measuring one hundred ten feet from the center of two intersecting streets along the centerline of each street, then connecting the two points with a straight line forming the hypotenuse of the clear view triangle, as illustrated in the following diagram.



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

Fences with a maximum height of six feet may be located on the fronting or flanking street property line outside the area encompassed by the clear view triangle.

D. Side Yards. Every lot shall have a side yard with a minimum depth of five feet per story or three feet per story when constructed of materials rated to at least one hour fire-resistant construction. Fences with a maximum height of six feet may be located on the side property line.

E. Rear Yards. Every lot must have a rear yard with a minimum depth of five feet per story or three feet per story when constructed of materials rated to at least one hour fire-resistant construction. Apartment complexes may, if providing rear yard garages, construct the garages to within one and one-half feet from the rear lot line, provided that at least seventy percent of the area between the main building and accessory building (garage) is in open space and thirty percent in driveway and the garage must be one hour fire-resistant construction. Fences with a maximum height of six feet may be located on the rear property line.

F. Height. No residential building, structure or accessory building or accessory structure shall exceed two stories or a total height of twenty-five feet above the grade. Building heights greater than twenty-five feet shall require a conditional use permit. These structures should have design and engineering characteristics that take advantage of environmental attributes.

G. Lot Coverage. Except as otherwise provided, all buildings including accessory buildings and structures, excluding parking spaces or private pools, shall not cover more than forty percent of the total area of the lot. (Ord. 282 §§ 6--8, Ord. 232 §2.4, 1992)

17.08.050 Unclassified uses. As provided in Chapter 17.20 of this title. (Ord. 232 §3, 1992)

Chapter 17.12

COMMERCIAL/INDUSTRIAL ZONE

Sections:

- 17.12.010 Description and purpose.
- 17.12.020 Permitted primary uses.
- 17.12.030 Permitted accessory uses.
- 17.12.040 Conditional uses.
- 17.12.050 Special provisions.
- 17.12.060 Site (lot) area and frontage.
- 17.12.070 Yards and site coverage.
- 17.12.080 Height limits.
- 17.12.090 Off-street parking and loading.

17.12.010 Description and purpose. The commercial/industrial (CI) zone is intended as a zone which recognizes the historic commercial and industrial development patterns of the town in accordance with the comprehensive plan. In order to promote the public health, safety, and general welfare of the community, and to assure compatibility with surrounding areas, an appropriate mixture of commercial and industrial uses shall be allowed. (Ord. 282 §10(part), 1998)

17.12.020 Permitted primary uses. No building, structure, or land shall be used, and no building, structure, or use in the commercial/industrial (CI) zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

A. Commercial Retail and Service Uses:

1. Bakeries;
2. Banks and other financial services;
3. Business and professional offices, including medical and dental offices;
4. Churches, synagogues, temples, and houses of worship;
5. Clothing and clothing accessory retail sales;
6. Day care, nursery school, or preschool facilities and services;
7. Delicatessens and meat markets;
8. Drug stores and pharmacies;
9. Dry cleaning and laundry establishments;
10. Florist and plant shops;
11. Food stores and markets;
12. Fraternal or philanthropic lodges and institutions;
13. Furniture and other home accessory sales such as carpets, drapes, and paint;
14. General merchandise and other retail sales;
15. Hardware stores;
16. Hotels, motels, bed and breakfast inns, and lodging houses;
17. Lock and key services;
18. Lumber yards and building material sales;
19. Medical and dental laboratories;
20. Mortuaries and funeral homes;
21. Motor vehicle and farm equipment sales, leasing, rental, and services;
22. Nurseries and garden supplies;
23. Pawn shops;
24. Personal services, including barber and beauty shops;
25. Pet shops, including grooming services;
26. Photographic services, including portrait studios and photo developing stores;
27. Printing and publishing services;

28. Radio, television, and other electronics sales and services;

29. Restaurants (full service), cafeterias, catering services, taverns, and lounges;

30. Shoe repair and clothing alterations shops;

31. Theaters and other indoor (walk-in) recreational activities.

32. Other uses which the town council determines to be similar in nature, function, and operation to permitted primary commercial uses in the zone.

C. Industrial Uses:

1. Agricultural uses of the land;

2. Car washes;

3. Carpet, furniture, and upholstery cleaning and repair establishments;

4. Contractors' offices, shops, and storage, including electrical, masonry, tile, plumbing, heating and ventilating, plastering, carpentry, roofing, glass, insulation, iron work, and similar services;

5. Electrical appliance and motor repair shops;

6. Electronic instrument manufacturing and assembly;

7. Food and dry good processing, packaging, and distribution operations;

8. Household appliance repair shops;

9. Jewelry manufacturing;

10. Laboratories, experimental or testing;

11. Manufacture, sales, and service of windows, window screens, rain gutters, shades and awnings;

12. Optical device manufacturing and assembly;

13. Precision instruments manufacturing;

14. Recording and sensory instrument or device manufacturing and assembly;

15. Research, development, and testing, including scientific research or experimental development of materials, methods, and products;

16. Small tool sharpening and repair;

17. Welding and metal fabricating shops;

18. Other uses which the town council determines to be similar in nature, function, and operation to permitted primary industrial uses in the zone. (Ord. 282 §10(part), 1998)

17.12.030 Permitted accessory uses. The following accessory uses shall be permitted in the commercial/industrial (CI) zone:

A. An on-site residence for security persons, caretakers, custodians, or officials of a church or other house of worship employed or otherwise retained by the primary use.

B. On-site signs in conformance with the provisions set forth in Section 17.28.010 of this title.

C. On-site accessory parking and loading in conformance with the provisions set forth in Section 17.28.020 of this title. (Ord. 282 §10(part), 1998)

17.12.040 Conditional uses. The following conditional uses may be permitted in the commercial/industrial (CI) zone, subject to the approval of a conditional use permit in compliance with the conditions and requirements set forth in this title:

A. Automobile service stations and automotive or machinery repair services, including battery shops and tire repair shops;

B. Commercial parking lots not accessory to a permitted use;

C. Multi-family residential dwelling units subject to the provisions of the R zone, and provided further than the ground floor level is occupied with permitted commercial uses;

D. Drive-in or drive-through establishments including fast-food restaurants, drive-through banking, and drive-in theaters;

E. Convalescent homes; sanitariums, or retirement homes;

F. Group homes or other residential care facilities;

G. Hospitals including mental, drug abuse, and alcoholic rehabilitation hospitals and centers;

H. Outdoor park, recreation, or entertainment uses;

I. Veterinary offices, including hospitalization and boarding services;

J. Warehousing and distribution;

K. Wholesaling;

L. Elementary and secondary schools, public or private;

M. Fuel storage and distribution yards;

N. Manufacturing, processing, fabrication, and other uses not listed among permitted primary uses in the commercial/industrial (CI) zone;

O. Off-premises advertising signs;

P. Any enterprise or business that stores or warehouses a flammable material or chemical; such enterprise shall also list the flammables and locations within the structure with the town hall and fire chief;

Q. Any enterprise or business that produces, warehouses, or produces a by-product of any substance that can be classified as a hazardous waste; all permitting shall be in accordance with the Hazardous Waste Standards (Washington Administrative Code Section 173-303-285);

R. Building height in excess of the standards of Section 17.12.080 of this chapter. (Ord. 282 §10(part), 1998)

17.12.050 Special provisions. In addition to conformance with the general provisions of this chapter, all uses in the CI zone shall comply with the following special provisions:

A. Service Station. The leading edge of the base of pump islands shall not be closer than fifteen feet from the street property line.

B. Automotive Repair Services. For any automotive repair business established after the effective date of the ordinance codified in this chapter, no vehicle shall be stored on any public street, and vehicles must be enclosed inside or within a secure area during extended periods when work is not being performed. Auto repair secure areas shall be for the temporary storage of vehicles and auto parts. The secure area shall be enclosed with a sight-obscuring fence or an evergreen hedge not less than six feet nor more than eight feet in height. This subsection does not allow those activities associated with dismantling vehicles for parts consistent with salvage operations or junkyards. The repair shops shall meet the provisions of the town's adopted fire code.

C. Nuisances. All operations conducted on the premises shall not be objectionable beyond the property boundary lines by reason of noise, odor, fumes, gases, smoke, steam, vibration, glare, hazard, or other causes of irritation to adjacent property users.

D. Stormwater Management. Each site shall consider storm or water runoff. The property shall be designed under accepted formulas to manage stormwater or runoff within its own property boundaries.

E. Site Buffer. Commercial or industrial sites that share a common property line with a residential (R) zone shall construct a sight-obscuring fence or an evergreen hedge not less than six feet nor more than eight feet in height along the common property line with the residentially zoned property. The fence or hedge shall be maintained for screening purposes and for controlling access to the property. Where the wall of the building is on shared common property lines, no separating wall, fence, or hedge is needed for that portion of a building that is erected on such common property line.

F. Other Requirements. As deemed necessary by the town engineer, the town council, and/or the building inspector. (Ord. 282 §10(part), 1998)

17.12.060 Site (lot) area and frontage. The following site size and street frontage standards shall apply to all uses in the commercial/industrial (CI) zone:

A. Each site or parcel shall have a minimum site size as determined by the town council to be appropriate for the proposed use.

B. Each site or parcel shall have a minimum width at the street-facing property line as determined by the town council to be appropriate for the proposed use. (Ord. 282 §10(part), 1998)

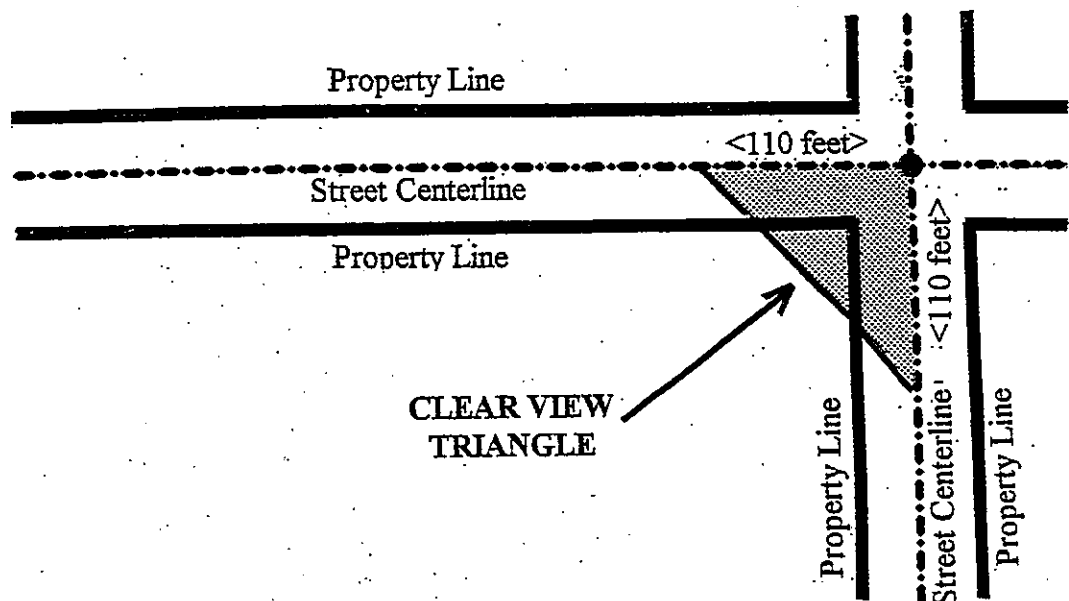
17.12.070 Yards and site coverage. The following yard (setback) and site coverage standards shall be observed by all uses in the commercial/industrial (CI) zone:

A. Street Frontage Yard. The following provisions shall apply to both fronting and flanking street property lines.

1. A sidewalk shall be constructed from the curb set inward not to exceed ten feet. This sidewalk strip may contain a combination planting strip and sidewalk of which the sidewalk must be no less than five feet wide. The outer edge of the building will not be less than ten feet from the curb set. New construction within an established block will be constructed in a manner to be consistent with sidewalk designs within that block.

2. In areas where sidewalks do not exist, the town council may allow building placement five feet from the street-facing curb line.

3. No building or fencing, nor any sight obstruction which constitutes a hazard to the traveling public as determined by the town council, shall be permitted on any corner lot within the area designated as the "clear view triangle," which can be determined by measuring one hundred ten feet from the center of two intersecting streets along the centerline of each street, then connecting the two points with a straight line forming the hypotenuse of the "clear view triangle", as illustrated in the following diagram.



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

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

B. Rear Yard. There shall be no minimum rear yard setback from the rear property line.

C. Side Yard. There shall be no minimum side yard setback from the side property line.

D. Site Coverage. The maximum site coverage for all commercial and industrial buildings and structures shall be sixty percent or as determined by the town council on a case-by-case basis. (Ord. 282 §10(part), 1998)

17.12.080 Height limits. There shall be a height limit of thirty feet for buildings and structures in the commercial/industrial (CI) zone. (Ord. 282 §10(part), 1998)

17.12.090 Off-street parking and loading. Parking and loading standards for uses in the commercial/industrial (CI) zone shall conform to the standards set forth in section 17.28.020 of this title.

Where the parking requirements for a use are not specifically defined in Section 17.28.020 of this title, the parking requirements for such use shall be determined by the town council, and such determination shall be based upon the requirements for the most comparable use specified in this title, or other requirements based upon the best available information concerning the proposed use. (Ord. 282 §10(part), 1998)

Chapter 17.14

DIVERSIFIED USE (D) ZONE

Sections:

- 17.14.010 Description and purpose.
- 17.14.020 Permitted primary uses.
- 17.14.030 Permitted accessory uses.
- 17.14.040 Conditional uses.
- 17.14.050 Site (lot) area and frontage.

Sections: (Continued)

- 17.14.060 Yards and site coverage.
- 17.14.070 Height limits.
- 17.14.080 Off-street parking and loading.

17.14.010 Description and purpose. The diversified use (D) zone is intended as a zone for a mixture of residential and commercial activities in peripheral areas along First Street (Highway 27) which are outside the town's existing development core. This zone is also intended to recognize a mixed use development currently existing. It is further intended that the diversified use zone provide for the unique and special characteristics of the variety of uses contemplated in order to foster compatibility between uses and to protect the public health, safety, and general welfare of the community. (Ord. 282 §11(part), 1998)

17.14.020 Permitted primary uses. No building, structure, or land shall be used, and no building, structure, or use in the diversified use (D) zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

A. All primary uses permitted in the residential (R) zone, being Chapter 17.08 of this title.

B. All primary commercial uses permitted in the commercial/industrial (CI) zone, being Chapter 17.12 of this title; no industrial uses shall be permitted.

The special provisions set forth in Section 17.12.050 of this title shall apply where applicable.

C. Housing accommodations for senior citizens, whether under independent living conditions, or assisted living conditions. (Ord. 282 §11(part), 1998)

17.14.030 Permitted accessory uses. The following accessory uses shall be permitted in the diversified use (D) zone:

A. All accessory uses permitted in the residential (R) zone, being Chapter 17.08 of this title.

B. All commercial accessory uses permitted in the commercial/industrial (CI) zone, being Chapter 17.12 of this title. (Ord. 282 §11(part), 1998)

17.14.040 Conditional uses. The following uses may be permitted in the diversified use (D) zone, subject to the approval of a conditional use permit in compliance with the conditions and requirements of Chapter 17.40 of this title:

A. All conditional uses authorized for consideration in the residential (R) zone, being Chapter 17.08 of this title.

B. All commercial conditional uses authorized for consideration in the commercial/industrial (CI) zone, being Chapter 17.12 of this title; no industrial conditional uses shall be permitted. (Ord. 282 §11(part), 1998)

17.14.050 Site (lot) area and frontage. The minimum lot area and street frontage required in the diversified use (D) zone shall be determined by the nature of the use proposed.

A. Residential uses shall comply with criteria applicable to the residential (R) zone as set forth in Chapter 17.08 of this title.

B. Commercial uses shall comply with criteria applicable to the commercial/industrial (CI) zone as set forth in Chapter 17.12 of this title. (Ord. 282 §11(part), 1998)

17.14.060 Yards and site coverage. The minimum yard (setback) areas and site coverages required in the diversified use (D) zone shall be determined by the nature of the use proposed.

A. Residential uses shall comply with criteria applicable to the residential (R) zone as set forth in Chapter 17.08 of this title.

B. Commercial uses shall comply with criteria applicable to the commercial/industrial (CI) zone as set forth in Chapter 17.12 of this title, except that when a commercial use is adjacent to a residential use, with no intervening street or alley, commercial buildings, structures, and uses shall conform to the setback and site coverage standards required for the adjacent residential use. (Ord. 282 §11(part), 1998)

17.14.070 Height limits. The maximum building height permitted in the diversified use (D) zone shall be determined by the nature of the use proposed.

A. Residential uses shall comply with criteria applicable to the residential (R) zone as set forth in chapter 17.08 of this title.

B. Commercial uses shall comply with criteria applicable to the commercial/industrial (CI) zone as set forth in Chapter 17.12 of this title, except that when a commercial use is adjacent to a residential use, with no intervening street or alley, the maximum height of commercial buildings, structures, and uses shall not exceed the height allowed for the adjacent residential use. (Ord. 282 §11(part), 1998)

17.14.080 Off-street parking and loading. Parking and loading standards for uses in the diversified use (D) zone shall conform to the standards of Section 17.28.020 of this title.

Where the parking requirements for a use are not specifically defined in Section 17.28.020 of this title, the parking requirements for such use shall be determined by the town council, and such determination shall be based upon the requirements for the most comparable use specified therein, or other requirements based upon the best available information concerning the proposed use. (Ord. 282 §11(part), 1998)

Chapter 17.18

PUBLIC/QUASI-PUBLIC USE (P) ZONE

Sections:

- 17.18.010 Description and purpose.
- 17.18.020 Permitted primary uses.
- 17.18.030 Permitted accessory uses.
- 17.18.040 Conditional uses.
- 17.18.050 Site (lot) area.
- 17.18.060 Yards.
- 17.18.070 Height limits.
- 17.18.080 Off-street parking and loading.

17.18.010 Description and purpose. The public/quasi-public (P) zone is intended as a zone for governmental and other public/quasi-public uses in accordance with the comprehensive plan of the town. It is further intended that the public/quasi-public zone provide for the unique and special characteristics of the variety of public and quasi-public uses contemplated in order to foster compatibility between uses and to protect the public health, safety, and general welfare of the community. (Ord. 282 §13(part), 1998)

17.18.020 Permitted primary uses. No building, structure, or land shall be used, and no building, structure, or use in the public/quasi-public (P) zone shall be erected, structurally altered, enlarged, or established, except for the following permitted uses:

- A. Governmental buildings and uses operated by federal, state, county, or municipal government entities, or operated by special purpose districts.
- B. Libraries.
- C. Museums.
- D. Open space/conservation areas.
- E. Parks, recreation areas, tennis courts, and/or playfields.
- F. Public schools.

G. Publicly or privately operated public utility uses, structures, or transmission facilities. (Ord. 282 §13(part), 1998)

17.18.030 Permitted accessory uses. The following accessory uses shall be permitted in the public/quasi-public (P) zone:

A. Storage of equipment and/or materials required in connection with the primary use, provided that such storage observes the following standards:

1. All required yard (setback) areas of the public/quasi-public (P) zone are observed; and

2. Accessory storage is located inside a building or, if located outside a building, such storage is concealed from view from surrounding streets, alleys, and properties by a six-foot high sight-obscuring fence, or by a landscaped berm of equivalent height which achieves the same screening objective for aesthetic purposes. (Ord. 282 §13(part), 1998)

17.18.040 Conditional uses. The following uses may be permitted in the public/quasi-public (P) zone, subject to the approval of a conditional use permit in compliance with the conditions and requirements of Chapter 17.40 of this title:

A. Privately operated institutions for educational, philanthropic, or charitable uses.

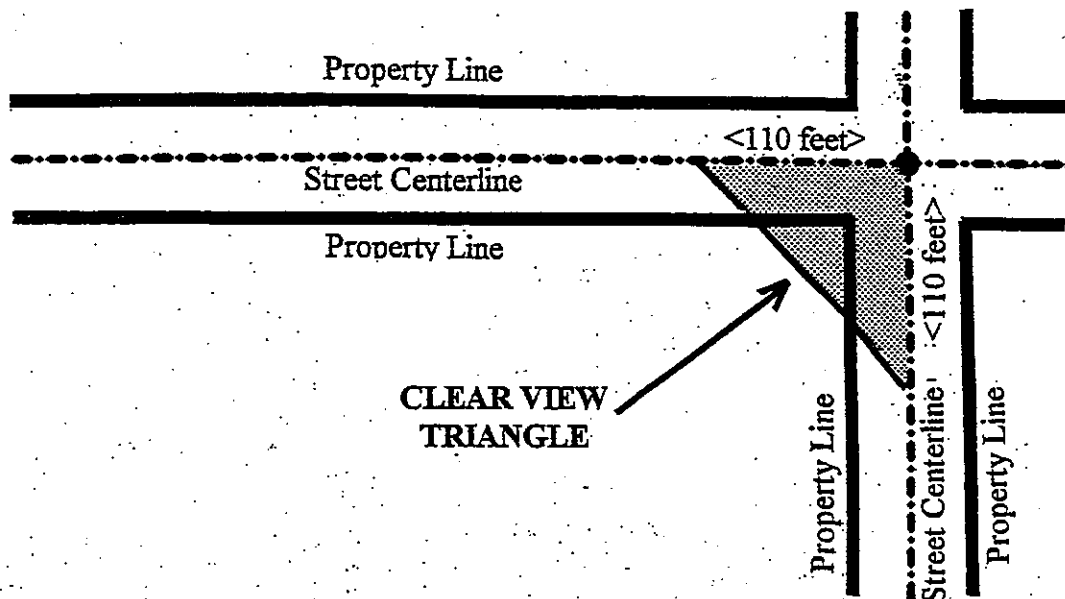
B. Solid waste processing and/or reclamation facilities, whether public or private, including landfills, recycling collection/processing facilities, and transfer stations. (Ord. 282 §13(part), 1998)

17.18.050 Site (lot) area. The required minimum lot area allowed shall be determined by the aggregate area of the buildings, required yards (setbacks), off-street parking and loading spaces, and any other specified lot area requirements applicable to the proposed use. (Ord. 282 §13(part), 1998)

17.18.060 Yards. The following yard (setback) areas shall be observed by all primary, accessory, and conditional uses permitted in the public/quasi-public (P) zone:

A. Street Frontage Yard. The minimum setback from any street, fronting or flanking, shall be fifteen feet. No building or fencing, nor any sight obstruction which constitutes a hazard to the traveling public as determined by the town council, shall be permitted on any corner lot within the area designated as the "clear view triangle," which can be determined by measuring one hundred ten feet from the center of two intersecting streets along the centerline of each street, then connecting the two points with

a straight line forming the hypotenuse of the clear view triangle, as illustrated in the following diagram.



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

B. Rear Yard. Rear yards shall have a minimum depth of ten feet. Fences with a maximum height of six feet may be located on the rear property line.

C. Side Yard. Side yards shall have a minimum depth of five feet. Fences with a maximum height of six feet may be located on the side property line. (Ord. 282 §13(part), 1998)

17.18.070 Height limits. No height limit is contemplated for buildings, structures, and uses in the public/quasi-public (P) zone, except under the following circumstances:

When property in the public/quasi-public (P) zone is located adjacent to residentially zoned land, with no intervening street or alley, the maximum height of buildings,

structures, and uses in the public/quasi-public (P) zone shall not exceed the height allowed in the adjacent residential zone. (Ord. 282 §13(part), 1998)

17.18.080 Off-street parking and loading. Parking and loading standards for uses in the public/quasi-public (P) zone shall conform to the standards of Section 17.28.020 of this title.

Where the parking requirements for a use are not specifically defined in Section 17.28.020 of this title, the parking requirements for such use shall be determined by the town council, and such determination shall be based upon the requirements for the most comparable use specified therein, or other requirements based upon the best available information concerning the proposed use. (Ord. 282 §13(part), 1998)

Chapter 17.20

UNCLASSIFIED AND CONDITIONAL USES

Sections:

- 17.20.010 Classification of unlisted uses.
- 17.20.020 Unclassified uses defined.
- 17.20.030 Uses requiring unclassified use permit.
- 17.20.040 Purpose of a conditional use permit.
- 17.20.050 Uses requiring conditional use permits.
- 17.20.060 Area and dimensional regulations.
- 17.20.070 Application for permits.

17.20.010 Classification of unlisted uses. A. In the creation of land use zones, the council has considered the characteristics of the uses which make them comparable, compatible or similar. The council recognizes that it is not possible to enumerate and classify every use to which land may be devoted, either now or in the future. Ambiguities may exist with reference to the appropriate and consistent classification of land uses. Therefore:

1. When any known and identifiable use is not listed as a permissible use in any zone; or

2. When any use has come into existence by reason of any technical development in the trades, sciences and equipment; or

3. When any use already listed in the zone which because of any process, equipment or materials used, possesses different performance standards than those which are usually associated with the uses in a zone. Therefore, makes it reasonable that such a use should be placed in a more restrictive zone.

B. It shall be the responsibility and duty of the planning commission to ascertain all pertinent facts relating to any such use and make the appropriate zone or use changes. Any proceeding under this section shall be processed as an amendment. (Ord. 232 §5.1, 1992)

17.20.020 Unclassified uses defined. A. All of the following uses described in this chapter, and all matters directly relating to them are declared to be uses possessing characteristics of such unique and special form, as to make impractical their being included automatically in any classes of use as set forth in the zones previously defined. The location and operation of these uses shall be subject to review and the issuance of a use permit by the council.

B. The purpose of a review shall be to determine the characteristics of any such use. The characteristics of the use shall not be unreasonably incompatible with the types of uses permitted in the surrounding area and to place any stipulations or conditions on its use to assure that the surrounding uses are protected and the public is served. (Ord. 232 §5.2, 1992)

17.20.030 Uses requiring unclassified use permit. The following uses may be located within a zone subject to the issuance of an unclassified use permit.

A. Landing Fields. Airports, landing field, and heliports.

B. Transfer Stations. Transfer stations (refuse and garbage) when operated by a public agency or under license to a public agency.

C. Landfills. Dumps, public or private, and commercial incinerators.

D. Correctional institutions.

E. Excavations.

1. Quarries. Mining, landfills, and excavations.

2. Plants. Rock crushers, concrete batching plants and asphalt batching plants.

F. Public Utilities Facilities.

1. Electrical. Public utility power generation plants and substations.

2. Water. Wells, reservoirs, and pumping stations.

3. Natural Gas. Terminals and pumping stations.

4. Sewage treatment plant and lagoons. (Ord. 232 §5.3, 1992)

17.20.040 Purpose of a conditional use permit. The purpose of a conditional use permit shall be:

A. To assure, by the means of imposing special conditions and requirements on development. Land use compatibility shall be maintained and the council will consider other existing and potential uses within the general area.

B. The conditions imposed shall be those which reasonably assure that a nuisance or hazard to life or property will not develop. The planning commission or council may not use a conditional use permit to reduce the zoning requirements within a zone. Such reduction of requirements

shall be accomplished through a variance. (Ord. 232 §5.4, 1992)

17.20.050 Uses requiring conditional use permits. A conditional use permit shall be required for all those uses identified as conditional uses under each zoning classification of this chapter. Uses not listed in this title shall be classified as unlisted uses and subject to the provisions for unlisted uses described in this section. (Ord. 232 §5.5, 1992)

17.20.060 Area and dimensional regulations. The requirements for area and dimensional standards are applicable to the zone in which the land use is proposed. (Ord. 232 §5.6, 1992)

17.20.070 Application for permits. A. Unclassified Use Permit. Unclassified use permits may be granted upon filing and application, either by a property owner or a lessee, in conformity with Chapter 17.40 of this title.

B. Conditional Use Permit. Conditional use permits may be granted to the procedural requirements as set forth in Chapter 17.40 of this title. (Ord. 232 §5.7, 1992)

Chapter 17.28

GENERAL USE PROVISIONS

Sections:

- 17.28.010 Signs.
- 17.28.020 Parking and loading.
- 17.28.030 Performance standards.
- 17.28.040 Public utilities.
- 17.28.050 Landscaping and fencing.
- 17.28.060 Animals in residential zones.

17.28.010 Signs. The following provisions are instituted to protect the public safety and welfare by regulating the use of signs and displays, thus promoting traffic safety, protection of property values, and preservation of natural and aesthetic community assets:

A. Prohibited Signs. Signs which in the opinion of the council interfere with the view of traffic signs, signals, or devices and approaching or merging traffic.

1. Signs containing uncomfortably intense lights.
2. Signs with animated parts.
3. Signs erected, maintained, or painted upon trees, rocks or other natural features.
4. Obsolete or unsafe signs.

5. Signs which obstruct a view from any public or private property.

6. Signs that extend over any street, right-of-way, or alley of a permanent nature.

B. Commercial Signs. "Commercial signs" means any exterior sign or device conveying a message advertising or attracting the attention of prospective patrons, customers, users, purchasers of property, or recipients of service for sale or hire, including all other signs not specifically included within the definition of this subsection.

1. Commercial Signs Permitted. Commercial signs are permitted only in the commercial/industrial (CI) and diversified use (D) zones.

2. Commercial Signs Restrictions. No sign shall in any way impair view or traffic circulation, restrict fire safety, or be detrimental to the characteristics of the surrounding area.

C. Noncommercial Signs. "Noncommercial sign" means any exterior residential nameplate, ornamental or otherwise, erected for the purpose of identifying a residence; or a permanent sign for naming and identifying an institution, semi-public, public or recreational development or building or an apartment building or a subdivision.

1. Noncommercial Signs Permitted. Noncommercial signs are permitted in all zones.

2. Noncommercial Signs Residential Standards. Noncommercial signs erected in the residential (R) zones shall be subject to the sign regulations specified for that zone, being Section 17.08.020(C) of this title.

D. Real Estate Signs. "Real estate signs" means the temporary five- or six-square-foot sign customarily employed by real estate brokers or agents or homeowners for the purpose of attracting attention to the real estate.

1. Real Estate Signs Permitted. Real estate signs are permitted in all zones.

2. Real Estate Signboard. Real estate signs of the sandwich or tripod type which are directional in nature, such as "open house" signs, may be placed on the shoulders of street rights-of-way, at least three feet from the traveled portion of the roadway, and during the daylight hours from sunrise to sunset, provided the location does not create a traffic hazard. The signboard size shall not exceed thirty inches in height.

3. Real Estate Signs Residential Standards. Real estate signs erected in the residential (R) zones shall be subject to the sign regulations specified for that zone, being Section 17.08.020(C) of this title.

E. Political Campaign Signs. "Political campaign signs" are restricted in size according to the zone in which they are located. Such signs may be displayed up to thirty days prior to an election and must be removed no later than seven days after an election. A campaign sign

may remain until the final election plus seven days for a successful candidate in a primary election. The candidate for which the sign is displayed shall be responsible for its removal.

F. Temporary Banners. Temporary banners or decorations for special community events or by special permission may extend over streets, rights-of-way or alleys on approval of the council and the minimum height shall be no less than fourteen feet at any point of the banner or decoration. (Ord. 282 § 15, 1998: Ord. 232 §7.1, 1992)

17.28.020 Parking and loading. Off-street parking in conjunction with all land or building uses erected or established after the enactment of the ordinance codified in this title shall be provided as prescribed in this section:

A. Required Number of Spaces. The minimum number of off-street parking spaces shall be determined in accordance with the following table:

<u>Land Use</u>	<u>No. of Spaces</u>
Apartment Houses. Two per each dwelling unit.	
Food stores, Markets and Shopping Centers having more than two thousand square feet of gross retail floor area.	One per each two hundred square feet of gross retail floor space.
Hotels and Motels. One per each room or suite.	
Hospitals, Nursing Homes, Rest Homes. plus one per each full-time	One for each five regular beds, employee.
Public Assembly Facilities providing for seated audiences (Churches, Theaters, Auditoriums, etc.)	One per each three seats.
Business Offices.	One per each two hundred fifty square feet of gross floor space.
Restaurants, Taverns and Clubs.	One per each one hundred square feet of gross retail space.
All other general commercial activities.	One per each two thousand square feet of gross floor space.
Manufacturing Uses.	One per each full-time employee, plus fifty percent additional each regular employed part-time.

B. Off-Street Parking Areas. The party developing an off-street parking area shall submit a plan of the parking area showing:

1. Adjacent streets,
2. Proposed circulation of traffic,
3. Proposed drainage,
4. Proposed lighting,
5. Proposed landscaping,
6. Fencing, and screening.

These plans will be submitted to the council for review and approval.

C. Minimum Design. Minimum design standards approved by the Institute of Traffic Engineers shall be used as a guide.

D. Ingress and Egress. Whenever ingress and egress from a parking lot or area onto an adjacent public roadway other than that belonging to the town. The plan shall be subject to approval by the building official after due consultation with county and State Highway Engineers when the county or state is involved.

E. Parking Surfacing. All required off-street parking areas shall be graded and surfaced to a standard comparable to the street which serves the parking area or as determined by the building inspector.

F. Off-Street Loading Space. An off-street loading space shall be required adjacent to each business building. Hereafter loading spaces shall be of adequate size to accommodate the maximum number and size of vehicles. No part of the truck, trailer, or van shall extend in the public thoroughfare, when using the loading space.

G. Access to Structures. Every building hereafter, erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

H. On-Street Parking. No automobile, recreational vehicle or trailer requiring a state license plate shall be parked or stored on a public street without a current license tab. (Ord. 232 §7.2, 1992)

17.28.030 Performance standards. The general purpose of the following regulations is to establish standards which set a level of performance relative to the land use and building. Thus rating and limiting these uses according to the degree and intensity of noise, glare, heat, radiation and air pollution.

A. Air Pollution. The following types of air pollutants shall be subject to the provisions of the National Ambient Air Quality Standards, and state and regional standards as appropriate.

1. Smoke and gas;
2. Dust, dirt, or fly ash;
3. Noxious and odorous matter;

4. Any discharge of pollutant or odorous matter into the air which is found to be injurious to health and destructive to property.

B. Noise Levels. The intensity level of sounds shall not exceed the levels prescribed by the State Department of Ecology (WAC 173-60 and WAC 173-62)

C. Exterior Lighting. Exterior lighting shall be so installed that the surface of the source light shall not be visible from any bedroom window, and shall be so arranged as far as practical to reflect light away from a residential use.

D. Glare or Heat. Any operation with excessive glare or heat shall be performed within an enclosure so as to completely obscure such operation from view from any point along the property line except during periods of construction.

E. Radiation. The use, storage, transportation and disposal of all radioactive materials and radiation machines shall be subject to the provisions contained in Rules and Regulations for Radiation Protection issued by the Radiation Control Agency of the Washington State Department of Health.

F. Junk. In no zone will there be permitted a collection of junk, scrap, cars, or parts of cars, equipment, abandoned sheds or buildings which are a menace to the health, safety and general welfare of the neighborhood, except where specific provisions are made concerning such items in this title.

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

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

I. Screening of Outdoor Storage. All open storage shall be enclosed by a fence six feet in height which obscures the view of the open storage area from adjoining properties and streets. (Ord. 282 §§16--18, 1998; Ord. 232 §7.3, 1992)

17.28.040 Public utilities. Public utilities as defined in this title shall be permitted in any zone, subject to the provisions of such zones. Utilities should follow good engineering concepts, allowing for an orderly development of services. (Ord. 232 §7.4, 1992)

17.28.050 Landscaping and fencing. A. Any shrubs and trees used in the landscaping and screening of a zone or use shall be maintained in a healthy growing condition. Dead or dying shrubs or trees shall be replaced immediately and the planting area shall be maintained reasonably free of weeds and trash.

B. Screening fences, walls or hedges shall be erected and maintained in accordance with the requirements of the zone in which they are to be located. Sight screening by means of vegetation shall be an evergreen and planted in a manner to result in a solid plant screen and maturing to the proper height and density within two years. New plants or replacements shall not be less than three feet tall. Nothing shall be planted, erected, or allowed to grow in such a manner as to impair vision at intersections.

C. In the interest of the public health and safety, any time any electrical fencing is proposed to be used at any location on any property in any zoning classification, such electrical fencing shall not be installed until the applicant first submits a plan showing the location, height, and description of the electrical shock capabilities of such fencing to the town council for review and approval. The town council shall consider each electrical fencing proposal on a case-by-case basis. (Ord. 282 §19, 1998; Ord. 232 §7.5, 1992)

17.28.060 Animals in residential zones. The purpose of this section is to regulate the keeping of pets and other domestic animals within residential zones. (See also animal ordinances.)

A. Permitted Household Animals. All reasonable types of domestic animals, basically commonly known as household pets, shall be permitted as long as their keeping does not constitute a nuisance or hazard to the health, peace, safety and welfare of the community in general and the neighbors in particular.

B. Other Animal Units. No animal unit, basically commonly known as large farm animals, shall be kept on any property less than one acre in area as long as their keeping does not constitute a nuisance or hazard to the health, peace, safety and welfare of the community in general. For each additional animal unit kept there must be one-half additional acre. (Ord. 232 §7.6, 1992)

Chapter 17.32

NONCONFORMING STRUCTURES AND USES

Sections:

- 17.32.010 Purpose.
- 17.32.020 Expansion of uses or structures.
- 17.32.030 Construction approved prior to adoption or amendment to zoning title.
- 17.32.040 Nonconforming lots of record.
- 17.32.050 Nonconforming uses of land.
- 17.32.060 Nonconforming use of structures.
- 17.32.070 Nonconforming structures.
- 17.32.080 Repairs and maintenance.
- 17.32.090 Replacement of a nonconforming structure.
- 17.32.100 Building safety.
- 17.32.110 Special permitted uses.
- 17.32.120 Abatement of public nuisance.

17.32.010 Purpose. A. The zoning districts established in this chapter are designed to guide the future use of Fairfield's land by encouraging the development of desirable residential, commercial and industrial areas with appropriate grouping of compatible and related uses.

B. To promote and protect the general health, safety and welfare of the public. As a necessary repercussion, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations, and are therefore adopted in order to provide a gradual remedy for existing condi-

tions resulting from such incompatible uses. Which are detrimental to the achievement of such purposes.

C. It is the general intent of the chapter that nonconformities shall not be enlarged, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district. (Ord. 232 §8.1, 1992)

17.32.020 Expansion of uses or structures. A nonconforming use of a structure or a nonconforming use of land shall not be expanded or enlarged after passage of the ordinance codified in this title by addition, omission or by other land uses. If such other uses are of a nature which would be prohibited in the zone. It shall be unlawful to attach additional nonconforming signs to a building, or add to or enlarge a sign anywhere on the premise. (Ord. 232 §8.2, 1992)

17.32.030 Construction approved prior to adoption or amendment to zoning title. To avoid undue hardship nothing in this title shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of the adoption or amendment of the ordinance codified in this title and upon which actual building construction has been carried on in a diligent manner. (Ord. 232 §8.3, 1992)

17.32.040 Nonconforming lots of record. In any zone in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this title. A single-family dwelling may be erected on any lot of record at the effective date of adoption of the ordinance codified in this title, which was a building site under any previous ordinance controlling the development. Variance of area, width, and yard requirements shall be obtained only through action of the council, which shall be guided by its usual criteria variances. (Ord. 232 §8.4, 1992)

17.32.050 Nonconforming uses of land. On the effective date of adoption or amendment of the ordinance codified in this title. If a lot or area should become nonconforming because of the adoption or change of the ordinance codified in this title, the existing land shall be lawful as an nonconforming use as long as it remains otherwise lawful, subject to the following provisions:

A. Enlarged. No nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied on the effective date of the adoption or amendment of the ordinance codified in this title.

B. Change of Land Use. If, for any reason, a nonconforming use ceases to be used for a period of more than eighteen months or any change in the use of the land. Any subsequent use of the land shall conform to the specifications for the zone in which the land is located. (Ord. 232 §8.5, 1992)

17.32.060 Nonconforming use of structures. If a lawful use of a structure and premises, in combination, exists on the effective date of adoption or amendment of the ordinance codified in this title. That would not be allowed in the zone under the terms of this title. The lawful use may be continued so long as it remains otherwise lawful, subject to the provisions of Chapter 17.40. (Ord. 232 §8.6, 1992)

17.32.070 Nonconforming structures. Where a lawful structure exists on the effective date of adoption or amendment of the ordinance codified in this title. That could not be built under the terms of the ordinance codified in this title by the reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot. The structure may continue so long as it remains otherwise lawful and is subject to the following provisions:

A. Enlarge or Extend. No structure may be enlarged or altered in a way which extends or promotes its nonconformity.

B. Structures Moved. Should the nonconforming structure be moved for any reason for any distance. The structure shall conform to all regulations for the zone in which it is located after the move.

C. Change in Use. When a nonconforming use of a structure or structure and premises in combination, is discontinued or abandoned for six consecutive months or for eighteen total months during a three-year period. The structure or structure and premises in combination shall conform to all regulations for the zone in which it is located. (Ord. 232 §8.7, 1992)

17.32.080 Repairs and maintenance. If any building that is devoted in whole or in part to any nonconforming use. Repair or maintenance work may be done. Provided ordinary repairs, or replacements are on nonbearing walls, fixtures, wiring or plumbing to an extent not to exceed ten percent of the current replacement value of the building. The cubical content of the building as it existed at the time of the adoption or amendment of the ordinance codified in this title shall not be increased. (Ord. 232 §8.8, 1992)

17.32.090 Replacement of a nonconforming structure.

A nonconforming structure may be replaced with approval of the council if:

A. Destruction of Structure. The structure may be rebuilt in its entirety if the structure was destroyed by fire, flood or by catastrophes not caused by the owner or occupants of the structure.

B. Structures Footprint. The structure can only be rebuilt on the original site. The structure cannot be expanded by either square feet or in total height.

C. Improvements. The structure is brought to all town or state codes for safety. Other improvements to the site will be limited to the mitigation of natural factors such as floods or unstable slopes etc. These mitigating improvements will be made to protect the structure and any other affected structures on or adjacent to the site from future natural catastrophes. (Ord. 232 §8.9, 1992)

17.32.100 Building safety. Nothing in title shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming building or part thereof declared to be unsafe by any town official charged with protecting the public safety. (Ord. 232 §8.10, 1992)

17.32.110 Special permitted uses. Any uses for which a special exception is permitted as provided in this title shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such zone. (Ord. 232 §8.11, 1992)

17.32.120 Abatement of public nuisance. Whenever any nonconforming use or structure has become adverse to the general welfare, it may be considered a public nuisance. The planning commission may send a letter to the council recommending immediate abatement. Or the council may deem a structure a public nuisance. Abatement must be accomplished by applicable state and/or county regulations. (Ord. 232 §8.12, 1992)

Chapter 17.36

ADMINISTRATION AND ENFORCEMENT

Sections:

- 17.36.010 Administrative responsibility.
- 17.36.020 Land use and structure exceptions.

Sections: (Continued)

- 17.36.040 Building permits.
- 17.36.050 Enforcement.
- 17.36.060 Filing complaints.
- 17.36.070 Violations.
- 17.36.080 Penalty.
- 17.36.090 Parties subject to prosecution.
- 17.36.100 Other legal action.

17.36.010 Administrative responsibility. The council is charged with the responsibility of carrying out the provisions of the zoning title. (Ord. 232 §9.1, 1992)

17.36.020 Land use and structure exceptions. Any land use or structure in existence at the time of the adoption or amendment of the ordinance codified in this title that becomes a nonconforming use shall remain in compliance. Provided the provisions are met in Chapter 17.40 of this title. This is commonly considered a grandfather clause for existing structures or land uses. (Ord. 232 §9.2, 1992)

17.36.040 Building permits. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the council. See building codes and permit procedures adopted by the town. (Ord. 232 §9.4, 1992)

17.36.050 Enforcement. The town attorney, upon the recommendation of the council or building inspector, shall be responsible for taking any action necessary to enforce this title. (Ord. 232 §9.5, 1992)

17.36.060 Filing complaints. Whenever a violation of this title occurs, any person may file a complaint regarding the violation. All such complaints must be in writing, and shall be filed with the council who shall properly record such complaint, conduct a preliminary investigation and take such other action as appropriate. (Ord. 232 §9.6, 1992)

17.36.070 Violations. Upon discovering a violation of the zoning title the council shall notify the property owner, the building inspector and other involved parties of the violation. The council shall fix a time for the violator to meet the requirements. If, after investigation and hearing, compliance is not obtained, the matter should be referred to the town attorney for legal action. (Ord. 232 §9.7, 1992)

17.36.080 Penalty. Violation of the provisions of this title or failure to comply with any of its requirements shall upon conviction thereof result in a fine of not more than three hundred dollars or imprisonment for not more than thirty days or both. Expenses involved in the case shall be the responsibility of the violator if convicted. Each day the violation continues shall be considered a separate offense. (Ord. 232 §9.8, 1992)

17.36.090 Parties subject to prosecution. The owner or tenant of any building, structure, premises or part thereof, any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this title. (Ord. 232 §9.9, 1992)

17.36.100 Other legal action. Nothing in this title shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 232 §9.10, 1992)

Chapter 17.40

ADMINISTRATION OF CONDITIONAL USE OR UNCLASSIFIED PERMITS

Sections:

- 17.40.010 General procedure.
- 17.40.020 Application.
- 17.40.030 Public hearing.
- 17.40.040 Findings of fact.
- 17.40.050 Standard for granting a conditional or unclassified use permit.
- 17.40.060 Expiration.
- 17.40.070 Renewal of permit.
- 17.40.080 Revocation of permits.

17.40.010 General procedure. Conditional use or unclassified use permits shall be processed in accordance with the type III (quasi-judicial) provisions of Title 18. In harmony with the general purpose of this title and in accordance with the provisions set forth in this title, the planning commission may hold an open record public hearing and recommend that the council grant, grant with conditions, or deny a conditional or unclassified use permit. The council, upon receipt of the planning commission's recommendation, shall consider the application for a conditional or unclassified use permit at a public meeting. The town council shall have the option of conducting the open

record public hearing instead of the planning commission before granting, granting with conditions, or denying a conditional or unclassified use permit. The council may establish a conditional use as part of the conditions for granting other permits. (Ord. 282 §22, 1998: Ord. 232 §10.1, 1992)

17.40.020 Application. The planning commission and/or town council may require that any conditional or unclassified use permit be submitted on a special form to be available at the town hall. Any such application shall be accompanied by a State Environmental Policy Act (SEPA) checklist, in accordance with Chapter 16.04, and processing fees as established by resolution of the town council. The town shall issue a determination of completeness in a timely manner in accordance with Title 18. (Ord. 282 §23, 1998: Ord. 232 §10.2, 1992)

17.40.030 Public hearing. An open record public hearing on application for a conditional or unclassified use permit shall be held by the planning commission or the council. If the planning commission holds the public hearing, the council will then consider the planning commission's recommendations at a regular public council meeting, notifying the applicant and surrounding property owners of the day it will consider such recommendations, but not providing for further testimony. Notice of public hearing before the planning commission or the council shall conform to the procedures set forth in Section 17.48.040 of this title and shall comply with Title 18. (Ord. 282 §24, 1998: Ord. 232 §10.3, 1992)

17.40.040 Findings of fact. It shall be a further requirement that the recommendation of the planning commission and the decision of the council be set forth independently of other considerations, each findings will be specific to that granting of a conditional or unclassified use permit, or for each denial. In any case, each finding shall be supported by substantial evidence or other data considered on the record in reaching the decision, including the personal knowledge of or inspection by the members of the planning commission or council. The council shall issue a notice of decision pursuant to Title 18. (Ord. 282 §25, 1998: Ord. 232 §10.4, 1992)

17.40.050 Standard for granting a conditional or unclassified use permit. The use requested by the conditional or unclassified use permit shall conform with the provisions for such uses specified in the zone in which the use is to be located. In all cases, the use shall be within the intent of this title and in the public interest.

A. Adjacent Property. The use requested by the conditional or unclassified use permit will not cause damage to adjacent property, decrease property values, create excessive noises, or create other nuisances.

B. Environmental Checklist. The planning commission and/or council shall evaluate the environmental checklist as consideration for its approval or denial or requiring further action. This information will be used in the threshold determination process and any other environmental requirement. (Ord. 282 §26, 1998: Ord. 232 §10.5, 1992)

17.40.060 Expiration. When a conditional or unclassified use permit has been granted, it shall be revoked unless the building permit is conforming to the plans for which the permit was granted. The construction shall commence within six months. Substantial construction shall be completed with two years from the date the permit became effective unless a renewal is granted or unless the grant of the permit specifically provides for a period greater than two years. (Ord. 232 §10.6, 1992)

17.40.070 Renewal of permit. An approved application for a conditional or unclassified use permit may be renewed by the council for one year in accordance with the type II (administrative) application procedures of Title 18, if the approved conditional or unclassified use has not been implemented pursuant to Section 17.40.060 of this chapter. No more than one renewal may be issued for any conditional or unclassified use permit without reviewing the conditions of the permit in accordance with the same procedures (type III - quasi-judicial) required for consideration of the original permit application. (Ord. 282 §27, 1998: Ord. 232 §10.7, 1992)

17.40.080 Revocation of permits. The town shall have continuing jurisdiction over all conditional and unclassified use permits. The council, with or without a recommendation from the planning commission, may revoke or modify any conditional or unclassified use permit after following the type III (quasi-judicial) provisions of Title 18. Such revocation or modification shall be made on any one or more of the following grounds:

A. Fraud. That the approval was obtained by fraud.

B. Abandoned. That the use for which such an approval was granted has been abandoned.

C. Suspension of Conditions. That the use for which such an approval was granted has, at any time, ceased for one or more years.

D. Conditions of Permit. That the permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, resolution, code, ordinance, law, or regulation.

E. Public Health and Safety. That the use for which the approval was granted, later demonstrated to be detrimental to the public health or safety. (Ord. 282 § 28, 1998: Ord. 232 §10.8, 1992)

Chapter 17.44

VARIANCES

Sections:

- 17.44.010 Intent and practical application.
- 17.44.020 Minimum variance.
- 17.44.030 Consideration of the public welfare.
- 17.44.040 Prohibited variance.
- 17.44.050 Conditions or restrictions.
- 17.44.060 Violations.

17.44.010 Intent and practical application. In specific cases, a variance from the terms of this title may be granted provided the variance is not contrary to the public interest and where special conditions prevail and where literal enforcement of this title would result in an unnecessary hardship. Variance applications shall be processed in accordance with the type III (quasi-judicial) provisions of Title 18. An open record public hearing shall be held by the planning commission or the council. If the planning commission conducts the hearing, the council will then consider the planning commission's recommendations at a regular public council meeting, notifying the applicant and surrounding property owners of the day it will consider such recommendation, but not providing for further testimony. Notice of public hearing before the planning commission or the council shall conform to the procedures set forth in Section 17.48.070 of this title and shall comply with Title 18. In granting, granting with conditions, modifying, or denying a variance application, the council shall make findings of fact and issue a written notice of decision pursuant to Title 18. A variance from the terms of this title shall not be granted by the council unless and until a written application for a variance is submitted showing the following:

A. Special Conditions. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zone.

B. Unique Physical Conditions. That unique physical conditions exist, including, but not limited to irregular narrowness or shallowness of the lot size or shape, or exceptional topographical or other physical conditions

peculiar to and inherent in the particular lot. That as a result of the unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the setback or dimensional provisions of this title. That the alleged practical difficulties or unnecessary hardships are not due to circumstances created generally by the strict application of such provisions in the zone.

C. Lot Development. Due to the physical conditions reasonable development of the lot is not possible if strict conformity of this title is enforced. A variance may be granted in order to allow the owner to realize reasonable use of the lot.

D. Actions of the Applicant. The special conditions and circumstances do not result from the actions caused or created by the applicant.

E. Literal Provisions. Literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zone under the terms of this title.

F. Special Privileges. Granting the variance requested will not confer on the applicant any special privilege that is denied by this title to lands, structures, or buildings in the vicinity and zone in which the property is located. (Ord. 282 §29, 1998: Ord. 232 §11.1, 1992)

17.44.020 Minimum variance. The council shall further make a finding that the reasons set forth in the application justify the granting of the variance is the minimum variance that will make possible the reasonable use of the land, building or structure. (Ord. 232 §11.2, 1992)

17.44.030 Consideration of the public welfare. The council shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this title and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. (Ord. 232 §11.3, 1992)

17.44.040 Prohibited variance. Under no circumstances shall the council grant a variance to permit a use not generally or conditionally permitted in the zone involved or any use expressly or by implication prohibited by the terms of this title within the zone that the property is located. (Ord. 232 §11.4, 1992)

17.44.050 Conditions or restrictions. The council may prescribe such conditions or restrictions applying to the grant of a variance as it may deem necessary in each specific case, in order to minimize the adverse effects of the variance upon other properties in the neighborhood, while carrying out the intent of this title. Any conditions or restriction shall be incorporated in the notice of

decision and the building permit. (Ord. 282 §30, 1998: Ord. 232 §11.5, 1992)

17.44.060 Violations. Failure to comply with the conditions or restrictions shall constitute a basis for denial or revocation of a building permit or any other applicable remedies. (Ord. 232 §11.6, 1992)

Chapter 17.48

AMENDMENT AND REZONE

Sections:

- 17.48.010 Amendment.
- 17.48.020 Initiation of amendment.
- 17.48.030 Procedure.
- 17.48.040 Public notice to adjacent property owners and public agencies.
- 17.48.050 Guidelines for granting amendments.
- 17.48.060 Action.
- 17.48.070 Resubmitting petition.
- 17.48.080 Reconsiderations and appeals.
- 17.48.090 Invalidation of amendment.

17.48.010 Amendment. Whenever public necessity, convenience, and general welfare require, the boundaries of the zones established on the official zoning map of this title, the zoning classification of property in the text of this title, or other provisions of this title may be amended as follows:

A. Official Zoning Map. By adoption of, or the amendment of, the official zoning map by separate ordinance from the text of this title. The official zoning map will be designated by affixing the date of adoption and the signature of the mayor and attest of the clerk-treasurer. The map will be maintained and kept in the town hall of the town.

B. Amendment of Text. By amendment of the text of this title by separate ordinance from the official zoning map. (Ord. 287 §§1 and 2, 1999; Ord. 282 §32, 1998: Ord. 232 §12.1, 1992)

17.48.020 Initiation of amendment. Amendments of the text of this title and or of the official zoning map which is part hereof may be initiated by:

A. Verified Application. The verified application of one or more owners of the property. The application will be reviewed by the planning commission who will make a recommendation to the council on the proposed text change or rezone.

B. Adoption by Motion. The planning commission, by recommendation to the council, may propose an amendment after a public hearing and consideration of the change has been fully investigated.

C. Council Adoption. The council itself may initiate a text change or rezone. After full investigation of the matter and public hearings as provided for in this chapter and in Title 18, the council may adopt text changes or rezones. (Ord. 282 §33, 1998: Ord. 232 §12.2, 1992)

17.48.030 Procedure. A. The owner of any land desiring a change of zone, shall present to the planning commission or council a petition signed and acknowledged on the forms provided by the town. The proposal shall have a narrative describing the proposal and submit drawings, including maps, delineating the proposal. Noncontiguous parcels of land shall require separate petitions. Any such application shall be accompanied by a State Environmental Policy Act (SEPA) checklist and processing fees as established by resolution of the city council. An application for a change of zone, initiated by a property owner or owners, shall be subject to the type III (quasi-judicial) application procedures of Title 18. The town shall issue a determination of completeness in such cases. If such application is predicated upon a comprehensive plan amendment, the zone change application shall not be accepted for processing until the comprehensive plan amendment has been heard and a decision rendered by the council.

B. When the town initiates any area-wide change of zone proceeding to bring zoning into conformance with the comprehensive plan, the hearing and timing limitations of Title 18, shall not apply in accordance with Revised Code of Washington (RCW) Chapter 36.70B.

C. When a member of the public or the town initiates an amendment to the text of this title, the hearing and timing limitations of Title 18, shall not apply in accordance with Revised Code of Washington (RCW) chapter 36.70B. (Ord. 282 §34, 1998: Ord. 232 §12.3, 1992)

17.48.040 Public notice to adjacent property owners and public agencies. A. The applicant for a change of zone shall obtain the names and addresses of all adjacent property owners of record within four hundred feet of the property and shall furnish these names and addresses to the clerk-treasurer. These property owners shall be notified by mail, at the applicant's expense, of the zoning change requested and the time and place of the meeting at which the matter will be heard, in advance of the public hearing in accordance with Title 18. The applicant will also post the application site pursuant to Title 18. The town will

publish notice in the town's official newspaper and post such notice at the town hall and other public locations pursuant to Title 18.

B. In the case of text amendments to this title or area-wide rezones initiated by the town to implement the comprehensive plan, the town will publish notice in the town's official newspaper and post such notice at the town hall and other public locations, no less than fifteen days prior to the hearing or hearings scheduled on the matter.

C. The continuance of a public hearing through verbal motion at a regular meeting of either the planning commission or town council, and posting of the continuance at the established posting places, shall be deemed as adequate notice to the public.

D. Mailed notice to property owners shall not be required in any of the following circumstances:

1. When the amendment relates only to a change in the text of this title, does not change permitted uses on a property, and does not involve rezoning property and/or changes to the official zoning map and/or comprehensive plan map of the town; or

2. When the amendment or zone change would affect the town generally or would affect a substantial portion of the town, rather than only a specific parcel or a few parcels of property; or

3. When the amendment relates to action taken by the planning commission and/or town council to review and/or modify all zoning and/or all zoning classifications throughout the town.

E. Prior to conducting any public hearing(s) on any proposed amendments or additions to the text of this title, such amendments or additions, together with appropriate supporting materials, shall be forwarded to the State Department of Community Trade and Economic Development for its preliminary review as required by Washington Administrative Code (WAC) Section 365-195-620. Other state, county, and/or local agencies shall be similarly notified where any such agency may have an interest in the amendments or additions to the text of this title. Such distribution shall be the responsibility of the clerk-treasurer or contracted staff.

F. Amendments to the text of this title shall be forwarded to the Spokane County assessor pursuant to Section 18.24.020. (Ord. 282 §35, 1998: Ord. 232 §12.4, 1992)

17.48.050 Guidelines for granting amendments. The planning commission and/or council shall be guided by the following standards and considerations in granting an amendment to the official zoning map initiated by a property owner or owners, and findings of fact and a notice of decision shall be issued pursuant to Title 18:

A. **Conformity.** The zone requested shall be in conformity with the adopted comprehensive plan, the provisions of this title, and public interest.

B. **Nonresidential Modification.** The requested change to the official zoning map of this title for the establishment of a nonresidential use shall be supported by an architectural site plan showing the proposed development and its relationship to surrounding areas as set forth in the application form.

C. **Time Line.** A time element will be part of the proposal. Enough time must be allotted in the proposed development to include estimated time to allow for required permits and implementation thereof. (Ord. 282 §36, 1998: Ord. 232 §12.5, 1992)

17.48.060 Action. Action. In accordance with Title 18, a change of zone initiated by a property owner or owners is limited to a single open record public hearing and a single closed record appeal. The town council shall have the discretion to assign the public hearing to the planning commission or to conduct the hearing itself. If the council defers to the planning commission, the commission shall forward its findings and recommendations to the council after the hearing, and the council's adoption of the ordinance implementing the zone change, or its motion of denial, shall take place at a regular public meeting where no opportunity for further testimony is afforded. In the case of amendments to the text of this title, and in the case of area-wide rezones, initiated by the town to implement the comprehensive plan, the council has the discretion to provide for public hearings before both the planning commission and the town council. If the planning commission is a hearing body, it shall forward its findings and recommendation to the council after its hearing and before the council's hearing.

A. **Recommendation for Approval.** If the planning commission, after its public hearing and study of the proposal, determines that the reclassification of zone or text change is necessary for the preservation and enjoyment of the property rights of the owner(s), and not materially detrimental to the public welfare or the property of others located in the vicinity, the commission shall recommend that the council approve the reclassification of zone of the property or the change in the text of this title.

B. **No Action Taken by Planning Commission.** If the planning commission makes no findings on a petition after a public hearing and sends no recommendation to the council within sixty days this inaction will be deemed as a recommendation of denial.

C. **Council Determination.** The regulations and zone classifications established by this title, and the zone boundary lines established on the official zoning map which

is part of this title, may only be amended by ordinance passed by the town council. (Ord. 282 §37, 1998: Ord. 232 §12.6, 1992)

17.48.070 Resubmitting petition. No petition or application administered under the authority of this title, which has been denied in whole or in part, shall be filed again within six months from the date of such denial, except upon proof of changed conditions or by written permission of the town council. (Ord. 282 §38, 1998: Ord. 232 §12.7, 1992)

17.48.080 Court reconsiderations and appeals. The provisions of this section recognize that the planning commission may, at the council's discretion, have the ability to recommend on a petition or application, but only the council has the ability to decide any matter under the authority of this title.

A. Reconsideration. The town council may reconsider its decision upon petition of any aggrieved person filed within fifteen days after the notice of decision is issued.

1. The town council may reconsider the matter only if it finds any of the following:

- a. There was a clerical error in the decision;
 - b. The decision resulted from fraud or mistake;
 - c. There is newly discovered evidence or a change in circumstances;
 - d. There was a procedural error by the council;
- or

e. The council previously rejected the application by a tie vote.

2. The town council shall review the appeal/reconsideration petition at its next regular meeting and decide whether to reconsider the matter. The decision shall be based on the record and upon the reconsideration petition. The town council shall then decide the matter or set the matter on its agenda for a reconsideration hearing.

a. If the original notice of decision was rendered in the council's quasi-judicial capacity, following an open record predecision public hearing by either the planning commission or the council, the reconsideration of the decision shall be conducted as a closed record appeal proceeding in accordance with Title 18, Integrated Project Review.

b. If the original notice of decision was rendered in the council's administrative capacity, following a public meeting, and there was no predecision public hearing conducted by the planning commission or the council, the reconsideration of the decision shall be conducted as an open record appeal proceeding in accordance with Title 18, Integrated Project Review.

B. Proceedings which are not subject to Title 18, such as text amendments of this title, are not subject to the open or closed record appeal provisions of said title. The council may, at its discretion, consider a reconsideration or appeal taken from decisions not subject to Title 18 requirements in any form it may wish to consider the matter.

C. Judicial Appeals. After a notice of decision is issued, or after a revised notice of decision is issued under a reconsideration proceeding, any aggrieved party with standing to appeal as set forth in Section 18.16.090 of this code, may appeal the decision to the Spokane County superior court pursuant to Section 18.16.110 of this code and RCW Chapter 36.70C. (Ord. 282 §39, 1998: Ord. 232 §12.8, 1992)

17.48.090 Invalidation of amendment. In the event that a rezone has been granted to a property owner(s), the rezone shall be declared invalid unless substantial progress, as judged by the planning commission and/or council, has been made toward implementation of the proposed development within one year of the effective date of the rezone. This deadline may be extended by the council up to an additional twelve months, upon written application to the town, by the owner(s), stating the reasons for the delay. Any such extension shall be subject to the type III (quasi-judicial) proceedings of Title 18. If any rezone is declared invalid, an ordinance shall be passed by the city council rescinding and invalidating the previous ordinance that passed the rezone initially. (Ord. 282 §40, 1998: Ord. 232 §12.9, 1992)

Chapter 17.50

COMPREHENSIVE PLAN AND URBAN GROWTH AREA AMENDMENTS

Sections:

- 17.50.010 Purpose.
- 17.50.020 Authority.
- 17.50.030 Authorization for initiation.
- 17.50.040 Coordination with related municipal activities.
- 17.50.050 Concurrence and timing.
- 17.50.060 Application materials.
- 17.50.070 Filing fees.
- 17.50.080 Approval criteria.
- 17.50.090 Amendment cycle procedures.
- 17.50.100 Public hearing and notice.

Sections: (Continued)

17.50.110 Action by the town council.

17.50.120 Urban growth area boundary review.

17.50.010 Purpose. The purpose of the comprehensive plan is to set forth the town's goals, policies, and programs and to direct and designate the desired general distribution, location, and extent of the significant uses of the land toward the achievement of the town's goals. The comprehensive plan is a dynamic document based upon community values and existing and projected conditions and needs which are in a constant state of change. The purpose of this chapter is to set forth procedures for the amendment of the comprehensive plan so that it may be updated and modified as necessary in response to changing circumstances. (Ord. 282 §41(part), 1998)

17.50.020 Authority. The comprehensive plan, including its text or maps, may be amended by resolution passed by the town council pursuant to the provisions of Revised Code of Washington Sections 36.70A.130 and 36.70A.140. (Ord. 282 §41(part), 1998)

17.50.030 Authorization for initiation. Applications or requests for a comprehensive plan amendment may be initiated by either:

A. The verified application of the record owner or owners of the affected property or authorized agent thereof; or

B. The town council through its own motion. (Ord. 282 §41(part), 1998)

17.50.040 Coordination with related municipal activities. To the maximum extent practical or necessary, amendments to the comprehensive plan shall be coordinated, procedurally and substantively, with amendments to municipal development regulations under Fairfield's other municipal code provisions, as well as with adoption of related town legislation such as the transportation improvement program, the capital improvement program, annexations of urban growth area lands, etc. Amendments to the town's development regulations that require amendments to the comprehensive plan, shall not proceed until such associated amendments are made to the comprehensive plan. Upon annexation of urban growth area lands, development review and approval for parcels that require amendments to the comprehensive plan, shall not proceed until such associated amendments are made to the comprehensive plan. (Ord. 282 §41(part), 1998)

17.50.050 Concurrency and timing. All proposed amendments shall be considered by the town council concurrently so that their cumulative effect can be ascertained. Amendment cycles shall be no less frequent than once every five years, and no more frequent than one time per year, except that amendments may be considered more often for the following actions:

A. Initial adoption of a neighborhood plan, sub-area plan, or other geographically or functionally based plan;

B. Amendment of the town's transportation improvement program and/or capital improvement program, provided such amendment occurs along with adoption of the town's annual budget;

C. To resolve an appeal of the comprehensive plan filed with the Growth Management Hearings Board or with a court, following appropriate public participation;

D. Under emergency circumstances related to protection of the public health, safety, and welfare including, but not limited to:

1. An emergency situation of neighborhood or community-wide significance;

2. To attract a large employer of more than twenty workers or to retain an existing large employer;

3. To provide a regional facility or service that is needed to protect the public health, safety, or welfare such as a sewer treatment plant, or significant state or local government facilities that cannot be reviewed through another process.

By the first regular meeting in July of each year, the town council shall determine whether a comprehensive plan amendment cycle shall be conducted for the ensuing one-year period (approximately July 1st through June 30th). The town council shall review the staff and/or contract professional synopsis and recommendation outlined in Section 17.50.090 in making such determination. (Ord. 282 §41(part), 1998)

17.50.060 Application materials. Applications for amendments to the comprehensive plan shall include the following:

A. Description of the proposed comprehensive plan amendment, including as appropriate, detailed amendatory language;

B. Rationale for the proposed comprehensive plan amendment which may include, but not be limited to maps, drawings to scale of land and buildings, dimensions, descriptions, and data necessary to demonstrate that the proposed comprehensive plan amendment is in the public interest of the town;

C. A review and analysis of the comprehensive impacts of the proposed amendment, including a State Environmental Policy Act (SEPA) environmental checklist;

D. An explanation of whether approval criteria of Section 17.50.080 are satisfied; and

E. Where an amendment is map related or is specific to a site, a mailing list of adjacent property owners within three hundred feet of the affected site, provided, however, that where an applicant has ownership interest in any adjacent properties, the list shall extend to a point three hundred feet beyond said ownership interest. If the town determines that notices will be mailed pursuant to Section 17.50.100, such notice will be sent by certified mail at the applicant's expense.

Where initiated by motion of the town council, municipal staff and/or contracted staff shall prepare the amendment material. Where requested by the record owner or owners of the affected property or authorized agent thereof, said party shall prepare the amendment materials. The clerk-treasurer or contracted staff shall notify the record owner or owners of the affected property or authorized agent thereof, in writing if the amendment materials are sufficiently complete for consideration, or of what additional information is needed to make the amendment materials complete.

Applications which are not timely, are incomplete, are substantially similar to a recent and denied request, or do not satisfy the criteria of Section 17.50.080, shall not be considered. (Ord. 282 §41(part), 1998)

17.50.070 Filing fees. Filing fees in an amount specified by resolution of the town council shall be paid upon the filing of each request for a comprehensive plan amendment for the purpose of defraying the expenses of postage, posting, advertising, and other costs of labor and materials incidental to the proceedings prescribed in this chapter. (Ord. 282 §41(part), 1998)

17.50.080 Approval criteria. When considering amendments to the comprehensive plan, the following criteria shall be considered, and only those amendments which are found to be in substantial compliance with all the criteria shall be approved:

A. The amendment is necessary to resolve inconsistencies between the comprehensive plan and other municipal plans or ordinances, or to resolve inconsistencies between the comprehensive plan and Spokane County's plans or ordinances, or to update the transportation improvement program and/or capital improvement program in connection with annual budget adoption;

B. Potential ramifications of the proposed amendment upon all other comprehensive plan elements have been considered and adequately addressed;

C. Conditions have so changed since the adoption of the comprehensive plan that the existing text, including

but not limited to goals, policies, and/or map classifications, is inappropriate;

D. The proposed amendment is consistent with the overall intent of the goals of the comprehensive plan;

E. The proposed amendment is consistent with the Growth Management Act set forth in Revised Code of Washington Chapter 36.70A and with the Spokane County county-wide planning policies in effect at the time;

F. Where an amendment to the comprehensive plan's future land use plan map is proposed, the proposed designation is adjacent to property having a similar and compatible designation, or the subject property is of sufficient size to buffer or otherwise mitigate incompatible land uses; and

G. Environmental impacts have been disclosed, and measures have been ensured to reduce possible adverse impacts. (Ord. 282 §41(part), 1998)

17.50.090 Amendment cycle procedures. The following steps shall precede setting of the public hearing on comprehensive plan amendments, except for those amendments undertaken to the transportation improvement program and/or capital improvement program in connection with annual municipal budget adoption:

A. All proposed amendments shall be submitted to the clerk-treasurer not later than May 1st of any given year. Prior to the town council determination date set forth in Section 17.50.050, the clerk-treasurer or contracted staff shall prepare a brief summary describing the proposed amendments and a recommendation as to whether an amendment cycle should be initiated for the ensuing year.

B. Following a town council determination to proceed with an amendment cycle, the clerk-treasurer or contracted staff shall prepare a comprehensive staff report and recommendations related to the amendments, including an analysis of their cumulative impacts.

C. The town council, or clerk-treasurer, or contracted staff shall issue a State Environmental Policy Act (SEPA) determination on the amendment package. If an environmental impact statement (EIS) is required, further consideration of the affected applicable amendment(s) shall be withheld pending completion of the EIS proceedings.

D. Subsection B of this section and appropriate supporting materials shall be forwarded to the State Department of Community Trade and Economic Development for its preliminary review as required by state law. Other state, county, and/or local agencies shall be similarly notified where any such agency may have an interest in the amendment. Such distribution(s) shall be the responsibility of the clerk-treasurer or contracted staff. (Ord. 282 §41(part), 1998)

17.50.100 Public hearing and notice. Following initiation of a comprehensive plan amendment cycle, the clerk-treasurer and/or contracted staff shall set the matter(s) for public hearing before the town council, with such hearing to be conducted following completion of the state review period identified in Section 17.50.090. The town shall give notice of the hearing to be held, which notice shall contain the date, time, and place of the hearing, a general explanation of the matter(s) to be considered, and a general description in text or by diagram of the location(s) of real property, if any, that is(are) the subject of the hearing, and shall be:

A. Published once in the official newspaper of the town at least fifteen days before the date of the town council hearing;

B. Notice thereof shall be posted at the town hall and other public locations in the town at least fifteen days prior to the hearing; and

C. When the amendment is map related or is specific to a site, additional public notice may be given to interested or substantially affected persons and may include direct mailing of public notices and posting of property, if applicable, at least fifteen days prior to the hearing. When notice is posted at a specific application site and/or mailed to property owners, such notice shall comply with the procedures set forth in Title 18. (Ord. 282 §41(part), 1998)

17.50.110 Action by the town council. The town council shall hold an open record predecision public hearing on the proposed comprehensive plan amendment(s) in accordance with the hearing procedures set forth in Title 18. The town council shall amend the comprehensive plan by resolution, which resolution shall be adopted by the affirmative vote of a majority of the members of the town council. The town council shall approve, approve with modifications, or disapprove the recommendation of the clerk-treasurer and/or contracted staff.

A. Pursuant to Section 18.04.050 of Title 18, comprehensive plan amendments are not subject to the hearing limitations and timing requirements of said Title 18.

B. Amendments to the comprehensive plan shall be forwarded to the Spokane County assessor pursuant to Section 18.24.020 of Title 18. (Ord. 282 §41(part), 1998)

17.50.120 Urban growth area boundary review. Pursuant to Spokane County's adopted county-wide planning policies and in accordance with regionally coordinated planning matters related thereto, at least every five years, the town shall review the residential densities and nonresidential intensities permitted within its external, unincorporated, urban growth area, and the extent to which growth of

an urban nature is occurring within current municipal boundaries and in the unincorporated urban growth area. Based upon such review, and coordination with Spokane County, the town shall adjust its residential density allowances and nonresidential intensity expectations, and/or its urban growth area boundary, as necessary, to accommodate its share of the urban growth expected to occur in the county for the succeeding twenty-year period, according to allocations determined by the steering committee of elected officials in accordance with the adopted county-wide planning policies as constituted at the time, and then current population projections of the State Office of Financial Management.

Should the town find a need for more frequent adjustment of the unincorporated urban growth area boundary, it may request the steering committee of elected officials to initiate a review of urban growth area boundaries prior to the scheduled interval of five years. (Ord. 282 §41(part), 1998)

Chapter 17.52

MISCELLANEOUS

Sections:

- 17.52.010 Application processing fees.
- 17.52.020 Interpretation and application.
- 17.52.030 Validity and saving clause.

17.52.010 Application processing fees. Application processing fees, in an amount specified by resolution of the town council, shall be paid upon the filing of each request for any permit, zone change, zoning text amendment, or other application administered under the provisions of this title for the purpose of defraying the expenses of postage, posting, advertising, and other costs of labor and materials incidental to the proceedings prescribed in this title. (Ord. 282 §43, 1998)

17.52.020 Interpretation and application. In their interpretation and application the provisions of this title shall be held to be considered the minimum requirements adopted, for the public health, morals, safety or the general welfare. Whenever the requirements of this title differ with requirements of any other lawfully adopted rules, regulations, or other ordinances the most restrictive or that imposing the highest standards shall govern. (Ord. 232 §14.1, 1992)

17.52.030 Validity and saving clause. If any section, subsection or paragraph of this title is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this title. (Ord. 232 §15.1, 1992)

Chapter 17.56

ZONE OF ANNEXED TERRITORY

Sections:

- 17.56.010 Annexation location within the urban growth area.
- 17.56.020 Annexation zoning consistency with the comprehensive plan.
- 17.56.030 Annexation zoning plan adoption.

17.56.010 Annexation location within the urban growth area. All territory hereafter annexed to the town shall be contained within that portion of unincorporated Spokane County officially designated as being within the town's urban growth area by the Spokane County board of county commissioners pursuant to the requirements of the Growth Management Act set forth in Revised Code of Washington Chapter 36.70A. (Ord. 282 §44(part), 1998)

17.56.020 Annexation zoning consistency with the comprehensive plan. All territory hereafter annexed to the town shall be subject to a prezoning plan, which prezoning plan shall conform to the official land use designation of the future land use plan map contained within the town's adopted comprehensive plan. (Ord. 282 §44(part), 1998)

17.56.030 Annexation zoning plan adoption. All territory hereafter annexed to the town shall, upon annexation, be zoned in accordance with a prezoning plan adopted in the manner required by law for a change of zone. Said prezoning plan shall be prepared and adopted as a part of the official annexation proceedings and shall take into account, and be in conformance with, all applicable municipal plans, policies, and documents. (Ord. 282 §44(part), 1998)

Chapter 17.60CONCURRENCY MANAGEMENTSections:

17.60.010	Description and purpose.
17.60.020	Definitions.
17.60.030	Concurrency determination.
17.60.040	Exemptions.
17.60.050	Concurrency monitoring.
17.60.060	Intergovernmental coordination.
17.60.070	Fees.

17.60.010 Description and purpose. The purpose of this chapter is to set forth standards providing for municipal compliance with the concurrency requirements of the state's Growth Management Act (GMA) and to further provide for consistency between municipal and county-wide planning policies under GMA. GMA requires that adequate street capacity be provided concurrently with development to handle the increased traffic projected to result from such growth and development. GMA also authorizes local jurisdictions to establish concurrency parameters for facilities other than transportation. Spokane County's adopted county-wide planning policies, which affect all jurisdictions in the county, add domestic water and sanitary sewer systems to the concurrency determination of adequate capacity concurrent with new development. Therefore, this chapter addresses concurrency management in the context of the municipal street system, domestic water system, and sanitary sewer system.

When concurrency management for a segment of the transportation system is regional in nature as determined by the Spokane County steering committee of elected officials, the Spokane regional transportation council (SRTC) shall be responsible for a concurrency determination in accordance with level of service (LOS) standards adopted for the regional transportation system. (Ord. 282 §45(part), 1998)

17.60.020 Definitions. For the purposes of this chapter, certain words and terms are defined herein. Words used in the present tense include the future; words used in the singular number include the plural; and words in the plural numbers include the singular.

"Concurrency" means municipal street, domestic water, and sanitary sewer infrastructure systems needed to achieve and maintain the standards for level of service (LOS) adopted in the town's comprehensive plan, as such comprehensive plan now exists or as it may be subsequently amend-

ed in the future, are available to serve new development no later than six years after the impacts of development are incurred.

"Concurrency determination" means the comparison of an applicant's impacts on concurrency facilities to the capacity, including available and planned capacity of the concurrency facilities.

"Development permit" means a land use or building permit. Development permits are classified as exempt, final, or preliminary. Exempt permits are set forth in Section 17.60.040 of this chapter.

Development Permit, Final. "Final development permit" means a building permit.

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

"Level of Service (LOS)" means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of a facility. LOS is an established minimum capacity of certain capital facilities that must be provided per unit of demand or other appropriate measures as needed. LOS standards are found in the transportation and capital facilities elements of the town's comprehensive plan, as such comprehensive plan now exists or as it may be subsequently amended in the future.

"Reserve level of service (LOS) capacity" means total capacity of concurrency facilities less currently existing demands, and less committed but not yet implemented demands upon such concurrency facilities and services.

"Vested" means the right to develop or continue development in accordance with the laws, rules, and other regulations in effect at the time vesting is achieved. (Ord. 282 §45(part), 1998)

17.60.030 Concurrency determination. Level of service (LOS) standards are the benchmarks used to determine if concurrency facilities are adequate to serve new development. LOS standards are used to calculate the capacity of concurrency facilities for each development. Concurrency is determined by comparing the capacity required to the uncommitted capacity that is available.

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

whatever reason, denied, rejected, expired, or otherwise invalidated.

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

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

1. Mitigate capacity impacts by arranging with the town for the provision of additional capacity of the affected concurrency facility or facilities required either concurrent with the development, or within six years of when the impact is incurred; or

2. Revise the proposed development by reducing impacts so as to maintain a satisfactory LOS; or

3. Phase the proposed development to coincide with later availability of increased concurrency facility capacity; or

4. Accept denial of the application. (Ord. 282 §45(part), 1998)

17.60.040 Exemptions. While the following permits are exempt from the concurrency requirements of this chapter, the town is not precluded from mitigating the impacts of such permits through other mechanisms such as by a local improvement district, by State Environmental Policy Act (SEPA) compliance, etc. The following development permits are exempt from concurrency determination requirements:

A. Any addition or accessory structure to a residence, public facility, or business with no change or increase in use or increase in the number of dwelling units;

B. Interior or exterior renovations or modifications of structures with no change or increase in use or increase in the number of dwelling units;

C. Replacement structures with no change or increase in use or increase in the number of dwelling units;

D. Temporary structures;

E. Resurfacing of existing driveways, streets, or parking lots;

F. Landscaping, lighting, or fencing;

G. Signs;

- H. Demolitions;
- I. Sanitary sewer permit for an existing single-family residence;
- J. Domestic water service permit for an existing single-family residence;
- K. Street vacations;
- L. Lot line adjustments;
- M. Permits for construction of single-family or two-family residences on platted lots of record existing before the effective date of the ordinance codified in this chapter, provided such lot or combination of lots forming a development parcel duly conforms to the standards of the residential zone as set forth in Chapter 17.08 of this title;
- N. Final plats provided that the requirements of Section 17.60.030 of this chapter were satisfied at the time of preliminary plat approval;
- O. The subsequent building permit for an approved development provided that the requirements of Section 17.60.030 of this chapter were satisfied at the time of preliminary development approval and there is no change in use, densities, and intensities. (Ord. 282 §45(part), 1998)

17.60.050 Concurrency monitoring. The town shall monitor final development permits for their impact on concurrency facilities. The impacts from final development permits exempt under Section 17.60.040 of this chapter shall be taken into consideration. The town shall determine whether final development permit impacts should be monitored on an annual or other periodic basis. (Ord. 282 §45(part), 1998)

17.60.060 Intergovernmental coordination. The town may enter into an interlocal agreement with Spokane County or other entities to coordinate level of service (LOS) standards, concurrency mitigation strategies, and other facets of concurrency management. (Ord. 282 §45(part), 1998)

17.60.070 Fees. Fees in an amount specified by resolution of the town council shall be paid upon the filing of any development permit application to defray the expenses of conducting concurrency determinations, providing written information, and for providing other concurrency management services in support of this chapter. (Ord. 282 §45(part), 1998)

Title 18

INTEGRATED PROJECT REVIEW

Chapters:

<u>18.04</u>	<u>General Provisions</u>
<u>18.08</u>	<u>Land Use Actions and Project Permits</u>
<u>18.12</u>	<u>Application Filing Procedures</u>
<u>18.16</u>	<u>Application Processing Procedures</u>
<u>18.20</u>	<u>Enforcement</u>
<u>18.24</u>	<u>Other Provisions</u>
<u>18.28</u>	<u>Summary of Requirements</u>

Chapter 18.04

GENERAL PROVISIONS

Sections:

18.04.010	Authority.
18.04.020	Purpose and intent.
18.04.030	Definitions.
18.04.040	Consistency and limitations.
18.04.050	Applicability and exceptions.

18.04.010 Authority. This title is authorized and required under Revised Code of Washington (RCW) Chapter 36.70B, the Local Project Review Act. (Ord. 283 §1(part), 1998)

18.04.020 Purpose and intent. The purpose of this title is to expedite project review and the determination of consistency between a proposed project, the comprehensive plan, and the town's building, critical areas, environmental policy, subdivision, and zoning regulations, through an integrated application review process wherein project review and environmental analysis run concurrently and not separately. It is intended that the fundamental land use planning decisions made in the adopted comprehensive plan and in the town's adopted development regulations shall serve as the foundation for individual project review. (Ord. 283 §1(part), 1998)

18.04.030 Definitions. For the purposes of this title, the following definitions shall apply:
"Agency with jurisdiction" means any agency with the authority to approve, veto, or finance, all or part of any project permit application.

"Closed record appeal" means an appeal to the town council, following an "open record hearing" on a project permit application, when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal arguments are allowed.

"Development regulation" means building, critical areas, environmental, subdivision, zoning, and other land use regulations.

"Open record hearing" means a hearing, conducted by the hearing body, that creates the town's record through testimony and submission of evidence and information, under the procedures contained in the town's various regulatory municipal code provisions, ordinances, and resolutions.

1. An "open record hearing" may be held prior to the hearing body's decision on a project permit, and such hearing shall be known as an "open record predecision hearing".

2. An "open record hearing" may be held on an appeal, provided that no "open record predecision hearing" has been held on the project permit, and such hearing shall be known as an "open record appeal hearing."

"Project permit/project permit application" means any land use or environmental permit or license required from the town including, but not limited to, subdivisions, conditional uses, site-specific rezones authorized by the comprehensive plan or by a subarea plan subordinate thereto, critical area permits or approvals, site plan review, and building permits.

1. This definition does not include adoption or amendment of the comprehensive plan or a subarea plan subordinate thereto, or development regulations adopted or amended by the town to implement such comprehensive plan or subarea plan.

"Public meeting" means an informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to the town's decision. A public meeting may include, but is not limited to, a design review or architectural control board meeting, a special review district or community council meeting, or a scoping meeting on a draft environmental impact statement.

1. A public meeting does not include an open record hearing.

2. The proceedings at a public meeting may be recorded and a report or recommendation may be included in the town's project permit application file. (Ord. 283 §1(part), 1998)

18.04.040 Consistency and limitations. A. When an applicant applies for a project permit, consistency between the proposed project and the comprehensive plan and applicable development regulations shall be determined by the

town in consideration of the following, however, nothing in this section precludes the town from asking more specific or related questions with respect to any of the following:

1. The type of land use allowed (i.e., have the criteria for approval been satisfied for the type of land use, including uses that may be allowed under certain circumstances, such as conditional uses);

2. The level of development allowed, such as units per acre or other measures of density and intensity;

3. Infrastructure, including the availability and adequacy of public facilities and services needed to serve the proposed project; and

4. The characteristics of the proposed project, as measured by the degree to which the project conforms with specific development regulations or standards.

B. In deciding whether a project is consistent, the provisions of RCW 36.70B.030(2) shall be controlling.

C. During project review, the town shall not reexamine alternatives to or hear appeals on items identified as being consistent pursuant to subsections A and B of this section, except for issues of development regulation interpretation.

D. The town may determine that the town's development regulations or environmental analysis requirements provide adequate mitigation for some or all of the project's environmental impacts.

E. Project review shall be used to identify specific project design and conditions relating to mitigation of a proposal's probable adverse environmental impacts, if applicable.

F. The town's decision to approve, condition, or deny a project shall be based upon the record established at the public hearing, if one is held. (Ord. 283 §1(part), 1998)

18.04.050 Applicability and exceptions. The provisions of this title shall apply to the types of project permit applications subject to review under the town's adopted building, critical areas, environmental, subdivision, and zoning regulations, or under any related regulation or any other ordinance or law.

A. Exceptions to General Procedural Requirements of this Title. Pursuant to RCW 36.70B.140(1), the following permits or approvals are excluded from compliance with the procedural requirements of RCW 36.70B.060 through 36.70B.090 and RCW 36.70B.110 through 36.70B.130 as implemented within this title (determination of completeness, notice of application, consolidated project permit review including joint public meetings/hearings, single report stating all the decisions and recommendations made as of the date of the report that do not require an open record hearing, notice of decision, and completion of project review within 120 days):

1. Landmark designations;
2. Street vacations; and
3. Other approvals relating to the use of public areas or facilities.

B. Exceptions to Selected Procedural Requirements of this Title. Pursuant to RCW 36.70B.140(2), the following permits or approvals are excluded from compliance with the procedural requirements of RCW 36.70B.060 and RCW 36.70B.110 through 36.70B.130 as implemented within this title (notice of application, consolidated project permit review including joint public meetings/hearings, single report stating all the decisions and recommendations made as of the date of the report that do not require an open record hearing, and notice of decision,):

1. Building permits categorically exempt under SEPA;
2. Boundary line adjustments;
3. Other construction permits categorically exempt under SEPA;
4. Similar administrative approvals categorically exempt from environmental review under SEPA (Chapter 43.21C RCW) and the town's environmental policy guidelines (Chapter 16.04); and
5. Permits/approvals for which environmental review has been completed in connection with other project permits.

C. Exceptions for Legislative Decisions. The following decisions are legislative and not subject to the provisions of this title, unless otherwise specified:

1. Text amendments to development regulations including, but not limited to, building, critical areas, environmental, subdivision, and zoning regulations.
2. Adoption or amendment of the comprehensive plan or any subarea plan; and
3. Area-wide rezones to implement new or amended town plans and policies. (Ord. 283 §1(part), 1998)

Chapter 18.08

LAND USE ACTIONS AND PROJECT PERMITS

Sections:

- 18.08.010 Types of review.
- 18.08.020 Project categorization.
- 18.08.030 Project review process summary.
- 18.08.040 Uniform appeal process.

18.08.010 Types of review. To accomplish the purpose of this title, it is necessary to specify the general pro-

cedures to be followed when processing and reviewing applications. Three types (levels) of review are established herein. Generally, those development proposals with the least potential for adverse impacts are reviewed using a more limited process, while those with the greatest potential for impacts are reviewed using a more extensive process. All project permit applications, regardless of type classification, require review for consistency with the comprehensive plan, municipal development regulations, and other applicable development regulations. (Ord. 283 §1(part), 1998)

18.08.020 Project categorization. All project permit applications will fall into one or more of the following project type classifications, and will be reviewed through one or more of these classifications prior to making a final decision. If there is a question as to the appropriate type classification, the higher procedural classification shall be used:

A. Type I--Ministerial. Type I projects are categorically exempt from SEPA, do not require public notice or hearing, are subject to clear and objective standards, and may require professional or technical judgment. Applications are reviewed by applicable town departments or contracted staff for compliance and comment. Applicants may address staff comments prior to a decision by the appropriate decision-maker. Decisions are administrative and may be made by the planning commission, the town council, the mayor, or a designee thereof. The following permit applications qualify for type I review procedures:

1. Building permits which are categorically exempt from SEPA.
2. Manufactured home permits.
3. Mechanical permits (plumbing, electrical, heating and ventilation, etc.).
4. Building inspections.
5. Boundary line adjustments.
6. Temporary uses.
7. Minor amendments to approved plans and projects.
8. Time extensions for applications other than plats.
9. Other ministerial actions as determined by the town council.

B. Type II--Administrative. Type II projects include those subject to SEPA compliance and public input through the SEPA comment period, but which do not otherwise require a public notice or public hearing. Type II projects also include those applications subject to both objective and subjective standards which may require discretion regarding nontechnical issues. Applications are reviewed by applicable town departments or contracted staff for compliance and

comment. Applicants may address staff comments prior to a written decision by the decision-making body with authority. The following permit applications qualify for type II review procedures:

1. Building permits which exceed SEPA thresholds.
2. Accessory uses subject to SEPA.
3. Changes of permitted uses subject to SEPA.
4. Permitted uses requiring site plan review.
5. Time extensions for plats.
6. Major amendments to approved plans and projects.
7. Administrative interpretation of development regulations.
8. Final plat and final short plat approval.
9. Other administrative actions as determined by the town council.

C. Type III--Quasi-Judicial. Type III projects are those requiring a public notice and predecision public hearing and which allow for a closed record appeal hearing. SEPA compliance is applicable to the majority of type III projects. Applications are reviewed by applicable town departments and/or contracted staff, and by interested public agencies. A report shall be prepared by town staff for consideration by the hearing body at the predecision public hearing. The report shall include information furnished by the applicant, town departments and/or contracted staff, interested agencies, public input, and other means, and shall include a recommendation for approval, approval with conditions, or denial. Such report shall state specific reasons and cite specific applicable Fairfield Municipal Code provisions, ordinances and sections therein, or other applicable rules or regulations, upon which the recommendation is based. The decision of the hearing body shall be based on the staff report, upon the predecision public hearing record and testimony, and upon applicable criteria. The following permit applications qualify for type III review procedures:

1. Preliminary plats (long and short subdivisions).
2. Alteration or vacation of plats.
3. Variances.
4. Conditional uses.
5. Home occupations.
6. Changes of zoning designation.
7. Mobile/manufacture home parks.
8. Other quasi-judicial actions as determined by the town council.

D. Quasi-judicial and/or legislative determinations which are exempt from all or part of RCW 36.70B, are intentionally excluded from the above listings. Such exclusions may be subject to SEPA compliance, and all require public notice and hearing. Said exclusions include, but are not

limited to, comprehensive plan and/or subarea plan adoption or amendment, adoption or amendment of development regulations, annexations, street vacations, and siting of essential public facilities. (Ord. 283 §1(part), 1998)

18.08.030 Project review process summary. The following is a general summary of the project review process and procedures by project category type. Different types of projects are also governed by regulations in other municipal code titles and chapters. Hence, procedures may vary, depending upon the nature of the project:

<u>Procedure Element</u>	<u>Type I</u>	<u>Type II</u>	<u>Type III</u>
Early consultation	Optional	Optional	Varies
Determination of completeness	Varies	Yes	Yes
Consistency determination	Yes	Yes	Yes
Town and agency review	Yes	Yes	Yes
Notice of application and public notice	No	Varies	Yes
SEPA threshold determination	No	Varies	Yes
Predecision open record hearing	No	Varies	Yes
Notice of decision	Yes	Yes	Yes
Open record town council appeal	Yes	Varies	No
Closed record town council appeal	No	Varies	Yes
Judicial appeal to court	Yes	Yes	Yes

(Ord. 283 §1(part), 1998)

18.08.040 Uniform appeal process. Any notice of decision issued administratively for a type I or type II permit, or any administrative interpretation of development regulations applied to any type of permit application, may be appealed to the town council. Further information and requirements regarding appeals are set forth in Sections 18.16.070 (open record public hearing), 18.16.090 (appeals and reconsideration), and 18.16.100 (closed record decisions and appeals) of this title.

A. When the decision or interpretation has not involved an open record predecision hearing, the town council shall conduct an open record appeal hearing on the matter.

B. When the decision or interpretation has involved an open record predecision hearing, the town council shall conduct a closed record appeal hearing on the matter.

(Ord. 283 §1(part), 1998)

Chapter 18.12APPLICATION FILING PROCEDURESSections:

- 18.12.010 Intent.
- 18.12.020 Early consultation.
- 18.12.030 Consolidated permit review.
- 18.12.040 Application submittal.
- 18.12.050 Determination of completeness.

18.12.010 Intent. It is the intent of this chapter to: provide the town with a consistent, predictable method to review proposals for development; to ensure complete information is provided to project reviewers and decision-makers; to ensure that applications are reviewed within a specified time frame; and to ensure that permit review and approval is combined with applicable environmental review. (Ord. 283 §1(part), 1998)

18.12.020 Early consultation. Any applicant for development should consult with the town, its staff, including contracted staff, and other agencies involved in the application review process, on an informal basis, in order to become familiar with the requirements of local codes and ordinances, and other regulations which have a bearing on the proposed development, necessary permits, required hearing or meeting procedures, and the general approval process.

A. An applicant may request, or the town may initiate, a formal preapplication conference at which the applicant, town staff, including contracted staff, and other affected entities meet jointly. When a formal preapplication conference is requested by an applicant, such conference shall be scheduled and conducted within fifteen days of the receipt of the request. The town shall invite affected town departments and as many other affected jurisdictions, agencies, and/or special districts to the formal preapplication conference as are known to the town.

1. The more information an applicant can provide for a formal preapplication conference, the more complete the review and input will be for the proposal.

2. Any information or opinions expressed by those in attendance at a formal preapplication conference shall not be binding on the final decision or constitute approval or denial of the proposed development.

3. Inconsistency with the comprehensive plan, local code provisions or ordinances, and other applicable policies and regulations will be discussed at any such formal preapplication conference.

4. The applicant and those in attendance at a formal preapplication conference should discuss creative approaches to address challenging site constraints or potential mitigation of impacts.

5. Possible revisions or modifications to the proposal should be discussed by the applicant and those in attendance at a formal preapplication conference.

6. The applicant should be aware that additional modifications may be required before the project review is final and a decision has been made. (Ord. 283 §1(part), 1998)

18.12.030 Consolidated permit review. An applicant may request an integrated and consolidated review and decision of two or more project permits related to a proposed action, including a single application review and approval process covering all project permits requested by an applicant for all or part of a project action. Where more than one project type classification is involved pursuant to Chapter 18.08 of this title, the highest numbered procedure required for any part of the project shall apply to the collective project permits. If an applicant elects this process, all applications relating to the same project must be submitted at the same time, and the determination of completeness, notice of application, and notice of decision shall include all project permits being reviewed under the consolidated permit review process. The town shall provide for consolidated permit review with a single open record predecision hearing and no more than one closed record appeal as provided for in this title. The decision on all permits shall be made by the decision-maker(s) at the highest level of review. (Ord. 283 §1(part), 1998)

18.12.040 Application submittal. A. All project permit applications shall utilize forms provided by the town and shall be filed with the town clerk-treasurer unless the applicable development regulations specify otherwise. The submittal requirements set forth in the applicable development regulations shall be followed. The application materials shall contain the verified statement of the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the written consent of all owners of the affected property. Appropriate fees, as established by resolution of the town council, shall accompany each project permit application.

B. The mayor, or designee thereof, shall coordinate the review of each application with all appropriate town departments and external entities with known regulatory authority over the proposal.

C. The town may require the applicant to designate a single person or entity to receive determinations and no-

tices required by this title. If the applicant is the town, the mayor, or designee thereof, shall be the agent receiving determinations and notices required by this title. (Ord. 283 §1(part), 1998)

18.12.050 Determination of completeness. A. Timely Determination. Within twenty-eight days after receiving a project permit application, the town shall mail, or personally provide, a written determination to the applicant which states that either the application is complete and accepted for processing, or that the application is incomplete and stating what additional information is necessary to make the application complete. If only minor information or clarification is needed, the town may contact the applicant by telephone or in person, and then mail, or otherwise deliver, the written determination of completeness. To the extent known by the town, the determination of completeness/incompleteness shall also identify other agencies that have jurisdiction over some aspect of the application.

1. Failure of the town to respond to the applicant, in writing, within said twenty-eight-day time frame, shall be deemed as the town's acceptance of the application for processing.

B. Incomplete Applications. If the applicant receives a determination from the town that an application is not complete, the applicant shall have ninety days to furnish the necessary information to the town. Within fourteen days after an applicant has submitted to the town the additional information identified as being necessary for a complete application, the town shall notify the applicant, in the manner prescribed in subsection A of this section, of whether the application is now complete or what additional information is necessary to make the application complete.

1. The time frame for submitting additional information may be extended by the mutual agreement of the town and applicant, in writing.

2. If an applicant either refuses, in writing, to submit additional information, or does not submit the required information within the ninety-day time frame or approved extension thereof, the town shall make findings and issue a decision, according to the type I procedure in Chapter 18.08 of this title, that the application has lapsed, based upon the lack of information necessary to complete the review.

3. If an application has officially lapsed, the applicant may request a refund of the application fee unrelated to the town's determination of completeness.

C. Additional Information. The town's issuance of a determination of completeness shall not preclude the town from requesting additional information or studies, either

at the time of the determination of completeness or at some later time, if new information is required or where substantial changes in the proposed action occur.

D. Optional Criteria. The determination of completeness may include the following as optional information:

1. A preliminary determination of those development regulations that will be used for project mitigation;

2. A preliminary determination of consistency based upon the criteria set forth in Section 18.04.040 (A) of this title.

3. Other information the town chooses to include.

E. Scope. Nothing in this chapter requires documentation by the town, dictates the town's procedures for considering consistency, or limits the town from requesting additional information with respect to a completed application.

F. Acceptance. No application shall be considered officially accepted for processing until it is determined to be complete in accordance with the provisions of this section. (Ord. 283 §1(part), 1998)

Chapter 18.16

APPLICATION PROCESSING PROCEDURES

Sections:

- 18.16.010 Notice of application.
- 18.16.020 Optional notice of application/integrated DNS process.
- 18.16.030 Project assessment.
- 18.16.040 State Environmental Policy Act (SEPA) Integration.
- 18.16.050 Public notice.
- 18.16.060 Staff report and recommendations.
- 18.16.070 Open record public hearing.
- 18.16.080 Notice of decision.
- 18.16.090 Reconsiderations and appeals.
- 18.16.100 Closed record decisions and appeals.
- 18.16.110 Judicial appeals.

18.16.010 Notice of application. The town shall provide a written notice of application to the public and departments and agencies with jurisdiction as provided in this section. Such notice shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record predecision hearing is required.

A. Timing. The notice of application shall be issued within fourteen days after the town has made a determination of completion.

B. Contents. The notice of application shall include:

1. The date of application, the date of the determination of completeness, and the date of the notice of application;

2. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070 (determination of completeness) or RCW 36.70B.090 (other information, changes, etc.);

3. The location of the proposed project;

4. The identification of other permits not included in the application, to the extent known by the town;

5. The identification of existing environmental documents that evaluate the proposed project, and if not otherwise stated on the document providing the notice of application, the location where the application and any studies can be reviewed;

6. A statement of the public comment period, which shall be not less than fourteen days nor more than thirty days following the date of the notice of application;

a. If an open record predecision hearing is required for the requested project permits, the notice of application shall be provided at least fifteen days prior to the predecision hearing.

7. Statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;

8. The date, time, place, and type of hearing, if applicable and if such hearing has been scheduled;

9. A statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation, and of consistency as provided in RCW 36.70B.040 (Section 18.04.040 of this title); and

10. Any other information determined appropriate by the town.

C. Methods of Notification. The town shall use reasonable methods to give the notice of application to the public and agencies with jurisdiction, including posting site-specific application sites, posting notice at the town hall and post office, plus at other public locations deemed appropriate by the town, and publishing notice in the town's official newspaper as set forth in Section 18.16.050 of this chapter.

D. Withholding of Decisions. Except for a threshold determination of significance (DS), the town shall not issue a threshold determination or issue a decision or a

recommendation on a project permit until the expiration of the public comment period on the notice of application. (Ord. 283 §1(part), 1998)

18.16.020 Optional notice of application/integrated DNS process. In accordance with Washington Administrative Code (WAC) Section 197-11-355, if the town is the lead agency for a proposal and has a reasonable basis for determining that significant adverse environmental impacts are unlikely, the town may use a single integrated comment period to obtain comments on the notice of application and the likely threshold determination for the proposal.

A. If the optional integrated comment period is utilized, the town shall:

1. State on the first page of the notice of application that it expects to issue a DNS for the proposal, and that:

- a. The optional DNS process is being used,
- b. This may be the only opportunity for comment on the environmental impacts of the proposal,
- c. The proposal may include mitigation measures under applicable municipal code provisions, other ordinances, and regulations, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared, and
- d. A copy of the subsequent threshold determination for the proposal may be obtained upon request;

2. List in the notice of application the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected;

3. Comply with the requirements for the notice of application and public notice as set forth in other sections of this chapter; and

4. Send the notice of application and environmental checklist to:

- a. Agencies with jurisdiction, the department of ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and
- b. Anyone requesting a copy of the environmental checklist for the proposal.

B. If the town indicates on the notice of application that a DNS is likely, an agency with jurisdiction may assume lead agency status during the comment period on the notice of application pursuant to WAC Section 197-11-948.

C. The responsible official shall consider timely comments on the notice of application and either:

- 1. Issue a DNS or mitigated DNS with no comment period using the procedures in subsection D of this section;

2. Issue a DNS or mitigated DNS with a comment period using the procedures in subsection D of this section, if the town determines a comment period is necessary;

3. Issue a determination of significance (DS); or

4. Require additional information or studies prior to making a threshold determination.

D. If a DNS or mitigated DNS is issued under subsection C of this section, the town shall send a copy of the DNS or mitigated DNS to the Department of Ecology, agencies with jurisdiction, those who commented, and anyone requesting a copy. The environmental checklist need not be recirculated. (Ord. 283 §1(part), 1998)

18.16.030 Project assessment. The purpose of project assessment is to review the completed application, site plan, project proposal, and special studies for compliance with adopted plans, policies, and regulations which govern development. Within ten days of issuing a determination of completeness, the town shall:

A. Transmit a copy of the application, or appropriate parts of the application, to each affected agency and municipal department for review and comment, including those responsible for determining compliance with state and federal requirements. Affected agencies and municipal departments shall be given no less than fifteen nor more than forty-five days to submit written comments to the town, depending upon the complexity of the project permit application. An agency or municipal department is presumed to have no comments if written comments are not received by the town within the specified time period.

B. Provide for notice and hearing if a predecision public hearing is required for the application. (Ord. 283 §1(part), 1998)

18.16.040 State Environmental Policy Act (SEPA) Integration. When an application is subject to environmental review, such review shall be integrated and run concurrently with the permit procedures of this title.

A. Initial SEPA Analysis. The town shall review the project permit application under the requirements of SEPA (RCW Chapter 43.21C), the SEPA rules (WAC Chapter 197-11), and the town's environmental policy guidelines (Chapter 16.04), and shall:

1. Determine whether applicable development regulations require studies that adequately analyze all of the proposal's probable adverse environmental impacts;

2. Determine if applicable development regulations require measures that adequately address the proposal's probable adverse environmental impacts;

3. Determine whether additional studies are required and/or whether the proposal should be conditioned with additional mitigation measures; and

4. Provide prompt and coordinated review, by agencies and the public, on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level.

If the town bases or conditions its approval of the project permit application on compliance with the requirements or mitigation measures of this subsection A of this section, the town shall not impose additional mitigation under SEPA during project review.

B. Use of Existing Environmental Documents. In its review of a project permit application, the town may determine that the requirements for environmental analysis, protection, and mitigation measures, as contained in applicable development regulations, the comprehensive plan, and/or other applicable local, state, or federal laws, provide adequate analysis of, and mitigation for, the specific adverse environmental impacts of the application.

1. Development regulations, the comprehensive plan, and/or other applicable local, state, or federal laws, provide adequate analysis of, and mitigation for, the adverse environmental impacts of the application when:

a. The impacts have been avoided or otherwise mitigated; or

b. The town has designated acceptable levels of service, land use designations, development standards, or other land use planning regulations as required or allowed by the Growth Management Act (RCW Chapter 36.70A).

2. In its decision whether a specific environmental impact has been addressed by an existing rule or law of another agency with jurisdiction, the town shall consult orally or in writing with that agency and may expressly defer to that agency. In making such deferral, the town shall base or condition its project approval on compliance with such other agency's existing rules or laws.

C. SEPA Threshold Determinations.

1. Except for a threshold determination of significance (DS), the town shall not issue a threshold determination or issue a decision or a recommendation on a project permit until the expiration of the public comment period on the notice of application.

2. If the town has made a determination of significance (DS) concurrently with the notice of application, the notice of application shall be combined with the determination of significance and scoping notice. Nothing in this section prevents a determination of significance and scoping notice from being issued prior to a notice of application.

3. If an open record predecision hearing is required on the underlying project permit application, the town shall issue its threshold determination at least fifteen days prior to the predecision hearing.

4. The town, in Chapter 16.04 (Environmental Policy Guidelines), has not enacted provisions for appeals to the town council regarding SEPA determinations, including any determination of nonsignificance (DNS), mitigated DNS, determination of significance (DS), or draft or final environmental impact statement (DEIS/FEIS) or supplement or addendum thereto. Therefore, appeals of the town's SEPA determinations would be filed with the Spokane County superior court. (Ord. 283 §1(part), 1998)

18.16.050 Public notice. The purpose of public notification is to provide an opportunity for public participation in the development review process for those projects requiring notice by state or local law, and which may have impacts on neighboring property owners or the surrounding community.

A. Notification Generally. Depending upon the nature of the project permit application, some type II and all type III project proposal requires publication of the notice of application in the town's official newspaper, posting site-specific application sites, and posting notice at the town hall and post office, plus at other public locations deemed appropriate by the town, pursuant to Section 18.16.010 of this chapter and this Section 18.16.050.

Nothing herein precludes the town from providing additional forms of notification as it deems appropriate.

B. Notice of Hearings or Meetings. In the case of type II and type III projects which require an open record predecision hearing or a public meeting, public notice of the hearing/meeting is also required. Unless otherwise stated, such notice shall be provided between fifteen and thirty days in advance of the public hearing/meeting. Such notice shall include publication of the public hearing notice in the town's official newspaper, posting site-specific application sites, and posting notice at the town hall and post office, plus at other public locations deemed appropriate by the town, and by mailing notice to abutting or surrounding property owners in accordance with the procedures set forth in the chapter of this municipal code, or an uncodified ordinance, which applies to the project permit application.

1. Nothing herein precludes the town from providing additional forms of notification as it deems appropriate.

2. Pursuant to Section 18.16.010 of this chapter, the notice of application and the notice of public hearing/meeting may be combined into a single notice procedure.

C. Published Notice. Published notice shall include the requirements for the notice of application and, where an open record predecision hearing or a public meeting is either required by law or determined to be necessary by the town, the published notice shall also comply with the pub-

lic notice requirements of this section for public hearings and meetings.

D. Property Posting. When notification through the posting of site-specific property is required, one or more sign(s), between four and sixteen square feet in area (i.e., between two-feet by two-feet and four-feet by four-feet), shall be supplied and erected by the project permit applicant, in a conspicuous place(s) on the property as determined by the town, and shall comply with the following:

1. Be erected within the time frames required in this title (i.e., fourteen to thirty days in advance of an application for which there is no open record predecision hearing or meeting, or fifteen to thirty days in advance when there is an open record predecision hearing or meeting);
2. Said sign(s) shall be of commercial quality to withstand normal weather conditions and easily read from a long distance;
3. Legible block lettering shall state the notification requirements set forth in Section 18.16.010 of this chapter and/or this section, as applicable;
4. Posted site notice(s) shall be maintained by the permit applicant in good condition during the notice period;
5. Posted site notice(s) shall be removed by the permit applicant within fourteen days after the end of the notice period;
6. Removal of any site-specific posted notice prior to the end of the notice period may be cause for discontinuance of the town's review and/or hearing process until the site-specific posted notice is replaced and remains in place for the specified time period;
7. An affidavit of posting shall be submitted to the town by the applicant prior to the hearing or final comment date. If the affidavit is not submitted as required, any scheduled hearing, or date by which the public may comment on the application, will be postponed in order to provide for full compliance with the public notice requirements of this title.

E. Contents of Public Notice. The contents of the public notice for a public hearing or public meeting shall include the following:

1. The name and address of the applicant or the applicant's representative;
2. A description of the property, which may be in the form of either a vicinity location map or a written description, other than a legal description, reasonably sufficient to inform the public of the location of the proposal, and which may also include a site address, and/or a subdivision and block designation;

3. The date, time, and place of the hearing or meeting;

4. A general description of the proposed project or action to be taken, including the nature of the proposed use or development, and the project name, if applicable;

5. A notice of when and where interested persons/parties can review application materials and also submit comments or appear and provide testimony;

6. A statement of the applicable municipal code or other ordinance chapters or sections pertinent to the application;

7. The name of the town's representative to contact and the telephone number where additional information may be obtained;

8. A notice of when and where a staff report will be available for inspection; and

9. Other information as the town may determine to be necessary to adequately notify the public of the pending application.

F. Mailed Notice.

1. When an open record predecision hearing is conducted, public notice is required to be mailed to the applicant, to abutting or surrounding property owners as specified in the municipal code chapter or uncodified ordinance section which governs the application type, and to interested agencies. Unless otherwise stated, such notice shall be mailed between fifteen and thirty days in advance of the public hearing.

2. When either an open record appeal hearing or closed record appeal hearing is conducted, public notice shall be mailed to the applicant, to abutting or surrounding property owners as specified in the municipal code chapter or uncodified ordinance which governs the application type, to interested agencies, to any person who submits written or oral comments on the application, and to the appellant if the appellant is not the applicant. Unless otherwise stated, such notice shall be mailed between fifteen and thirty days in advance of the appeal hearing.

3. Unless otherwise stated in the municipal code chapter or uncodified ordinance which governs the application type, the applicant shall pay the cost of all mailed notice and shall provide proof of mailing to the town.
(Ord. 283 §1(part), 1998)

18.16.060 Staff report and recommendations. The purpose of preparing a staff report is to facilitate the review and decision-making process by providing information and analysis in a concise and clear format. The staff report will provide the factual and logical information which provide the basis for the town staff's recommendation.

A. Based on the information provided by the applicant and the technical and design analysis of the development proposal provided by pertinent town departments, consultants, and applicable public agencies, a single staff report and recommendation shall be compiled by town staff and presented to the recommendation-making or decision-making body. The report shall address all technical and design issues of the project and shall include the comments of the general public, departments and agencies, and recommendations of staff. The staff report will be used as background information in the recommendation-making or decision-making process.

B. The staff report shall also state all the decisions or recommendations made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record predecision hearing, and any recommendations on project mitigation required or proposed under municipal development regulations, including environmental review regulations. If a threshold determination has not been previously issued by the town, other than a determination of significance (DS), the report shall include the threshold determination. (Ord. 283 §1(part), 1998)

18.16.070 Open record public hearing. The purpose of an open record public hearing or public meeting is to facilitate the review and discussion of the proposed project and to further solicit public comment relevant to the specific proposal. Open record public hearings may occur prior to a decision being made, or if such a hearing has not occurred, an open record public hearing may occur as part of an appeal of the decision.

A. Hearing Process. Open record public hearings shall be conducted in accordance with this section.

1. Following a determination of completeness for a project permit application requiring a public hearing, the town shall set the time and place for the public hearing and shall provide notice of the hearing as set forth in Section 18.16.050. A staff report shall be prepared on the application and shall be presented at the public hearing. The staff report will incorporate recommendations on the project permit application, any mitigation measures recommended under the town's development regulations, including environmental review regulations, and the town's final SEPA determination on the project permit application, if applicable.

2. The planning commission, town council, or other applicable hearing officer or hearing body, shall be subject to the prohibitions on conflict of interest, the code of ethics, open public meetings, and appearance of fairness provisions of RCW Chapters 42.21 through 42.23, 42.30, and 42.36, as the same now exist or may be hereafter amended.

3. While any quasi-judicial proceeding is pending, no member of any recommendation-making or decision-making body may engage in ex parte communications with opponents and proponents with respect to the proposal, except in conformance with RCW Chapter 42.36, Appearance of Fairness Doctrine--Limitations.

4. Public hearings shall be conducted in accordance with the town's rules of procedure and shall serve to create or supplement an evidentiary record upon which the applicable hearing body will base its recommendation or decision. The hearing body shall open the public hearing and, in general, observe the following sequence of events:

a. Before receiving information on the issue, the following shall be determined:

i. Any objections on jurisdictional grounds shall be noted on the record, and if there is an objection, the hearing body has the discretion to proceed or terminate; and

ii. The mayor, or other presiding officer, shall inquire of the other members whether the proponents or opponents have engaged in any ex parte communications with members of the hearing body. If such communications have occurred, the substance of any written or oral ex parte communications concerning the recommendation or decision or the action shall be placed on the record; and after a public announcement of the content of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.

iii. Any abstentions or disqualifications shall be determined.

b. Presentation of the staff report. The hearing body may ask questions of the staff.

c. Applicant's presentation, including submittal of any materials. The hearing body may ask questions of the applicant.

d. Testimony or comments by the public relative to the matter being heard. Questions directed to the staff or the applicant shall be posed by the hearing body, at its discretion.

e. Rebuttal, response, or clarifying statements by the staff and the applicant.

f. The public hearing portion of the proceeding shall be closed and the hearing body may deliberate on the matter. At this time, the hearing body may further question a person submitting information, or the staff, if opportunity for rebuttal is provided.

5. The burden of proof is on the applicant or appellant. The project permit or appeal application must be supported by proof that it conforms to the applicable elements of the town's development regulations, the compre-

hensive plan, and that any significant adverse environmental impacts have been adequately addressed.

6. Hearing Decisions.

a. Following the open record public hearing, the hearing body shall approve, conditionally approve, or deny the application, or recommend approval, conditional approval, or denial of the application. If the hearing is an appeal, the town council shall affirm, modify, reverse, or remand the decision that is on appeal.

b. Each final decision of the hearing body shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the town's comprehensive plan and development regulations.

c. Each final decision of the hearing body related to a permit application shall be rendered within thirty days following the conclusion of all testimony and the hearing on the project permit, unless a longer period is mutually agreed to in writing by the applicant and the hearing body. In no event shall the final decision be issued later than one-hundred twenty days following the issuance of the determination of completeness, unless a longer period is mutually agreed to in writing by the applicant and the hearing body.

d. Each final decision of the hearing body related to an appeal, shall be rendered within ninety days following an open record appeal hearing, or within sixty days following a closed record appeal hearing, unless a longer period is mutually agreed to in writing by the applicant and the hearing body.

7. Members of the hearing body may view the subject property with or without notification to the applicant and other interested parties, and the circumstances of such site view shall be placed on the record.

B. Joint Public Hearings.

1. The town may combine any public hearing on a project permit application with any hearing that may be held by other agency with jurisdiction on the proposed action. Hearings shall be combined when requested by an applicant, provided that:

a. The hearing shall be held within town limits;

b. The other agency is not expressly prohibited by statute from doing so;

c. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, code, ordinance, or rule;

d. Each agency has received the necessary information about the proposed project from the applicant to hold its hearing at the same time as the town hearing; and

e. The joint hearing can be held within the required time periods set forth in this chapter, or the applicant may agree to a particular schedule in the event that additional time is needed in order to combine the hearings.

2. All agencies participating in a combined hearing may issue joint hearing notices and develop a joint format, select a mutually acceptable hearing body or officer, or take such other actions as may be necessary to hold joint hearings consistent with each of their respective statutory obligations. (Ord. 283 §1(part), 1998)

18.16.080 Notice of decision. The final decision shall be made by the decision-making authority for each development permit or request. Each decision shall be made using applicable approval criteria in accordance with this title and other applicable municipal code chapters or uncodified ordinances which govern various types of applications. Where consolidated permit review has been requested by an applicant, the decision for all permits shall be made by the decision-maker for the highest type of review. The decision shall be made after the development proposal has been reviewed through the appropriate review process, and shall be stated as an approval, an approval with conditions, or a denial.

A. Approval or Approval with Conditions. A decision of approval or approval with conditions shall be granted when it is found that:

1. The development proposal is consistent with the comprehensive plan;
2. The development proposal meets all applicable municipal code provisions, ordinances, rules, regulations, and policies; and
3. The development proposal meets all applicable development and design criteria.

B. Denial. A development permit or application shall be denied when it is found that:

1. The development proposal is not consistent with the comprehensive plan;
2. The development proposal does not comply with all applicable municipal code provisions, ordinances, rules, and regulations; or
3. The development proposal does not meet all applicable development and design criteria.

C. Contents. The notice of decision shall include the following:

1. A summary of the final decision, including stating all the decisions made on all project permits that are a part of the application;
2. A statement of any mitigation required under applicable development regulations or under SEPA;

3. A statement of the SEPA threshold decision, where applicable;

4. Any procedures for appeal; and

5. Other information as the decision-maker may determine to be necessary to adequately notify the applicant and others of the decision.

D. Distribution. The notice of decision shall be mailed via first class mail or hand-delivered, within three days of its issuance, to the applicant, affected town departments, agencies with jurisdiction, and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application.

E. Calculation of Time Period for Issuance of the Notice of Decision.

1. Except as otherwise provided in this title, the town shall issue its notice of decision on a project permit application within one hundred twenty days after the town issues a determination of completeness on the application. In determining the number of days that have elapsed after the town has issued a determination of completeness, the following periods shall be excluded:

a. Any period during which the applicant has been requested by the town to correct plans, perform required studies, or provide additional information. The period shall be calculated from the date the town notifies the applicant of the need for additional information, until the date the town determines whether the additional information satisfies the request for information, or fourteen days after the date the information has been provided to the town, whichever is earlier;

If the town determines that the information submitted by the applicant under subsection (E)(1)(a) of this section is insufficient, it shall notify the applicant of the deficiencies and the procedures under subsection (E)(1)(a) of this section shall apply as if a new request for studies had been made;

b. Any period during which an environmental impact statement is being prepared following a determination of significance (DS) pursuant to RCW Chapter 43.21C (SEPA), if the town by municipal code provision, ordinance, or resolution has established time periods for completion of environmental impact statements, or if the town and the applicant agree, in writing, to a time period for completion of an environmental impact statement;

c. Any period for appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period shall not exceed ninety days for an open record appeal hearing, and sixty days for a closed record appeal. The parties to an appeal may agree to extend these time periods; and

d. Any extension of time mutually agreed upon by the applicant and the town.

2. If the town is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include the statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of decision.

3. Exceptions. The time limits in subsection (E)(1) of this section do not apply if a project permit application:

a. Requires an amendment to the comprehensive plan or a development regulation;

b. Requires approval of a fully contained community as provided in RCW Section 36.70A.350, a master planned resort as provided in RCW Section 36.70A.360, or the siting of an essential public facility as provided in RCW Section 36.70A.200; or

c. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under Section 18.12.050 of this title. (Ord. 283 §1(part), 1998)

18.16.090 Reconsiderations and appeals. For the purposes of this title, the terms "reconsideration" and "appeal" shall have the same meaning.

A. Appeals of Ministerial and Administrative Decisions. Pursuant to Section 18.08.040 of this title, any notice of decision issued administratively by a staff member or other individual representing the town for a type I or type II permit, or any administrative interpretation of development regulations applied by the same personnel to any type of permit application, may be appealed to the town council. If the town council issued the administrative decision, reconsideration thereof may be sought before the town council as an open record appeal proceeding.

B. Appeals of SEPA Determinations. Pursuant to the town's environmental policy guidelines (Chapter 16.04) and Section 18.16.040.C.4. of this title, SEPA determinations, including any determination of nonsignificance (DNS), mitigated DNS, determination of significance (DS), or draft or final environmental impact statement (DEIS/FEIS) or supplement or addendum thereto, are not appealable to the town council. Appeals would be judicial and filed with the Spokane County superior court.

C. Quasi-Judicial Appeals. When a notice of decision has been issued by a hearing body following an open record predecision hearing, the decision may be appealed to the town council for closed record appeal consideration in accordance with RCW Chapter 36.70B and this title.

D. Standing to Initiate an Appeal. Any of the following parties may initiate an appeal:

1. The applicant or owner of the property for which the project permit is proposed;
2. Any person or affected agency who submitted substantive written comments in response to the notice of application;
3. Any person or affected agency who orally testified or submitted substantive written comments at the open record public hearing on the application; or
4. Any town official.

E. Filing of Appeal. Any appeal shall be filed with the town clerk-treasurer within fourteen days of the issuance of the notice of decision and shall be accompanied by the appeal filing fee as established by resolution of the town council.

F. Content of Appeal. All appeals shall be in writing and shall contain the following:

1. The appellant's name, address and telephone number;
2. The appellant's statement describing his or her standing to appeal;
3. Identification of the application which is the subject of the appeal;
4. The appellant's statement of grounds for the appeal addressing why the appellant believes the decision to be wrong and the facts upon which the appeal is based;
5. The desired outcome or relief sought by the appellant, including the specific nature and extent; and
6. A statement that the appellant has read the appeal and believes the contents to be true under the penalty of perjury, followed by the appellant's signature.

G. Setting of Appeal Hearing. Upon the timely filing of an appeal, the town shall set the date, time, and place for the appeal to be heard by the town council.

H. Burden of Proof. The appellant shall bear the burden of proving the decision was made in error.

I. Notice of Appeal. Public notice of an appeal shall be posted on the property and at the town hall and other public locations, and shall be mailed to the appellant and to other property owners requiring notice in accordance with Section 18.16.050 of this title.

J. Staying of Actions. The timely filing of an appeal shall stay all actions on pending applications for development permits associated with the action or decision being appealed until such time as the appeal is adjudicated by the town council or withdrawn.

K. Open Record and Closed Record Appeal Procedures. The guidelines and procedures for conducting an open record appeal hearing are addressed in Section 18.16.070, Open record public hearing. Closed record appeals are addressed

in Section 18.16.100, Closed record decisions and appeals.
(Ord. 283 §1(part), 1998)

18.16.100 Closed record decisions and appeals. A closed record appeal hearing shall be conducted by the town council when the matter has been previously subject to an open record predecision hearing.

A. Closed record appeal hearings shall be on the record. No or limited new evidence or information shall be allowed to be submitted, and only appeal arguments shall be allowed.

B. The public hearing process of Section 18.16.070, and the notice of decision set forth in Section 18.16.080, shall apply to closed record appeal proceedings. (Ord. 283 §1(part), 1998)

18.16.110 Judicial appeals. After exhaustion of any available appeal, the town's final decision on an application may be appealed by a party of record with standing to file a land use petition in superior court. Such petition must be filed and served within twenty-one days of issuance of the town's decision, as provided in RCW Chapter 36.70C. This process shall be the exclusive means of judicial review except for local land use decisions reviewable by a quasi-judicial body created by state law, such as the Eastern Washington Growth Management Hearing Board. (Ord. 283 §1(part), 1998)

Chapter 18.20

ENFORCEMENT

Sections:

- 18.20.010 Review of approvals and permits.
- 18.20.020 Violations.
- 18.20.030 Revocation or modification of permits and approvals.

18.20.010 Review of approvals and permits. Any approval or permit issued under the authority of the town may be reviewed for compliance with the requirements of applicable municipal code provisions or uncodified ordinances, or to determine if the action is creating a nuisance or hazard, has been abandoned, or the approval or permit was obtained by fraud or deception.

A. The review of an approval or permit may be initiated by a written statement of the complainant's personal knowledge of facts, in writing, as to the noncompliance, nuisance, hazard, abandonment, etc.

B. Upon receipt of information showing good cause to review an approval or permit, the town shall investigate the matter to determine if a violation exists, or if an approval or permit is creating a nuisance, a hazard, has been abandoned, or was obtained by fraud or deception.

C. The town shall make a determination regarding the complaint within thirty days of receipt of the complaint. The complainant shall be notified of the town's determination. (Ord. 283 §1(part), 1998)

18.20.020 Violations. Within ten days of a determination that a violation exists, the mayor, or designee thereof, shall notify the property owner of the violation, in writing. When the violation does not involve a structure, the notice to the property owner shall require that the violation be rectified within thirty days. When the violation involves a structure, the notice to the property owner shall require that the violation be corrected within sixty days.

If no action has been taken by the property owner to correct a violation within the specified time, the mayor shall set a date for a public meeting or hearing before the town council with the property owner in violation, for the purpose of considering whether subsequent legal action should be taken to rectify the violation. If necessary, legal action shall be taken, as required, to insure compliance with the town's development regulations. (Ord. 283 §1(part), 1998)

18.20.030 Revocation or modification of permits and approvals. The town may revoke or modify any land use approval or permit after a revocation hearing has been held.

A. The town may revoke or modify any land use approval or permit upon finding that the use for which the approval was granted, or the conditions of approval, has been intensified, changed, or modified without town approval, and have, or potentially could have, significant impacts to surrounding land uses or the environment. In addition, the town may revoke or modify any land use approval or permit for any of the following reasons:

1. Violations of or failure to meet any of the conditions of approval;
2. Fraud or material misrepresentation made in connection with the application, review, or approval of the land use proposal; or
3. Violations of any pertinent state law or town municipal code provision or uncodified ordinance in connection with the proposal.

B. Prior to revoking the approval or permit, the town council shall give the property owner, original complainant, and other parties of record, written notice of the

date, time, and place when the revocation hearing will be held before the town council, as well as the particular grounds for revocation. The revocation hearing shall be conducted as an open record public hearing and shall be subject to a closed record appeal in accordance with the provisions of this title. At the conclusion of the revocation proceedings, written findings and conclusions shall be made, and a notice of decision shall be issued.

C. If an approval or permit is revoked for fraud or deception, no similar application shall be accepted for processing for a period of one year from the date of the revocation decision. If an approval is revoked for any other reason, another application may be submitted subject to all requirements of town municipal code provisions, uncodified ordinances, and other applicable statutes and regulations. (Ord. 283 §1(part), 1998)

Chapter 18.24

OTHER PROVISIONS

Sections:

18.24.010 Development agreements.

18.24.020 Furnishing plans and regulations to county assessor.

18.24.010 Development agreements. The town may enter into a development agreement with a person owning or controlling real property within the town, or within the town's urban growth area as part of a proposed annexation or a service agreement. Any such development agreement shall set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with all applicable development regulations of the town.

A. The town adopts the following sections of RCW Chapter 36.70B by reference:

- 36.70B.170 Development Agreements--Authorized
- 36.70B.180 Development Agreements--Effect
- 36.70B.190 Development Agreements--Recording--Parties and Successors Bound
- 36.70B.200 Development Agreements--Public Hearing
- 36.70B.210 Development Agreements--Authority to Impose Fees Not Extended

(Ord. 283 §1(part), 1998)

18.24.020 Furnishing plans and regulations to county assessor. Pursuant to RCW Section 36.70B.230, by the thirty-first day of July of each year, the town shall provide the Spokane County assessor with the comprehensive plan and development regulations and/or pertinent amendments and additions thereto, adopted and in effect before July thirty-first of each year. (Ord. 283 §1(part), 1998)

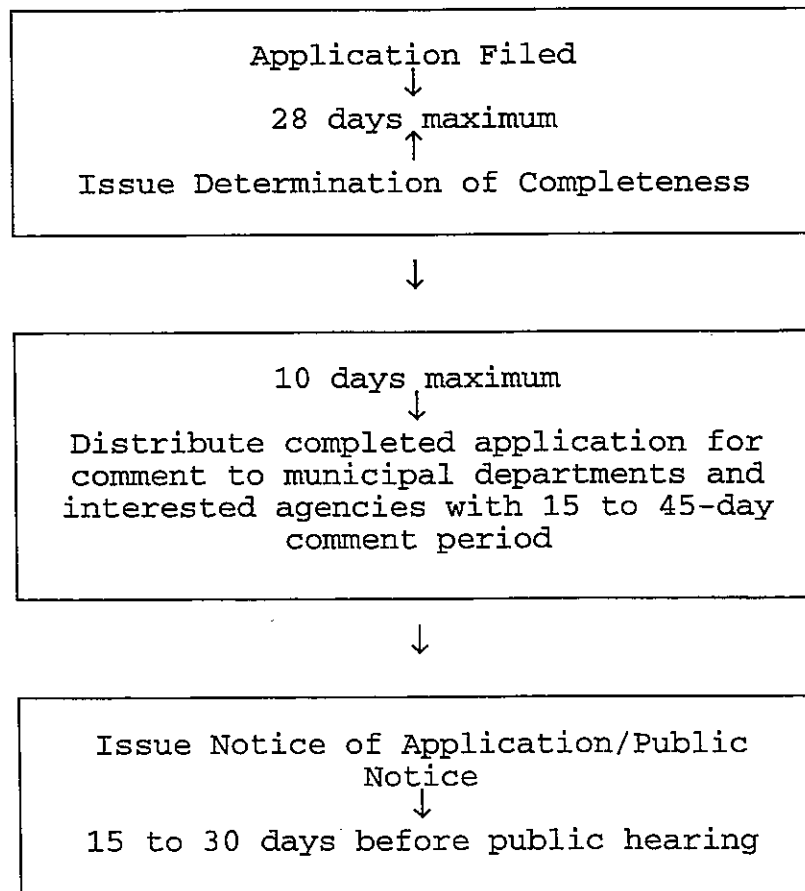
Chapter 18.28

SUMMARY OF REQUIREMENTS

Sections:

- 18.28.010 Flow chart of quasi-judicial project application process.
- 18.28.020 Flow chart of administrative project application process.

18.28.010 Flow chart of quasi-judicial project application process.





Complete SEPA threshold determination
at least 15 days before public hearing



Complete Staff Report at least 10 days
before public hearing and make it
available to the applicant, interested
agencies, and the public



Hold Open Record Predecision Public
Hearing



120 days maximum after issuance
of Determination of Completeness



Prepare findings and conclusions,
applicable approval conditions, and
issue Notice of Decision



Closed Record Reconsideration/Appeal
available for 15 days after
Notice of Decision issuance



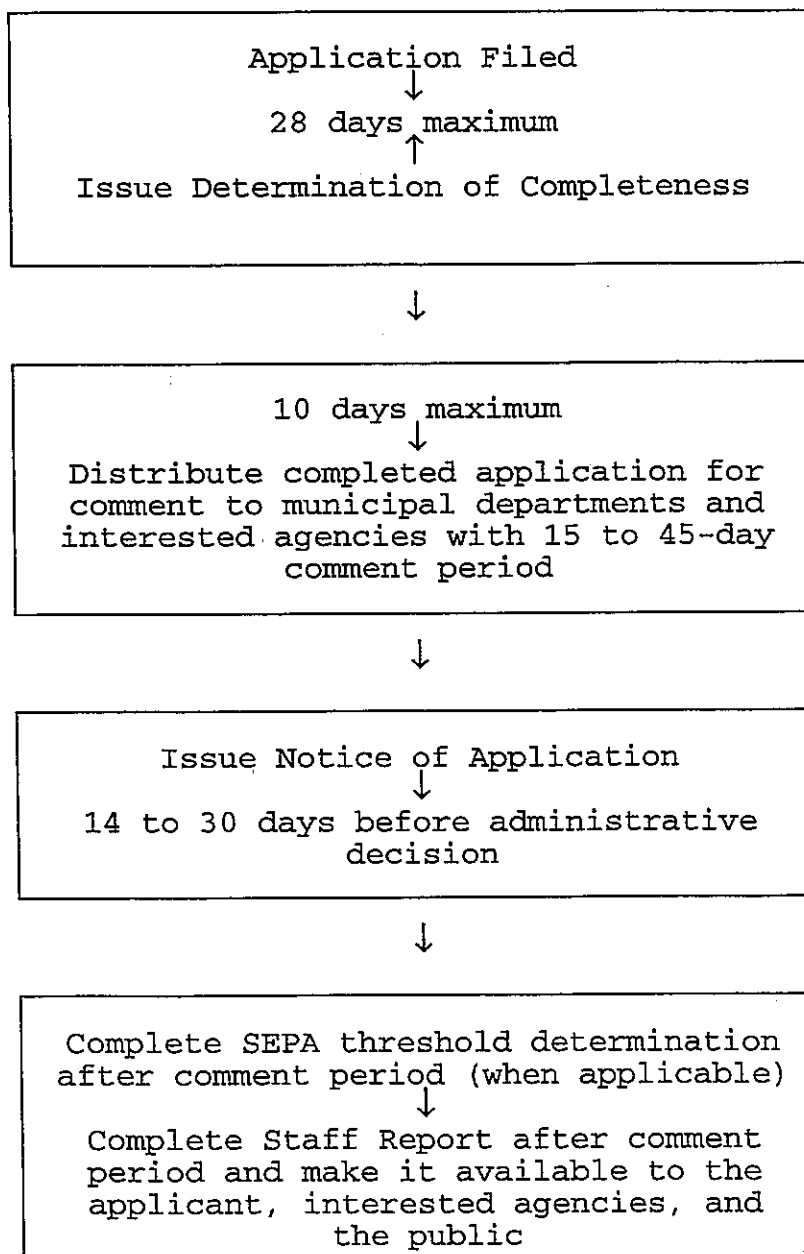
Hold Closed Record
Reconsideration/Appeal hearing and
issue Notice of Decision no later than
60 days after the original Notice of
Decision that followed the Open Record
Predecision Hearing

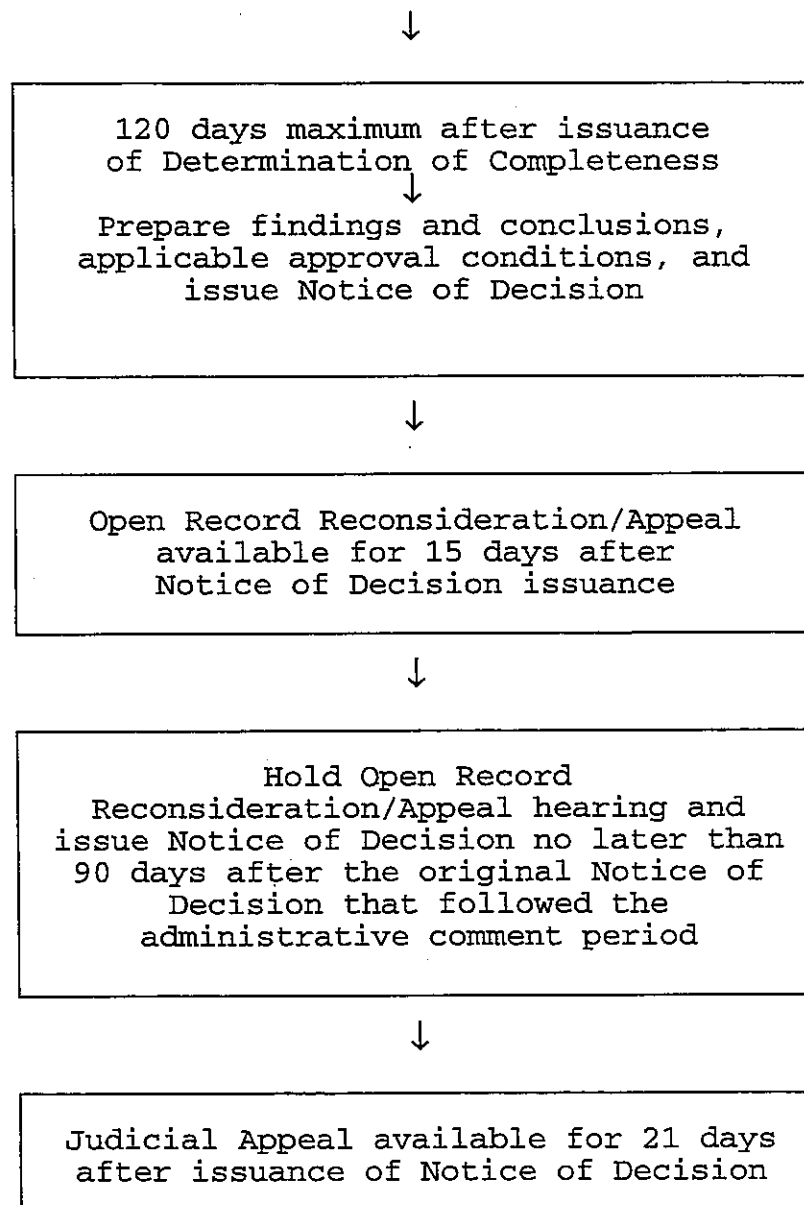


Judicial Appeal available for 21 days
after issuance of Notice of Decision

(Ord. 283 §1(part), 1998)

18.28.020 Flow chart of administrative project ap-
plication process.





(Ord. 283 §1(part), 1998)

**STATUTORY REFERENCES
FOR
WASHINGTON CITIES AND TOWNS**

The statutory references direct the code user to those portions of the state statutes that are applicable to the laws of the municipality. This reference list is up-to-date through July, 1999. As the statutes are revised, these references will be updated by Book Publishing Company.

General Provisions

Municipal corporations classified
RCW Chs. 35.01 and 35.06

Incorporation
Wash. Const. Art. XI § 10 and RCW Ch. 35.02

Annexations
RCW Ch. 35.13

Charters of first class cities
RCW 35.22.020—35.22.200

Adoption of codes by reference
RCW 35.21.180

Codification of ordinances
RCW 35.21.500—35.21.570

Penalties for ordinance violations in first class cities
RCW 35.22.280(35); 35.21.163 and 35.21.165

Penalties for ordinance violations in second class cities
RCW 35.23.440(29); 35.21.163 and 35.21.165

Penalties for ordinance violations in towns
RCW 35.27.370(14); 35.21.163 and 35.21.165

Police power
Wash. Const. Art. XI § 11

Powers of first class cities
RCW Ch. 35.22

Powers of second class cities
RCW Ch. 35.23

Powers of towns
RCW Ch. 35.27

Miscellaneous powers of all cities and towns
RCW Ch. 35.21

Elections
RCW Title 29

Local government redistricting
RCW Ch. 29.70

Campaign finances and disclosure
RCW Ch. 42.17

Administration and Personnel

First class cities
RCW Ch. 35.22

Second class cities
RCW Ch. 35.23

Towns
RCW Ch. 35.27

Commission form of government
RCW Ch. 35.17

Council-manager plan
RCW Ch. 35.18

STATUTORY REFERENCES

Open public meeting act
RCW Ch. 42.30

Planning commissions
RCW Ch. 35.63

Municipal courts
RCW Chs. 3.46, 3.50, 35.20

Officers in second-class cities
RCW 35.23.021—35.23.161

Officers in towns
RCW 35.27.070—35.27.250

City council
RCW 35.23.181—35.23.310

Town council
RCW 35.27.270—35.27.330

Emergency management
RCW Ch. 38.52

Local government whistleblower protection
RCW Ch. 42.41

Code of ethics for officers
RCW Ch. 42.23

Revenue and Finance

Budgets
RCW Chs. 35.32A, 35.33, 35.34

Bonds
RCW Chs. 35.36, 35.37, 35.41

Depositories
RCW Ch. 35.38

Investment of funds
RCW Ch. 35.39

Validation and funding of debts
RCW Ch. 35.40

Local improvements
RCW Ch. 35.43—35.56

Retail sales and use taxes
RCW Chs. 35.35 and 82.14

Leasehold excise tax
RCW Ch. 82.29A

Real estate excise tax
RCW Ch. 82.46

Tax on admissions
RCW 35.21.280

Property tax in first class cities
RCW 35.22.280(2)

Property tax in second class cities
RCW 35.23.440(46)

Property tax in towns
RCW 35.27.370(8)

Transient occupancy tax
RCW 67.28.180

Gambling taxes
RCW 9.46.110

Business Licenses and Regulations

First class city licenses
RCW 35.22.280(32) and (33)

Second class city licenses
RCW 35.23.440(2)—(8)

Town licenses
RCW 35.27.370(9)

STATUTORY REFERENCES

Uniform license fee or tax rate
RCW 35.21.710 and 35.21.711

License fees or taxes on telephone businesses
RCW 35.21.712—35.21.715

Ambulance business taxes
RCW 35.21.768

Gambling
RCW Ch. 9.46

Liquor
RCW 66.08.120 and 66.44.010

Massage practitioners
RCW 35.21.692

Newspaper carriers
RCW 35.21.696

Animals

Power of second class cities to regulate
RCW 35.23.440(11)

Power of towns to regulate
RCW 35.27.370(7)

Cruelty to animals
RCW Ch. 16.12

Dangerous dogs
RCW Ch. 16.08

Health and Safety

Generally
RCW Title 70

Local health boards and officers
RCW Ch. 70.05

Garbage collection and disposal
RCW 35.21.120 *et seq.* and RCW Ch. 35.67

Litter control
RCW Ch. 70.92

Fireworks
RCW Ch. 70.77

Public Peace, Morals and Welfare

Crimes and punishments
RCW Title 9

Washington Criminal Code
RCW Title 9A

Drunkenness and alcoholism
RCW 70.96A.190

Discrimination
RCW Ch. 49.60

Curfew
RCW 35.21.635

Vehicles and Traffic

Motor vehicles
RCW Title 46

Model traffic ordinance
RCW Ch. 46.90

Abandoned vehicles
RCW Ch. 46.52

Streets, Sidewalks and Public Places

Local improvements
RCW Chs. 35.43—35.56

Park districts
RCW Ch. 35.61

STATUTORY REFERENCES

Street construction and maintenance
RCW Chs. 35.72—35.79

Sidewalk construction
RCW Chs. 35.68—35.70

Public Services

Municipal utilities
RCW Ch. 35.92

Municipal water and sewer facilities act
RCW Ch. 35.91

Sewer systems
RCW Ch. 35.67

Water or sewer districts, assumption of jurisdiction
RCW Ch. 35.13A

Buildings and Construction

State Building Code
RCW Ch. 19.27

Unfit buildings
RCW Ch. 35.80

Energy-related building standards
RCW Ch. 19.27A

Electrical installation and construction
RCW Chs. 19.28 and 19.29

Subdivisions

Subdivisions generally
RCW Ch. 58.17

Short plats and short subdivisions
RCW 58.17.060

Hearing examiner system
RCW 58.17.330

Zoning

Generally
RCW 35.63.080 *et seq.*

Hearing examiner system
RCW 35.63.130

Growth management
RCW Ch. 36.70A

Judicial review of land use decisions
RCW Ch. 36.70C

ORDINANCE LIST AND DISPOSITION TABLE

Ordinance Number

1	Town council meetings (2.04)
2	Sidewalk construction (Special)
3	Road poll tax (Repealed by 37)
4	Saloon regulation (Repealed by 201)
5	Amusements, exhibitions, auctions, peddlers, hawkers and vendors license (Repealed by 32)
6	Officer bonds (2.16)
7	Sidewalk construction (Special)
8	Dog tax (Repealed by 44)
9	Street and alley cleaning (Repealed by 201)
10	Saloon license (Repealed by 28)
11	Animals running at large (Repealed by 201)
12	(Missing)
13	Officers fees and salaries (Repealed by 192)
14	Intoxicated persons (Repealed by 201)
15	Disorderly conduct (Repealed by 201)
16	Vagrancy (Repealed by 201)
17	Discharge of firearms (9.04)
18	Loitering of minors (Repealed by 201)
19	Trespassing on railway cars, engines or tenders (8.16)
20	Concealed weapons (9.04)
21	Sidewalk use (12.04)
22	Street extension (Special)
23	Town prisoner labor (Repealed by 201)
24	Sidewalk construction (Special)
25	Standing of vehicles (Repealed by 201)
26	Establishment of curblines (12.12)
27	Electric franchise to E. H. Morrison (Special)
28	Retail liquor license; repeals Ord. 10 (Repealed by 35)
29	Sidewalk construction (Special)
30	Sidewalk construction (Special)
31	(Missing)
32	Amusements, exhibitions, peddlers and hawkers license; repeals Ord. 5 (Repealed by 43)
33	Sidewalk construction (Special)
34	Herding and picketing of animals (Repealed by 42)
35	Repeals Ord. 28 (Repealer)
36	Pool and billiard hall license (Repealed by 46)
37	Street poll tax; repeals Ord. 3 (Repealed by 41)
38	Amends \$1 of Ord. 36, pool and billiard hall license (Repealed by 46)
39	Amends \$1 of Ord. 8, dog tax (Repealed by 44)
40	Street improvements (Special)

Ordinance
Number

41	Repeals Ord. 37 (Repealer)
42	Picketing of animals; repeals Ord. 34 (Repealed by 201)
43	Amusements, exhibitions, peddlers, hawkers and vendors license; repeals Ord. 32 (Repealed by 51)
44	Dog license; repeals Ords. 8 and 39 (Repealed by 201)
45	Fire limits; prohibits wooden structures (Repealed by 199)
46	Repeals Ords. 36 and 38 (Repealer)
47	Amends Ord. 1, town council meetings (2.04)
48	Sidewalk construction; repeals portions of Ord. 2 (Repealed by 201)
49	Speed limits (Special Note Title 10)
50	Pool and billiard hall license (Repealed by 52)
51	Amusements, exhibitions, peddlers, hawkers and vendors license; repeals Ord. 43 (Repealed by 64)
52	Pool and billiard hall license; repeals Ord. 50 (Repealed by 66)
53	Speed limits; parking regulations (Repealed by 201)
54	Telephone franchise granted to C. A. Smith (Special)
55	Dray or transfer business license (5.20)
56	Sewer regulations (8.12)
57	Waterworks system special election (Special)
58	Costs for sidewalk construction (Repealed by 74)
59	Waterworks bonds issuance (Special)
60	LID No. 1 (Special)
60A	LID No. 1 (Special)
61	LID No. 2 (Special)
62	Confirms assessment roll of LID No. 1 (Special)
63	Confirms assessment roll of LID No. 2 (Special)
64	Amusements, exhibitions, peddlers, hawkers and vendors license; repeals Ord. 51 (5.04)
65	Grants permission to Standard Oil Co. to erect and maintain warehouses and storage tanks (Special)
66	Pool hall and billiard hall license; repeals Ord. 52 (Repealed by 201)
67	Water department established (13.04)
68	Grants permission to Standard Oil Co. to erect and maintain warehouses and storage tanks (Special)
69	Town clerk salary (Repealed by 192)
70	Fire department established (Repealed by 118)

Ordinance
Number

71 Alley vacation (Special)
72 Parking (Repealed by 201)
73 Traffic signs (10.12)
74 Sidewalk construction responsibility of property
owner; repeals Ord. 58 (12.08)
75 Confirms assessment roll (Special)
76 Public dance (Repealed by 201)
77 Alley vacation (Special)
78 Electric wiring (Repealed by 200)
79 Milk regulations (Repealed by 201)
80 Amends §3 of Ord. 76, public dance (Repealed by
201)
81 Amends §2 of Ord. 44, dog license (Repealed by
127B)
82 Amends §1 of Ord. 52, pool hall and billiard
hall license (5.16)
83 Amends §2 of Ord. 79, milk regulations
(Repealed by 201)
84 Nonintoxicating beverages license (Repealed by
201)
85 Prohibits scaling of town water tower (9.08)
86 Street vacation (Special)
87 Alley vacation (Special)
88 Peddling at private residences (Repealed by
201)
89 Use of public streets (10.08, 10.12)
90 Alley vacation (Special)
91 LID No. 3 (Special)
92 LID No. 4 (Special)
93 Grants franchise to Washington Water Power Co.
(Special)
94 Games of skill license (Repealed by 201)
95 Street vacation (Special)
96 Annexation (Special)
97 Municipal water system cumulative reserve fund
(Special)
98 Compensation for mayor and councilmembers
(Repealed by 201)
99 Town boundaries (Special Note Title 1)
100 Amends §2 of Ord. 70, fire department (Not
codified)
101 Grants franchise to Interstate Telephone Co.
(Special)
102 Sewerage system special election (Special)
103 Bond issuance (Special)
104 Town sewer system connection and fees (13.08)
105 Street vacation (Special)
106 Alley vacation (Special)

Ordinance
Number

107 Amends §1 of Ord. 53, speed limits (Repealed by 201)
108 Amends Ord. 67, water department (13.04)
109 Street vacation (Special)
110 Lot exchange (Special)
111 Lot sale (Special)
112 Alley vacation (Special)
113 Alley vacation (Special)
114 Planning commission (2.24)
115 Street vacation (Special)
116 Peddling at private residences (5.12)
117 Annexation (Special Note Title 1)
118 Fire department established; repeals Ord. 70 (Repealed by 144)
119 Building code adopted; fire districts established (Repealed by 199)
120 Town hall construction special election (Special)
121 Street vacation (Special)
122 Amends Ord. 97, sewerage and waterworks utilities (Special)
123 Street vacation (Special)
124 Signs (15.12)
125A Compensation for mayor and councilmembers (Repealed by 135)
125B Intoxicating liquors (Repealed by 201)
126 1971 budget (Special)
127A Current expense fund (Repealed by 196)
127B Dog license; repeals Ord. 81 (6.04)
128 Volunteer firemen (2.20)
129 Dangerous buildings (15.16)
130 1972 budget (Special)
131 (Missing)
132 (Missing)
133 Annexation (Special Note Title 1)
134 Combines office of treasurer and clerk (Repealed by 191)
135 Compensation for mayor and councilmembers; repeals Ord. 125 (2.12)
136 1974 budget (Special)
137 Adopts RCW Ch. 46.61, traffic laws and enforcement (Repealed by 197)
138 Mobile homes and trailer parks (Repealed by 186)
139 1975 budget (Special)
140 1976 budget (Special)
141 Abandoned vehicles (8.04)
142 Amends §2 of Ord. 104, sewer system connection and fees (13.08)

Ordinance
Number

143 Amends §2 of Ord. 67, water department (13.04)
144 Fire department; repeals Ord. 118 (2.20)
145 Amends Ord. 140, 1976 budget (Special)
146 Adopts SEPA Guidelines by reference (Repealed
by 280)
147 Budget approval (Special)
148 Bond issuance (Special)
149 Bond anticipation warrant issuance (Special)
150 Franchise granted to General Telephone Co.
(Special)
151 Alley vacation (Special)
152 Amends 1977 budget (Special)
153 Alley vacation (Special)
154 Alley vacation (Special)
155 1978 budget (Special)
156 Amends Ords. 151, 153 and 154, alley vacation
(Special)
157 Amends Ord. 67, water department (13.04)
158 Amends §7 of Ord. 127, dog license (Repealed
by 184)
159 Speed limit on Highway 27 (10.08)
160 Water revenue bonds (Special)
161 Amends 1978 budget (Special)
162 1979 budget approval (Special)
163 Sewer and water connection fees (13.04, 13.08)
164 (Not passed)
165 Amends §3 of Ord. 160, water revenue bonds
(Special)
166 Annexation (Special)
167 Annexation (Special)
168 Town property conveyance (Special)
169 1980 budget approval (Special)
170 Compensation for mayor and councilmembers
(2.12)
171 Emergency cleanup fund (Special)
172 Change fund established (3.08)
173 1981 budget approval (Special)
174 Compensation for mayor and councilmembers
(2.12)
175 Amends §2 of Ord. 67, water department (13.04)
176 Amends §2 of Ord. 104, sewer system connection
and fees (13.08)
177 Town council meetings (2.04)
178 1982 budget approval (Special)
179 Grants franchise to Broadcast Services, Inc.
(5.08)
180 Claims clearing fund (3.04)
181 (Missing)
182 1983 budget approval (Special)
183 1984 budget approval (Special)

Ordinance
Number

184	Amends §§1, 2 and 4 of Ord. 127, dog license; repeals Ord. 158 (6.04)
185	Amends Ord. 116, peddling at private residences (5.12)
186	Repeals and replaces Ord. 138, mobile homes and trailers (8.08)
187	Adopts 1985 budget (Special)
188	Public street dedication (Special)
189	General provisions (1.04)
190	General penalty (1.08)
191	Combines offices of clerk and treasurer; repeals Ord. 134 (2.08)
192	Clerk-treasurer salary (2.12)
193	Amends §§2 and 4 and repeals §§1, 3 and 5 of Ord. 6, officer's bonds (2.16)
194	Amends §2 of Ord. 114, planning commission (2.24)
195	Amends Ord. 180, claims clearing fund (3.04)
196	Repeals Ord. 127A, current expense fund (Repealer)
197	Adopts Washington model traffic ordinance; repeals Ord. 137 (10.04)
198	Repeals §10 of Ord. 163, water system (Repealer)
199	Adopts current edition of Uniform Building Code; repeals Ords. 45 and 119, building code (15.04)
200	Adopts current edition of National Electrical Code; repeals Ord. 78, electrical code (15.08)
201	Repeals Ords. 4, 9, 11, 14, 15, 16, 18, 23, 25, 42, 44, 48, 49, 53, 66, 72, 76, 79, 80, 83, 84, 88, 94, 98, 107 and 125B (Repealer)
202	Budget approval (Special)
203	Washington State Energy Code adoption (15.10)
204	Street dedication (Special)
205	Code adoption (1.01)
206	Annexation (Special)
207	Annexation (Special)
208	Budget approval (Special)
209	Adds Ch. 6.08, dangerous dogs (6.08)
210	Not passed
211	Amends §§5.04.010--5.04.040, 5.04.070, 5.04.080, 5.12.030, 6.04.010, 6.04.060, 13.04.090, 13.04.120, 13.04.130, 13.04.160, 13.04.170, 13.08.020, 13.08.030 and 13.08.080, fees and charges (5.04, 5.12, 6.04, 13.04, 13.08)
212	Budget approval (Special)

Ordinance
Number

216 Amends §§5.08.010(D), 5.08.040 and 5.08.100,
CATV franchise (5.08)
217 Annexation (Special)
218 Adds Chs. 8.20, 8.24, 8.28, 8.32 and 8.36,
flood hazard protection regulations (8.20,
8.24, 8.28, 8.32, 8.36)
219 Adds §13.04.190; amends §13.04.090, water sys-
tem (13.04)
220 Amends 1989 budget (Special)
221 Budget approval (Special)
222 Exchange of land (Special)
223 Washington Water Power Franchise (Special)
224 Budget amendments (Special)
225 Adds Ch. 5.24. sales-use tax (5.24)
226 Street vacation (Special)
227 1991 budget (Special)
228 Manufactured homes (15.18)
229 Budget amendment (Special)
230 (Repealed by Ord. 230A)
230A Trees, plants and shrubs (12.16)
231 1992 budget (Special)
232 Zoning ordinance (17.04, 17.08, 17.20, 17.36,
17.40, 17.44, 17.48, 17.52)
233 Budget amendment (Special)
234 Budget amendment (Special)
235 Cross-connection control (13.12)
236 1993 budget (Special)
237 Budget amendment (Special)
238 Highway access management (12.20)
239 Amends §§2.20.040 and 2.20.060, fire department
(2.20)
240 Budget amendment (Special)
241 1994 budget (Special)
242 Alley vacation (Special)
243 Amends §8.08.030(B), mobile homes and trailers
(8.08)
244 Street vacation (Special)
245 Budget amendment (Special)
246 Budget amendment (Special)
247 Critical areas protection (Repealed by 281)
248 Inspection of public records (2.32)
249 Street dedication (Special)
250 1995 budget (Special)
251 Amends §§2.20.020, 2.20.040, 2.20.060 and
2.20.070, fire department (2.20)
252 Budget amendment (Special)
253 Cemetery (Repealed by 262)
254 Budget amendment (Special)
255 1996 budget (Special)
256 Budget amendment (Special)

Ordinance
Number

257 Street dedication (Special)
258 Amends §8.08.020, mobile homes and trailers
(8.08)
259 Budget amendment (Special)
260 1997 budget (Special)
261 Grants franchise to Northwest Cable Limited
Partnership (Special)
262 Cemetery board; repeals Ord. 253 (2.28)
263 Budget amendment (Special)
264 Amends §2.20.060(C), fire department (2.20)
265 Adds §§6.04.045 and 6.04.055; amends §6.04.060,
dogs (6.04)
266 Dangerous and hazardous buildings (15.16)
267 Adds §3.08.020 and Ch. 3.12, funds (3.08,
3.12)
268 Budget amendment (Special)
269 Budget amendment (Special)
270 Amends Ord. 266 §E, dangerous and hazardous
buildings (15.16)
271 Adds §§13.04.105 and 13.08.065, public services
(13.04, 13.08)
272 1997 budget amendment No. 4 (Special)
273 Adopts 1998 budget (Special)
274 1998 budget amendment No. 1 (Special)
275 1998 budget amendment No. 2 (Special)
276 Small works roster (2.36)
277 1998 budget amendment No. 3 (Special)
278 Adds §§2.24.080--2.24.210, planning commission
(2.24)
279 Adds Title 14, subdivisions (14.04, 14.08,
14.12, 14.16, 14.20, 14.24, 14.28, 14.32,
14.36, 14.40)
280 Repeals and replaces Ch. 16.04, environmental
policy guidelines (16.04)
281 Adds Ch. 16.08, critical areas; repeals Ord.
247 (16.08)
282 Adds Chs. 17.14, 17.18, 17.50, 17.56 and 17.60
and §§ 17.08.030(K) and (L), 17.28.030(G), (H)
and (I) and 17.28.050(C), amends §§ 17.04.010,
17.08.020(B), 17.08.040(C), (D) and (E),
17.28.010, 17.40.010--17.40.050, 17.40.070,
17.40.080, 17.44.010, 17.44.050 and 17.48.010--
17.48.090, repeals and replaces Ch. 17.12 and
repeals Chs. 17.16, 17.24 and §§ 17.36.030,
zoning (17.04, 17.08, 17.12, 17.14, 17.18,
17.28, 17.40, 17.44, 17.48, 17.50, 17.56,
17.60)
283 Adds Title 18, integrated project review
(18.04, 18.09, 18.12, 18.16, 18.20, 18.24,
18.28)

Ordinance
Number

284	1998 budget amendment No. 4 (Special)
285	Repair and maintenance of sidewalks (12.10)
286	Adopts 1999 budget (Special)
287	Repeals and replaces official zoning map (17.40)
288	Amends §§13.04.105 and 13.08.065, water and sewer (13.04, 13.08)
289	Fireworks (8.18)
290	Imprest fund (3.12)
291	Amends 1999 budget (Special)
292	Amends 1999 budget (Special)
293	2000 budget (Special)
294	Amends Ch. 2.20, fire department (2.20)
295	Amends 2000 budget (Special)

6. Parking provisions of the traffic title are indexed separately under PARKING.
7. Information is under the heading TRAFFIC, consolidated under the subheading Control device.
8. Provisions have been consolidated with similar information, under the heading PEDDLER.
9. Zoning provisions are indeed under ZONING. A more extensive treatment is given these provisions: permitted uses and development standards are listed under both specific and general headings, as in these examples:

ZONING

Permitted use		
R-1 district		18.20.020
R-2 district		18.22.020
R-1 district		
permitted uses		18.20.020
yard requirements		18.20.050
R-2 district		
permitted use		18.22.020
yard requirements		18.22.050
School, R-1 district		18.20.020
Two-family dwelling		
R-1 district		18.20.020
R-2 district		18.22.020
Yard		
R-1 district		18.20.050
R-2 district		18.22.050