

REGULAR COUNCIL MEETING

May 6, 2015

Officials in Attendance: Mayor Dorothy Knauss; Councilmen John May, Payton Norvell and John Wight; Councilwomen Sharon Ludwig, Carra Nupp, Roberta McMillin and Krisan LeHew.

Staff Present: ~~City Administrator Mike Frizzell~~, City Attorney Charles Schuerman, Clerk/Treasurer Pamela McCart

The Mayor called the meeting to order at 6:30 PM.

Audience Comments: None

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Announcements/Appointments, including:

- Mayor's Youth Award to Grace Rettkowski.
- The Mayor thanked teacher Ed Anagon, Attorney Mike Waters, and those students who participated in the mock city council meeting held this evening.
- Staff is in the process of replanting the flower beds at City Hall with low maintenance items. After digging the beds down one of the trees blew over so it was decided to remove some of the existing trees as a matter of safety – new trees have been ordered.
- An opinion has yet to be issued by the Attorney General with regard to use of surplus Electric Funds for general purposes – it's been a year since I submitted that request – State Representative Shelly Short and I continue to track the issue.
- The Clerk read proclamation of week of May 15th as National Police Week.
- City Attorney Schuerman read his response to Ron and Ann Kheel with regard to their concerns stated at the last council meeting regarding the drop off of deliveries to Mr. Eminger's property that are then taken to 49° North/Eminger's fence exceeding six foot maximum limit. His response stated that City code prohibition of the activity did not exist and that confirmation had been received that the entire fence now does not exceed six feet in height.

Consent Agenda:

Motion by Councilwoman Ludwig approving Consent Agenda consisting of:

- >April 1st Regular Minutes
- >April Payroll and Claim Vouchers

Seconded by Councilwoman Nupp. Roll call vote taken with all votes in favor. Motion carried.

Public Hearing on Zoning Map and Related Zoning Code Amendments 2015:

The Mayor opened the public hearing and set forth the format that would be followed. There were no objections to the Mayor participating as chairman. There were no objections to any Councilperson's participating in the proceedings. No Councilperson acknowledged any communications outside of this hearing and no Councilperson acknowledged any gain or interest with regard to this matter.

CHAZ BATES, CONTRACT CITY PLANNER, read staff report dated April 30, 2015, attached hereto and made a part of these minutes.

Councilwoman LeHew: Would any of these changes affect anything that we are currently doing?

Chaz Bates: No. I would consider this housekeeping with the exception of the zoning map.

Councilwoman LeHew: In some ways we're actually giving more leeway . . . square footage . . .

Chaz Bates: We're not changing too much in the way of square footage other than the multi family dwelling unit figures – that's probably more limiting. Theoretically anybody could have come in and

put eight units on a 7200 square foot lot -- we're saying wait a minute - that seems too small for the lot area. We're actually reducing that a bit. But in terms of overall uses that are allowed, they're basically the same - we're just getting rid of stuff that is either illegal, is no longer being used, or is not on the map.

PUBLIC TESTIMONY:

There was no written or oral public testimony.

THE MAYOR CLOSED THE PUBLIC HEARING.

Committee/Commission Reports:

- Park/Councilwoman Ludwig: Took a field trip to the City Park. Some of the trees are dying and will need to be removed and replaced.
- Finance/Councilwoman Ludwig: Working on wages for Fire Chief. Goal is to have some things in place for budget time.
- Code/Councilman May: Still in the process of putting a nuisance ordinance together.
- Facility/Councilman Wight: Discussed logging at the Sand Canyon property - issue still up in the air.

City Administrator Report:

Old Business: None

New Business:

- Motion by Councilman Norvell to pass Resolution #15-05 Adopting 2013 Stevens County Solid Waste Management Plan Update, seconded by Councilman May. Roll call vote taken with all in favor. Motion carried.
- Motion by Councilwoman Nupp to pass Resolution #15-06 Amending Cemetery Rates, seconded by Councilwoman LeHew. Roll call vote taken with Councilman May voting against, remaining votes in favor. Motion carried. The Mayor explained that this resolution was correcting an oversight in that the secondary usage fee for double cremains lots had been erroneously omitted.
- The Clerk read the introduction of Ordinance #882. Motion by Councilman May to adopt Ordinance #882 Repealing Chapter 2.28:Street Commissioner and Chapter 12.20:Location of Telegraph and Telephone Poles of the Chewelah Municipal Code, seconded by Councilman Wight. Roll call vote taken with all in favor. Motion carried.
- The Clerk read the introduction of Ordinance #883. Motion by Councilwoman Nupp to adopt Ordinance #883 Declaring Classification as Noncharter Code City, seconded by Councilwoman Ludwig. Roll call vote taken with all in favor. Motion carried. The Mayor explained that a Planning Commission was not required under a code city, just a planning agent and a Board of Adjustment for any appeals - she asked the Council to think about that for the future discussion.
- The Clerk read the introduction of Ordinance #884. Motion by Councilman May to adopt Ordinance #884 Adopting a Zoning Map and Related Text Amendments, seconded by Councilwoman Nupp. Roll call vote taken with all in favor. Motion carried.

The Mayor adjourned the meeting at 7:10 PM.


Mayor Dorothy L. Knauss


Clerk/Treasurer Pamela McCart

STAFF REPORT DATE: APRIL 30, 2015

HEARING DATES AND LOCATION: On April 16, 2015 beginning at 6:00 p.m. the Chewelah Planning Commission held a duly noticed public hearing and forwarded this recommendation for action to the City Council.

On May 6, 2015 beginning at 6:30 p.m. the Chewelah City Council will hold a public hearing to consider the recommendation from the Chewelah Planning Commission.

The hearing will be held in the City Council Chambers, 301 East Clay Avenue, Chewelah WA 99109.

PROPOSAL DESCRIPTION: The proposal is to adopt an Official Zoning Map for the City of Chewelah and make the related and necessary changes to the zoning code text. Specifically the proposal is described as follows:

- Adopt an official zoning map
- Remove the following zoning districts from the zoning code text:
 - Low-density residential (L-R),
 - Single-family residences only (R-1A),
 - Single-family residences site built (R-1H), and
 - Multi-family residential (R-2)

These zones were never placed on a draft map and most (R-2 is the exception) are inconsistent with state law.

- Amend the permitted uses for the Multi-family residential zone (R-3) to allow those uses permitted in the Multi-family residential zone R-2.
- Amend the R-3 zone to reflect a minimum lot size per dwelling unit

PROPOSAL LOCATION: This proposal affects development within the boundaries of the City of Chewelah, Stevens County, Washington.

APPLICANT: City of Chewelah

APPROVAL CRITERIA: Washington Administrative Code (WAC) 365-195, Revised Code of Washington (RCW) 36.70A, Chapter 16.04 of the City of Chewelah Municipal Code (CMC) (State Environmental Policy Act Guidelines), and Chapter 18.16.050 (Amendments) of the CMC are the primary guidelines for adopting an update to the Chewelah, Washington Code of Ordinance.

SUMMARY OF RECOMMENDATION: The City of Chewelah Planning Commission after a duly noticed public hearing, deliberation, and in accordance with the findings and conclusions of this report unanimously recommends that the Chewelah City Council approve the proposed Zoning Map and related zoning text amendments as found in Exhibit 3.

STAFF PLANNER: Chaz Bates, Studio Cascade Inc., Contract Planner, City of Chewelah

REVIEWER: Mike Frizzell, City Administrator, City of Chewelah

ATTACHMENTS:

- Exhibit 1: Public Notices
- Exhibit 2: Commerce Submittal Letter
- Exhibit 3: Draft Zoning Map and related Zoning Code amendments

I. BACKGROUND INFORMATION

A. Purpose and Intent:

The City of Chewelah is obligated to plan under the full provisions of the Growth Management Act (Revised Code of Washington 36.70A). The City completed its first GMA comprehensive plan in 1997, followed by a handful of annual amendments. In 2009 the City completed its mandated periodic review and update. These proposed zoning code amendments are a continuation of the periodic review and update as required by the GMA.

B. Processing:

The City of Chewelah has an adopted public participation policy, which it used for the public outreach and involvement in developing these zoning code amendments. Additionally, Chewelah Municipal Code Section 18.20 specifies the review and notice procedures for zoning code amendments. The following table summarizes some of the key dates for this proposal:

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60-day Department of Commerce Submittal	November 26, 2014
Issuance of Determination of Non-Significance (DNS):	April 2, 2015
Planning Commission Public Hearing Notice:	April 2, 2015
Date of Planning Commission Public Hearing:	April 16, 2015
Scheduled City Council Public Hearing	May 6, 2015

C. Zoning Code Amendment Summary:

The Chewelah Municipal Code contains multiple sections within Title 18 - Zoning, Chapter 18.08 - Zones. Amendments are proposed for the following sections: 18.08.010 - Text and official map, 18.08.020 - Use Classification (use matrix), 18.08.050 - Low density residential, 18.08.070 - Single-family residential only, 18.08.090 - Single-family residential site built, 18.08.100 - Multi-family residential zone, and 18.08.110 - Multi-family residential high density.

The following sections summarize the proposed amendments by the section above.

Amend Section 18.08.010 - Text and official map provides a listing of the zones shown on the map and described within Title 18 - Zoning. The proposed amendments adopt a zoning map consistent with the Future Land Use Map of the adopted Comprehensive Plan and incorporating the recommendations discussed below. The map was created in ArcGIS a mapping program that allows spatial analysis. For the proposed zoning map, an analysis of various lot sizes were reviewed to ensure that the minimum lot sizes proposed for the R-1 and R-1B were met by the majority of lots.

This section also identifies the various zoning districts, which would also be amended to reflect the proposed changes discussed below. To summarize, the following zones are removed from

the list: Low-density residential (L-R), Single-family residences only (R-1A), Single-family residences site built (R-1H), and Multi-family residential (R-2).

Amend Section 18.08.020 – Use classifications provides a table identifying the zones and permitted, conditionally permitted, and expressly prohibited uses in various base zones. Changes made to the use matrix are a result of the removal of the zoning districts: L-R, R-1A, R-1H, and R-2. Other minor changes include various housekeeping issues like adding superscript note (11), which is referenced in the existing table but not actually included in the text. The note will read; “(11) Subject to Site Plan review and CMP 19.12.090”. All proposed changes can be seen in Exhibit 3 attached to this staff report.

Remove Section 18.08.050 – Low density residential (L-R) zone

The Low Density Residential (L-R) zone is inconsistent with the City’s adopted comprehensive plan because of its 15,000 square foot minimum lot size standard. While the comprehensive plan does not specify minimum lot size, it does provide a target of four (4) dwelling units per acre, which would result in a maximum lot size of 10,890 square feet. It is recommended this zone be removed from the Zoning Code.

Remove Sections 18.08.070 – Single-family residences only (R-1A) and 18.08.090 Single-family residences site built (R-1H) zones

These two zones are illegal under Washington State law. Each of these zones prohibits the siting of a manufactured home, in their own way. Communities are prohibited from specifically prohibiting manufactured homes on individual lots. To put this positively, communities are required to treat stick-built single-family homes the same as manufactured homes, with minor exceptions. The communities can regulate the age of manufactured homes, which Chewelah does (no older than 5 years). It is recommended these zones be eliminated from the Zoning Code.

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Remove Section 18.08.100 – Multi-family residences (R-2) zone

The City of Chewelah has two multi-family zones that are identical in their physical standards and nearly identical in their allowed uses. One main difference between the two zones is the number of units allowed; R-2 appears to allow lower intensity than R-3. However, neither zone identifies the number of units allowed on a per acre basis meaning theoretically the R-2 zone would allow up to 8 units on a 7,200 square foot lot. R-3 allows the placement of more units per 7,200 square foot lot but the number of units allowed is not listed. It is recommended that this zone be removed from the Zoning Code.

Amend Section 18.08.110 – Multi-family residential high density (R-3) zone

This proposed amendment is not directly related to the proposed zoning map; however, the proposed amendment would clarify a potential issue when permitting a multi-family development. The amendment would institute a minimum lot size per dwelling unit – which is missing from the current code and increase the maximum lot coverage to adjust for the change.

II. FINDINGS AND CONCLUSIONS SPECIFIC TO SEPA

Findings:

Section 16.04 (State Environmental Policy Act Guidelines) of the CMC implements the State Environmental Policy Act (SEPA) and Chapter 197-11 of the Washington Administrative Code (WAC) within the jurisdictional limits of the City of Chewelah. The City issued a Determination of Non-Significance (DNS) for the proposal on April 2, 2015 attached as an Exhibit. The DNS was issued based on the review of an integrated SEPA and GMA documents. The SEPA appeal and comment period expired April 16, 2015 at 4:30 p.m.; no comments were received.

Conclusion(s):

Staff concludes that compliance with the State Environmental Policy Act (SEPA) has been fulfilled and the issuance of the threshold determination of non-significance is consistent with state and local law. The City did not receive an appeal of the DNS.

III. FINDINGS AND CONCLUSIONS SPECIFIC TO AGENCY COMMENTS

Findings:

Notice of intent to adopt amendments to the Zoning Code was completed on December 2, 2014. No agency comments were received.

Conclusion(s):

Appropriate noticing has been provided to agencies with jurisdiction. No comments from agencies have been received.

IV. FINDINGS AND CONCLUSIONS SPECIFIC TO THE PROPOSAL

A. Compliance with Findings from CMC 18.16.050 of the Chewelah Municipal Code:

Section 18.16.050 of the Chewelah Municipal Code provides direction to findings for adopting amendments to the Zoning Code and identifies the required findings in order to recommend approval of the proposed amendments. The Planning Commission at their public hearing made the following findings and conclusions. This section of the report shows the Planning Commission's findings in bold followed by their response in plain text. These findings may be adopted in full or amended by the City Council prior to taking action on the proposed amendments.

The proposed plan is consistent with the intent and goals of the Chewelah comprehensive plan and meets the requirements and intent of the Chewelah Municipal Code.

The proposed amendments to the Zoning Code are part of the periodic update as required by the GMA. The amendments implement the recently adopted update to the Comprehensive Plan by removing older zoning districts no longer supported by the comprehensive plan. Also, the adoption of an official zoning map will clarify and enhance the relationship between the comprehensive plan and zoning regulations. Further, the proposed amendments are consistent with the requirements of the Chewelah Municipal Code.

The proposed plan is consistent with applicable federal and state laws and regulations.

The proposed amendments are consistent with applicable federal and state laws; in fact, the proposed amendments create consistency by removing existing zoning districts that prohibit manufactured homes. The proposed updates were also developed consistent with Washington Administrative Code (WAC) 365-195 and Revised Code of Washington (RCW) 36.70A, specifically meeting the periodic review and update requirement.

The city and other responsible agencies and special zones will be able to supply the development resulting from the zoning changes with adequate roads and streets for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection.

The proposed code changes implement the adopted comprehensive plan, which identified projected need for roads, water, sewer, police, and emergency services. The comprehensive plan identified improvements and financing to meet this projected need. The projected need and improvements are consistent with the comprehensive plan analysis; further, reviewing agencies did not indicate they were not able to meet the projected development with public services.

The plan adequately mitigates impacts identified through the SEPA review process, if applicable.

The City completed a SEPA Checklist to evaluate the environmental impacts of the proposed amendments. That evaluation resulted in the City issuing threshold determination of non-significance. Many of the impacts identified as a result of the amendments were found to be mitigated through the goals and policies of the Comprehensive Plan.

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The plan is beneficial to the public health, safety, and welfare, and is in the public interest

The proposed amendments to the Zoning Code and the adoption of the City's first official zoning map benefit the public health safety, and welfare. The proposed amendments do this by clarifying where each zoning districts applies, removing old incompatible zoning districts, removing illegal zoning districts, and clarifying standards for multi-family development. The proposed regulations also give developers and residents clear consistent regulation enhancing predictability. Finally, it protects the property rights of landowners from arbitrary and discriminatory actions.

Conclusion(s):

Based on the staff's review of the proposed amendments to the Zoning Code for compliance with the findings in Chapter 18.16.050, staff concludes the amendments are consistent with the goals and policies of the city's comprehensive plan, city's development regulations, and other state and federal laws. Finally, the Plan does not have significantly adverse environmental impacts and protects the health, safety, and general welfare of the public.

V. PLANNING COMMISSION RECOMMENDATION

After review and consideration of the proposed zoning code amendments, the findings and conclusions identified this report; all relevant federal, state, and local laws; and public input the City of Chewelah Planning Commission recommends that the City Council **approve the Zoning Code amendments** as identified in Exhibit 3.

Exhibit 1: Public Notices

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NOTICE OF APPLICATION

The City of Chewelah has published this Notice of Application to provide the opportunity to comment on the described proposal/project. The comment period ends 14 calendar days from the date issued. During this period written comments may be submitted to the staff contact. The file may be examined between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday (except holidays) at Chewelah City Hall, 301 East Clay Avenue, Chewelah, Washington. Questions may be directed to the staff person listed below.

Project Name: City of Chewelah Zoning Code and Related Zoning Map Amendments 2015

Application/ Description of Proposal: The proposal is to adopt an Official Zoning Map for the City of Chewelah and make the related and necessary changes to the zoning code text. Specifically the proposal is described as follows:

- Adopt an official zoning map
- Remove the following zoning districts from the zoning code text: Low-density residential (L-R), Single-family residences only (R-1A), Single-family residences site built (R-1H), and Multi-family residential (R-2). These zones were never placed on a draft map and most (R-2 is the exception) are inconsistent with state law.
- Amend the permitted uses for the Multi-family residential zone (R-3) to allow those uses permitted in the Multi-family residential zone R-2.
- Amend the R-3 zone to reflect a minimum lot size per dwelling unit

Location of Proposal: This proposal affects development within the boundaries of the City of Chewelah, Stevens County, Washington

Applicant: City of Chewelah

ENVIRONMENTAL REVIEW: The City will conduct the environmental review after review of the comments on the Notice of Application. A separate notice will be published for that review.

WRITTEN COMMENTS: Agencies, tribes, and the public are encouraged to review and provide written comments on the proposal. All comments received within fourteen (14) calendar days of the date issued below will be considered prior to making a decision on this project.

PUBLIC HEARING: A separate public notice for the date and time of the public hearing date will be conducted.

COMMENT PERIOD ENDS: December 26, 2014 at 4:30 p.m.

STAFF CONTACT: Chaz Bates, AICP,
Studio Cascade, Inc.
PO Box 258
Chewelah, WA 99109
PH: (509) 835-3770
FX: (509) 935-6279
E-MAIL: cbates@studiocascade.com

Issue Date: 12/11/14

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Notice of Public Hearings
Chewelah Planning Commission (4-16-15)
Chewelah City Council (5-6-15)

HEARING DATES & LOCATION: On April 16, 2015 beginning at 6:00 p.m. the Chewelah Planning Commission will hold a hearing and make a recommendation for action to the City Council. On May 6, 2015 beginning at 6:30 p.m. the Chewelah City Council will hold a public hearing to consider the recommendations from the Chewelah Planning Commission. Both hearings will be held in the City Council Chambers, 301 East Clay Avenue, Chewelah WA 99109.

REVIEW AUTHORITY: The Chewelah Planning Commission will review and forward a recommendation to the City Council for action on the Official Zoning Map and related Zoning Code amendments. The City Council will hold a public hearing the purpose of which is to take testimony prior to taking action on the draft Official Zoning Map and related Zoning Code amendments for the City of Chewelah.

STAFF CONTACT: Chaz Bates, Contract Planner, (509) 835-3770, cbates@studiocascade.com.

Project Name: City of Chewelah Zoning Code and Related Zoning Map Amendments 2015

Application/ Description of Proposal: The proposal is to adopt an Official Zoning Map for the City of Chewelah and make the related and necessary changes to the zoning code text. Specifically the proposal is described as follows:

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- Amend the permitted uses for the Multi-family residential zone (R-3) to allow those uses permitted in the Multi-family residential zone R-2.
- Amend the R-3 zone to reflect a minimum lot size per dwelling unit

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Location of Proposal: This proposal affects development within the boundaries of the City of Chewelah, Stevens County, Washington

APPLICANT: City of Chewelah

ENVIRONMENTAL DETERMINATION: The City has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This Determination of Non-Significance is issued pursuant to CMC 16.04 and WAC 197-11-340(2); the lead agency will not act on this proposal for fourteen (14) calendar days from the publication date of this notice.

An appeal of this determination must be submitted to the City within fourteen (14) calendar days after the publication date of this notice, no later than 4:30 pm, April 16, 2015. This appeal must be written and make specific factual objections to the City's threshold determination. Appeals shall be conducted in conformance with Section 16.04.240 (Appeals) of the City's Environmental Ordinance; appeals shall be limited to a review of a final threshold determination.

STAFF REPORT AND INSPECTION OF FILE: A staff report will be available for inspection seven (7) calendar days before the hearings. The staff report and application file may be inspected at the Chewelah City Hall, located at 301 East Clay Avenue, between 8:00 am and 4:30 pm, Monday-Friday, excluding holidays. Copies of documents will be made available at a reasonable cost. If you have any questions or special needs, please call Chaz Bates, Contract Planner, at (509) 835-3770. Written comments shall be sent to the City of Chewelah, City Administrator, P O Box 258, 301 East Clay Avenue, Chewelah, WA 99109 Attn: Mike Frizzell.

Published April 2, 2015

Exhibit 2: Commerce Submittal Letter

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washington state department of
community, trade and economic development

Notification for 60-Day Review of Zoning Map and related Zoning Code Changes Adoption

Pursuant to RCW 36.70A.106, the following hereby provides 60-day notice of intent to adopt the following comprehensive plan amendments.

Jurisdiction Name:	City of Chewelah
Address:	301 E Clay Ave Chewelah WA 99109
Date:	December 1, 2014

Contact Name for Ordinance:	Chaz Bates
Phone Number:	509.835.3770
Fax Number:	509.835.3763
E-Mail Address:	cbates@studiocascade.com

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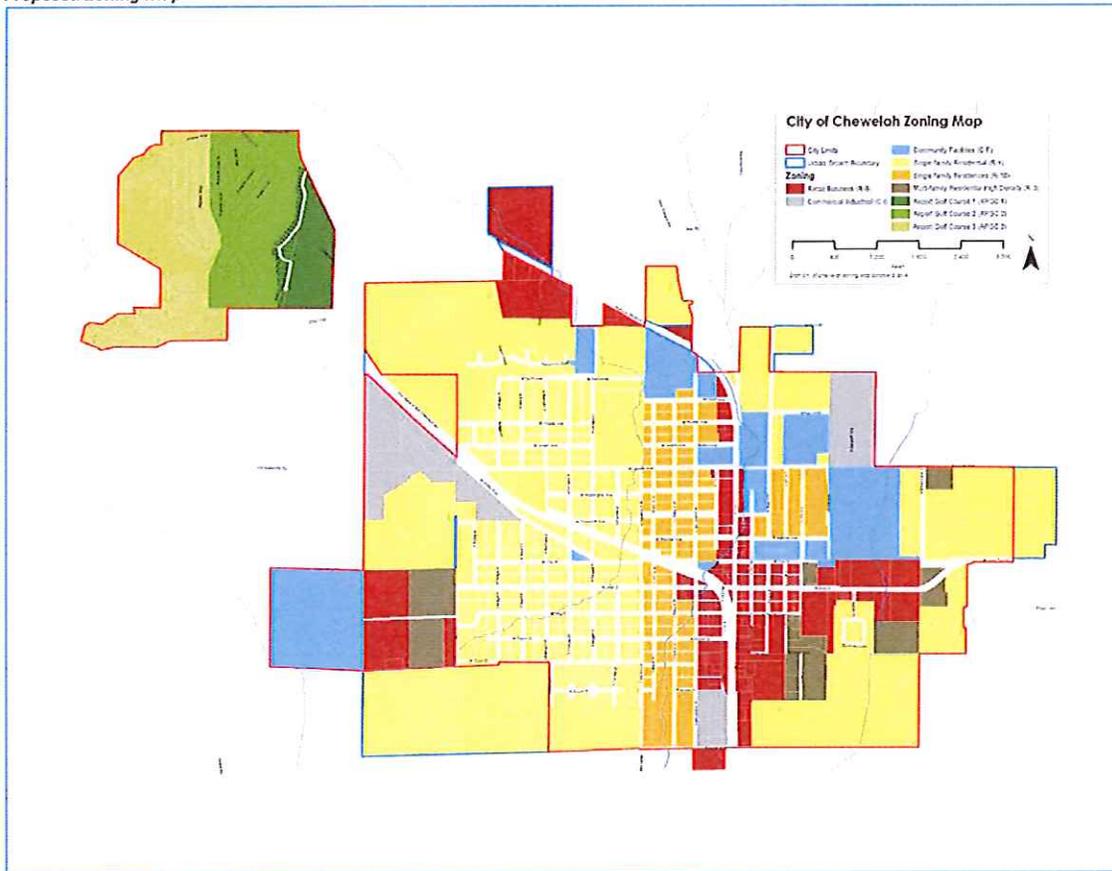
Brief Description of the Proposed Comprehensive Plan Amendment: <input type="checkbox"/> Check the box if this is Supplemental Material for an existing amendment already submitted to CTED. Please also provide the date submitted and/or CTED Material ID number.	The City of Chewelah has developed an official Zoning Map for adoption and related Zoning Code amendments. The purpose of adoption of the official Zoning Map is to make zoning consistent with the Comprehensive Plan and state law.
Planned Public Hearing Date:	January 8, 2014
Planned Date of Adoption:	February 10, 2015
Please Attach a Draft of the Proposed Amendment. (Attachment Required)	

Exhibit 3: Proposed Zoning Amendments

Note: the proposed amendments are in standard legislative format with deleted text shown in ~~strikethrough~~ and added text shown in underline.

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Proposed Zoning Map



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Proposed Associated Text Amendments

Chapter 18.08 - ZONES

Sections:

18.08.010 - Text and official map.

A. The city is divided into zones as shown on the official zoning map, which, together with all notes on the map, is adopted by reference and declared to be part of this title. The zones shown on the map and described in this title are:

~~Low density residential (L-R)~~

Single-family residential (R-1)

~~Single-family residences only (R-1A)~~

Single-family residences (R-1B)

~~Single-family residences site built (R-1H)~~

Floodplain management overlay (FM)

~~Multi-family residential (R-2)~~

Multi-family residential high density (R-3)

Retail business (R-B)

Commercial industrial (C-I)

Critical resource area overlay (CRA)

Shoreline enhancement overlay (SE)

Downtown business district overlay (DBD)

B. If, in accordance with the provisions of this title and RCW 36.70, 36.70A and 36.70B, changes are made in zone boundaries or other matters portrayed on the official zoning map, such changes shall be made on the official zoning map promptly after the amendment has been approved by the city council. Once the map has been amended, the mayor shall verify the amendment and sign the official zoning map.

C. No changes of any nature shall be made in the original map or matters shown thereon except in conformity with the procedures set forth in this title.

(Ord. 770 § 1, 2004; Ord. 737 § 4, 2001; Ord. 668 § 3 (part), 1997)

18.08.020 - Use classifications.

A. Table [18.08.020](#) provides examples of permitted, conditionally permitted, and expressly prohibited uses in the various base zones. Permitted uses are allowed as a matter of right. Because of considerations of traffic, noise, lighting, hazards, health and environmental issues, certain uses may be permitted subject to a

conditional use permit. Expressly prohibited uses are those that are not clearly allowed in the zone. For purposes of this section the following apply:

1. "P" indicates a permitted use.
2. "C" indicates a use that requires a conditional use permit.
3. "X" indicates expressly prohibited uses.

B. Uses allowed in the overlay zones are addressed in the applicable sections.

(Ord. 737 § 31, 2001; Ord. 698 § 3 (part), 1999; Ord. 668 § 3 (part), 1997)

Table 18.08.020 Permitted, Conditionally Permitted and Prohibited Uses by Base Zone

P = Permitted	C = Conditionally permitted	X = Expressly prohibited
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Uses may be affected if property is also an overlay district (see applicable overlay section)

Table of Permitted, Conditionally Permitted, and Prohibited Uses

	L-R	R-1	R-1A	R-1B	R-1H	R-2	R-3	R-B	C-1	APCG	CF
Golf course	€	C	€	C	€	€	C	X	X	P	C
Keeping of livestock	P	P	P	P	P	P	P	P	P	P	P
Recreational camps	€	X	X	X	X	X	X	X	X	C	X
Temporary stands for sale of agricultural products	X	X	X	X	X	X	X	C	C	C	X
Single-family dwelling (including designated manufactured homes)	P	P	X	XP	X	P	P	X	P(5)	P	X
Single-family dwelling (mobile and designated manufactured homes prohibited)	X	X	P	P	P	€	X	X	P(5)	€	X
Detached second unit	X	P	X	X	X	P	P	X	X	C	X
Duplex	X	P	X	X	X	P	P	P	P(5)	C	X
Multi-family, fewer than 5 units	X	X	X	X	X	P	P	P	P(5)	€	X
Multi-family, 53 units or more	X	X	X	X	X	€(6)	P	P	P(5)	C	C
Renting rooms	X	P(4)	€	C	X	P(2)	P(4)	P(4)	X	P(4)	X
Housing for people with functional disabilities	€	€P	€	€P	€	€	X	X	X	X	C
Parks, playgrounds, golf course	P	P	P	P	P	P	P	X	X	P	P
Public/private utilities	P	C	X	C	€	€	C	C	C	C	C
Commercial nurseries and greenhouses	P	X	X	X	X	X	X	P(8)	P(8)	X	X
Domestic pets	P	P	P	P	P	P	P	P	P	P	P
Gardening or fruit raising (1)	P	P	P	P	P	P	P	P	X	P	P
Home occupation	P	P	P	P	P	P	P	P	X	P	P
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P

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	L-R	R-1	R-1A	R-1B	R-1H	R-2	R-3	R-B	C-I	APCG	CF
Schools	€	C(3)	€(3)	C(3)	€	€	C	C	X	C	C
Churches and charitable institutions	€	C	€	C	€	€	C	C	X	C	C
Hospital and nursing homes	€	C	X	X	X	€	C	C	X	C	C
Child day care center	€	C	€	C	€	€	C	P	X	C	C
Adult family home	P	P	P	P	P	P	P	C	X	P	P
Essential public service and utility buildings	P	C	€	C	€	€	C	P	P	C	P
Public garages	X	X	X	X	X	X	X	P	C	X	C
Telecommunication facilities	X	X	X	X	X	X	X	P	C	X	P
Temporary uses, including business, contractors, real estate offices	X	X	€	C	X	€	C	P	P	C	C
Manufactured home park	€	X	X	C(11)	X	X	C	C	X	X	X
Recreational vehicle park	X	X	X	X	X	X	X	C	C	P	X
Medical and dental offices	€	X	€	X	€	X	X	P	P	X	C
Clinic, hospital and convalescent facilities	€	X	X	X	X	€	C	P	C	X	C
Amusement enterprises	€	X	X	X	X	X	X	P	P	X	X
Museum, art galleries	€	P	€	C	€	P	P	C	P	P	P
Automotive showroom and supply store	€	X	X	X	X	X	X	P	P	X	X
Bakery, candy, ice cream and similar food manufacturing	€	X	X	X	X	X	X	P	P	X	X
Car or boat sales (new or used)	€	X	X	X	X	X	X	P	P	X	X
Motorcycle or motor scooter sales and repair	€	X	X	X	X	X	X	P	P	X	X
Antique stores	€	X	X	X	X	X	X	P	P	X	X
Catering services	€	X	X	X	X	X	X	P	P	X	X
Department stores, building supply outlets, floor covering and rug stores	€	X	X	X	X	X	X	P	P	X	X
Dressmaking and custom tailoring	€	X	X	X	X	X	X	P	P	X	X
Dry good stores	€	X	X	X	X	X	X	P	P	X	X
Financial institutions	€	X	X	X	X	X	X	P	P	X	X
Furniture stores including incidental repair and custom furniture upholstery	€	X	X	X	X	X	X	P	P	X	X
Restaurants, including drive ins	€	X	X	X	X	X	X	P	P	X	X
Private clubs, fraternities and lodges	€	X	X	X	X	X	X	P	P	X	X
Liquor stores, taverns, night clubs	€	X	X	X	X	X	X	P	P	X	X

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	L-R	R-1	R-1A	R-1B	R-1H	R-2	R-3	R-B	C-I	APCG	CF
Places of assembly, including auditorium, funeral home, art gallery, etc.	€	X	✗	X	✗	✗	X	P	P	X	C
Tire shops, excluding tire recapping	€	X	✗	X	✗	✗	X	P	P	X	X
Armories	✗	X	✗	X	✗	✗	X	C	P	X	X
Theaters, excluding drive-ins	€	X	✗	X	✗	✗	X	P	P	X	X
Professional and general offices	€	X	✗	X	✗	✗	X	P	P	X	X
Business and trade schools	€	X	✗	X	✗	✗	X	P	P	X	X
Studios, commercial art, photography, film exchange, preprocessing	€	X	✗	X	✗	✗	X	P	P	X	X
Printing establishments	€	X	✗	X	✗	✗	X	P	P	X	X
Wholesale and mail order (not stocking goods on premises)	€	X	✗	X	✗	✗	X	P	C	X	X
Service station	€	X	✗	X	✗	✗	X	P(9)	C	X	X
Car wash	€	X	✗	X	✗	✗	X	P(9)	C	X	X
Second hand store	€	X	✗	X	✗	✗	X	P	P	X	X
Dry cleaning and laundry	€	X	✗	X	✗	✗	X	P	P	X	X
Animal clinics	✗	X	✗	X	✗	✗	X	C	C	X	X
Mixed use (office, commercial and/or residential on a single parcel or in a single structure)	€	X	✗	X	✗	✗	X	P	P	X	C
On site hazardous waste storage and treatment (7)	€	X	✗	X	✗	✗	X	P	P	X	X
Off site hazardous waste storage and treatment	✗	X	✗	X	✗	✗	X	X	C	X	X
Other similar retail wholesale and Comm'l businesses	€	X	✗	X	✗	✗	X	P	P	X	X
Hotel or motel	€	X	✗	X	✗	✗	X	P	P	X	X
Manufacture, assembly, compounding, packaging or treatment of products, similar to scientific, business or industrial machinery or instrumentation, food products, clothes or recreational equipment	✗	X	✗	X	✗	✗	X	X	P	C	X
Research, experimental or testing laboratories	✗	X	✗	X	✗	✗	X	X	P	X	X
Mini storage facilities	✗	X	✗	X	✗	✗	X	X	P	C	X
Warehouses	✗	X	✗	X	✗	✗	X	X	P	X	X
Drop hammer or similar equipment	✗	X	✗	X	✗	✗	X	X	C(10)	X	X

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Notes:

- (1) Including sales of products, provided no retail stand, greenhouse, permanent sign or other commercial structure is erected.
- (2) Not more than two persons EXCEPT adult family homes which are allowed nor more than six persons.
- (3) Including specialty schools such as dance and music.
- (4) Not more than eight persons.
- (5) Occupied by a caretaker of the permitted use only.
- (6) Not exceeding eight units.
- (7) Accessory to a permitted activity generating hazardous waste, provided that the facility meets the state siting criteria adopted in RCW 70.105.210.
- (8) See Section 18.03.
- (9) Drop hammers in areas adjoining residential zones will be permitted provided muffling equipment is installed to minimize the noise effect of such equipment if such noise would unduly interfere with the residential property.

(10) Subject to a Planned Development permit.

~~(10)~~(11) Subject to Site Plan review and CMC 19.12.090

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~~18.08.050—Low density residential (L-R) zone.~~

~~A. Purpose and Intent. The purpose and intent of the L-R zone is to provide single family low density residential areas. The intent of this zone is to permit residential development in areas where topography, soils, or drainage patterns make R-1 development infeasible or undesirable.~~

~~B. Uses. Table 18.08.020 describes uses, which are permitted and conditionally permitted in the L-R zone.~~

~~C. Development Standards:~~

~~1. Minimum lot size: fifteen thousand square feet.~~

~~2. Maximum lot coverage: forty percent.~~

~~3. Setback requirements:~~

~~a. Front yard: twenty five feet;~~

~~b. Rear yard: twenty five feet;~~

~~c. Side yard: twenty five feet.~~

~~d. Building height: two stories, thirty feet.~~

~~4. Accessory buildings: The exterior of all accessory buildings shall be compatible with that of the principal dwelling. In addition, the exterior shall be completed and finished within ninety days following issuance of a building permit for the building, or within ninety days of the beginning of construction of the building, whichever is earlier.~~

~~D. Other Applicable Regulations. In addition to the requirements contained in this section the requirements contained in Chapter 18.12 of this title, Supplementary Standards, shall also apply to development in the low density residential zone.~~

~~E. Existing Industrial Uses. All industrial uses in existence and in use at the time of annexation shall be permitted to continue in existence and in use within the area previously used and projected by such industrial use. The industrial use in existence shall be classified by the council as the type of industrial use then in existence and future changes of such industrial use shall not be permitted to classify such industrial use to a lower classification; that is, light industrial uses shall not be permitted to become an industrial use normally designated and known as a heavy industrial use.~~

~~(Ord. 737 § 5, 2001; Ord. 668 § 3 (part), 1997)~~

18.08.060 - Single-family residential (R-1) zone. (Note: no changes are proposed for this section but it's included here as reference for the proposed zoning map)

- A. Purpose and Intent. The purpose and intent of the R-1 zone is to provide for the enhancement and protection of areas for single-family residences.
- B. Uses. Table 18.08.020 describes uses, which are permitted and conditionally permitted in the R-1 zone.
- C. Development Standards.
 - 1. Minimum lot size: seven thousand two hundred square feet.
 - 2. Minimum lot width: sixty feet.
 - 3. Setback requirements:
 - a. The minimum setbacks for a principal building shall be:
 - i. Front yard: twenty feet;
 - ii. Rear yard: ten feet;
 - iii. Side yard: ten feet, except fifteen feet on a side yard adjacent to a street.
 - b. The minimum setbacks for an accessory building shall be:
 - i. Front yard: twenty feet;
 - ii. Rear yard: five feet, except fifteen feet when the accessory building is a garage taking access from the alley adjacent to the rear yard;
 - iii. Side yard: ten feet, except fifteen feet on a side yard adjacent to a street or alley.
 - 4. Maximum building height: Two stories, not to exceed thirty feet, except schools, churches, and other uses which require a conditional use permit in which the height shall not exceed fifty feet.
 - 5. Maximum lot coverage: thirty-five percent.
- D. Other Applicable Regulations. In addition to the requirements contained in this section the requirements contained in Chapter 18.12 of this title, Supplementary Standards, shall also apply to development in the single-family residential zone.

~~18.08.070—Single-family residences only (R-1A) zone.~~

~~A. Purpose and Intent. The purpose and intent of the R-1A zone is to provide for a single-family residential area with no mobile, manufactured or designated manufactured homes and larger lots to promote larger homes.~~

~~B. Uses. Table 18.08.020 describes uses which are permitted and conditionally permitted in the R-1A zone.~~

~~C. Development Standards.~~

~~1. Minimum lot size: eight thousand five hundred square feet.~~

~~2. Minimum lot width: sixty feet.~~

~~3. Setback requirements:~~

~~a. The minimum setbacks for a principal building shall be:~~

~~i. Front yard: twenty feet;~~

~~ii. Rear yard: ten feet;~~

~~iii. Side yard: ten feet, except fifteen feet on a side yard adjacent to a street.~~

~~b. The minimum setbacks for an accessory building shall be:~~

~~i. Front yard: twenty feet;~~

~~ii. Rear yard: five feet;~~

~~iii. Side yard: ten feet, except fifteen feet on a side yard adjacent to a street.~~

~~4. Maximum building height: Two stories, not to exceed thirty feet, except schools, churches, and other uses which require a conditional use permit in which the height shall not exceed fifty feet.~~

~~5. Maximum lot coverage: thirty percent~~

~~D. Other Applicable Regulations. In addition to the requirements contained in this section the requirements contained in Chapter 18.12 of this title, Supplementary Standards, shall also apply to development in the R-1A zone.~~

~~(Ord. 737 §§ 7, 9, 2001; Ord. 668 § 3 (part), 1997)~~

18.08.080 - Single-family residences (R-1B) zone. (Note: no changes are proposed for this section but it's included here as reference for the proposed zoning map)

A. Purpose and Intent. The purpose and intent of the R-1B zone is to provide for a single-family residence area with less restrictive standards. Designated manufactured homes are permitted.

B. Uses. Table 18.08.020 describes uses, which are permitted and conditionally permitted in the R-1B zone.

C. Development Standards.

1. Minimum lot size: five thousand five hundred square feet.

2. Minimum lot width: forty-six feet.

3. Setback requirements:

a. The minimum setbacks for a principal building shall be:

i. Front yard: twenty feet;

- ii. Rear yard: ten feet;
 - iii. Side yard: ten feet, except fifteen feet on a side yard adjacent to a street.
 - b. The minimum setbacks for an accessory building shall be:
 - i. Front yard: twenty feet;
 - ii. Rear yard: five feet;
 - iii. Side yard: ten feet, except fifteen feet on a side yard adjacent to a street.
- 4. Maximum building height: Two stories, not to exceed thirty feet, except schools, churches, and other uses which require a conditional use permit in which the height shall not exceed fifty feet.
- 5. Maximum lot coverage: forty-five percent.
- D. Other Applicable Regulations. In addition to the requirements contained in this section the requirements contained in [Chapter 18.12](#) of this title, Supplementary Standards, shall also apply to development in the R1-B zone.

~~18.08.090 – Single family residences site built (R-1H) zone.~~

~~A. Purpose and Intent. The purpose and intent of the R-1H zone is to provide a single family residential area similar to the R-1 zone but with only "stick built" homes conforming to a recognized historical architectural style.~~

~~B. Uses. Table 18.08.020 describes uses, which are permitted and conditionally permitted in the R-1 H zone.~~

~~C. Development Standards.~~

~~1. Minimum lot size: seven thousand two hundred square feet.~~

~~2. Minimum lot width: sixty feet.~~

~~3. Setback requirements:~~

~~a. The minimum setbacks for a principal building shall be:~~

~~i. Front yard: twenty feet;~~

~~ii. Rear yard: ten feet;~~

~~iii. Side yard: ten feet, except fifteen feet on a side yard adjacent to a street.~~

~~b. The minimum setbacks for an accessory building shall be:~~

~~i. Front yard: twenty feet;~~

~~ii. Rear yard: five feet;~~

~~iii. Side yard: ten feet, except fifteen feet on a side yard adjacent to a street.~~

~~4. Maximum building height: Two stories, not to exceed thirty feet, except schools, churches, and other uses which require a conditional use permit in which the height shall not exceed fifty feet.~~

~~5. Maximum lot coverage: forty percent.~~

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~~D. Other Applicable Regulations. In addition to the requirements contained in this section the requirements contained in Chapter 18.12 of this title, Supplementary Standards, shall also apply to development in the R1-H zone.~~

~~(Ord. 668 § 3 (part), 1997)~~

~~**18.08.100 – Multi-family residential (R-2) zone.**~~

~~A. Purpose and Intent. The R-2 zone is intended primarily to accommodate small multi-family residences. It is also intended to provide for low density apartment developments, and to encourage development of lots on which single-family residences would be impractical because of physical constraints, such as topography and terrain.~~

~~B. Uses. Table 18.08.020 describes uses, which are permitted and conditionally permitted in the R-2 zone.~~

~~C. Development Standards.~~

~~1. Minimum lot size: seven thousand two hundred square feet.~~

~~2. Minimum lot width: sixty feet.~~

~~3. Setback requirements:~~

~~a. The minimum setbacks for a principal building shall be:~~

~~i. Front yard: twenty feet;~~

~~ii. Rear yard: ten feet;~~

~~iii. Side yard: ten feet, except fifteen feet on a side yard adjacent to a street.~~

~~b. The minimum setbacks for an accessory building shall be:~~

~~i. Front yard: twenty feet;~~

~~ii. Rear yard: five feet;~~

~~iii. Side yard: ten feet, except fifteen feet on a side yard adjacent to a street.~~

~~4. Maximum building height: Two stories, not to exceed thirty feet.~~

~~5. Maximum lot coverage: forty percent.~~

~~D. Other Applicable Regulations. In addition to the requirements contained in this section the requirements contained in Chapter 18.12 of this title, Supplementary Standards, shall also apply to development in the R-2 zone.~~

~~(Ord. 668 § 3 (part), 1997)~~

18.08.110 - Multi-family residential high density (R-3) zone.

A. Purpose and Intent. The purpose and intent of the R-3 zone is to provide for a higher density multi-family residential area.

B. Uses. Table 18.08.020 describes uses, which are permitted and conditionally permitted in the R-3 zone.

C. Development Standards.

1. Minimum lot size per dwelling unit: ~~seven thousand two hundred square feet~~ three thousand six hundred square feet.
 2. Minimum lot width: sixty feet.
 3. Setback requirements:
 - a. The minimum setbacks for a principal building shall be:
 - i. Front yard: twenty feet;
 - ii. Rear yard: ten feet;
 - iii. Side yard: ten feet, except fifteen feet on a side yard adjacent to a street.
 - b. The minimum setbacks for an accessory building shall be:
 - i. Front yard: twenty feet;
 - ii. Rear yard: five feet;
 - iii. Side yard: ten feet, except fifteen feet on a side yard adjacent to a street.
 4. Maximum building height: Three stories, not to exceed thirty-five feet, except schools, churches, and other uses which require a conditional use permit in which the height shall not exceed fifty feet.
 5. Maximum lot coverage: ~~forty~~ sixty percent.
- D. Other Applicable Regulations. In addition to the requirements contained in this section the requirements contained in [Chapter 18.12](#) of this title, Supplementary Standards, shall also apply to development in the R-3 zone.

