ORDINANCE #900

An Ordinance Authorizing a Hearing Examiner System to Make Quasi-Judicial Decisions on Land Use Applications, Hear Appeals and Provide Recommendations to City Council on Land Use Proposals. Duties of the Hearing Examiner Will Hereby Replace Duties of the City of Chewelah Planning Commission. Repealing Ordinances 150, 343 376, 423, 426, 486, 524, 587, 608, 617, 624, 639, 644, 654, 655, 657, 668, 678, 698, 706, 737, 738, 739, 746, 747, 748, 770, 777, 783, 790, 794, 875, 884, 886 and 890. Amending Ordinances 643 and 813.

WHEREAS, authorization for use of a Hearing Examiner system in Washington State is set forth in the Revised Code of Washington Chapter 58.17.330 and 35A.63.170. The City of Chewelah may authorize the Hearing Examiner as an alternative to those provisions relating to the powers and duties of the planning commission; and

WHEREAS, section 35A.63.170(1) authorized the City of Chewelah City Council to prescribe the procedures to be followed by a hearing examiner; and

WHEREAS, the use of a Hearing Examiner system will assist in the timely processing of land use applications, appeals, and recommendations, when necessary, to the City of Chewelah City Council; and

WHEREAS, the City of Chewelah staff and code committee have performed due diligence to assess the opportunities presented to the City by the Hearing Examiner system.

NOW, THEREFORE, the City Council of the City of Chewelah ordains as follows:

SECTION 1: Chapter 2.56 (Planning Commission) of the Chewelah Municipal Code is hereby repealed and a new Chapter 2.57 is adopted to read as follows:

2.57 HEARING EXAMINER
2.57.010 Purpose and Creation
2.57.020 Appointment and Terms
2.57.030 Powers and Duties
2.57.040 Freedom from Improper Influence – Conflict of Interest
2.57.050 Applications to the Hearing Examiner
2.57.060 Procedures
2.57.070 Appeals from Decision

2.57.010 Purpose and Creation

The purpose of this chapter is to:

A. Separate the land use regulatory function from the land use planning process;
B. Ensure procedural due process and appearance of fairness in regulatory hearings and decisions; and
C. Provide an efficient and effective land use regulatory system which integrates the public hearing and decision-making process for land use matters.

The office of Hearing Examiner is hereby created under the authority provided by Article 11, Section 11 of the Washington State Constitution and Chapter 58.17 RCW in order to best

satisfy these needs. The examiner shall interpret, review, implement land use regulations and policies, and shall be responsible for impartial administration of administrative hearings, as provided in this chapter or by other ordinances.

2.57.020 Appointment and Terms

The mayor shall have the power to appoint an individual necessary to fulfill the function of hearing examiner for the city, subject to the prior confirmation of the appointee by the city council, subject further to the execution of an agreement between the city and the appointee providing for the terms of the appointment, including compensation. The examiner shall be appointed with regard to qualifications for the duties of such office and shall have such training or experience as will qualify the examiner to conduct administrative or quasi-judicial hearings on land use regulatory matters. The examiner shall hold no other appointive or elective public office or position in the city government except as herein provided.

The Hearing Examiner may be retained on a professional service contract for a term and conditions determined appropriate by the City Council. Said contract may also provide for Hearing Examiner(s) pro tem to serve in the absence of the Hearing Examiner on such terms and conditions deemed appropriate by the Council.

2.57.030 Powers and Duties

The examiner shall have the authority to and shall receive and examine available information, conduct public hearings and prepare a record thereof, and enter final findings and decisions, subject to application, notice, public hearing and appeal procedures of CMC 18.20.050, on the following matters:

A. Binding site plan;
B. Shoreline substantial development;
C. Shoreline variance;
D. Shoreline conditional use;
E. Preliminary plat;
F. Conditional use permit;
G. Type III variance;
H. Staff appeals;
I. Critical areas permit;
J. Rezone; and
K. Any other matter designated by this code or other city ordinance.

2.57.040 Freedom from Improper Influence – Conflict of Interest

A. The examiner shall not conduct or participate in any hearing or decision in which the examiner has a direct or substantial financial interest.
B. Any actual of potential conflict of interest shall be disclosed to the parties immediately upon discovery of such conflict and the examiner shall abstain from any further proceedings in the matter unless all parties agree in writing to have the matter heard by that Hearing Examiner.
C. No councilmember, city official, or any other person shall attempt to influence or in any way interfere with the examiner in the performance of designated duties.

2.57.050 Applications to the Hearing Examiner

Applicants to be heard by the Hearing Examiner shall make application on forms provided by the planning department and shall supply such information as the Hearing Examiner may require. The application shall be accompanied by any applicable filing fees related to the process being pursued by the applicant.

2.57.060 Procedures

The Examiner shall have the power to prescribe scheduling and procedures for the conduct of hearings subject to confirmation of the Council; and also to issue summons and subpoena to compel the appearance of witnesses and production of documents and materials, to order discovery, to administer oaths, and to preserve order.

2.57.070 Appeals from Decision

The decision of the Hearing Examiner on those matters specified in CMC 2.57.030 shall be final excepting those matters for which appeal of the decision of the Hearing Examiner to the Superior Court of the State of Washington for Stevens County is permitted and then only in the event that an aggrieved party or a city department files a written notice of appeal with the Superior Court of the State of Washington for Stevens County within 14 days, or as otherwise provided by this code or RCW 36.70B.110, of the final decision of the Hearing Examiner.

SECTION 2: Section 16.04.070 of Title 16 (Environment) of the Chewelah Municipal Code currently reads as follows:

City staff will submit DNS's and EIS's along with all recommendations to advisory and final bodies such as the planning commission and city council.

SECTION 3: Section 16.04.070 of Title 16 (Environment) of the Chewelah Municipal Code is amended to read as follows:

City staff will submit DNS's and EIS's along with all recommendations to advisory and final bodies such as the Hearing Examiner and city council.

SECTION 4: Section 16.08.010 of Title 16 (Environment) of the Chewelah Municipal Code currently reads as follows:

The City of Chewelah Shoreline Master Program as approved by the department of ecology is hereby adopted.

The planning commission is directed to review and conduct a public hearing or hearings and to make recommendation on any necessary revisions to the City's land use planning documents, maps, and development regulations including, but not limited to, the city's comprehensive plan, land us map, zoning amp and zoning code in order to ensure consistency with the shoreline master program as approved by this section.

SECTION 5: Section 16.08.010 of Title 16 (Environment) of the Chewelah Municipal Code is amended to read as follows:

The City of Chewelah Shoreline Master Program as approved by the department of ecology is hereby adopted.

The Hearing Examiner is directed to review and conduct a public hearing or hearings and to make recommendation on any necessary revisions to the City's land use

planning documents, maps, and development regulations including, but not limited to, the city's comprehensive plan, land us map, zoning amp and zoning code in order to ensure consistency with the shoreline master program as approved by this section.

SECTION 6: Title 17 of the Chewelah Municipal Code is hereby amended. (Deletions are denoted by strikeout; Additions are denoted by underline; Remaining text is unchanged.) Amended Title 17 reads as follows:

17 SUBDIVISIONS
17.04 Introductory Provisions
17.08 Standards
17.12 Procedures

Chapter 17.04 INTRODUCTORY PROVISIONS

17.04.010 – Title.
The provisions of this ordinance and amendments to it shall be known and may be cited as "The Chewelah Land Division Ordinance, Title 17 of the Chewelah Municipal Code."

17.04.020 - Purpose and intent.
The purpose of this title is to:

A. Regulate the division of land and promote the public health, safety and general welfare of the residents of Chewelah in accordance with standards established by the state to prevent the overcrowding of land;
B. Provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout Chewelah, with particular regard to the avoidance of congestion in the streets and highways, the provision of suitable ingress and egress, and the creation of safe and adequate pedestrian and traffic movements appropriate to the various uses of land and buildings;
C. Protect the character and the social and economic stability of Chewelah and encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development;
D. Protect sensitive natural resources from destruction or degradation;
E. Ensure that public facilities, such as streets, water, sewerage, parks and recreation areas and other public services are sufficient and available concurrently with development;
F. Ensure proper legal descriptions and monumenting of divided land; and
G. Provide for the expeditious review and approval of proposed subdivisions which conform to the Chewelah Comprehensive Plan, zoning standards and local plans as adopted under the Growth Management Act.

17.04.030 - Scope and compliance.

A. Any division, redivision, platting or subdivision or any division of land containing a dedication of any part to any public purpose, such as a public street, highway, or public open space, occurring after the effective date of the ordinance codified in this title shall comply with the provisions of this chapter.
B. The provisions of this chapter shall not apply to the following:
    1. Cemeteries and burial plots while used for that purpose;
    2. Division of land into lots or tracts, each of which is one sixty fourth of a section of land or larger, or ten acres or larger, if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this item which borders on a street or road, excluding limited-access streets or roads, the

lot size shall be expanded to include that area which would be bounded by the centerline of the road or street, and the side lot lines of the lot running perpendicular to the centerline;

3. Divisions of land which are the result of the actions of governmental agencies, such as condemnation for road construction purposes;
4. Division of land made by testamentary provisions or the laws of descent.

17.04.040 – Definitions.

The following definitions are provided to aid in the understanding and interpretation of the provisions of this title. Terms that are not specifically defined below are to be understood according to the common meaning in use in the city, as interpreted by the administrator of the ordinance codified in this title.

"Administrator" means the city administrator or his/her designee.

"Alley" means a public right-of-way which affords a secondary means of access to abutting properties and access to any public utilities that may be located within the right-of-way.

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

"Bond" means any form of financial security in an amount and form acceptable to the city.

"Building official" means the individual designated by the appointing authority to enforce the provisions of the building code.

"City" means the city of Chewelah, Washington.

~~"Commission" means the Chewelah planning commission.~~

"Comprehensive plan" means any plans, maps, or reports, or combination thereof adopted by the council pursuant to RCW Section 36.70 or 36.70A, relating to the growth, development, or redevelopment of Chewelah.

"Concurrency" means the requirement that development applications demonstrate that adequate public facilities will be available at prescribed levels of service at the same time as the occupancy of the development.

"Council" means the Chewelah city council.

"Cul-de-sac" means a local street with only one outlet that terminates in an area of sufficient size that is safe and convenient for turning vehicles around.

"Dedication" means a deliberate appropriation of land or rights in land by an owner for any general and public use(s), reserving no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner presenting for filing a plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the city.

"Easement" means authorization by a property owner for another to use the owner's property for a specified purpose.

"Flag lot" means a lot not fronting on or abutting a public road but with access to the public road by a narrow, private right-of-way or driveway.

"Hearing Examiner" means an appointive officer who acts in a manner similar to a judge to hear and decide upon land development project applications and/or administrative appeals of land use decisions. Hearing Examiners are professionally-trained to make objective quasi-judicial decisions supported by an adequate record.

"Lot" means a fractional part of subdivided lands having fixed boundaries being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

"Lot line adjustment" means the minor shift, rotation, or change in existing lot line(s), in which no additional lots are created and the resulting lots all comply with dimensional requirements of Title 18.

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

Plat, Preliminary. "Preliminary plat" means a neat and accurate drawing of a proposed subdivision or short plat, showing the layout of streets and alleys, lots, blocks, restrictive covenants and similar elements, in accordance with this title, submitted for review by the city.

Plat, Final. "Final plat" means the final drawing of a subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements of this title and RCW Chapter 58.17.

"Right-of-way" means a strip of land occupied or intended to be occupied by a street, road, alley, crosswalk, railroad, utility line, street trees, or other similar use, established as a separate lot or parcel and dedicated to public use by the maker of the subdivision or short plat on which the strip is established.

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

"Short subdivision" means the division or redivision of land into four or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership.

"Street" means the entire width between the boundary lines of the right-of-way provided for public use for the purpose of vehicular and/or pedestrian traffic and the placement of utilities.

"Subdivider" means a person, firm, or corporation that undertakes the division of land into a greater number of lots than currently exist.

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

"Vacation" means the abandonment of an easement or right-of-way.

Chapter 17.08 STANDARDS

17.08.010 - Design standards.

A. Purpose and Intent. The purpose of these design standards is to create land divisions that are efficient and safe and that fit within the overall pattern of the community.

B. General Provisions.

1. Land which is found to be unsuitable due to bad drainage, slopes of more than twenty percent or land with rock or unstable soil conditions, shall not be subdivided unless the plans include the design and installation of devices necessary for correction or control of these conditions.
2. If existing utilities are not adequate or cannot be practically installed to provide the level of service established in the Chewelah comprehensive plan, then a proposed land division may be rejected until such time as necessary modifications to the system(s) are made to allow for adequate service. As a condition of a land division approval, the city shall require the costs of modification be borne by the subdivider.
3. If a subdivider is required to install utilities that are greater than the minimum required to serve the land division in order to implement the development of the Chewelah comprehensive plan to serve areas other than the proposed subdivision, the city may allow the subdivider to recover additional costs for the larger infrastructure as provided in Chapter 13.32, CMC.
4. Water and storm and/or sanitary sewers shall be designed to meet city specifications by a licensed civil engineer. As-built drawings shall be provided in accordance with Section 17.08.040 of this chapter.

C. Streets.

1. The on-site street system shall be coordinated with existing, proposed, and anticipated streets beyond the land that is being divided into lots. The arrangement of streets shall provide for the continuation of principal streets and adjacent properties

for the convenient movement of traffic, effective fire protection, efficient provision of utilities and conformance with the Chewelah comprehensive plan.

2. Whenever connections to anticipated or proposed surrounding streets are required, the street right-of-way shall be extended and the street developed to the property line of the subdivided property, or to the edge of the undeveloped portion of a single tract, at the point where the connection to the anticipated or proposed street is expected. In addition, the city may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles.
3. Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and storm water runoff and to conform as closely as practicable to the original topography.
4. Visibility will be maintained within the clear view triangle as defined in Section 18.12.060(C) of this code. The street department supervisor or public works coordinator shall have approval authority.
5. The following design standards shall apply for dedicated rights-of-way:

	Local or Residential	**Collector**
Required right-of-way	60 feet	60 feet (no parking)
		70 feet with curb parking
		90 feet with diagonal parking
Required pavement width	22 feet	24 feet
	28 feet with curb parking on one side	36 feet with curb parking
	34 feet with curb parking on two sides	56 feet with diagonal parking
Design speed	15—25 miles per hour	20—35 miles per hour
Maximum length of cul-de-sacs	300 feet*	Not allowed
Minimum radius of turn-around for cul-de-sacs	60 feet	Not allowed

* Cul-de-sac length may be increased with the written approval of the fire chief provided there is adequate provision for fire suppression and emergency access and that there are topographic constraints requiring a longer street design.

6. After sewer and water utilities have been installed, the subdivider shall construct streets to the widths prescribed above with the construction materials and methods in conformance with "Standards and Specifications for Municipal Public Works Construction" prepared by the American Public Works Association for Class B plant mix asphalt or better for main arterial streets. Secondary and other streets shall be covered with Class A bituminous as prescribed by the street department supervisor.
7. Streets not dedicated to the public must be clearly marked on the face of the plat.

D. Block Sizes.
   1. Blocks shall have sufficient depth to provide for two tiers of lots which meet the development standards of the district in which the property is located. The lengths, widths and shapes of blocks shall be appropriate for the location but block lengths in residential zones shall not be less than three hundred feet except that block lengths with frontage on major arterials shall not be less than one thousand feet.
   2. Where possible, block length, width, and layout shall be consistent with that of adjacent layouts unless topographical conditions justify variation.
   3. The subdivider may be required to provide an easement through a block to create pedestrian connectivity at a mid-block point when determined to be essential to provide circulation or access to schools, parks, retail areas, or other destination points. Minimum width of a pedestrian walkway placed in the easement shall be five feet.
   4. The subdivider may be required to provide an easement or an alley through the block to accommodate utilities or drainage. Minimum widths of easements, for sewer, water or storm drain facilities shall be fifteen feet with an eighteen-foot normal standard.

E. Access.
   1. Every lot shall be provided with frontage on or access to a public street via a private street.
   2. If access to the subdivision is required across land under the jurisdiction of another local government, the ~~planning commission~~ Hearing Examiner may request assurance from the other local government that access is legally established, and that the access road is adequately improved, or that a guarantee has been executed and is sufficient to assure the construction of the access road.

F. Lot Frontage.
   1. All lots shall have a minimum lot frontage of twenty feet.
   2. Flag lots shall not be approved unless the frontage and lot width standards are met. No more than two lots may be accessed from a single flag stem.

G. Lot Dimensions and Area. If lots within a proposed short plat or preliminary subdivision plat are more than double the minimum required dimensions or area for the zoning district, the ~~planning commission~~ Hearing Examiner may require that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots.

H. Curbs, Sidewalks and Planter Strips.
   1. Concrete curbs and sidewalks shall be constructed in accordance with the American Public Works Association Standards or as required and approved by the street department supervisor.
   2. Handicap ramps shall be provided in sidewalks at all intersections in compliance with current Washington State or ADA handicap requirements, whichever is most stringent.
   3. Curbs and sidewalks shall be constructed in accordance with the following:
      a. Concrete curbs shall be six inches high.
      b. Sidewalks and planter strips may be included within the dedicated nonpavement right-of-way of all streets as follows:
         i. Sidewalks in residential zones shall be a minimum of five feet unobstructed in width. In addition, a four-foot planter strip shall be provided between the curb and the sidewalk.
         ii. Sidewalks in commercial zones shall be a minimum of ten feet in width.

iii. Sidewalks in industrial zones shall be a minimum of five feet unobstructed in width.

4. Paved walkways of not less than five feet in width continuous with the paved roadway surface may be used in residential zones where snow removal would be impeded as determined by the street department supervisor and public works coordinator. Paved walkways shall be located on both sides of the street unless the subdivider can demonstrate to the satisfaction of the city council that alternate pedestrian facilities are located elsewhere in the project. In that case, a paved walkway may be permitted on only one side.

I. Street Amenities.

1. If planting strips are designed, no trees shall be planted in these areas without approval from the public works coordinator and city administrator. This is to assist in the preservation of sidewalks and placement of utilities.
2. Street lights shall be provided as required by the city so as to provide a safe environment for the residents, employees, and/or visitors to the subdivision. The location and amount of lighting shall be approved by the city administrator or his designee. The subdivider shall be responsible for the cost of installation of all required lights.
3. Before occupancy of any building, the city will install all required signs. The subdivider shall be responsible for the cost of installation of all required signs.

J. Water Facilities.

1. All lots shall be connected to city water. The subdivider shall ensure that necessary improvements and extensions are made so as to provide water sufficient for domestic use and fire protection. All water extensions shall be approved by the city public works coordinator.
2. All water utility installations including fire hydrants, shall be designed in accordance with the American Public Works Association Standards or as required by the city public works coordinator. All materials shall be American Water Works Association approved.
3. Any water main shall be a minimum of six inches in diameter. In deciding the size of a new water line, the size shown in the water system master plan and the planned growth of the surrounding area shall be considered.
4. Fire hydrants are required in all subdivisions. They shall be spaced at distances not to exceed six hundred feet in single family residential areas and at distances not to exceed three hundred feet in all other areas.

K. Drainage and Storm Sewers.

1. Lots shall be created so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the proposed storm drain pattern of the area. Stormwater runoff from individual lots shall be detained and treated on-site, so that the general storm drainage pattern in the area will not be disrupted.
2. In areas where on-site stormwater detention and/or treatment systems are not possible, an adequate storm sewer system including necessary pipes, culverts, catch basins and any other necessary appurtenances shall be provided for the proper drainage of surface water. The inflow of storm waters into sanitary sewers shall be prohibited.
3. Detention basins shall be designed to appear natural in character so as to blend in with the existing landscape and topography.
4. The requirements for installation of storm sewer may be waived upon approval by the ~~planning commission~~ Hearing Examiner, city council and city public works coordinator after finding that doing so will not increase runoff crossing or entering adjacent properties or decrease water quality in streams in the area.

L. Sanitary Sewer Facilities.
   1. The subdivider on land located in Chewelah South shall install sanitary sewer facilities to all lots in accordance with the American Public Works Association Standards or as required and approved by the water/wastewater plant supervisor.
   2. Sanitary sewers shall be installed to serve every lot. No individual disposal systems or treatment plants shall be permitted in Chewelah South.
   3. No sewer main shall be less than eight inches in diameter unless justified and approved by the city public works coordinator and the Washington State Department of Ecology. In deciding the size of a new sewer main, the planned growth of the surrounding area, as shown in the Chewelah comprehensive plan, shall be analyzed.
   4. On-site septic systems in Chewelah North shall be permitted and approved by NE Tri-County Health District.

M. Public Utilities and Easements.
   1. All existing and proposed utilities and easements shall be shown on the preliminary plat.
   2. All new utility facilities, including but not limited to gas, electric power, telephone, and CATV cables, shall be located underground throughout the subdivision. Whenever existing utility facilities are located above ground, except when existing on public roads and rights-of-way, they shall be removed and placed underground.
   3. Underground service connections to the property line of each platted lot shall be installed by the subdivider. The subdivider shall coordinate with the city and utility companies for the establishment of easements within the subdivision.

N. Dedication of Public Park.
   1. Land within a short plat or preliminary subdivision that is indicated in the Chewelah comprehensive plan as public open space may be required to be reserved by the subdivider for use by the public within a one-year period of time after final subdivision approval.
   2. Subdivisions containing more than fifty lots or encompassing more than one hundred acres may be required to dedicate land for development of a neighborhood park or pay a fee in lieu of dedication as determined by the ~~planning commission~~ Hearing Examiner and city council.
   3. If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city council shall adopt the designated name.

O. Naming of Divided Land.
   1. The proposed name of a short plat or subdivision shall not duplicate, or closely approximate phonetically, the name of any other division of land.
   2. Street names shall be shown consistent with the names of existing streets in the city and Stevens County as follows:
      a. East-West streets shall be designated "avenue."
      b. North-South streets shall be designated "street."
      c. Streets of exceptional width and length and having a scenic value may be designated "boulevard" or "road."
      d. Streets curving in varying directions and of considerable length may be designated "drive," and such streets of short length may be designated "place."
      e. Cul-de-sacs shall be designated "court."
      f. Other names applied to streets may be used only by approval of the city.

P. Protective Covenants. If a property owner has covenants or deed restrictions on a proposed short plat or subdivision, the recording date of said covenants or deed restrictions shall be on the face of the plat.

Q. Solar Access. The lots and building pads shall be oriented to maintain solar access to properties within and adjacent to the subdivision, to the maximum extent feasible.

R. Flood, Inundation or Swamp Conditions. A proposed plat may be denied because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved covering any land situated in the flood plain management area as provided in Chapter 86.16 RCW.

17.08.020 – Bonds.

A. In lieu of the completion of the actual construction of any required improvements or monumentation prior to the approval of a short or final plat, the administrator or council may accept a bond, approved as to form by the city attorney, in an amount and with surety and conditions satisfactory to it, or other secure method, providing for and securing to the city the actual construction and installation of such improvements within a period specified by the city and expressed in the bonds. In addition, the city may require the posting of a bond securing to the city the successful operation of improvements for up to two years after final approval.

B. All bonded improvements shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of the improvements.

17.08.030 – Monumentation.

A. All front and rear corners shall be set with monuments, except as provided in subsection B of this section.

B. All monuments for the exterior boundaries of the subdivision shall be set and referenced on the plat prior to plat recording. Interior monuments need not be set prior to recording if the developer certifies that the interior monuments shall be set within ninety days of final subdivision construction inspection by the city, and if the developer guarantees and certifies the interior monumentation.

17.08.040 - As built drawings.

Upon completion of the installation of all infrastructure improvements, two copies of infrastructure as built plans signed by the project engineer, and a digital file of the drawings shall be filed with the city. The maps shall show information required by the public works coordinator, but not limited to location of all utilities, sewer grades, manholes, fire hydrants, storm sewer main size and location, and catch basin location. The city shall withhold final acceptance of the utility installation until the as built drawings are filed.

Chapter 17.12 PROCEDURES

17.12.010 - Purpose and intent.

This chapter describes the procedures for the relocation of lot lines, creating new lots, or abandoning existing easements that are subject to review under this title. The intent is to describe the framework of the various types of development applications, process and criteria for review, and the timeframe for review and approvals. The development review process for land division applications, including noticing and appeals, shall follow the development review process described in Chapter 18.20 of the Chewelah Zoning Ordinance. In addition, the intent of this chapter is to ensure that the requirements of the city's Municipal Code are met and that the goals and policies of the Chewelah comprehensive plan are achieved. Furthermore, the intent is to integrate the development review process with the State Environmental Policy Act (SEPA) review as well as to provide for consolidated development review wherever possible, in order to avoid duplication and delay.

17.12.020 - General provisions.

A. Unless otherwise required, where the city must review more than one application for a given development, all applications required for the development should be submitted for review at one time. The applicant must demonstrate that concurrent reviews are not possible and bear all costs of separate review.

B. Where more than one application is submitted for a given development, and those applications are subject to Type II and Type III procedures, then all the applications are subject to the highest number procedure that applies.

17.12.030 - Lot line adjustments.

A. Purpose and Intent. The purpose of a lot line adjustment is to allow for minor changes in the configuration of property lines.

B. Review Process. Any person, firm, or corporation may make application for lot line adjustment by submitting a letter of request to the city. A lot line adjustment application shall include the following and shall be submitted to the building official:

1. A map which clearly depicts the existing (with heavy broken lines) and proposed (with heavy solid lines) property configuration, including all lot line dimensions and distances to all existing structures;
2. A legal description of the existing and proposed property configuration, prepared by a licensed professional land surveyor or attorney;
3. A complete application with applicable fees in accordance with the fee resolution adopted by the city council;
4. Written agreement by the owners of all property directly affected by the proposed adjustment.

C. Action by Review Authority.

1. The administrator may approve a lot line adjustment without a public hearing, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:
   a. No new lot shall be created by the proposed lot line adjustment.
   b. Any lot changed by the lot line adjustment shall comply with all of the applicable development standards, such as lot area, lot dimensions and ~~set-backs~~ setbacks in the district in which the property is located. In addition, off-street parking on any lot affected by the lot line adjustment shall not be reduced below the required number of spaces for the use located on the lot.
   c. Any lot change will not adversely affect access, easements, or drainfields.
   d. There shall be no increase in nonconformity of an existing nonconforming aspect of a lot.
   e. Lots, structures, or uses shall not be rendered out of compliance with existing ordinances and codes as a result of the lot line adjustment.
2. Upon issuing a decision on a proposed lot line adjustment, the administrator shall cause to be published in the newspaper of record a notice of decision establishing an appeal process and a time limit within which any appeal to the decision must be filed.

17.12.040 - Short plat.

A. Purpose and Intent. The purpose of a short plat is to provide a simplified process to divide property into four or fewer lots with a level of review that is proportional to the effect those lots may have on the surrounding area.

B. Review Process. Any person, firm, or corporation may make application for a short plat. A short plat application shall include the following and shall be submitted to the building official:

1. Three printed copies and one electronic (PDF) copy of a map, drawn to a scale determined by the city administrator, on eighteen inch by twenty-four inch mylar by a licensed land surveyor which clearly indicates the proposed short plat, with north arrow, date, existing topography, location of critical areas, buildings and easements and the proposed lot configuration, infrastructure, easements, and dedications. In addition, each plat map shall contain the following:
   a. Auditor's certificate;
   b. Surveyor's certificate;
   c. Owner's acknowledgment and notary block;
   d. City planner's signature block.
2. A legal description of the property, including new lots. In the event that the boundaries are described by metes and bounds, the accuracy of the description shall be attested to and signed by a registered land surveyor.
3. The total property owned by the applicant which is contiguous to the parcel being subdivided shall be accurately indicated on the drawing.
4. All adjacent property and owners shall be clearly shown on the drawing.
5. Completed environmental checklist or documentation, if applicable.
6. A complete application, signed by the owner(s) of the property that is the subject of the short plat application, with applicable fees in accordance with the fee resolution adopted by the city council.
7. Other information as determined necessary by the administrator.

C. Action by Review Authority.

1. A short plat shall be subject to a Type I review consistent with Chapter 18.20 of the Chewelah Zoning Ordinance.
2. The administrator without a public hearing may approve a short plat, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:
   a. The proposed short plat is in compliance with the Chewelah comprehensive plan, any requirements of the N.E. Tri-County Health District, and any other such plans developed pursuant to law. In addition, if the property, in part or total, abuts a state highway, the proposed short plat is in compliance with any rules of Washington State Department of Transportation;
   b. The proposed short plat is in compliance with all applicable standards in the Chewelah Zoning Ordinance and this title;
   c. The physical characteristics of the site, including but not limited to topography, soil conditions, or unique natural features such as susceptibility to flooding, wildlife habitat, or wetlands, have been considered in the project design;
   d. The appropriate provisions have been made for dedications, easements, and reservations;
   e. The public use and interest will be served by the subdivision;
   f. The following facilities are adequate to serve the proposed short plat or will be improved concurrent with development of the short plat:
      i. Public and private streets and roads,
      ii. Water,
      iii. Stormwater drainage,
      iv. Sanitary sewage collection and treatment,

v. Schools and educational services,
vi. Fire and police service, and
vii. Pedestrian and bicycle facilities;

g. If applicable, the terms and conditions of the approved subdivision, within which the short plat is located, have been met.

D. Time Limit on Approval of a Short Plat. Approval of a short plat shall be valid for five years, during which time all conditions shall be satisfied and the map recorded at the Stevens county auditor.

E. Prohibition on Further Division. Property in a short plat subdivision shall not be further divided in any manner within a period of five years without the filing of a final plat, except if the short plat contains less than four lots. If the short plat contains less than four lots, the property owner may alter the short plat within the five-year period to create up to a total of four lots within the original short plat boundaries.

17.12.050 - Preliminary subdivision plat.

A. Purpose and Intent. The purpose of a preliminary subdivision plat is to provide a simplified process to divide property into five or more lots with a level of review that is proportional to the effect those lots may have on the surrounding area.

B. Review Process. Any person, firm, or corporation may make application for a preliminary subdivision plat. A preliminary subdivision plat application shall include the following and shall be submitted to the administrator:

1. Three printed copies and one electronic (PDF) copy of a map drawn to scale by a licensed land surveyor, which clearly indicates the proposed preliminary subdivision plat, with north arrow, date, existing topography, location of critical areas, buildings, monuments, markers, boundary lines and easements and the proposed lot configuration, infrastructure, easements and dedications;
2. A legal description of all lands included in the proposed preliminary subdivision;
3. Name of the proposed subdivision, name of the subdivider, and name of the person preparing the preliminary plat;
4. Location of adjacent and adjoining platted areas and subdivisions showing relationships and match to all connecting streets, rights-of-way, utilities and easements;
5. All land which the applicant proposes to subdivide and all land immediately adjacent extending one hundred feet in all directions from the site perimeter;
6. All adjacent land owned by the applicant on which future additional plat applications may be submitted together with general information as to the location and estimated extent of each additional plat which may be submitted;
7. Completed environmental checklist or documentation, if applicable;
8. A complete application form, signed by the owner(s) of the property that is the subject of the application, with applicable fees in accordance with the fee resolution adopted by the city council;
9. A signed agreement by the applicant to reimburse the city for charges incurred for professional engineering review of the preliminary plat;
10. Other information as determined necessary by the administrator.

C. Action by Review Authority.

1. A preliminary subdivision plat shall be subject to a Type II review consistent with Chapter 18.20 of the Chewelah Zoning Ordinance.
2. The ~~planning commission~~ Hearing Examiner may recommend approval of a preliminary subdivision plat, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:

a. The proposed preliminary subdivision is in compliance with the Chewelah comprehensive plan, any requirements of the N.E. Tri-County Health District, and any other such plans developed pursuant to law. In addition, if the property, in part or total, abuts a state highway, the proposed preliminary subdivision is in compliance with any rules of Washington State Department of Transportation.

b. The physical characteristics of the site, including but not limited to topography, soil conditions, or unique natural features such as susceptibility to flooding, wildlife habitat, or wetlands, have been considered in the project design.

c. The proposed subdivision is in compliance with all applicable standards in the Chewelah Zoning Ordinance and in this title.

d. The appropriate provisions have been made for dedications, easements, and reservations.

e. The public use and interest will be served by the subdivision.

f. The following facilities are adequate to serve the proposed subdivision or will be improved concurrent with development of the preliminary plat:
   i. Public and private streets and roads;
   ii. Water;
   iii. Drainage;
   iv. Sanitary waste collection and treatment;
   v. Schools and educational services;
   vi. Fire and police service; and
   vii. Pedestrian and bike facilities.

g. If phasing is proposed:
   i. The phasing plan includes all land within the preliminary plat;
   ii. Each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with requirements established for the entire plat; and
   iii. All road improvements requirements are assured.

3. Upon receipt of the ~~planning commission's~~ Hearing Examiner's recommendation of any preliminary plat, the city council shall at its next meeting set the date for a public decision meeting where it shall consider the ~~commission's~~ Hearing Examiner's recommendation based on the record established at the public hearing. If the city council deems that a change in the ~~planning commission's~~ Hearing Examiner's recommendation is necessary, the city council shall adopt its own recommendation and approve or disapprove the preliminary plat.

D. Time Limit on Approval of a Preliminary Subdivision.

1. Approval of a preliminary subdivision plat shall be valid for four years, during which time an application for a final subdivision meeting all the requirements of Section 17.12.060 and of the preliminary subdivision approval shall be made.

2. The applicant may request a one year extension prior to the expiration of the preliminary approval. The request for extension may be granted by the ~~planning commission~~ Hearing Examiner provided that an attempt in good faith has been made to submit the final plat within the five-year period and that there have been no significant changes to the city's policies or Development Code.

17.12.060 - Final plat.

A. Purpose and Intent. The purpose of a final plat is to ensure that all conditions of the preliminary subdivision plat approval, as well as state law RCW 58.17, have been satisfied prior to the recordation of the map.

B. Review Process. Every final plat document shall include an accurate map of the divided land, based upon a complete survey, including the following information:
   1. All section, including quarter section and quarter quarter section, township, municipal and county lines lying within or adjacent to the land;
   2. The location of all monuments, found or set, or other evidence used as ties to establish the subdivision boundaries. The location of all monuments found and established within the subdivision;
   3. The boundary of the divided land with complete hearings and lineal dimensions;
   4. The length of each block and lot line, together with bearings and other data necessary for the location of any block or lot line in the field;
   5. The location, width and center line of all streets and alleys within and adjoining the subdivision;
   6. The location and width, shown with broken lines, and description of all easements, including a statement of their designated use;
   7. Lot areas in square feet and lot and block numbers where applicable;
   8. Location of all adjoining and adjacent existing plats and unplatted property, indicated by broken lines, together with recording data;
   9. A signed agreement by the applicant to reimburse the city for charges incurred for professional engineering review of the street, water, wastewater and other utility plans as necessary to fulfill conditions of preliminary plat approval and to ensure consistency with city requirements and standards.
   10. Other information as determined necessary by the administrator.

C. Action by Review Authority.
   1. A final plat shall be subject to city council review and approval.
   2. The city council shall approve the final plat if all of the following findings of fact can be made in an affirmative manner.
      a. The final plat meets the requirements of Chapter 58.17 RCW, other applicable state laws, and all requirements for plat approval in this title.
      b. The final plat has met all the conditions and conforms to all terms of the preliminary approval.
      c. The Stevens County treasurer certifies that all taxes and delinquent assessments for which the property may be liable have been duly paid, satisfied or discharged.

D. Approval and Recordation.
   1. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances, and regulations in effect at the time of approval under RCW 58.17.150(1) and (3) or as amended.
   2. The final plat shall be filed with the Stevens County auditor upon receipt of the county's filing fee from the applicant.

17.12.070 - Vacation and alteration.

A. Purpose and Intent. Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner(s), unless the plat or other document creating the dedicated easement provides for an alternative method(s) to vacate or alter the easement. The purpose of a vacation and alteration procedure is to allow for the deletion or alteration of a dedicated right-of-way or easement.

B. Action by Review Authority.
   1. A vacation or alteration shall be subject to a Type III review consistent with Chapter 18.20 of the Chewelah Zoning Ordinance.

2. The ~~planning commission~~ Hearing Examiner may recommend approval of a vacation or alteration request, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:
   a. The alteration to the previously approved subdivision is in compliance with the Chewelah Comprehensive Plan and the Zoning Ordinance.
   b. The public use will be served by the alteration to the previously approved subdivision.
   c. Adequate provision for easements and dedications to accommodate utilities and public facilities ~~have~~ has been made.
   d. If any land within the alteration is part of an assessment district, any outstanding assessment shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration.
3. The council shall hold an open record hearing for the purpose of taking testimony, hearing evidence, considering the facts, evaluating the proposal for consistency with this title and other applicable laws, plans, and regulations, and considering the ~~commission~~ Hearing Examiner's recommendation.

C. Approval and Recordation. After approval of an alteration request, a revised plat shall be filed with the Stevens County auditor upon receipt of the county's filing fee from the applicant.

17.12.075 - Binding site plan.

A. Purpose and Intent. The procedures regulating binding site plans are established in accordance with RCW 58.17.100 for the purpose of:
   1. Providing an alternative procedure for the orderly and efficient division of land into lots for the purpose of lease or sale for industrial or commercial uses of the land (upon which no residential structures will be placed) when more than one principal building is to be constructed on one lot of record.
   2. Providing the sole and mandatory procedure for the orderly and efficient division of land into lots for the purpose of lease for mobile homes or recreational vehicles; and
   3. Promoting the general health, safety and welfare.

B. Definitions.
   1. Binding site plan: A drawing to scale depicting lots for sale, lease or transfer of property and property rights from one person, firm or corporation to another as well as a developer agreement. A binding site plan identifies and shows the location of all improvements of streets, roads, utilities, open spaces and other information has required by this chapter.

C. Applicability. The binding site plan process and procedures specified in this chapter may only be used for the following:
   1. The division of land for the sale or lease of commercially or industrially zoned property (upon which no residential structures will be placed) when more than one principal building is to be constructed on one lot of record. The binding site plan process is an alternative method of subdividing commercial or industrial property.
   2. The division of land for the purposes of leasing lots for mobile homes or recreational vehicles. The binding site plan process is the sole and mandatory method of subdividing land for the purpose of leasing lots for mobile home or recreational vehicles.

D. Application for Binding Site Plan.

1. Binding site plan applications and maps shall be submitted to the building official on forms prescribed by the planning department and shall contain the following:

   a. All documents, maps and survey notes shall clearly show the name of the binding site plan, the name(s) of the applicant(s) and the name of the registered land surveyor responsible to the applicant(s).

   b. The title shall include the type of binding site plan (commercial, industrial, mobile home park or recreational vehicle park) and read as follows:

(TYPE OF) BINDING SITE PLAN
OF
(NAME OF PLAT OR SHORT PLAT)
A RECORD OF SURVEY

   c. The lines and names of all existing or platted streets or other public ways, parks, playgrounds, easements and dedications, including municipal boundaries, township lines and section lines adjacent to or within the binding site plan.

   d. The names, locations and purposes of all existing and proposed easements.

   e. The location and dimensions of all existing and proposed water and sewer mains, public or private, and all existing and proposed streets and rights of way to be held privately or dedicated to the city.

   f. Parking areas, loading areas and landscaping areas.

   g. The location of all access points which access a public street or right-of-way.

   h. Block and lot locations including dimensions and number or letter designations.

   i. The length and bearings of all straight lines, curve radii, arcs and semi-tangents of all curves.

   j. All dimensions along the lines of each lot with the true bearings and also any other data necessary for the location of any lot in the field.

   k. Suitable primary control points, approved by the building official, or descriptions and ties to such control points, to which all dimensions, angle bearings and similar data given on the plan shall be referred.

   l. The location of all permanent monuments, property corners and lot corners.

   m. The names of all immediately adjacent subdivisions.

   n. The date, true north point, scale, datum plane and date of survey.

   o. The boundary of the binding site plan, the courses and distances marked thereon, as determined by a field survey made by a registered and qualified land surveyor of this state, and with an allowable error not to exceed one foot in five thousand feet.

   p. The elevation of all permanent monuments based on datum plane approved by the building official.

   q. Certification by a registered land surveyor of the accuracy of the binding site plan map and survey.

   r. Location and dimensions of all irrigation water rights of way.

   s. All linear dimensions shall be given in feet and decimals of a foot to the nearest hundredth.

t. The scale of the binding site plan shall not be more than one hundred feet to the inch. Except that the building official, subject to a request prior to binding site plan submittal, may approve an alternative binding site plan map scale not to exceed one hundred feet to the inch.

u. If the binding site plan is a redivision or amendment to or alteration of an existing binding site plan, the parcels or lots of the preceding binding site plan shall be shown by dotted lines in their proper position in relation to the new arrangement of the binding site plan, the binding site plan being so clearly shown in solid lines to avoid ambiguity.

v. The applicant's land surveyor shall set all required monuments and shall stake all lot corners as shown on the binding site plan before the binding site plan is submitted for approval.

w. A vicinity map at a scale not more than four hundred feet to the inch. Except that the building official, subject to a request prior to plat submittal, may approve an alternative vicinity map scale exceeding four hundred feet to the inch. The vicinity map shall show all adjacent parcels. It shall show how the streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions or unplatted property to produce an advantageous development of the entire neighborhood.

x. The street address for the binding site plan will be assigned by the building official.

y. United States Bureau of Reclamation horizontal and vertical including bench marks.

2. Any deed restrictions or covenants existing or proposed shall be described and drawn on the binding site plan map and/or in the other documents submitted with the binding site plan application and map.

3. The applicant shall submit all parcel and boundary closures to the building official at the time the applicant submits the binding site plan map and application.

4. The binding site plan application shall be accompanied by the following:

a. A plat certificate from a title company licensed to do business in the State of Washington and dated within thirty days of the date of submitting the binding site plan application to the building official confirming that the title of the land as described and shown on the binding site plan is in the name of the owners signing the binding site plan and the developer agreement.

b. A certificate from the Stevens County Treasurer indicating that all taxes and assessments on the land and improvements included in the binding site plan have been paid according to the provisions of RCW 58.08.030 and RCW 58.10.040 as now enacted or hereafter amended.

c. All easements and covenants proposed to run with the land.

d. A completed SEPA Environmental Checklist as required by law.

e. A non-refundable filing fee as provided in the city's fee schedule.

5. The binding site plan application shall also be accompanied by twelve copies of the binding site plan and map.

E. Binding Site Plan Conditions and Requirements.

1. General Requirements—All Building Site Plans:

a. Binding site plans shall be filed as a record of survey in the Stevens County auditor's office.

b. The binding site plan shall connect to municipal utilities (sewer and water) in the existing dedicated streets that adjoin the binding site plan, drainage ways, and other public ways, or municipal improvements shall be provided in conformance with the city standards in effect at the time of the binding site plan approval.

c. The binding site plan shall front on an existing dedicated street. There shall be adequate access to a public way from all lots within the binding site plan. Existing dedicated streets shall be improved to the city standards. Private streets shall have direct access onto a dedicated street.

d. The binding site plan shall comply with all applicable zoning and health regulations, including but not limited to those regulations set forth in the Chewelah Zoning Ordinance.

e. The binding site plan shall be consistent with the City Comprehensive Plan.

f. The binding site plan shall conform with the requirements and standards set forth in Section 17.03.050 of the Chewelah Municipal Code. The requirements and standards set forth in said chapters shall be applicable to each and every binding site plan. A binding site plan shall be considered a subdivision for the purposes of those chapters.

g. The binding site plan shall provide for irrigation water rights-of-way pursuant to RCW 58.17.310 as now enacted or hereafter amended.

h. Environmental information shall be prepared and submitted in accordance with the guidelines established under the State Environmental Policy Act of 1971, as amended. Said information is a part of and must accompany the binding site plan application.

i. A binding site plan shall be processed simultaneously with the application for platting, rezones, variances, planned unit developments, site plan approvals and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing.

j. The binding site plan shall contain provisions making all development conform to the binding site plan.

k. Requests for alteration of an approved binding site plan shall be submitted to the building official. Minor revisions to the binding site plan may be approved by the building official. Minor revisions include a lot line adjustment. The amended binding site plan shall be processed subject to all the procedures and requirements of this chapter.

2. General Requirements—Commercial or Industrial Binding Site Plans.

a. A commercial or industrial binding site plan authorizes a sale or transfer of a lot within the binding site plan. The binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot within the binding site plan. The sale or transfer of such lot in violation of the binding site plan, or without obtaining a binding site plan approval, shall be considered a violation of Chapter 58.17 RCW and may be restrained by injunctive action or such other action as is allowed by law or equity. The sale or other transfer of ownership of a lot of a commercial or industrial binding site plan shall be filed as a record or survey in the Stevens County auditor's office.

b. A commercial or industrial binding site plan shall make adequate provisions for public streets, roads, rights-of-way, other public ways, curbs, gutters, sidewalks, street lighting circuits, alleys, transit stops,

irrigation rights-of-way, the extension of municipal utilities, including water and sewer services, and any other municipal improvements deemed necessary in conformance with the city standards in effect at the time of the approval of the binding site plan application.

c. All lots within a commercial or industrial binding site plan shall have direct access to a public street. Street lighting shall be provided.

3. General Requirements—Mobile Home and Recreational Vehicle binding site plans:

a. Mobile home and recreational vehicle binding site plans shall authorize the leasing of lots therein but shall not authorize the sale or transfer of ownership of a lot within the binding site plan.

b. All improvements (i.e. all water services, fire lines, sewers, private access streets) within the mobile home or recreational vehicle park binding site plan boundaries shall be privately held and maintained by the property owner(s)/applicant(s). The binding site plan shall make adequate provision for internal private access streets, curbs, gutters, sidewalks, street lighting circuits and alleys. The binding site plan shall make provisions for adequate easements within the binding site plan for major municipal utility lines.

4. Specific Conditions and Requirements—All Binding Site Plans:

a. Pre-application conference. Prior to submission of a binding site plan application and map, the applicant or the applicant's representative shall schedule a pre-application conference with the building official.

i. The building official will coordinate the conference with the representatives of other affected city departments.

ii. The applicant shall present a conceptual idea of the binding site plan.

iii. The building official and representatives of affected city departments shall respond informally and address potential items of concern to aid the applicant in preparing the binding site plan.

b. The binding site plan shall contain the legal description of the land within the binding site plan and the following declaration, acknowledgment and endorsement statements shall appear in the following sequence in black permanent ink either by hand or mechanical device:

Legal Description:

_____

_____

Declaration:

The owner in fee simple of the land herein described is_____. The owner does hereby establish a binding site plan of the purpose of lease or sale of portions thereof, pursuant to RCW Chapter 58.17 and Title 17 of Chewelah Municipal Code and that the undersigned declares that development of the property herein described shall conform to all inscriptions contained hereon.

_____

Signature Date

_____

Signature Date

Acknowledgment

State of Washington
County of Stevens

I certify that I know or have satisfactory evidence that _____ signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated:_____

_____
Signature of Notary Public
My appointment expires:_____

Land Surveyor's Declaration:
I hereby certify that this Binding Site Plan is a true and correct representation of the land actually surveyed.

I hereby declare that the Binding Site Plan _____, the heretofore described tract of land, is based upon an actual survey and that all the distances and courses shown thereon are correct to the best of my knowledge, information and belief and that I have fully complied with the provisions of the statutes and platting regulations.

_____
Professional Land Surveyor
Certificate No. _____

Approvals:
Examined and approved by the Chewelah ~~Planning Commission~~ Hearing Examiner on _____.

_____
City Administrator

Assessor's Certificate:
Examined and approved by the Stevens County Assessor.

_____ _____
Stevens County Assessor Date

Treasurer's Certificate:
This is to certify that all year taxes and assessments where are now due and payable according to the records of Stevens County have been fully paid.

_____ _____
Stevens County Treasurer Date

Auditor's Certificate:
Filed for the record at the request of the City of Chewelah this _____ day of _____, 20_____, in Volume _____ of the Book of Surveys, on page _____, records of Stevens County, Washington.

_____ _____
Stevens County Auditor Deputy Auditor

F. Review by ~~Planning Commission~~ Hearing Examiner.

1. A binding site plan shall be subject to a Type II review consistent with Article V of the Chewelah Zoning Ordinance.
2. The ~~Planning Commission~~ Hearing Examiner may approve a binding site plan, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:
   a. The proposed binding site plan is in compliance with the Chewelah Comprehensive Plan, and requirements of the NE Tri-County Health District and any other such plans developed pursuant to law. In addition, if the property, in part or total, abuts a state highway, the proposed Binding
   Site Plan is in compliance with any rules of the Washington State Department of Transportation.
   b. The physical characteristics of the site, including but not limited to topography, soil conditions or unique natural features, such as susceptibility to flooding, wildlife habitat or wetlands, have been considered in the project design.
   c. The proposed binding site plan is in compliance with all applicable standards in the Chewelah Zoning Ordinance and in this title.
   d. The appropriate provisions have been made for dedications, easements and reservations.
   e. The public use and interest will be served by the binding site plan.
   f. The following facilities are adequate to serve the proposed binding site plan or will be improved concurrent with development of the binding site plan:
      i. Public and private streets or roads
      ii. Water
      iii. Drainage
      iv. Sanitary waste collection and treatment
      v. Schools and educational services
      vi. Fire and police service
      vii. Pedestrian and bike facilities.
   g. If phasing is proposed:
      i. The phasing plan includes all land within the binding site plan.
      ii. Each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with requirements established for the entire plat.
      iii. All road improvements requirements are assured.
3. ~~Planning Commission~~ Hearing Examiner approval of the binding site plan shall be valid for a period of one year from the date of approval.

G. Final Filing and Recording Fees—Developer Agreement.

1. Upon approval of the binding site plan by the ~~planning commission~~ Hearing Examiner, the applicant shall pay the appropriate fees to record the approved binding site plan with the Stevens County auditor.
2. Upon approval of the binding site plan by the ~~planning commission~~ Hearing Examiner, the developer shall sign and submit to the city a developer agreement acceptable to the city administrator which: (1) dedicates to the City all streets required to be dedicated to the City as a condition of the binding site plan approval; (2) grants to the City all easements required to be granted as a condition of binding site plan approval; (3) describes and shows the precise location of all granted easements and dedicated streets; (4) imposes an obligation on the applicant to install and construct, or post a bond or cash equivalent for, all utility and street improvements required as a condition of the binding site plan; and (5) sets forth any other conditions of binding site plan approval. The signature of the applicant shall be notarized. The approved binding site plan shall not be signed by the city administrator or filed for record with the Stevens County auditor's office until such signed and acceptable developer agreement is received by the city.

H. Recording Requirements.

1. Upon receipt of all required final fees and an acceptable and signed developer agreement, the approved binding site plan and the developer agreement shall be signed by the city administrator. The city administrator's signature on the developer agreement shall be notarized.
2. The building official shall transmit the original developer agreement and three Mylar copies of the binding site plan to the Stevens County auditor for final filing and recording. One reproducible conformed copy of the binding site plan shall be retained by the building official. One conformed copy of the binding site plan shall be returned to the applicant. The applicant shall make twelve paper copies of the conformed Mylar copy and submit them to the building official.
3. Any record of survey filed as a binding site plan which does not bear the signature of the city administrator is not a valid binding site plan and shall not confer any rights or privileges upon the property or its owners.
4. Once the binding site plan and developer agreement are filed for recording with the Stevens County auditor's office, the binding site plan and developer agreement shall be binding upon and be enforceable against the applicant, the applicant's heirs and personal representatives, and the applicant's successors and assigns, including any person or entity which obtains an ownership interest in all or any portion of the land within the binding site plan.

I. Certificate of Segregation.

1. Prior to the issuance of any building permit for construction within an approved binding site plan, that portion of the binding site plan for which the building permit is requested must be legally described and receive a certificate of segregation from the city. Said certificate shall insure the segregation of construction complements the approved binding site plan.
2. Approval of the binding site plan shall constitute approval for the binding site plan applicant to develop construction plans and specifications for all on-site street and utility improvements.
3. No building permits or certificates of occupancy shall be issued by the city with respect to any lots or land within an approved binding site plan until all required street and utility improvements have been completed and approved and a one year maintenance bond posted.

J. Improvements.

1. Following the approval of a binding site plan, the applicant shall submit to the building official three complete sets of construction plans and specifications prepared by a professional engineer licensed by the State of Washington showing all street and utility improvements as required by the ~~planning commission~~ Hearing Examiner in approving the binding site plan. The construction plans and specifications shall be accompanied by a plan check fee as per the rate schedule established by the city. All construction plans and specifications shall be in conformance with city standards. Sheet size shall be twenty-four inches by thirty-six inches and shall have a border of one inch on the left margin and one half inch on the remaining three margins. The scale shall be five feet vertically and forty feet horizontally.
2. After the city approves the construction plans and specifications, the applicant shall complete and install all street and utility improvements required by the ~~planning commission~~ Hearing Examiner in granting approval of the binding site plan within one year of the date upon which the city approves the construction plans and specifications. A one year performance or subdivision bond or other security in a form satisfactory to the city attorney shall be required in the amount of one hundred fifty percent of the construction costs as determined by the city. After the street and utility improvements are constructed and approved, a one year maintenance bond shall be required in the amount of one hundred percent of the construction costs as determined by the city.
3. In the event that all street and utility improvements are not completed within one year of the date upon which the city approves the construction plans and specifications, the bond or security may be forfeited and the city may undertake the installation and completion of all required street and utility improvements. In the alternative, the city administration may grant one extension of the performance or subdivision bond or security for a period not to exceed one (1) year, provided that the request for an extension is filed with the building official at least sixty days prior to the expiration of the bond or security. If the request for a time extension is granted, a new performance or subdivision bond or security shall be submitted in an amount sufficient to cover one hundred fifty percent of the cost of completing street and utility improvements. The bond will be updated with new estimates of costs on all uncompleted improvements and all increased costs shall be passed onto the bond. If these increased costs are not accepted by the surety, then the city will foreclose on the bond and the binding site plan will be held in abeyance. Departments issuing recommendations for new performance or subdivision bonds or other approved security shall not modify the terms and requirements of the bond or security other than to pass on all increased cost estimates as determined by the city to the bond or security to cover the cost of completing utility and street improvements without the written consent of the applicant. After the street and utility improvements are constructed and approved, a one year maintenance bond shall be required in the amount of one hundred percent of the construction costs as determined by the city.
4. The city or a licensed professional engineer or engineering firm hired by the city shall be responsible for the inspection of all street and utility improvements to insure conformance with the approved plans and specifications.

K. Sale or Lease of Lots. No lots within a binding site plan may be sold or leased until the approved binding site plan and the signed developer agreement are recorded by the Stevens County auditor's office.

L. Vested Rights. A binding site plan shall be governed by the terms of approval of the binding site plan. Lots in a binding site plan filed for record shall be a valid land use, notwithstanding any change in zoning laws, for a period of five years from the date of filing.

M. Appeals. Any decision approving, approving with conditions or disapproving any binding site plan may be appealed to the Chewelah City Council in accordance with the provisions of the Chewelah Municipal Code.

17.12.080 - Timeframes.

A. The review authority shall approve or deny a development proposal within the following timeframes from the date of the letter of completeness:
   1. Thirty days for short plats;
   2. Ninety days for preliminary subdivision plats;
   3. One hundred twenty days for other types of applications.

B. Exceptions to this include:
   1. Projects requiring amendments to the comprehensive plan or Zoning Ordinance.
   2. Any time required to correct plans, perform studies or provide additional information, provided that within fourteen days of receiving the requested additional information, the administrator shall determine whether the information is adequate to resume the project review.
   3. Substantial project revisions made or requested by an applicant, in which case the one hundred twenty days will be calculated from the time that the city determines the revised application to be complete.
   4. All time required for the preparation and review of an environmental impact statement.
   5. Projects involving the siting of an essential public facility.
   6. An extension of time mutually agreed upon by the city and the applicant.
   7. All time required to obtain a variance.
   8. All time required for an appeal of a determination of significance.

17.12.090 - Appeals.

Any applicant or party of record may appeal a decision made on a land division application in accordance with Section 18.20.050 of the Chewelah Zoning Ordinance.

17.12.100 - Penalty for violation.

A. No land comprising any part of a proposed short subdivision or subdivision to be established in the city shall be sold or leased until such short subdivision or subdivision has been approved as provided by this title.

B. A civil regulatory order may be issued and served upon a person if any activity by or at the direction of that person is, has been, or may be taken in violation of this title of the Chewelah Municipal Code.

C. A person who violates any provision of this title, or who fails to obtain any necessary approvals, or who fails to comply with a civil regulatory order shall be subject to a civil fine of not more than five hundred dollars and/or not more than three days in jail for each violation.

D. Each sale or lease that is not in compliance with this title shall constitute a separate and distinct offense. In addition, each separate day shall constitute a separate violation.

SECTION 7: Title 18 of the Chewelah Municipal Code is hereby amended. (Deletions are denoted by strikeout; Additions are denoted by underline; Remaining text is unchanged.) Amended Title 18 reads as follows:

18 ZONING
18.04 Introductory Provisions
18.08 Zones
18.12 Supplementary Standards
18.16 Applications
18.20 Administration
Appendix A Figures
Appendix B Procedural Flow Charts

Chapter 18.04 INTRODUCTORY PROVISIONS

18.04.010 - Title.

The provisions of this ordinance and amendments to it shall be known and may be cited as "The Chewelah Zoning Ordinance, Title 18 of the Chewelah Municipal Code."

18.04.020 - Purpose and intent.

A. Title 18 is adopted for the purpose of promoting the health, safety, convenience, comfort, prosperity and general welfare of the city's population. In addition, the purpose of the ordinance is to promote an orderly, compatible use of land and to implement the city's growth in compliance with the provisions and objectives of the comprehensive plan and RCW Chapter 36.70 and RCW Chapter 36.70A as now or hereafter amended.

B. The specific zones and regulations are designed to facilitate adequate provision of utilities, schools, parks, and housing with essential light, air, privacy, and open space; to lessen congestion on streets and facilitate the safe movement of traffic; to stabilize and enhance property values; to prevent the development of slums and overcrowding of land; and to safeguard the community's economic structure. In so doing, the intent is to ensure the safety and security of home life, and to create and preserve a more healthful, serviceable and attractive municipality and environment in which to live.

C. To most effectively accomplish these purposes, this title divides the city into zones and establishes development standards in accordance with the comprehensive plan. These zones and regulations are deemed necessary and are made with consideration to the character of each zone and its particular suitability for specific uses, the need for such uses, the common rights and interests of all within the zone as well as those of the general public, and with the view of conserving and encouraging the most appropriate use of land throughout the city.

18.04.030 - General provisions.

A. All structures erected within the limits of Chewelah, after securing all required permits and licenses, shall be erected in compliance with the provisions of this title. No building, structure, or land shall be used and no building or structure shall be erected, altered, enlarged, or relocated which is designed, intended to be used, or used for any use other than that set out or allowed in this title.

B. In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Whenever the requirements of this title differ from the requirements of any of the lawfully-adopted rules, regulations, ordinances, or deed restrictions, the most restrictive or that imposing the higher standards to be met prior to a land use being permitted shall govern.

C. Any building, structure or use lawfully existing at the time of passage of the ordinance codified in this title, although not in compliance, may be continued as provided for in this title.

D. Except where specifically defined herein, all words used in this title shall carry their customary meanings. Words used in the present tense include future, and the singular includes the plural; the word "shall" is always mandatory, the word "may" is permissive and denotes the use of discretion in making a decision, subject to the judgment of the administrator of said ordinance.

E. Where the official city street and highway map shows a future width greater than the dedicated width, setbacks shall be measured from the proposed future street width line.

18.04.040 - Definitions.

The following definitions are provided to aid in the understanding and interpretation of the provisions of this title. Terms that are not specifically defined below are to be understood according to the common meaning in use in the city, as interpreted by the administrator of the ordinance codified in this title.

"Accessory use or structure" means a use or structure or part of a building or structure or use that is incidental and subordinate to a principal use or structure and located on the same lot.

"Administrator" means the city administrator or his/her designee.

"Adult family home" means a dwelling in which person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the care.

"Alley" means a public right-of-way which affords a secondary means of access to abutting properties and access to any public utilities that may be located within the right-of-way.

"Alteration(s)" means any change or rearrangement of the structural parts of existing facilities, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another. In nonresidential buildings the installation or rearrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration.

"Amusement enterprises" means establishments engaged in providing entertainment for a fee and including but not limited to billiard tables, penny arcades, miniature golf courses, bowling facilities, skating areas, dancing areas, archery ranges, ice rinks and boxing arenas.

"Anadromous fish" means fish species that originate in freshwater, mature in the ocean, and then return to freshwater to spawn and die.

Animal Farm, Small. "Small animal farm" means any lot or premises on which four or more fowls, chinchillas, rabbits, and/or other small animals are kept primarily for breeding and/or commercial purposes, but excluding kennels.

Apartment House. See "Dwelling, Multiple-Family."

Area, Building. "Building area" means the total ground coverage of a building or structure which provides shelter measured from the outside of its external walls or supporting members.

Area, Site. "Site area" means the total horizontal area within the property lines excluding external streets.

"Auto wrecking yard, junkyard" means a lot, land, open space, or structure, or part thereof, which is used for baling, buying, collecting, disassembling, exchanging, handling, packaging, salvaging, selling, or storing of waste, used, or secondhand materials such as wastepaper, scrap iron, rags, rubber tires, bottles, or discarded material, including but not limited to parts of machinery or vehicles not in running condition. A "junkyard" includes an auto wrecking yard, but does not include uses established entirely within an enclosed building.

"Basement" means any floor level below the first story of a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

"Beehive" means a shelter for a colony of bees.

"Boardinghouse" means a dwelling unit or part thereof in which, for compensation, lodging and meals are provided; personal and financial services may be offered to boarders as well.

"Breezeway" means a roofed, open sided or screened passageway connecting two structures.

"Building" means any structure for the shelter or enclosure of persons, animals or property of any kind.

"Building height" means the vertical distance from the average finished grade of a building site to the highest point of the structure or building, excluding chimneys and steeples (see Figure 1 in Appendix A at the end of this title).

"Building official" means the individual designated by the appointing authority to enforce the provisions of the building code.

"Carport" means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides.

"Carwash" means a building or portion of a building or a place in which cars are washed, waxed, and/or vacuumed by automatic or manual mechanical devices.

"City" means the city of Chewelah, Washington.

"Clear view triangle" means a triangular area on the corner of all lots surrounding the intersection of two streets where for safety reasons, landscaping, fences, or structures must be designed and maintained to permit clear vision of approaching traffic (see Figure 2 in Appendix A at the end of this title).

"Clinic" means a building or portion of a building containing offices designed and used for providing dental, medical, psychiatric, or surgical diagnosis and/or treatment services for outpatients only under the care of doctors and nurses.

~~"Commission" means the Chewelah planning commission~~.

"Comprehensive plan" means any plans, maps, or reports, or combination thereof adopted by the council pursuant to RCW Section 36.70 or 36.70A, relating to the growth, development, or redevelopment of Chewelah.

"Conditional use permit" means a permit that runs with the land, is either temporary or for a specified time, and is reviewed as a Type I or Type II process that will allow uses in a particular zone based on a showing that the use will comply with all the conditions and standards as specified in this title and authorized by the review authority.

"Council" means the Chewelah city council.

"Critical areas" means and includes the following areas and ecosystems: (a) wetlands, (b) areas with a critical recharging effect on aquifers used for potable water, (c) habitat conservation areas, (d) frequently flooded areas, or (e) geologically hazardous areas.

"Critical area buffer" means an area that surrounds and protects a critical area from adverse impacts to the functions and values of the resource.

"Child day care center" means a facility providing for the care of thirteen or more children. A child day care center shall not be located in a private residence unless a portion of the residence where the children have access is used exclusively for the children during the hours the center is in operation or is separate from the usual living quarters of the family.

"Development activities" means developing or extending utilities to the property; cutting or clearing of vegetation or trees other than for property maintenance and safety; moving or filling of earth or other activities that would lead towards building.

"Domestic fowl" means chickens, ducks, geese, pigeons and doves.

"Driveway" means a developed area leading to a garage or carport or a semicircular area that has been surfaced with at least four inches of crushed rock or gravel, or paved with concrete or asphalt of similar material.

"Dwelling unit" means one or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping, and bathroom facilities for use by its occupants. House trailers, campers and similar vehicles not complying with the city building code or ordinance shall not be considered a dwelling.

Dwelling, Duplex. "Duplex dwelling" means a structure or structures containing two dwelling units.

Dwelling, Multiple-Family. "Multiple-family" means a structure or structures containing three or more dwelling units.

Dwelling, Single-Family. "Single-family dwelling" means a structure containing one dwelling unit.

"Essential public facility" means facilities needed for the health, safety, and general welfare of the community, such as public service and utility buildings including libraries, fire and police stations, telephone exchanges, regulator and electric substations, pumping stations, and other similar uses.

"Exotic animals" means species of animals, including but not limited to the class Mammalia, whose members exist in a wild state.

"Family" means an individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

"FIRM map" means The Federal Insurance Rate Map (FIRM) which is the official map on which the Federal Insurance Administration has delineated both the area of special flood hazards and the risk-premium zones applicable to the community.

"Floodplain" means the channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater as designated on the FIRM Map.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area, Gross. "Gross floor area" means all floor area within the exterior walls of the building including area in halls, storage, and partitions, but excluding furnace and similar utility space used solely to maintain the building for occupancy.

Floor Area, Net. "Net floor area" means the total usable area, in square feet, of a building, measured by subtracting stairways, elevators, and mechanical space from the gross floor area of a building.

"Floor area ratio (FAR)" means the ratio of the gross floor area of all buildings on a lot divided by the lot area.

"Geologically hazardous areas" means an area that is not suited for development because of its areas susceptibility to erosion, sliding, earthquakes, or other geological events hazardous to public health and safety.

Garage, Private. "Private garage" means a structure that is accessory to a residential building or on a residential lot and that is used for the parking and storage of vehicles, excluding vehicles over one ton capacity, owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

Garage, Public. "Public garage" means a structure, or portion of a structure, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

"Habitat conservation area" means and includes (a) areas with which species designated as endangered, threatened, and sensitive under Section 7 of the Endangered Species Act have primary association; (b) habitats and species of local importance; (c) naturally occurring ponds under twenty acres and their submerged aquatic beds that provide wildlife habitat; (d) waters of the state; and (e) state natural area preserves and natural resource conservation areas.

"Hazardous waste" means all dangerous and extremely hazardous waste as defined in RCW Section 70.105.010(15), except for moderate-risk waste as set forth in RCW Section 70.105.010(17).

Hazardous Waste Treatment and Storage Facility, On-Site. "On-site hazardous waste treatment and storage facility" means treatment and storage facilities which treat and store hazardous wastes generated on the same property. This activity is always the accessory use to a primary activity on the property.

Hazardous Waste Treatment and Storage Facility, Off-Site. "Off-site hazardous waste treatment and storage facility" means treatment and storage facilities which treat and store hazardous wastes generated on properties other than those on which the off-site facilities may be located. This use is always the primary use of the property.

"Hazardous waste storage" means the holding of hazardous waste for a temporary period. Accumulation of hazardous waste by the generator on the site of generation is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

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

"Hearing Examiner" means an appointive officer who acts in a manner similar to a judge to hear and decide upon land development project applications and/or administrative appeals of land use decisions. Hearing Examiners are professionally-trained to make objective quasi-judicial decisions supported by an adequate record.

"Home occupation" means any activity conducted for financial gain or profit in a dwelling unit, which is not generally or customarily characteristic of activities for which dwelling units are intended or designed. Such activity is clearly incidental or secondary to the residential use of a dwelling unit, and is conducted only by persons residing in the dwelling unit.

"Hotel" means a facility offering transient lodging accommodations to the general public and having six or more guest rooms. Additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities may be provided.

"Inherently dangerous animals" mean any animal that, by its nature, poses a substantial risk to humans or livestock by poisoning, mauling, biting or otherwise exhibiting predatory, territorial or defensive behavior. These may include, but are not limited to, varieties of snakes, wild cats, bear, amphibians, insects and hybrids of wild and domestic dogs.

"Keeping of livestock" means the regular or occasional use of land for the feeding, pasturing and boarding of livestock. This does not include the transient housing of livestock associated with veterinary offices or animal hospitals.

"Kennel" means any building or lot on which four or more dogs or cats over four months of age are kept for commercial or noncommercial purposes.

"Landscaping" means an expanse of natural scenery, including lawns, trees, plants, and other natural materials, such as rocks, and decorative features and amenities, such as planters, benches, and walkways.

"Livestock" means any animal of the species of steer, cow, horse, mule/donkey, llama, ox, goat, sheep, swine (pigs and hogs), domestic fowl, rabbit, exotic animal, primate or any other animal of similar nature or size.

"Lot" means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon (see Figure 3 in Appendix A at the end of this title).

Lot, Corner. "Corner lot" means a lot abutting two or more streets at their intersection or at two parts of the same street forming an interior angle of less than one hundred thirty-five degrees.

"Lot coverage" means the percentage of the total lot area covered by all principal and accessory structures, excluding eaves, cornices, sills and similar extensions.

Lot, Inside or Interior. "Interior or inside lot" means a lot other than a corner lot and fronting on one street.

"Lot depth" means the horizontal distance between the front and rear property lines measured on a line approximately perpendicular to the fronting street and midway between the side property lines.

"Lot width" means the horizontal distance between the side property lines measured at a right angle to the lot depth at a point thirty feet from the front property line.

"Manufactured home" means a single-family dwelling constructed after June 15, 1976 and in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing and bearing the appropriate insignia indicating such compliance.

Manufactured Home, Designated. "Designated manufactured home" means a manufactured home which: (1) is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long; and (2) was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch; and (3) has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family dwellings.

"Minor modification" means any modification to an existing serviceable structure that does not add more than twenty percent to the total structure square footage, in no case shall the increase be greater than four hundred square feet, or adds more than twenty percent to the existing building height.

"Mobile home" means a single-family dwelling transportable in one or more sections that are eight feet or more in width and thirty-two feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976.

"Mobile home park" means a tract of land under single ownership or management of a person, firm, partnership, or corporation for the purpose of locating two or more mobile, manufactured or designated manufactured homes to be occupied as a dwelling.

"Modular home" means a structure constructed in a factory in accordance with the Uniform Building Code and bearing the appropriate insignia indicating such compliance. This definition includes prefabricated, "panelized" and "factory built" units.

Motel, Auto or Tourist Court. "Auto or tourist court motel" means a building or group of buildings on the same lot containing six or more guest rooms, each with a separate entrance, consisting of individual sleeping quarters detached or in connected rows, with or without cooking facilities, rented for compensation to tourists or transients.

"Motor home, camper, travel trailer" means a recreational vehicle used for eating and sleeping that is not considered a dwelling that can be parked temporarily inside of the corporate limits of the city and outside of a trailer court for not more than ninety days total in any consecutive twelve-month period.

"Nonconforming lot" means a lot of record which was lawfully established, existing and maintained at the effective date of the provisions of the ordinance codified in this title but which, because of the application of such ordinance, no longer conforms to the regulations prescribed in this title for the district in which it is located.

"Nonconforming use or structure" means a building, structure, or land use which was lawfully established, existing and maintained at the effective date of the ordinance codified in this title but which, because of the application of such ordinance, no longer conforms to the regulations prescribed in this title for the district in which it is located.

"Nursing home" means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Care may include administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a licensed practitioner of the healing arts. Nothing in this definition shall be construed to include general hospitals in which surgery or obstetrics or both are performed, the care of persons suffering from a mental sickness, mental disorder or ailment.

"Open space" means an unobstructed area from the ground to the sky.

"Overlay district" means a district specifically delineated on the zoning map establishing land use requirements that govern in addition to standards of the base district.

"Parking space" means a space for the parking of a motor vehicle within a public or private parking area.

"Permitted use" means any use allowed in a specified zone and subject to the restrictions applicable to that zone.

"Pets" mean dogs, cats or any other animal kept or bred for the purpose of human companionship. Potbelly pigs and domestic ferrets shall be considered pets.

"Planned development" means an area to be planned, developed, operated, and maintained according to plan as a single entity and containing one or more structures with appurtenant common areas.

"Principal use" means the use for which a lot, structure or building, or the major portion, is designed, intended or actually utilized.

"Residence" means a building or portion thereof designed exclusively as a place of habitation for one or more persons, but excluding dormitories, motels, hotels, tourist homes, hospitals, and rest homes. See "Dwelling unit."

"Restaurant" means an establishment where food and drink are prepared, served, and consumed primarily within the principal building.

"Salmonid" means resembling or characteristic of a salmon; of or belonging to the family salmonidae, which includes salmon, trout, and whitefish.

"Seat" means fixed seat, or each eighteen inches of bench width where fixed benches or pews are provided. Where movable chairs are provided, each fifteen square feet of floor area to be occupied by such chairs shall be considered as a seat.

"Service station" means any building or premises used for the sale of motor vehicle fuel and other petroleum products and automotive accessories, and for the washing, lubrication, and minor repair of automotive vehicles, but not including tire recapping, engine overhauling, body and fender work or painting.

"Setback" means the horizontal distance in feet as measured from a lot line to the nearest vertical point of a structure (see Figure 1 in Appendix A at the end of this title).

"Signs, temporary and/or portable" means any sign that is not permanently secured to the ground or a structure consistent with the uniform sign code. Examples of these signs include: "sandwich board" or "A-frame" signs, easels, letter-boards and reader-board signs mounted on a vehicle normally licensed by the state, signs advertising yard sales, rummage sales, garage sales, or any such event, or banners or pennants not attached to the building or establishment that they advertise.

"Site plan" means the development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, critical resource areas, means of ingress and egress, circulation, utility services, structures, signs, lighting, surrounding development, and any other information that reasonably may be required so that an informed decision can be made by the approving authority.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If a finished floor level directly above an under-floor space is more than six feet above grade for more than fifty percent of the perimeter or is more than twelve feet above grade at any point, such under-floor space shall be considered a story (see Figure 4 in Appendix A at the end of this title).

Story, First. "First story" means the lowest story in a building which qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story provided such floor level is not more than four feet below grade for more than fifty percent of the total perimeter, or not more than eight feet below grade at any point.

"Street" means the entire width within the right-of-way provided for public use for the purpose of vehicular and/or pedestrian traffic and the placement of utilities.

"Structure" means anything constructed or erected which requires a location on the ground or that is attached to something having a location on the ground, but not including fences less than six feet in height, excepting that "structure" for the purposes of applying the regulations prescribed by the flood management overlay district of this title shall mean any walled and roofed building or mobile home that is principally above ground.

"Technical review committee" means a committee of city officials that may consist of the administrator, chief of police, building official, public works coordinator or other official as designated by the administrator. For highly technical material, the administrator is authorized to obtain professional assistance at the cost of an applicant for consideration by the city.

"Towing service establishment" means any building or premises which is used for the indoor or outdoor temporary storage of operable, inoperable, nonrepairable, or abandoned motor vehicles pending delivery to the owner or to a public garage for repair or to a junkyard for salvage; but excluding stripping and salvaging activities and auto wrecking yards for prolonged storage of wrecked motor vehicles.

"Use" means the purpose or activity for which land is zoned or a structure is intended or used.

"Variance" means the means by which an adjustment is made in the strict application of this title to a particular piece of property, which because of peculiar physical characteristics, would be deprived

privileges commonly enjoyed by other properties in the same zone. A variance shall not allow a use in a zone where otherwise prohibited.

"Water dependent use" means a use or portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Water dependent uses may include marinas, water intake systems, and sewer outfalls.

"Water related use" means a use or portion of a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a shoreline location. Water related uses may include fish hatcheries.

"Wellhead protection area" means the surface and subsurface area surrounding a well or wellfield that supplies a public water system through which contaminants are likely to pass and eventually reach the water well or wellfield, as has been designated pursuant to WAC 246-290.

"Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to, irrigation and drainage ditches, grass lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. Wetlands include artificial wetlands intentionally created from nonwetland areas to mitigate conversion of wetland.

"Yard" means an open space situated between lot lines and not covered by buildings, unoccupied and/or unobstructed from the ground upward except as may be permitted by this title (see Figure 3 in Appendix A at the end of this title).

Yard, Front. "Front yard" means an open space extending the full width of the lot between any building and the front lot line.

Yard, Rear. "Rear yard" means an open space extending the full width of the lot between the principal building and the rear lot line, excluding steps and porches.

Yard, Side. "Side yard" means an open space extending the full depth of the lot between any building and the side lot line.

Chapter 18.08 ZONES

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.

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.

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

P = Permitted	C = Conditionally permitted	X = Expressly prohibited

Uses may be affected if property is also an overlay district (see applicable overlay section)

Table of Permitted, Conditionally Permitted, and Prohibited Uses

	R-1	R-1B	R-3	R-B	C-I	APGC	CF
Golf course	C	C	C	X	X	P	C
Keeping of livestock	P	P	P	P	P	P	P
Recreational camps	X	X	X	X	X	C	X
Temporary stands for sale of agricultural products	X	X	X	C	C	C	X
Single-family dwelling (including designated manufactured homes)	P	P	P	X	P(5)	P	X
Detached second unit	P	X	P	X	X	C	X
Duplex	P	X	P	P	P(5)	C	X
Multi-family, 5 units or more	X	X	P	P	P(5)	C	C
Renting rooms	P(4)	C	P(4)	P(4)	X	P(4)	X
Housing for people with functional disabilities	P	P	C	X	X	X	C
Parks, playgrounds, golf course	P	P	P	X	X	P	P
Public/private utilities	C	C	C	C	C	C	C
Commercial nurseries and greenhouses	X	X	X	P(8)	P(8)	X	X
Domestic pets	P	P	P	P	P	P	P
Gardening or fruit raising (1)	P	P	P	P	X	P	P
Home occupation	P	P	P	P	X	P	P
Accessory uses and structures	P	P	P	P	P	P	P
Schools	C(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	C	C	X	C	C
Child day care center	C	C	C	P	X	C	C
Adult family home	P	P	P	C	X	P	P
Essential public service and utility buildings	C	C	C	P	P	C	P
Public garages	X	X	X	P	C	X	C
Telecommunication facilities	X	X	X	P	C	X	P
Temporary uses, including business, contractors, real estate offices	C	C	C	P	P	C	C
Manufactured home park	C(11)	C(11)	C	C	X	X	X
Recreational vehicle park	X	X	X	C	C	P	X
Medical and dental offices	X	X	X	P	P	X	C
Clinic, hospital and convalescent facilities	X	X	C	P	C	X	C
Amusement enterprises	X	X	X	P	P	X	X
Museum, art galleries	C	C	P	C	P	P	P
Automotive showroom and supply store	X	X	X	P	P	X	X
Bakery, candy, ice cream and similar food manufacturing	X	X	X	P	P	X	X
Car or boat sales (new or used)	X	X	X	P	P	X	X
Motorcycle or motor scooter sales and repair	X	X	X	P	P	X	X
Antique stores	X	X	X	P	P	X	X
Catering services	X	X	X	P	P	X	X
Department stores, building supply outlets, floor covering and rug stores	X	X	X	P	P	X	X
Dressmaking and custom tailoring	X	X	X	P	P	X	X
Dry good stores	X	X	X	P	P	X	X
Financial institutions	X	X	X	P	P	X	X
Furniture stores including incidental repair and custom furniture upholstering	X	X	X	P	P	X	X
Restaurants, including drive ins	X	X	X	P	P	X	X
Private clubs, fraternities and lodges	X	X	X	P	P	X	X
Liquor stores, taverns, night clubs	X	X	X	P	P	X	X
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

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.
(11) Subject to Site Plan review and CMC 19.12.090.

18.08.030 - Interpretations.

A. The ~~commission~~ Hearing Examiner shall interpret and rule on the meaning, intent and proper general application of the provisions of this title. Upon written request and as determined necessary, the ~~planning commission~~ Hearing Examiner shall issue a written interpretation within thirty days of receipt of the request by the city. The written interpretation shall concisely identify the issue as well as the reasoning behind the interpretation.

B. The ~~commission~~ Hearing Examiner may permit in a zone any use not specifically described in this title after a finding that such use is similar to permitted uses in the zone and that the use is in keeping with the spirit and intent of the zone in which the use is to be located.

18.08.040 - Zone boundaries.

The zone boundary lines are indicated on the adopted zoning map. Zone boundaries are lot lines or the center lines of streets and alleys, unless otherwise indicated. If uncertainty exists as to the boundary of any zone the following rules shall apply:

A. Where the street layout actually varies on the ground from that shown on the zoning map, the designations shown on the map shall be applied to the streets as actually laid out.

B. Where the location of the zone boundaries are shown on the map to be other than street, alley or lot lines, and the depth of the zone is not indicated, then the zone boundary shall be located by use of the scale on the map.

C. Where the application of the above rules ~~do~~ does not clarify the zone boundary location, the administrator shall interpret the map and by written decision determine the location of the zone boundary. The ~~planning commission~~ Hearing Examiner and city council shall be advised of the decision. A copy of the written decision shall be kept on file with the city clerk/treasurer.

18.08.060 - Single-family residential (R-1) zone.

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.

18.08.080 - Single-family residences (R-1B) zone.

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.

18.08.110 - 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: 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: 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.

18.08.120 - Retail business (R-B) zone.

A. Purpose and Intent. The purpose of the R-B zone is to provide for the location of businesses that can conveniently serve the population of the entire area as well as visitors with a varied and specialized selection of goods and services.

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

C. Development Standards.

1. Minimum lot size: seven thousand two hundred square feet.
2. Setback requirements:
   a. The minimum setback for nonresidential uses shall be:
      i. Front yard: zero feet;
      ii. Rear yard: zero feet, except fifteen feet required on lots adjoining the R zone without an intervening alley;
      iii. Side yard: zero feet, except ten feet required on corner lots and those adjoining an R zone.
   b. The minimum setback for residential uses 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.
3. Maximum building height:
   a. Nonresidential: Three stories, not to exceed forty-five feet;
   b. Residential: Two stories, not to exceed thirty feet.
4. Maximum lot coverage:
   a. Nonresidential: eighty percent. If separate off-street parking is provided lot coverage may be one hundred percent with review and approval of a variance application.
   b. Residential: thirty-five percent.
5. Maximum floor area ratio (FAR):
   a. Nonresidential:
      i. Downtown: 2.0;
      ii. Other areas: 1.0;
   b. Residential: Not applicable.

D. Other Standards. Normal daytime display of salable items may be placed in a neat and orderly manner on the sidewalk adjacent to the merchant's business. The display shall not materially affect sidewalk traffic and shall be moved from the sidewalk at the end of each day.

E. 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 retail business zone.

18.08.130 - Commercial industrial (C-I) zone.

A. Purpose and Intent. The purpose of the C-I zone is to ensure that suitable land will be available to accommodate a variety of business, warehouse and industrial uses in commercial park development, and to accommodate wholesale and warehouse establishments, and to provide greater flexibility in the zoning regulations for those industries which do not create noise, odors, smoke, or other objectionable nuisances.

B. Uses. Table 18.08.020 describes uses which are permitted and conditionally permitted in the C-I zone.

C. Development Standards.

1. Minimum lot size: twenty thousand square feet.
2. Setback requirements:
   a. Front yard: zero feet;
   b. Rear yard: zero feet, except fifteen feet required on lots adjoining an R zone without an intervening alley;
   c. Side yard: zero feet, except ten feet required on corner lots or lots adjoining an R zone.
3. Maximum lot coverage: eighty percent;
4. Maximum building height: Three stories, not to exceed forty-five feet;
5. Maximum floor area ratio (FAR): 0.5.

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 commercial industrial zone.

18.08.135 - Airport-golf course (APGC1), (APGC2), (APGC3) zones.

A. Airport-Golf Course Zone 1 (APGC1).
   1. Purpose and Intent. The purpose of the APGC1 zone is to ensure compatibility between the land use and activities generated by the Sand Canyon Airport and the existing single-family residential area adjacent to the airport. This zone will be governed by an additional set of regulations to be found in the airport overlay zone that specifically addresses airport safety considerations as they apply to adjacent land use. The APGC1 zone will accommodate single-family residences, hangars and other aviation oriented uses and the Sand Canyon Airport.
   2. Uses. Table 18.02.020 describes uses that are permitted, conditionally permitted or prohibited within the APGC1 zone.
   3. Development Standards.
      a. Minimum lot size: seven thousand two hundred square feet.
      b. Minimum lot width: sixty feet.
      c. Setback requirements:
         i. Minimum setbacks for a principal building shall be:
            (A) Front yard: twenty feet;
            (B) Rear yard: one of the following, measured from the rear property line:
               (1) Fifty-five feet where the rear of the lot abuts the golf course,
               (2) Ten feet where the rear of the lot does not abut the golf course;
            (C) Side yard: five feet, except fifteen feet on a side yard adjacent to a street.
         ii. Minimum setbacks for an accessory building shall be:
            (A) Front yard: twenty feet;
            (B) Rear yard: five feet;
            (C) Side yard: five feet, except fifteen feet on a side yard adjacent to a street.
      d. Maximum building height: two stories, not exceed thirty feet, except in cases where the airport overlay zone imposes more restrictive limits.
      e. Maximum lot coverage: sixty percent.

B. Airport-Golf Course Zone 2 (APGC2).
   1. Purpose and Intent. The purpose of the APGC2 zone is to provide for single-family residences, low-density multi-family residences (no more than eight units/acre) and golf course. This district will also be governed by an additional set of regulations to be found in the airport overlay zone, specifically addressing airport safety considerations.
   2. Uses. Table 18.02.020 describes uses that are permitted, conditionally permitted or prohibited within the APGC2 zone.
   3. Development Standards.
      a. Minimum lot size (single-family): seven thousand two hundred square feet.
      Minimum lot size (multi-family, no more than eight units): forty-three thousand five hundred sixty square feet.

b. Minimum lot width (single-family): sixty feet.
Minimum lot width (multi-family): one hundred feet.

c. Setback requirements:

i. Minimum setbacks for a principal building shall be:

(A) Front yard: twenty feet (see subsection (B)(3)(f) of this section);

(B) Rear yard: one of the following, measured from the rear property line:

(1) Fifty-five feet where the rear of the lot abuts the golf course,

(2) Ten feet where the rear of the lot does not abut the golf course;

(C) Side yard: ten feet, except fifteen feet on a side yard adjacent to a street.

ii. Minimum setbacks for an accessory building shall be:

(A) Front yard: twenty feet;

(B) Rear yard: five feet;

(C) Side yard: five feet.

d. Maximum building height: two stories, not to exceed thirty feet.

e. Maximum lot coverage: forty percent.

f. The prescribed front yard setbacks may include the area included in Tract A, less any street or street right-of-way, but in no case shall the structure be closer than five feet from the property line.

C. Airport-Golf Course Zone 3 (APGC3).

1. Purpose and Intent. The purpose of the APGC3 zone is to provide for a lower density single family residential area, low density multi-family (no more than eight units/acre) and a golf course. Portions of this district will be governed by an additional set of regulations found in the airport overlay zone, specifically addressing airport safety considerations.

2. Uses. Table 18.02.020 describes uses that are permitted, conditionally permitted or prohibited within the APGC3 zone.

3. Development Standards.

a. Minimum lot size (single-family): ten thousand square feet.
Minimum lot size (multi-family): forty-three thousand five hundred sixty square feet (one acre).

b. Minimum lot width (single-family): sixty feet.
Minimum lot width (multi-family): one hundred feet.

c. Setback requirements:

i. Minimum setbacks for a principal building shall be:

(A) Front yard: twenty feet (see subsection (C)(3)(f) of this section;

(B) Rear yard: One of the following, measured from the rear property line:

(1) Fifty-five feet where the rear of the lot abuts the golf course,

(2) Ten feet where the rear of the lot does not abut the golf course;

(C) Side yard: ten feet, except fifteen feet on a side yard adjacent to a street.

ii. Minimum setbacks for an accessory building shall be:

(A) Front yard: twenty feet;

(B) Rear yard: five feet;

(C) Side yard: five feet.

d. Maximum building height: two stories, not to exceed thirty feet.

e. Maximum lot coverage: forty percent.

f. The prescribed front yard setbacks may include the area included in Tract A, less any street or street right-of-way, but in no case shall the structure be closer than five feet from the property line.

18.08.136 - Community facilities (C-F) zone.

A. Purpose and Intent. The primary purpose of the community facilities district is to provide for the conduct of public, institutional and special needs, non-profit activities, including civic centers,

government offices, special needs housing, medical complexes, parks, schools, houses of worship, recreation complexes or utility installations.

B. Uses. Table 18.02.020 describes uses which are permitted and conditionally permitted in the C-F zone.

C. Development Standards.
   1. Minimum lot size: one acre (forty-three thousand five hundred and sixty square feet).
   2. Setback requirements:
      a. Front yard: thirty feet;
      b. Rear yard: twenty-five feet;
      c. Side yard: ten feet except twenty-five feet required on corner lots or lots adjoining a residential zone.
   3. Maximum lot coverage: forty-five percent.
   4. Maximum building height: three stories not to exceed forty-five feet.
   5. Maximum floor areas ration (FAR): four tenths.
   6. Special requirements:
      a. A minimum of ten feet on the rear and side setback areas adjoining a residential zone shall be landscaped and maintained to provide an adequate screen and buffer between the community facility and any residential development.
      b. No two story building in the C-F zone shall be constructed within fifty feet of an adjoining residential district.

D. Master Plan Required. Any development proposed within the C-F zone shall be reviewed in the context of a master plan of development for the entire site area. Such master plan shall include:
   1. A dimensioned site plan, drawn to scale, encompassing the entire site, indicating building locations, landscaping areas, circulation, access and parking, pedestrian facilities, proposed lighting, utility locations, setbacks, easements, proposed phasing and any other information useful to describe the function and aesthetic of the master plan proposal.
   2. A written description of the uses proposed to be conducted on site.
   3. Conceptual building elevations.
   4. An inventory of proposed signs, including drawings with locations shown on the site plan.

E. Other Application Regulations. In addition to the requirements contained in this section, the requirements contained in Article III, Supplementary Standards shall also apply to development in the C-F zone.

18.08.140 - Critical resource area overlay (CRA) zone.

A. Purpose and Intent. The purpose of this section is to protect and preserve critical environmental resources while allowing appropriate development activities when carried out in a responsible manner with minimal impacts on the environmental resources. In addition, the purpose is to protect the public health, welfare and safety of residents of Chewelah from development in hazardous areas.

B. General Provisions.
   1. The city's critical resource areas map provides generalized information on the location of critical areas. A site specific analysis which indicates that any critical area regulated by this section or Section 18.08.150 of this chapter exists on a lot will result in that portion of the lot being classified as a critical area or floodplain area.
   2. The following features shall not be altered or developed except as permitted by this section:
      a. Water features, including rivers, streams, creeks, lakes, ponds and wetlands;
      b. Areas that provide habitat to priority species; or
      c. Geologically hazardous areas, including landslides and slopes of forty percent or greater.
   3. The city requires applicants to demonstrate that development on a site determined to have critical areas will protect the resource by taking one of the following steps (listed in order of preference):
      a. Avoiding impacts to the resource altogether;

b. Minimizing the impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
c. Rectifying the impact by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project;
d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

4. If a critical resource area on the property that is being developed in the city crosses a jurisdictional line, the city shall coordinate with Stevens County in the review of the project.

C. Uses. Uses allowed on a lot containing or within two hundred feet of a critical area shall be the same as those listed in the use zone in which the lot is located. Each use shall be evaluated using the review process required for the use in the zone in conjunction with the requirements of this section and applicable state and federal regulations. Nothing in this section is intended to preclude the reasonable use of property.

D. Review.

1. Site plan review, in accordance with Section 18.16.040 of this title, shall be obtained prior to any clearing or development activities within two hundred feet of the critical area, except in the case of an aquifer recharge/wellhead protection area in which site plan review shall be obtained for new commercial or industrial uses or a change in use if the use is listed or is similar to a listed use categorized as a high or moderate risk in the Stevens County critical aquifer recharge study, Table 2. Activities listed in subsection (D)(3) of this section are exempt from site plan review.
2. A technical study identifying the precise area of critical resource, its function and resource value and a mitigation and enhancement plan, if necessary, shall be submitted as part of the application. The study shall be prepared by experts with demonstrated qualifications in the area of concern. The city may retain consultants at the applicant's expense to assist in the review of the technical study, if needed. The ~~planning commission~~ Hearing Examiner, in considering the site plan review, shall determine if the study and the city's review are adequate.
3. The following activities shall be allowed in critical areas without site plan review provided they are not prohibited by any other chapter or law, provided a site plan describing the proposal has been reviewed and approved by the building official and provided they are conducted using best management practices and at a time designed to minimize adverse ~~affects~~ effects to the critical resource:
   a. Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife;
   b. Outdoor recreational activities which do not involve disturbance of the resource or site area, including fishing, hunting, bird watching, hiking, boating, horseback riding, swimming, canoeing, and bicycling;
   c. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the resource by changing existing topography, vegetation, water conditions or water sources;
   d. Education, scientific research, and use of nature trails;
   e. Existing and ongoing agriculture activities, including farming, horticulture, aquaculture, irrigation, ranching or grazing of animals. Activities on areas lying fallow as parts of a conventional rotational cycle are part of an ongoing operation. Activities which bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it was conducted has been converted to another use or has lain idle for more than twelve months;

f. Normal and routine maintenance of legally constructed irrigation and drainage ditches, provided that this exemption shall not apply to any ditches used by salmonids;

g. Normal and routine maintenance, repair or operation of existing serviceable structures, facilities, or improved areas. Maintenance and repair does not include any modification that changes the character, scope, or size of the original structure, facility, or improved area and does not include the construction of a maintenance road; and

h. Minor modification of existing serviceable structures provided such minor modifications are located wholly outside the designated buffer zone and where modification or construction does not adversely impact functions of the critical area. The buffer zones shall be as follows:

i. Chewelah Creek: fifty feet as measured from the ordinary high water mark;

ii. Thomason and Paye Creeks: twenty-five feet as measured from the ordinary high water mark.

E. Wetlands.

1. The existence of a wetland and the location of its boundary shall be determined by the applicant through a field investigation performed by qualified professionals, applying a methodology acceptable to the U.S. Army Corp of Engineers or Washington Department of Ecology (DOE). Qualified professionals shall perform wetland determinations and delineations using the methodology acceptable to the U.S. Army Corp of Engineers or Washington DOE. Delineations of wetland areas may be modified only once per year and may be modified only through the site plan review process.

2. A wetland containing features satisfying the criteria of more than one of the following categories shall be classified in the highest applicable category. A wetland can be classified into more than one category when distinct areas which clearly meet the criteria of separate categories exist:

a. Category I wetland (exceptional resource value) criteria:

i. Documented habitat for designated endangered or threatened species or for species that are candidates for listing under Section 8 of the Endangered Species Act by state or federal agencies;

ii. High-quality native wetland communities, including documented Category I or II quality natural heritage wetland sites and sites which qualify as a Category I or II quality natural heritage wetland; or

iii. High quality, regionally rare wetland communities with irreplaceable ecological functions, including sphagnum bogs and fens, or mature forested swamps.

b. Category II wetland (significant resource value) criteria:

i. Documented habitat for sensitive species, extirpated plant species, or species of concern recognized by state or federal agencies;

ii. Regulated wetlands with significant use by fish and wildlife;

iii. Wetlands contiguous with demonstrated spawning habitat for anadromous fish; or

iv. Streams having demonstrated spawning habitat for anadromous fish.

c. Category III wetland (important resource value) criteria:

i. Regulated wetlands that do not qualify as Category I or II.

3. Minimum buffers based on the rating of the wetland shall be established from a wetland edge as follows:

a. Category I wetland: One-hundred-foot buffer;

b. Category II wetland: Fifty-foot buffer;

c. Category III wetland: Fifty-foot buffer;

d. Any wetland restored, relocated, replaced or enhanced because of a wetland alteration shall have the minimum buffer required for the highest wetland class involved.

4. The ~~planning commission~~ Hearing Examiner may through the site plan review process reduce the minimum buffer width for Category I or II wetlands, but in no case shall the buffer be less than twenty-five feet.
5. The ~~planning commission~~ Hearing Examiner may allow buffer width averaging, provided that the total buffer area is not less than that required within the minimum buffer, and that averaging will not reduce the wetland functional values.
6. If activities result in the loss or degradation of a regulated wetland or buffer, a mitigation or enhancement plan prepared by a qualified expert shall be submitted for review and approval. Any mitigation or replacement wetland shall be located in the same watershed as the impacted wetland(s) of the same category and shall comply with the following ratios (new wetland area to existing):
    a. Category I: 3:1
    b. Category II:
        i. Forested 2:1
        ii. Scrub-shrub 1.5:1
        iii. Emergent 1:1
    c. Category III: 1:1
7. The ~~planning commission~~ Hearing Examiner may increase the ratios under the following circumstances:
    a. If there is uncertainty as to the probable success of the proposed restoration or creation;
    b. If the applicant proposes a significant period of time between the destruction of a wetland and the replication of wetland functions in mitigation;
    c. If the proposed mitigation is expected to result in a loss in functional value;
    d. The proposed relocation is off-site or the replacement is with out-of-kind compensation;
    e. The wetland was illegally filled or altered.
8. The ~~planning commission~~ Hearing Examiner may decrease the ratios if the findings of a wetlands mitigation plan demonstrate that no net loss of wetland functional values will result from the decreased ratio. However, the minimum acreage replacement ratio required shall be 1:1.

F. Habitat Conservation Areas. If a development is proposed within two hundred feet or within a distance which could impact habitat conservation areas, the applicant shall provide a habitat management plan (HMP), prepared by a qualified expert in the species in question for evaluation by the city, state, and federal agencies. The HMP shall be based on sound habitat management practices and shall be designed to achieve specific habitat objectives. The city shall ask the appropriate resource agencies to review and comment on the development impacts and provisions of the HMP.

G. Geologically Hazardous Areas.
1. A minimum twenty-five-foot buffer shall be established from the top, toe or sides of an identified geological hazard, including landslides, earthquake fault lines, or steep slope areas (forty percent or greater). The buffer may be increased if necessary to protect public health, safety and welfare, based on information contained in a geotechnical report prepared by a qualified professional engineer.
2. The ~~planning commission~~ Hearing Examiner may allow a reduction in the buffer provided the geotechnical report substantiates the following findings:
    a. The proposed development will not create a hazard to the subject property, surrounding properties or rights-of-way, erosion or sedimentation to off-site properties or bodies of water;
    b. The proposal uses construction techniques which minimize disruption of existing topography and natural vegetation; and
    c. The proposal mitigates all impacts identified in the geotechnical report.
3. Buffers shall be maintained in plants or trees that provide soil stability and erosion control.

H. Aquifer Recharge/Wellhead Protection Areas.
   1. The critical aquifer recharge areas are indicated on maps prepared in the Stevens County critical aquifer recharge study, as shown in the comprehensive plan and ~~flied~~ filed with the administrator.
   2. In areas designated as high susceptibility for aquifer contamination, all uses shall be connected to the city's sewer system. No new uses on a septic system are permitted in high susceptibility areas of critical aquifer recharge without explicit authorization from Tri-County Health District.
   3. For uses locating within the critical aquifer recharge area and requiring site plan review, a disclosure form indicating activities and hazardous materials that will be used shall be provided for review and approval.
   4. Impervious surfaces shall be minimized within the critical aquifer recharge areas.
   5. Best management practices shall be followed by commercial and industrial uses located in the critical aquifer recharge areas.
   6. A spill prevention and emergency response plan shall be prepared and submitted for review and approval.

I. Reasonable Use Exception. If application of the requirements in this section would deny all reasonable economic use of the lot, development will be permitted if the applicant demonstrates all of the following to the satisfaction of the ~~planning commission~~ Hearing Examiner when reviewed through site plan review process:
   1. There is no other reasonable use or feasible alternative to the proposed development with less impact on the critical area;
   2. The proposed development does not pose a threat to the public health, safety and welfare on or off of the subject lot;
   3. Any alterations permitted to the requirements of this section shall be the minimum necessary to allow for reasonable use of the property;
   4. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line, and creating the undevelopable condition after the effective date of this section; and
   5. The proposal mitigates the impacts on the critical area to the maximum extent possible.

18.08.150 - Floodplain management overlay (FM) zone.

A. Purpose and Intent. The purpose of the floodplain management overlay zone is to minimize public and private losses due to flood conditions in specific areas designated by the Federal Emergency Management Agency and the Federal Insurance Administration. The requirements of this section must be met in addition to those of the underlying zone. This zone is intended to meet the requirements of the federal government to maintain the city's eligibility for resident participation in the flood insurance program.

B. Establishment of Boundaries. The areas of special flood hazard are shown as an overlay zone on the city's official zoning map and are identified more specifically on the flood insurance rate maps and flood boundary-floodway maps. The flood hazard area includes land within the one-hundred-year floodplain and the floodway. The floodway area includes the channel or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. For areas of special flood hazard studied in detail, the floodway boundary is delineated upon the flood insurance study maps.

C. Warning and Disclaimer of Liability. The creation of this zone does not imply that all areas outside of the overlay zone will always be safe from flooding. ~~Therefor~~ Therefore, the establishment of this zone shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this section or any administrative decisions lawfully made thereunder.

D. Permitted Uses. All uses permitted in the underlying zone subject to site plan review and to special building code requirements, so long as the applicant can demonstrate that the proposed development

will not increase the risk of flooding or flood damage for properties upstream or downstream of the site.

E. Site Plan Review. Site plan review shall be obtained before construction or development begins within the FM zone. The review shall be for all "structures" including mobile homes and for all other "development" including fill and other activities. Site plan review shall be in accordance with Section 18.16.040 and shall include information necessary to gauge the effect of the proposed development on floodplain management. In the case of a proposal for an uncovered deck, the site plan review may be performed administratively as outlined in Section 18.08.140(D)(3)(a) through (h).

F. General Standards. In all areas of special flood hazards, the following standards are required:
   1. Anchoring:
      a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
      b. All mobile/manufactured homes must be anchored to prevent flotation, collapse or lateral movement of the structure and shall be installed using methods and practices that minimize flood damage. Anchoring methods include, but are not limited to, use of over-the-top or frame ties to ground anchors.
   2. Construction materials and methods:
      a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
      b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
      c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
   3. Utilities:
      a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
      b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
      c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
   4. Subdivision proposals:
      a. All subdivision proposals shall be consistent with the need to minimize flood damage.
      b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
      c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
      d. When base flood elevation has not been provided or is not available from another authoritative source it shall be generated at the expense of the property owner by a professional engineer or hydrologist qualified to do so.

G. Specific Standards. In all areas of special flood hazards where the base flood elevation has been provided the following standards are required:
   1. Residential construction:
      a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a level equal to or greater than one foot above base flood elevation.
      b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement shall

be certified by a registered professional engineer or architect or shall meet or exceed the following minimum criteria:

i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
ii. The bottom of all opening shall be no higher than one foot above grade; and
iii. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

2. Nonresidential construction:
   a. New construction and substantial improvement of any non-residential structure shall either have the lowest floor, including basement, elevated to the level equal to or greater than one foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:
      i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
      ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
      iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.
   b. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (G)(1)(b) of this section.

H. Manufactured Homes. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation and is securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (G)(1) of this section.

I. Floodways. Floodways are extremely hazardous areas due to the velocity of flood waters which carry debris, potential projectiles, as well as due to erosion potential. The following provisions apply:
   1. Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
   2. If subsection (I)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of subsections F and G of this section, except the placement of any manufactured home is prohibited unless in an existing mobile home park or existing mobile home subdivision.

J. Conditions for Variances.
   1. A variance to the requirements in this section may be requested and shall be processed in accordance with Section 18.16.030 of this title.
   2. Any applicant to whom a variance has been granted shall be given written notice that the variance is assumed by the applicant and/or occupant(s) of the resulting development, not the city.

18.08.160 - Shoreline enhancement overlay (SE) district.

A. Purpose and Intent. The purpose of the shoreline enhancement district is to preserve and enhance the community appearance along the shoreline of the Chewelah Creek and to implement the policies and procedures of the Washington Shoreline Management Act and the shoreline policies and procedures of the Chewelah comprehensive plan. The intent is to provide for the management of the Chewelah Creek shoreline, to allow reasonable development, to improve public access to the creek and to protect and enhance views from adjacent upland areas.

B. General Provisions. The shoreline enhancement overlay district extends from the Chewelah Creek a minimum of twenty-five feet measured landward from the natural floodway boundary unless otherwise noted.

C. Uses and Setbacks.
   1. Uses allowed on a lot in the shoreline enhancement area shall be the same as those listed in the use zone in which the lot is located. Each use shall be evaluated using the review process required for the use in the zone in conjunction with the requirements of state and federal regulations.
   2. The Chewelah Creek shoreline is designated into three environmental categories:
      a. Urban environment;
      b. Rural environment;
      c. Natural environment.
   3. All uses locating on the shoreline shall be water dependent or water related uses and shall comply with any applicable policies and regulation of the designated environmental category.

D. Review. No project or activity shall be undertaken within the shoreline area without first obtaining site plan review, in accordance with Section 18.16.040 of this title.

E. General Requirements.
   1. All development shall provide public access as close to the water as possible, consistent with the protection of environmental resources and water quality.
   2. All new development activities shall be located and designed to prevent or minimize the disturbance of the shoreline as well as to prevent or minimize the need for shoreline stabilization and flood protection works, such as bulkheads, riprap, levees, dikes, jetties, or substantial site.
   3. Upon project completion, all disturbed shoreline areas shall be restored to as near as preproject configuration as possible and replanted with native grasses, shrubs, and/or trees in keeping with existing bank vegetation.
   4. All new development shall plan for on-site stormwater management and water quality treatment required by the city.

18.08.170 - Airport overlay (AO) zone.

A. Use Restrictions Within AO Zone.
   1. No use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
   2. No non-native trees shall be allowed to grow over fifty feet high and no structures shall be built over thirty feet in height.

B. Nonconforming Uses.
   1. Regulations Not Retroactive. These restrictions shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the restrictions laid out in the AO zone, as of the effective date of the adoption of the AO zone. Nothing contained in these regulations shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this zone adoption, and is diligently pursued.
   2. Marking and Lighting. The owner of any existing nonconforming structure or tree is required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the city of Chewelah airport fund.

C. Avigation Easement. The city of Chewelah shall be provided a perpetual avigation easement providing for the right-of-way for the free and unobstructed passage and flight of aircraft prior to approval of any future plats, development permits, variances, and at such time property is purchased within the APGC-1, APGC-2 and APGC-3 zones. The avigation easement shall be recorded on the title of the subject property. The avigation easement shall incorporate the following language:

The APGC-1, APGC-2 and APGC-3 zones contain a perpetual public-use aviation/noise easement that provides for the right-of-way for the free and unobstructed passage and flight of aircraft, of any and all kinds now known or hereafter invented, of the class, size and category operationally compatible with the Sand Canyon Airport.

The avigation easement provides for the right to allow, make and emit such noise, light and vibrations, fumes, exhaust, smoke, air currents, dust, fuel particles, radio, television and other electromagnetic interferences, and all other effects as may be inherent to the lawful operation of aircraft for avigation or flight in the air.

The avigation easement precludes the right to sue due to noise, light and vibrations, fumes, exhaust, smoke, air currents, dust, fuel particles, radio, television and other electromagnetic interferences, and all other effects as may be inherent to the lawful operation of aircraft for avigation or flight in the air.

The avigation easement protects the Sand Canyon Airport from being forced to set aside buffer lands, reroute air traffic, erect sound or other barriers, establish curfews, noise or other regulations, except to the extent, if any, that such actions are validly required by state or federal authorities.

18.08.180 - Downtown business district overlay (DBD) zone.

A. Purpose and Intent. The purpose of the DBD overlay zone is to implement the Chewelah re-generation downtown revitalization and traffic movement plan by providing for high density commercial and residential development, with maximum building footprint.

B. Uses. The permitted and conditionally permitted uses shall be as in the underlying zone identified in Table 18.08.020.

C. Development Standards. The development standards shall be as in the underlying zone except as modified in this section.

1. The minimum setback requirements are:
   a. Front yard: zero feet;
   b. Rear yard: zero feet, except fifteen feet required on lots adjoining the R zone without an intervening alley or street;
   c. Side yard: zero feet, except ten feet required on lots adjacent to a residential zone.
2. Maximum lot coverage: one hundred percent.
3. Maximum floor area ratio (FAR): 2.0.

D. Other Standards. Shall be as in underlying zone.

E. 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 downtown business district overlay zone.

Chapter 18.12 SUPPLEMENTARY STANDARDS

18.12.010 - Purpose.

Provisions of this chapter are of general application to several zones unless otherwise noted. It is the intent of this title to provide standards sufficient to afford continuing protection to property and yet be adaptable enough to avoid unnecessary hardship or interference with growth and natural change.

18.12.020 - Parking and loading standards.

A. Purpose. Off-street parking requirements are intended to reduce traffic congestion and hazards, to protect neighborhoods from the effects of vehicular noise and traffic generated by adjacent uses, to

assure the maneuverability of emergency vehicles, and to provide accessible, attractive, and well-maintained off-street parking facilities.

B. General Provisions.

1. Where there are structural alterations or additions to a building that add gross floor space, dwelling units, bowling alleys, number of seats, or other units of capacity, off-street parking and loading spaces for the increase shall be provided. The number of spaces required shall be determined by reference only to the added capacity, except that when the aggregate number of spaces required for the alteration or addition is five or fewer, the off-street parking requirement may be waived by the building official if there is sufficient on-street or public parking within six hundred feet.
2. Where a use is not listed the building official shall determine the number of required off-street parking and/or loading spaces based on similar uses for which the requirements are specified.
3. The required parking and loading shall have reasonable access to a public street or alley.
4. Removal of required off-street parking or loading spaces from practical use by obstruction, erection of buildings, or other action so as to reduce the usefulness below the minimum requirement established in this title is prohibited. Any such action in violation of this title shall be considered a misdemeanor subject to punishment and remedy prescribed in this title.

C. Parking Spaces Required.

1. The number of required off-street parking spaces shall be as follows:

Land Use	**Parking Spaces Required**
Single-family residence	One covered space
Duplex	One covered space per unit
Multi-family residency	One space per unit
Mobile home parks	Two spaces per mobile home lot
Hotels, motels, tourist courts, boarding house, and other establishments providing rooms or suites for overnight stay	One space for each unit/room
Retail uses	One space for each 500 gross square feet of building area
Places of assembly	One space per six fixed seats or one space per 100 square feet of assembly area
Professional and general offices	One space for each 500 gross square feet of building area
Industrial uses	One space for each 500 gross square feet of building area
Schools	One space for each 1000 gross square feet of building area
Assisted living facilities, retirement homes, nursing homes, or other similar facility	One space per two living units

2. For nonresidential uses, a maximum of thirty percent of the required spaces may be compact in size.
3. Number and size of handicap parking spaces shall be as per state requirements.

4. Retail, professional, and general office uses within the central business district overlay zone shall provide parking spaces at one-half the requirements of this chapter. The requirements of this chapter may be waived by the current administrative designee provided a sum, identified per fee resolution, is deposited into a trust account to be used by the city to provide parking spaces within or near the downtown business district overlay zone.

D. Size and Location of Parking Spaces.
   1. All parking spaces shall be provided with adequate ingress and egress.
   2. For a private one car garage or carport, an unobstructed inside minimum dimension of twenty feet in length and nine feet in width shall be maintained.
   3. Each off-street parking space shall be a minimum of eighteen feet in length and nine feet in width for a standard space and fifteen feet in length and 7.5 feet in width for a compact space.
   4. All off-street parking spaces shall be surfaced with not less than four inches of crushed rock or gravel or paved with concrete or asphalt or similar material.
   5. Off-street parking facilities shall be provided on the same lot with the use it is intended to serve with the exceptions below. Where parking is provided off-site the distance shall be measured from the nearest point of the parking area or lot to the nearest point of the nearest building that such parking area or lot is required to serve.
      a. For multi-family residential uses, up to fifty percent of the parking may be provided off-site, but no further than two hundred feet from the use.
      b. For nonresidential use the parking may only be separated from the site by an alley or street.
      c. For motels, hotels and tourist courts the parking may be separated from the lot by an alley.
      d. For industrial uses the parking may be six hundred feet from the use.
      e. No parking shall be located in the required front yard of any lot in a residential zone other than on a designated driveway.
      f. Trailers, boats, campers, mobile homes, house trailers and similar vehicles shall not be parked in the front yard of any lot in a residential zone other than on a designated driveway.

E. Loading Space.
   1. Commercial and industrial uses shall provide one space for each twenty thousand square feet of gross floor area or fraction thereof, which space shall be of sufficient length and width to accommodate the largest vehicle loading or unloading, but in no case less than ten feet in width and twenty-five feet in length and fourteen feet in height.
   2. The required off-street loading area shall be located on the same lot as the use it is to serve.
   3. No off-street loading area shall be located in the required front yard.
   4. Off-street loading in all zones shall be provided such that no vehicle occupying the space extends onto a public sidewalk or road constructed after the effective date of the ordinance codified in this title.

18.12.030 - Landscaping, screening and maintenance.

A. Purpose and Intent. The purpose of this section is to establish landscaping and property maintenance standards to enhance the aesthetic appearance of property throughout Chewelah. In addition, the standards are established to protect the health and safety of the residents and users of the properties.

B. Landscape Screening.
   1. Screening shall provide a filtered view minimizing the blocking of the view to the extent possible and may be provided by existing vegetation, landscaped areas, including the use of hedges, berms, fencing or a combination thereof. The use of vegetation (trees and columnar shrubs) is encouraged.
   2. Perimeter screening shall be provided as follows:
      a. At the sides and rear of all commercial and industrial sites to provide an all season visual separation and a wind break between adjacent land uses. Perimeter landscaping shall shield the views of industrial and commercial land uses, including outdoor storage, service, and

loading areas, from roads and adjacent uses. If, however, the rear of the site is adjacent to an agricultural use, no rear yard perimeter screening is required.

3. Perimeter landscaping shall be required to screen loading areas, waste disposal areas, and outdoor storage areas.
   a. A minimum five-foot-wide perimeter screening shall be provided adjacent to roads.
   b. Trees and columnar shrubs shall be a minimum of four feet in height at the time of planting and shall grow to a minimum of eight feet within five years.
   c. Avoid obstructing views of crosswalks, intersections and street lights.
   d. Additional screening may be required between dissimilar land uses, at the discretion of the ~~planning commission~~ Hearing Examiner.
   e. Screening requirements may be relaxed if warranted by the use of clustering or shared access, at the discretion of the ~~planning commission~~ Hearing Examiner.
4. Interior screening shall be required for parking areas according to the following minimum requirements:
   a. Landscaping shall be provided at a minimum of ten percent of the parking area.
   b. One tree for every ten single row parking spaces or twenty spaces if parking is in double rows shall be provided, for summer shade.
   c. Minimum tree size at planting shall be two-inch caliper.
   d. Trees shall be planted a minimum of three feet from curbs and sidewalks.
   e. Screening may include shrubs suitable to be maintained at a height of three feet.
   f. Avoid obstructing views of crosswalks, intersections, and streetlights.
5. The ~~planning commission~~ Hearing Examiner may require perimeter and/or interior landscaping or perimeter fences in accordance with Section 18.12.060 of this chapter in mobile home parks.

C. Landscape Materials and Design Requirements.
   1. The use of plant materials to achieve a variety of heights, shapes and/or textures upon maturity is encouraged.
   2. A combination of evergreen and deciduous trees, shrubs and groundcover may be used.
   3. The use of drought-tolerant plant materials is encouraged.
   4. The retention of existing trees is encouraged.
   5. Fencing materials shall be attractive and durable.

D. Maintenance.
   1. Provisions shall be made for the on-going maintenance, including irrigation as necessary, of required landscape areas.
   2. Trees and shrubs which die within twelve months of planting shall be replaced by the property owner.
   3. All yards and buildings shall be maintained in a neat, tidy manner, including trimming and upkeep of all landscaped areas, and the removal of debris and unsightly objects.
   4. All yards shall be maintained free of noxious weeds consistent with the regulations of the Stevens County weed board.

18.12.040 - Storage.

A. During building construction, temporary storage of materials used in the construction shall be permitted on the property for the period of construction, not to exceed the time limit of the building permit.

B. Camping trailers, camping vehicles, or boats shall not be stored in the required front yard of any lot used for residential purposes other than on established driveways, but may be stored at the rear or side of such residential lot.

C. In all residential development, a minimum of forty square feet of enclosed space shall be designated as storage for each dwelling on a site. In single-family residences, mobile, designated and manufactured homes, the storage space can be located in a garage or attached to a carport. The

storage can be located in a separate building or on a patio. Any structure containing storage space shall comply with all required development standards.

D. All commercial storage, including storage of waste material, shall be screened from view from the surrounding property with the exception of traditional items such as automobiles, boats, house trailers, machinery, and items associated with farm supply stores, which may be publicly displayed on the grounds of the establishment selling the items. No displayed items shall in any way obstruct any street, sidewalk, alley, or public parking area, or access thereto.

18.12.050 - Projections and canopies.

A. Eaves, cornices, awnings and permitted signs may project not more than two feet into a required yard.

B. Steps, terraces, platforms and porches having no roof coverings, provided that they do not exceed forty-two inches in height above the finished grade, may occupy the front or side yard.

C. Any service station canopy may extend into the front or flanking street yard areas provided that the support columns are located in the pump islands and further, provided that no canopy shall extend closer than five feet to any property line.

D. Canopies for uses other than service stations may be approved by the ~~commission~~ Hearing Examiner through a site plan review process, and subject to restrictions.

18.12.060 - Residential fences.

A. No sight-obscuring fence over three feet in height above the finished ground level may be erected within the required front yard of any residential lot except in the APGC-2 and APGC-3 zoning districts. No non-sight obscuring fence over forty-two inches in height above the finished ground level may be erected within the required front yard of any lot except in the APGC-2 and APGC-3 zoning districts. Any sight-obscuring fence in the front yard of the APGC-2 or APGC-3 zones may not exceed six feet in height.

B. No fence shall exceed a height of six feet in the side or rear yards. A side yard fence may extend to the front yard setback line.

C. No fencing or other sight obstruction over three feet in height above the finished grade which constitutes a hazard to the traveling public within the area designated as the "clear view triangle" shall be allowed on a corner lot. The clear view triangle can be determined by measuring eight feet from the center of two intersecting streets along the centerlines of each street, then connecting the two points with a straight line forming the hypotenuse (see Figure 2 in Appendix A). Branches on trees within the triangle shall be removed at the trunk up to a minimum level of seven feet above finished ground level. Shrubs shall be maintained no higher than three feet above finished ground level within the triangle.

D. No electrical or barbed wire fences are permitted.

E. Fences shall be allowed in the city right-of-way in all zones except the APGC-1, APGC-2 and APGC-3 zones only if the following conditions are met:

1. The applicant must pay the appropriate fee and obtain from the building official an encroachment agreement. Said agreement shall be recorded with the Stevens County auditor.
2. The proposed fence, if sight obscuring, shall be no higher than three feet above finished grade. If not sight obscuring, the fence may be no higher than forty-two inches above finished grade.
3. The fence may be no closer than twelve feet from the edge of the road surface if there is no curb provided along the pavement edge.
4. The fence may be no closer than eight feet from the edge of the street side of the curb where curbs exist and there is no sidewalk.
5. Where there is a sidewalk provided, the fence may be constructed adjacent to the sidewalk.
6. Fence placement shall not be allowed to cause damage to or hinder the maintenance of utilities.
7. Decisions made by staff on the provisions of the Encroachment Agreement are appealable to city council.

18.12.065 - Commercial fences.

A. No fence shall exceed a height of six feet in the front, side or rear yards in retail business or commercial industrial areas.

B. No electrical wire fences are permitted. Barbed wire may be used for security purposes in retail business and commercial industrial zones in the absence of a residential component. Barbed wire may only be utilized on the upper one-quarter of the fence and shall be installed vertically or projecting into the property.

C. Fences shall be allowed in the city right-of-way in retail business and commercial industrial zones only if the following conditions are met:
   1. The applicant must pay the appropriate fee and obtain from the building official an encroachment agreement. Said agreement shall be recorded with the Stevens County auditor.
   2. The proposed fence shall be no higher than six feet above finished grade.
   3. The fence may be no closer than twelve feet from the edge of the road surface if there is no curb provided along the pavement edge.
   4. The fence may be no closer than eight feet from the edge of the street side of the curb where curbs exist and there is no sidewalk.
   5. Where there is a sidewalk provided, the fence may be constructed adjacent to the sidewalk.
   6. Fence placement shall not be allowed to cause damage to or hinder the maintenance of utilities.
   7. Decisions made by staff on the provisions of the encroachment agreement are appealable to city council.

18.12.070 - Outdoor and temporary signs.

A. Purpose and Intent. The erection and maintenance of outdoor advertising signs shall be controlled in order to promote the public safety and the scenic value of public travel, and to preserve the natural character of the city.

B. Standards.
   1. All signs shall be in compliance with the Uniform Sign Code.
   2. Outdoor signs shall not exceed the area prescribed for each zone as follows:
      a. Residential: Signs prohibited, except as allowed in this section;
      b. Retail Business: sixty square feet per sign;
      c. Commercial/Industrial: sixty square feet per sign.
   3. Signs in the commercial/industrial and retail business zones may be up to one hundred twenty square feet per sign with review and approval of a variance from the ~~planning commission~~ Hearing Examiner.
   4. Nonresidential uses in the residential zones may display:
      a. One sign not more than fifteen square feet in area nor projecting more than twenty feet above the average elevation of the finished grade along the front of the building.
      b. Churches, schools, and similar uses may in addition, have one freestanding identification sign or bulletin board, not exceeding twenty-five square feet in area.
      c. A home occupation may have one nonluminous sign not more than two square feet in area. The sign shall be placed against the building and may be externally lighted. The sign may bear the business person's name and occupation.
   5. In the residential zones, for the rental or sale of property, one temporary, nonilluminated sign not exceeding eight square feet in area shall be allowed on the subject property.
   6. The following signage shall be allowed for mobile/manufactured home parks:
      a. One sign along each major approach to the mobile home park, not to exceed a total of thirty-six square feet in area for all signs.
      b. No sign shall project more than two feet into any required yard.
      c. Signs may be illuminated provided that they shall not be flashing or animated and shall be of low intensity not exceeding the equivalent of four hundred twenty-five milliamperes

fluorescent tubing behind plexiglass or other plastic face spaced on seven-inch or more centers, or of exposed neon not exceeding thirty milliamperes.

d. Each mobile home space shall be numbered with a sign or other method which will facilitate responses by emergency vehicles.

7. Signs commonly known as billboards shall be prohibited.
8. Temporary Signs.
   a. One temporary sign per business or event is allowed on an improved sidewalk or, in the absence of an improved sidewalk, in the public right-of-way. Businesses having more than one street frontage may be allowed one sign on each street frontage. The sign shall be placed in front of and on the same side of the street as the business establishment or event that it advertises. Exceptions: Community service organizations, nonprofit, church and school events will be allowed no more than two off-premise signs in compliance with the ordinance codified in this chapter.
   b. Buildings or multiple buildings with multiple tenants who have access from a common entrance, including buildings with interior or exterior courtyards, are permitted one sign per building for the use of the residents.
   c. No sign shall be placed in such a way as to reduce the continuous, unobstructed width of a sidewalk or walkway to less than five feet.
   d. Signs must be at least five feet from the building face.
   e. Signs may not obstruct an entrance to a building, or any steps.
   f. No sign may be placed within a crosswalk.
   g. Signs must be placed at least twelve inches from a tree grate or planting.
   h. Signs must be at least fifteen feet distant from another sidewalk or temporary sign.
   i. Temporary signs may be displayed from six a.m. to eight p.m. each day but shall be removed at eight p.m.
9. Size.
   a. Maximum size of a temporary sign shall be eight square feet per sign face, with a maximum sign width of thirty inches, a maximum sign height of forty-eight inches, and a minimum sign height of thirty inches.
   b. No materials shall be added to the sign to increase its height.
10. Materials. Signs shall be constructed of weather-resistant materials, such as wood, plastic, metal or durable fabric.
11. Permit. No outdoor or temporary sign shall be installed or sited without first obtaining a sign permit from the city. The city may issue an annual permit for temporary signs located on a sidewalk.
12. Existing Signs. All temporary signs currently situated within the city shall be subject to the ordinance codified in this chapter. The mayor or his designee shall notify owners of nonconforming signs of such status by personal service or by regular mail. Nonconforming signs shall be removed within five days of service or mailing date of the notice.
13. Enforcement/Violations. Any sign not properly removed or relocated after notice from the city is declared a nuisance as defined at Section 8.08.020 of this code, or as hereafter amended. The nonconforming sign shall be subject to the summary abatement provisions of Section 8.08.100 of this code, or as amended, and subject to the penalties set out at Section 8.08.110 of this code, or as amended, in addition to the penalties for violation set forth in this title.

18.12.080 - Home occupation.

A. Purpose and Intent. Home occupations are businesses conducted in a residence, where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained. The provision for home occupations allows for the gainful employment in the home so long as the enterprise does not disrupt or reduce the surrounding residents' enjoyment of their neighborhood.

B. Standards.
   1. Home occupations may be conducted in any zone provided that the home occupation complies with the following standards:
      a. The home occupation shall be conducted entirely within the residence;
      b. No more than twenty-five percent of the floor area within a dwelling or five hundred square feet, whichever is less, shall be devoted to the business;
      c. No structural alteration or construction to accommodate the home occupation which would, upon the vacation of the home occupation, be of a character indicating a nonresidential use or which would not lend itself to the ordinary residential occupancy of this space formerly devoted to the home occupation, and no entrance to the space devoted to the home occupation from other than within the dwelling except when otherwise required by law will be allowed;
      d. The home occupation shall employ a maximum of two persons, provided the persons permanently reside in the dwelling;
      e. The home occupation shall not generate vehicular traffic which will interfere with residential traffic circulation or have more vehicles parked than there are parking spaces;
      f. Appointments shall be scheduled so that no more than one customer is at the residence at any given time;
      g. No retail sales, directly to the public, are permitted from any residence;
      h. The home occupation shall not create or cause hazards or nuisances due to noise, dust, vibration, odors, smoke, glare, electrical interference, or other adverse impacts; and
      i. The home occupation shall not involve the use or storage of explosive, toxic, combustible or flammable materials in a quantity that exceed the amounts incidental to normal residential use.
   2. The number of home occupations at any one address is limited to one.

18.12.090 - Mobile/manufactured home park.

A. Purpose. The purpose of this section is to accommodate the placement of mobile and manufactured homes in designated mobile home park developments.

B. Permitted Locations. Upon compliance with applicable regulations and processes, mobile/manufactured home parks shall be permitted in the L-R, R-3, and R-B zones after the issuance of a conditional use permit by the ~~planning commission~~ Hearing Examiner.

C. Design Standards. The following standards and requirements shall govern the design of a mobile home park:
   1. The minimum area of a mobile/manufactured home park shall be one and one-half acres.
   2. All mobile/manufactured home parks shall provide at least one point of ingress/egress from the park to a dedicated public street. The ~~planning commission~~ Hearing Examiner may recommend that additional access points be required. The developer shall be responsible to pave dedicated streets inside the park and to pave the frontage streets (lot line to lot line) that adjoin the property to the center of the dedicated right-of-way.
   3. All utilities including electrical distribution, cable television and telephone service systems shall be installed underground except for access terminals.
   4. Spaces within a mobile/manufactured home park shall contain a minimum of three thousand five hundred square feet in the R-3 and R-B zone and five thousand four hundred square feet in the L-R zone. The maximum building coverage including the mobile home is fifty percent of the space.
   5. A minimum of eight percent of the total gross area of the park shall be designated and maintained as a recreational area for occupants of the park.
   6. Setbacks in a mobile home park shall be as follows:
      a. Fifteen feet between dwelling units;
      b. Twenty feet from the front property boundary line and fifteen feet from flanking streets;

c. All mobile homes shall be located at least twenty feet from the perimeter of the park.

7. All vehicular ways shall meet or exceed the standards set by the street department supervisor for public streets.
8. Support system and stabilizing devices for any mobile/manufactured-designated/manufactured home shall be designed and installed in accordance with the specifications set forth by the manufacturer or the adopted standards of a federal or state regulatory agency, whichever is more stringent.
9. Accessory structures installed in a mobile home park shall conform to the requirements of the Uniform Building Code and other applicable laws. Accessory structures shall be no closer than five feet to a property line.
10. Off-street covered parking space(s) shall be provided in accordance with Section 18.12.020 of this chapter.
11. Each mobile/manufactured home space shall be numbered with a sign or other method which will facilitate responses by emergency vehicles.

D. Application Requirements.

1. Preapplication Conference.
   a. Before any proposal for a mobile home park is presented to the ~~planning commission~~ Hearing Examiner, the building official shall schedule a meeting between the city administrator, all interested department heads, and the applicant.
   b. The applicant shall have prepared for the meeting the general outlines of the proposal, evidenced schematically by sketch plans drawn to scale containing in an approximate manner the following information:
      i. Legal description of the proposal;
      ii. Boundaries and dimensions of the proposal including the number of acres involved;
      iii. Location and dimensions of each space;
      iv. Location and width of streets and pedestrian ways;
      v. Locations of recreational and other common areas;
      vi. Location of landscaping, fences, walls, and other screening structures;
      vii. Locations, arrangement and design of all parking facilities;
      viii. Identification of topographical hazards, environmentally sensitive areas, floodplains.
   c. The building official shall furnish the applicant with a written review of the conference regarding the relation of the mobile home park to general development objectives and applicable city ordinances and policies.
2. Application for development permit shall include the following:
   a. All applications for approval of a mobile home park development shall be accompanied by a fee as established by resolution by the city council which shall be used to cover the costs of advertising, reviewing, and publishing incidental to the request.
   b. All new mobile home parks or extensions to existing parks shall be subject to site plan review under this title.
   c. All applications submitted for approval of a mobile home park shall include six copies of the site plan. The plan shall be drawn at a scale of one inch equals one hundred feet or larger and be on sheets of paper eighteen inches by twenty-four inches minimum. The plan shall contain at a minimum the following information in addition to the information required in subsection (D)(1) of this section:
      i. Name of person who prepared the plan;
      ii. Name of persons owning and managing the land proposed for the park development;
      iii. Name and address of the proposed mobile home park;
      iv. Scale and north point on the plan;
      v. Vicinity map showing relationship of the development to adjacent properties;
      vi. Location and dimensions of each space, with spaces designated by number or other designation;

vii. Location of each lighting fixture for exterior lighting;
viii. Location and dimensions of proposed building(s) other than mobile homes;
ix. Location of fire hydrants;
x. Enlarged plot plan of a typical space, showing location of foundation base, storage space, parking, utility connections and other improvements;
xi. A survey plat of the property showing:
(A) Structures to be constructed,
(B) Public water system and sewer and garbage disposal plan approved by the appropriate officials.

d. An environmental checklist and fee for review must be submitted with the application.

3. The application will be submitted in accordance with the provisions of Chapter 18.20 of this title for a Type II review.

E. Park Administration.

1. It is the responsibility of the park owner and manager to assure that the provisions of this title are observed and maintained within the mobile home park. Violations of this title shall subject both the owner and the manager to the penalties provided for in Section 18.20.070 of this title for such violation. The owner or designated agent shall be available and responsible for the direct management of the mobile home park.
2. The mobile home park shall be maintained free of any flammable materials in amounts which might communicate fires between homes and other improvements.
3. Refuse shall be collected and disposed of on a regular and sanitary basis.
4. Any dumpsters or centralized collection areas containing three or more receptacles will be screened from view as per Section 18.12.030 of this chapter.

18.12.100 - Confinement facilities.

No confinement facilities, other than a holding facility, shall be located within the boundaries of the city.

18.12.110 - Nonconforming uses and structures.

A. Purpose and Intent. The purpose of this section is to define the conditions under which the lawful use of any building or lot existing at the time of passage of the ordinance codified in this title may be continued, although such use does not conform to the provisions of this title.

B. Nonconforming Uses.

1. If a nonconforming use is discontinued for a period of six months or more, use of the lands or buildings thereafter shall be in conformity with the uses permitted in the zone in which the property is located.
2. Where a nonconforming use occupies a conforming building no repair or alteration shall be permitted which causes the building to become nonconforming in structure or appearance.
3. A nonconforming use conducted upon open land or within a conforming building shall not be changed to any other use which does not conform to the regulations of the zone wherein such land or building is located.
4. A nonconforming use if changed to a conforming use may not thereafter be changed back to a nonconforming use.

C. Nonconforming Lots of Record. Any lot of any size can be used for a building site, subject to the regulations governing the zone in which it is located, if it was legally created and officially recorded in the city or county offices as a separately-owned single lot prior to the adoption of the ordinance codified in this title.

D. Expansion of Nonconforming Uses of Land. Nonconforming uses of land shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the adoption of said ordinance, unless a conditional use permit has been issued authorizing such use.

E. Nonconforming Structures.

1. Nonconforming buildings and structures shall not be enlarged or altered in a way which increases the nonconformity without the issuance of a variance in accordance with Section 18.16.030 of this title.
2. In the event that a nonconforming structure is destroyed by any means other than by fire, flood, or act of nature, to an extent of more than fifty percent of its actual value based on the assessed valuation at the time of its destruction, the structure, the use, and the lot upon which it is located shall thereafter conform to all requirements of the zone within which it is located, unless the structure is designated as an historic structure in which case the structure can be rebuilt.

   In the event that a nonconforming structure is destroyed by fire, flood, or act of nature restoration of that structure may be allowed provided such restoration shall be initiated, as evidenced by the issuance of a valid building permit, within twelve months of such damage occurring.

18.12.120 - Special standards for the keeping of livestock.

A. Purpose and Intent. The purpose of this section is to define the conditions under which the keeping of livestock shall be permitted within the city. The intent is to ensure that negative impacts, including but not limited to, noise, odor, destruction of property, unsightliness or damage to natural resources, are minimized while still permitting Chewelah residents to keep, raise or breed a modest number of livestock on appropriately sized and located parcels of land.

B. Computation of Animal Units. An animal unit is equivalent to any one of the following: steer, cow, milk cow, horse, mule/donkey, llama, ox, exotic animal, primate, three goats, three ~~sheeps~~ sheep, three pigs, twenty chickens, twenty fowls or twenty rabbits. For the purpose of this definition, any newborn animal above shall be excluded until such time as it is weaned. In the case of a particular species of livestock not mentioned above, the city building official shall determine its value in terms of animal units based on the animal's nature or size. Up to ten chickens, fowls or rabbits may be kept without regard to the provisions of this section.

C. Standards for the Keeping of Livestock. Livestock may be kept on residential parcels of land providing the following standards are met:
   1. Lots with an area of between one-half acre and one acre may keep from zero to one animal unit. Any lot of one-half acre or less may not keep an animal unit or fraction thereof.
   2. Lots of one acre or more in size may increase the number of animal units at the rate of one additional animal unit per half-acre in excess of one acre.

Lot Size	Number of Permitted Animal Units
0—21,779 square feet	0
21,780—43,560 square feet (1 acre)	1
43,561—65,340 square feet (1.5 acres)	2
65,340—87,120 square feet (2 acres)	3
87,121—108,900 square feet (2.5 acres)	4
108,901—130,680 square feet (3 acres)*	5

* Note: Permitted animal units increase at the rate of one per each one-half acre increase in lot size.

3. The keeping of bulls and stallions over six months of age, the keeping of mink, foxes, or other non-domestic fur-bearing animals, the keeping of bees or beehives and the keeping of inherently dangerous animals shall be prohibited.

4. The keeping of endangered or threatened species, as defined by the Department of Fish and Wildlife, shall be prohibited.
5. All livestock shall be kept on private property.
6. No shelter, barn or other structure associated with the keeping of livestock shall be located within any required front, side or rear building setback.
7. Any enclosure for the livestock shall be surrounded by an adequate and sufficient containment system to confine the animals therein and to prevent the animals from encroaching upon any required front, side or rear building setback.
8. All stables and other animal-related buildings and enclosures upon property where livestock is kept shall be maintained in a clean, healthful and sanitary condition.
9. Livestock shall be kept no closer than twenty-five feet to adjacent critical resource areas to minimize negative impacts to those areas. Where steep slopes or soils conditions warrant, the city administrator or designee may increase the size of the required buffer to adequately protect adjacent critical resource areas against negative impacts due to surface water runoff. The city administrator or designee may decrease the size of the buffer if the applicant submits a mitigation plan, prepared by a qualified professional, ~~that~~ which demonstrates the adjacent critical resource area is protected against negative impacts. In no case shall the buffer be reduced to less than ten feet. Negative impacts include, but are not limited to, destruction of native vegetation, destruction of natural wetland or riparian habitat, erosion of stream banks, decrease in stream water quality and increase in stream water temperature.

D. General Provisions.
1. No pigs, hogs, domestic fowl, rabbits, horses, cattle or other livestock shall be permitted to run at large within the city limits. No domestic animals shall be driven through or on any of the public streets of the city unless the domestic animals are kept together in some manner so that the owner or driver has complete control over such animals and the animals will not be permitted to trespass on private property or travel on any public sidewalks, parking strips, or curbing. Such action shall be considered a nuisance.
2. If said animal(s) cause(s) damage, the owner may be held liable as provided in RCW Chapter 16.60. If the damage was caused by an animal running at large, the owner of such damaged property may retain and keep custody of said animal(s) until the owner of the animals pays for damages.
3. Any impounded animal shall be held by the police department and shall be held for no less than three days during which time the owner may claim the animal. An owner reclaiming an impounded animal shall pay an impoundment fee for each offense, plus the actual cost to the city for the care and keeping of the animal. After three days, city may elect to dispose of the animal in an appropriate method.
4. It shall be unlawful for any person within the city having possession or control of any dead livestock or pet, which was not slaughtered for human consumption, to fail, refuse or neglect within forty-eight hours of death to appropriately dispose of the carcass.

E. Administrative Review.
1. Residents wishing to keep livestock shall request, in writing, city approval of the proposed activity. The request shall include a letter describing the livestock being kept, the purpose for which they are being kept, the anticipated duration of the keeping and any specific measures being taken to meet the requirements of this section. A site plan, showing property lines, existing structures, any adjacent critical resource areas and the location of livestock keeping areas, shall accompany the written request.
2. The city administrator or designee shall review the application for conformance to the provisions of this section and if the request is consistent with the provisions of this section, shall issue an approval within five days of the request's submittal.

3. The city's approval may include mitigation measures in addition to those proposed by the applicant to ensure that critical resource areas are adequately protected from damage caused by livestock.
4. The administrative decision may be appealed to the ~~planning commission~~ Hearing Examiner for ~~its~~ his/her review and determination as a non-hearing item.
5. The ~~planning commission's~~ Hearing Examiner's determination may be appealed to the ~~city council~~ Superior Court of the State of Washington for Stevens County.

F. Compliance with New Regulations. Any keeping of livestock established prior to the effective date of this section shall be considered legal nonconforming and any such keeping of livestock that does not comply with the standards contained in Section 18.12.120(C) of this title must be so modified to be in compliance within two years of the effective date of this section.

18.12.130 - Recreational vehicles on personal property.

Only one RV or motorhome will be permitted on a single tax parcel. When used as a primary residence, utilities shall not be provided to an RV or motorhome for longer than six months in a calendar year. When occupied in conjunction with a building permit on the same property, utilities shall not be provided to an RV or a motorhome for longer than one year. The existing utility customer of the property shall pay for all residential utility charges when utility hook ups are utilized by an RV or motorhome for longer than seven days. Failure to pay these service charges may result in termination of services to the property.

RV's or motorhomes shall not be parked within the front yard setback.

Chapter 18.16 APPLICATIONS

18.16.010 - Purpose and intent.

This chapter describes the land use applications for development subject to review under this title. The intent is to describe the framework of the various types of development applications, the criteria and timeframe for approvals. The procedures for the land use applications are described in Chapter 18.20 of this title.

18.16.020 - Use permits.

A. Purpose and Intent. Certain uses, because of their unique characteristics, cannot be properly classified in any one zone. Such uses should be considered individually and the impact on surrounding properties taken into account. Therefore, the intent of this section is to allow for the review of such uses as conditional uses with requirements prescribed to protect the health, welfare, and safety of the public.

B. Review Process. A conditional use permit shall be subject to a Type I or Type II review, in accordance with Section 18.20.030 of this title, as follows:
1. The Type I procedure shall be used to process a temporary conditional use permit request.
2. The Type II procedure shall be used to process all other conditional use permit requests.

C. Action of Review Authority.
1. The administrator may approve a temporary conditional use permit, in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:
   a. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
   b. The proposed site is adequate in size and shape to accommodate the temporary use without detriment to the use and enjoyment of other properties in the project vicinity.
   c. The project makes adequate provision for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection.
   d. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the review authority.

2. The ~~planning commission~~ Hearing Examiner may approve a conditional use permit, in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:
    a. The project is consistent with the city comprehensive plan and meets the requirements and intent of the Chewelah Zoning and Land Division Ordinances, including the type of land use; the density/intensity of development; and the protection of critical areas, if applicable.
    b. The project will not be unduly detrimental to properties within three hundred feet of its boundaries.
    c. The project makes adequate provision for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection.
    d. The project adequately mitigates impacts identified through the SEPA review process, if applicable.
    e. The project is beneficial to the public health, safety, and welfare, and is in the public interest.

D. Time Limit on Approval of Conditional Use Permit.
    1. Authorization of a temporary conditional use permit shall be valid for the time specified in the approval, but not to exceed six months.
    2. Authorization of a conditional use permit shall be void one year after the effective date, unless a building permit has been issued and substantial construction has taken place or the use has commenced. However, a written request for up to a one-year extension submitted prior to the expiration date may be approved by the ~~commission~~ Hearing Examiner for the conditional use permit if the ~~commission~~ Hearing Examiner finds that the facts on which the conditional use permit is approved have not changed substantially. If during this period the use substantially changes the conditional use permit shall become void and a new application will be considered on its own merit.
    3. If the use authorized under a conditional use permit ceases or is interrupted for six consecutive months or more, then a new conditional use permit will be required.

18.16.030 - Variance.

A. Purpose and Intent. The purpose of a variance is to provide relief in cases where the strict application of the development standards in this title would result in undue hardship by virtue of physical peculiarity of a parcel of land or in the case of property in the flood management overlay zone would result in the denial of economic use of the property. The purpose is to ensure that because of physical characteristics of a property, the property is not deprived of privileges commonly enjoyed by other properties in the same zone. A variance shall not allow a use in a zone where otherwise prohibited.

B. Review Process. A variance shall be subject to a Type I or Type II review, in accordance with Section 18.20.030 of this title, as follows:
    1. The Type I procedure shall be used to process a minor variance request involving a ten percent reduction or ten percent increase from a quantitative provision of the Zoning or Land Division Ordinance.
    2. The Type II procedure shall be used to process a variance in the flood management overlay zone and any variance not covered by a minor variance.

C. Action of the Review Authority.
    1. A variance request may be approved in whole or in part, with or without conditions, if all of the applicable findings of fact can be made in an affirmative manner. Criteria for variances to development standards and criteria for variances in the FM overlay zone are contained in Section 2 and 3 below.
    2. A variance request for modification to development standards may be approved in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:

a. The strict application of this title to a property would result in extreme difficulty, unnecessary hardship, or the inability of an owner to use land for the purposes allowed in the zone in which it is located for reasons of physical peculiarity.
b. The granting of such variance would not be detrimental or injurious to the property or improvements within three hundred feet of the improvements or property boundaries.
c. The granting of the variance would not grant special privileges to a landowner that are in conflict with the purposes of this title.

3. A variance request for development within the FM overlay zone may be approved in whole or in part, with our without conditions, if all of the following findings of fact can be made in an affirmative manner:
   a. Denial of the variance would result in exceptional hardship and would deny all economic use of the property;
   b. The variance would result in the minimum relief necessary, considering the flood hazard;
   c. If the site is located in a designated floodway, no increase in flood levels during the base flood discharge would result;
   d. Granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or conflict with existing local laws or ordinances;
   e. In the case of the reconstruction of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places, the structure is being rebuilt as it previously existed.

D. Time Limit on Approval of Variance. Authorization of a variance shall be void one year after the effective date of the variance, unless a building permit has been issued and substantial construction has taken place. However, a written request for up to a four year extension submitted prior to the expiration date may be approved by the ~~commission~~ Hearing Examiner for the variance if the ~~commission~~ Hearing Examiner finds that the facts on which the variance is approved have not changed substantially.

18.16.040 - Site plan review.

A. Purpose and Intent. The purpose of a site plan review is to ensure that development on sites containing unique or critical resources protects these resources to the extent possible, and that the public health, safety and welfare of residents of the city are maintained.

B. Review Process.
   1. A site plan review shall be required in the following situations and as required in other sections of the Chewelah Municipal Code:
      a. Development in the critical resource areas overlay (CRA) zone;
      b. Development in the flood management overlay (FM) zone;
      c. Development in the shoreline enhancement overlay (SE) zone.
   2. Site plan review shall be subject to a Type II review, in accordance with Section 18.20.030 of this title.
   3. Any person, firm, or corporation may make application for site plan review. The completed application shall be submitted to the building official with applicable fees in accordance with the fee resolution adopted by the city council.
   4. A site plan review application shall include the following:
      a. Plans (drawn to scale) showing the nature, location, dimensions of the critical resource area or floodplain area, if any, on or adjacent to the site;
      b. Existing topography and natural features;
      c. Existing and proposed structures and the proposed uses;
      d. Proposed grading, drainage facilities, and location of storage, if applicable;
      e. All required technical reports prepared by experts with demonstrated qualifications in the area(s) of concern;

f. Any additional information deemed necessary by the administrator or ~~planning commission~~ Hearing Examiner.

5. In the case of proposed development within the FM overlay zone, the following shall also be provided:
   a. Estimated flood elevation for a one-hundred-year flood or the flood event having a one percent chance of occurring in any given year, as determined by flood insurance agency or a qualified professional engineer.
   b. Elevation in relation to mean sea level, of the lowest floor, including the basement, of all structures.
   c. Elevation in relation to mean sea level of which any structure has been floodproofed. Where available flood data relates to depth of flood waters rather than height above mean sea level, then the depth of the one-hundred-year flood should be substituted for elevation data.
   d. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure ~~meets~~ meet the floodproofing criteria in Sections 18.08.150F and G of this title.
   e. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

C. Action by Review Authority. The ~~planning commission~~ Hearing Examiner at a public hearing may approve a site plan review in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:
   1. The project is consistent with the Chewelah comprehensive plan and meets the requirements and intent of the Chewelah Zoning and Land Division Ordinances, including land use and intensity of development.
   2. The physical location, size, and placement of proposed structures on the site and the location of proposed uses within the project minimize impacts to any critical resource or floodplain area to the greatest extent possible.
   3. The project is compatible with and relates harmoniously to the surrounding area.
   4. The project will not be detrimental to the public interest, health, safety, or general welfare.
   5. The project adequately mitigates any identified impacts.
   6. Adequate setbacks and buffering have been provided. Any reduction to setbacks or buffer widths is the minimum necessary to allow for reasonable economic use of the lot and does not impact the functional value of the critical resource area.

D. Time Limit on Approval of Site Plan Review. Authorization of a site plan review shall be void one year after the effective date, unless a building permit has been issued and substantial construction has taken place. However, the administrator may extend the site plan review four years longer if the administrator finds that the facts on which the site plan review was approved have not substantially changed.

18.16.050 - Amendments.

A. Purpose and Intent. The text of this title and/or applicable maps may be amended to better implement the city comprehensive plan or protect the health, safety, and welfare of city residents.

B. Initiation of Amendment by Petition.
   1. An amendment or supplement to this title may be initiated by any owner of affected property (in the case of a zone change), or any citizen of Chewelah in the case of other amendments. Any proposed amendment shall be presented on forms and in the format prescribed by the ~~commission~~ Hearing Examiner.
   2. Attached to any proposed amendment or supplement shall be an explanation and justification for the proposed change. Additionally, a request for a zone boundary change or zone change shall be accompanied by an accurate map at a scale not larger than one inch equals two hundred feet showing the affected property and three hundred feet in all directions from the property

lines. A complete list of all owners of property on the map shall also be submitted. The list shall be certified by a licensed title company within thirty days of the date of application.

C. Initiation of Amendment by the City. The ~~planning commission~~ Hearing Examiner or city council may initiate an amendment to this title at any time. Before such an amendment can be passed, the ~~commission~~ Hearing Examiner shall first investigate the merits of the proposed change and shall conclude the change, if adopted, will be in conformance with the comprehensive plan and promote the health, welfare, and safety of the people or constitutes good zoning practices and conforms to the laws of the state.

D. Review Process. An amendment shall be subject to a Type III review consistent with Section 18.20.030 of this title.

E. Action of Review Authority.

1. Whenever there is a proposed rezoning being reviewed where public hearing is advertised and held, if after hearing testimony and considering the facts involved, the council finds that a more restrictive zone classification than that requested and advertised or that a rezoning of less land than that advertised would be in the public interest and constitute good zoning practice, the council may approve a more restrictive zone or smaller land area without readvertising and rehearing. For the purpose of this provision, the low-density residential zone (L-R) shall be interpreted as being the most restrictive.
2. The ~~planning commission~~ Hearing Examiner shall review the request and shall not recommend approval of an amendment to the comprehensive plan or any implementing ordinance or regulation unless it first makes the following findings and conclusions:
   a. The proposed amendment is consistent with the intent and goals of the Chewelah comprehensive plan and meets the requirements and intent of the Chewelah Municipal Code.
   b. The proposed amendment is consistent with applicable federal and state laws and regulations.
   c. The city and other responsible agencies and special zones will be able to supply the development resulting from the amended comprehensive plan or implementing ordinance with adequate roads and streets for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection.
   d. The amendment adequately mitigates impacts identified through the SEPA review process, if applicable.
   e. The amendment is beneficial to the public health, safety, and welfare, and is in the public interest.

18.16.060 - Planned development (PD).

A. Purpose and Intent. The zoning map establishes zone boundaries and the text of this title establishes the permitted use of land in the various zones and the standards applicable to each use. While the provisions, conditions, and requirements in this title are in general, designed to apply to individual lots and minimum area parcels, the purpose of a planned development is to:

1. Produce a development which is as good or better than what is allowed using the traditional lot by lot development, by applying to large areas, whether consisting of consolidated lots or unsubdivided property, the same principles and purposes inherent in the required provisions applying to individual lots or minimum area parcels;
2. Correlate comprehensively the provisions of this title and other ordinances and codes of the city, to permit developments which will provide a desirable and stable environment in harmony with that of the surrounding area;
3. Permit flexibility that will encourage a more creative approach in the development of land, and will result in a more efficient, aesthetic and desirable use of open area, while at the same time, maintaining substantially the same, or marginal increase in, population density and area coverage permitted in the zone in which the project is located;

4. Permit flexibility in design, placement of buildings, use of open spaces, off-street parking areas, and to best utilize the potential of sites characterized by special features of critical resource areas, geography, topography, size, or shape, but maintaining a grid or modified grid system of streets;
5. Permit an increase in development intensity to encourage provision of special needs housing for the elderly or disadvantaged.
6. Change areas indicated on the zoning map to reflect the planned development (PD).

B. Initiation of PD. A planned development project may be initiated by:
1. The owner of all the property involved, if under one ownership; or
2. An application filed jointly by all the owners having title of all of the property in the areas proposed for the planned development project, if there is more than one owner; or
3. A governmental agency.

C. Permitted Location of Planned Unit Development Projects.
1. Residential planned development projects may locate only in any residential zone when processed and authorized as provided in this section.
2. Planned developments for other than residential uses may locate only in zones permitting the heaviest use proposed on the site.

D. Required Minimum Site Area. A planned development project shall contain a minimum site area of not less than one acre.

E. Uses Permitted.
1. In a planned development only the following uses are permitted:
   a. In a residential planned development:
      i. Residential units, either detached or in multiple dwellings;
      ii. Accessory incidental retail and other non-residential uses may be specifically and selectively authorized as to the exact type and size to be integrated into the project by design, provided the project contains a minimum of one hundred dwellings and the accessory retail uses serve only as a convenience to the inhabitants of the project;
      iii. Recreational facilities including but not limited to tennis courts, swimming pools, and playgrounds;
      iv. Schools, libraries, and community halls.
2. Planned developments for nonresidential uses shall be limited to zones in which the uses proposed are permitted by the zone in which the land is located.

F. Use Control in Planned Developments.
1. In residential planned developments accessory incidental limited retail uses will only be permitted in those developments which are planned for one hundred families or more. Building permits or occupancy permits for such uses shall not be issued until one-half of the total number of units or one-half of the estimated value of the project, whichever is greater, is completed.
2. In residential planned developments there shall be a minimum of ten percent of the total area of the planned development dedicated or reserved as usable common open space land.
3. Adequate guaranty must be provided to insure permanent retention of common open space land area resulting from the application of these regulations, whether by private reservation for the use of residents within the development or by dedication to the public or combination thereof. A plan for continued maintenance of the area must be established.

G. Permissive Variations in Requirements. In considering a proposed planned development project the approval may involve modifications in the regulations, requirements and standards of the zone in which the project is located so as to appropriately apply such regulations, requirements and standards to the site. In modifying such regulations, requirements and standards as they may apply to a planned development project, the following limitations shall apply:
1. Placement of Buildings. The site constraints, required yards and open spaces, and the height of the buildings shall dictate the location of buildings and structures on the site.

2. Yards. The distance for front yards for the zone in which the planned development is located shall apply to all exterior boundary lines of the site.
3. Open Spaces. The distance between buildings shall be not less than the minimum distance required in the Uniform Building Code.
4. Height of Buildings. In a planned development, no building or structure shall exceed the height which is allowed by this title in the use zone for the particular type of building or structure.
5. Number of Dwelling Units. The number of dwelling units permitted in any R zone shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zone in which the area is located. Net development area shall be determined by subtracting the area set aside for churches, schools, or commercial use from the total development area. Planned development may be granted additional density as follows:
   a. A density bonus of five percent may be granted for projects devoted to senior housing.
   b. A density bonus of five percent may be granted for projects devoting between thirty percent and seventy percent of its housing units for low to moderate-income households.
6. Permitted Site Coverage. The permitted percentage of coverage by buildings and structures for the net development area as determined in subsection 5 of this section shall not exceed the percentage of coverage permitted in the zone in which the project is located. In cases, where density bonuses are applied, except in R-1B, site coverage shall not exceed forty percent.
7. Permitted Floor Area. The maximum permitted floor area for all buildings shall not exceed the floor area permitted in the zone first permitting the use authorized.
8. Off-Street Parking. The total required off-street parking facilities shall be adequate for all proposed uses. Shared parking may be approved through the PD process, provided the applicant justifies the use and adequacy of shared parking.

H. Application Submittal Requirements.
1. The city shall prescribe the form on which applications are made for planned development projects. The city may prepare and provide blanks for such purpose and prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with schedule requirements and is verified as to the correctness of information by the signature of the applicant.
2. The following shall be included as a part of the application:
   a. An accurate map drawn to scale of not less than one hundred feet to the one inch showing the boundaries of the site, with names and dimensions of all streets bounding or touching the site;
   b. The proposed location and horizontal and vertical dimensions of all buildings and structures proposed to be located on the site;
   c. Proposed locations and dimensions of "common open space," if any, within the site;
   d. Proposed public dedications, if any, within the site,
   e. Location, dimensions and design of off-street parking facilities showing points of ingress into and egress from the site;
   f. Location, direction and bearing or any major physiographic features such as railroads, streams or creeks, and shoreline and topographic contours at intervals of not more than five feet together with proposed grading, drainage, and landscaping;
   g. Any additional information as deemed necessary by the administrator;
   h. The explanatory text shall contain a written statement of the general purposes of the project and an explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form. The adoption of the text specifying the particular nonresidential uses permitted to locate on the site, if any, shall constitute a limitation to those specific uses.
3. If the planned development contains any area that may require acquisition for public purposes such as opening and widening of streets or alleys, such features in addition to being indicated on the planned development map, shall be also shown in exact detail on a separate map to be

processed and adopted in the manner prescribed for adoption of official controls. Such official control shall be identified in the official control related to such elements of the comprehensive plan as involve the identification and preservation of future rights-of-way for public thoroughfare or areas for other public uses; provided, however, in lieu thereof or in combination with such official controls a plat may be filed and processed as required by the land division regulations.

4. All necessary applications for a planned development shall be processed concurrently with separate action on each application in accordance with Chapter 18.20 of this title.

I. Procedure for Approval of a Preliminary Planned Development.

1. The approval of a planned development shall be a two step process consisting of a preliminary review and a final review as provided for in this section and subsection K of this section.
2. A preliminary development plan shall be submitted to the building official for approval. A Type III review will be scheduled in accordance with Section 18.20.030 of this title.
   a. The ~~planning commission~~ Hearing Examiner shall review and may recommend to the council approval of a PD in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:
      i. The planned development is consistent with the intent and goals of the Chewelah comprehensive plan and meets the requirements and intent of the Chewelah Municipal Code;
      ii. The project is consistent with applicable federal and state laws and regulations;
      iii. The project is compatible with the existing or known proposed development on properties in the project vicinity;
      iv. The project can be adequately served by city water supply, storm drainage, sanitary sewage disposal, and emergency services;
      v. The project makes adequate provisions for access and circulation;
      vi. The project protects sensitive natural resources and adequately mitigates impacts identified through the SEPA review process, if applicable;
      vii. The project is beneficial to the public health, safety, welfare, and is in the public interest.
   b. The council shall hold an open record hearing and shall approve in whole or in part, with or without conditions, the application based on the findings of fact. Such preliminary approval or subsequent revisions shall be binding as to the general intent and apportionment of land for buildings, stipulated use, and circulation pattern, but shall not be construed to render inflexible the ultimate design, specific uses, or final plan of the project.
   c. The planned development resulting from the application of the provisions of this section shall be identified on the zoning map by appropriate reference to the detailed planned development map and explanatory text (if any) either by number or by symbol and constitute a limitation on the use and design of the site.
   d. If the development requires a division of land, the land division application shall be processed concurrently with the preliminary PD application. If the land division is submitted after PD approval, the proposed subdivision shall be processed in accordance with the Land Division Ordinance.

J. Time Limit on Approval of Preliminary PD. Authorization of a preliminary PD shall be valid for one year. However, the council may extend the preliminary PD approval one year longer provided the extension is requested prior to expiration of the original preliminary PD approval and the council finds that the facts on which the preliminary PD was approved have not changed substantially.

K. Procedure for Approval of a Final PD.

1. Prior to the expiration of a preliminary PD approval, an application for final PD approval shall be submitted to the city.
2. The final PD application shall be subject to a Type I review in accordance with Section 18.20.030 of this title.

3. In reviewing the application the administrator shall approve the final planned development, without a public hearing, if all of the following findings of fact can be made in an affirmative manner:
    a. The final planned development is consistent with the intent and goals of the Chewelah comprehensive plan and meets the requirements and intent of the Chewelah Zoning and Land Division Ordinances, including the type and intensity of development and protection of critical resource areas, if applicable.
    b. The project is consistent with applicable federal and state laws and regulations.
    c. The final planned development complies with all the conditions and conforms to all terms of the preliminary approval.

L. Time Limit on Approval of Final PD. A final PD approval shall expire one year after the effective date, unless a building permit has been issued and substantial construction has taken place or the use has commenced. However, a written request for a one-year extension submitted prior to the expiration date may be approved by the administrator if the administrator finds that the facts on which the PD was approved have not changed substantially.

M. Minor Adjustments in Planned Development. In issuing building permits for the construction of a planned development project, the building department may make minor adjustments involving the location or dimensions of buildings; provided, such adjustments shall not increase the total amount of floor space or number of units authorized in the planned development, nor decrease the amount of parking or loading facilities, nor permit buildings to locate closer to any boundary line, nor change any points of ingress or egress to the site.

Chapter 18.20 ADMINISTRATION

18.20.010 - Purpose and intent.

This chapter describes the process for review of land use development proposals and ordinance or map amendments subject to review under this title and the Land Division Ordinance. The intent is to establish procedures for the review of permit applications that will ensure that the requirements of this title are met, and the goals and policies of the Chewelah comprehensive plan are achieved. The process integrates the State Environmental Policy Act (SEPA) review as well as provides for consolidated development review wherever possible, in order to avoid duplication and delay.

18.20.020 - General provisions.

A. Unless otherwise required, where the city must review more than one application for a given development, all applications required for the development should be submitted for review at one time. The applicant must demonstrate that concurrent reviews are not possible and bear all costs of separate review.

B. Where more than one application is submitted for a given development, and those applications are subject to different levels of review procedures, then all the applications are subject to the highest level of review that applies.

C. There shall be no more than one open record hearing and one closed record appeal conducted by the city on any development application.

D. If an appeal is received on a SEPA determination, the appeal and the subject application shall be considered at the same hearing.

E. If this code does not expressly provide for review using one of the types of procedures, and another specific procedure is not required by law, the administrator shall classify the application as one of the three types of procedures. The administrator shall consider the following guidelines when classifying the procedure type:
    1. Type I, Administrative, process involves an application that is subject to clear, objective and nondiscretionary standard or standards that require the exercise of professional judgment about technical issues. This review shall be conducted by the appropriate official as determined by the administrator.

2. Type II, Quasi-Judicial, process involves an application that is subject to objective and subjective standards that require the exercise of substantial discretion and about which there may be a broad public interest.
3. Type III, Legislative, process involves the creation, implementation or amendment of policy or law by ordinance. The subject of a Type III process applies to a relatively large geographic area.

18.20.030 - Development review procedure.

A. Purpose and Intent. The purpose of this section is to provide procedures for the review of applications that will ensure that the requirements of this title are met, and the goals and policies of the city comprehensive plan are achieved. The intent is integrate the development permit and environmental review process, as well as to consolidate the development review, wherever possible, in order to avoid duplication and delay.

B. General Provisions.
   1. Unless otherwise required, where the city must review more than one application for a given development, all applications required for the development shall be submitted for review at one time.
   2. It shall be the responsibility of the applicant or petitioner to present evidence to the satisfaction of the body or person authorized by this title to hear an application that undue detriment will not result from the requested approval.

C. Preapplication Consultation.
   1. Applicants for a Type I review are encouraged to contact the administrator prior to submitting an application to discuss the nature of the proposed development, applicable development standards, design alternatives, required permits and the review process.
   2. Applicants for a Type II or III review shall submit a preapplication request prior to submitting an application. A preapplication meeting shall be held to discuss the nature of the proposed development, applicable development standards, design alternatives, required permits, availability of services, and the review process.

D. Application and Fee. Any property owner or representative of a property owner may make application. A completed application with applicable submittal materials and fees as established by resolution of the city council shall be submitted to the administrator.

E. Completeness Review.
   1. Within fourteen days of receiving a date-stamped application, the administrator shall review the application for completeness, and provide the applicant with a written determination that the application is complete or incomplete. If the application is found to be incomplete, the administrator shall identify the information that must be provided or requirements that must be met to constitute a complete application.
   2. An application is complete if it includes the following:
      a. A completed original application form signed by the owner(s) of the property subject to the application or by a representative authorized to do so by written instrument executed by the owner(s) and filed with the application.
      b. Information necessary to demonstrate compliance with the standards specified in the applicable section(s) of this title. In addition, the administrator may require such additional information as reasonably necessary to fully and properly evaluate the proposal.
      c. A completed SEPA checklist, including all back-up materials, or, in the case that the project is exempt, a statement explaining why the project should be considered exempt under WAC 197-11-800.
      d. Suggested findings of fact supporting the proposed project and relating to each required finding in this title.
      e. Payment in full of all applicable fee(s) adopted by the city council.
      f. The fee established by resolution by the council shall be charged for each certified/registered mailing of notice required by this title.

F. Notice of Application.
   1. Within fourteen days after making a determination that an application is complete, the administrator shall publish a notice of application in accordance with the requirements of Section 18.20.040B of this chapter.
   2. The notice of application begins a public comment period of not less than fourteen days and not more than thirty days.

G. Technical Review.
   1. The technical review committee shall review the development application for compliance with the provisions of this title and the city comprehensive plan, and other applicable city regulations, including the State Environmental Policy Act (SEPA). The administrator shall make a threshold determination pursuant to SEPA.
   2. After review by all city agencies affected by the development (including SEPA review) the applicant shall be notified whether additional technical information is needed in order to evaluate the proposal. If not, the application will be deemed technically complete. Additional technical information may include:
      a. A study of the potential traffic impacts of a project by a registered professional engineer.
      b. An Environmental Impact Statement (EIS) in compliance with WAC 197-11-400.
      c. Delineation of critical areas on the site by qualified professionals and evaluation of the impacts of the proposed development on the delineated resources.

H. Environmental Review.
   1. Developments and planned actions subject to the provisions of SEPA shall be reviewed in accordance with the policies and procedures contained in Chapter 16.04 (SEPA Ordinance).
   2. SEPA review shall be conducted concurrently with development project review.
   3. If an appeal is received on a SEPA determination, the appeal and the subject application shall be considered at the same hearing.
   4. If the SEPA determination is made after the notice of application, a separate notice may be necessary to comply with state environmental regulations.

I. Type I, Administrative Review Process.
   1. The administrator may approve, approve with conditions, or deny Type I applications, subject to the notice and appeal requirements of this article.
   2. Within fourteen days, a notice of decision must be published in accordance with Section 18.20.040D of this chapter. Preliminary approvals under this section shall become final if no appeal is submitted, within fourteen days of publication of the notice of decision.

J. Type II, Quasi-Judicial Review Process.
   1. A Type II, Quasi-Judicial Review shall require a public hearing before the ~~planning commission~~ Hearing Examiner.
   2. The administrator shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of city departments, affected agencies and special zones, and evaluating the development's consistency with the requirements of this title, the Chewelah comprehensive plan, and other applicable city regulations. The staff report shall include findings, conclusions and proposed recommendations for the disposition of the development application.
   3. The administrator shall schedule a public hearing before the ~~planning commission~~ Hearing Examiner as soon as possible after a technically complete application requiring a Type II Review is submitted. Notice of the time and place of the hearing shall be published in accordance with Section 18.20.040 of this chapter.
   4. At the time and in the place appointed, the ~~planning commission~~ Hearing Examiner shall conduct a public hearing for the purpose of taking testimony, hearing evidence, considering the facts pertinent to the proposal, and evaluating the proposal for consistency with the requirements of this title and other applicable plans and regulations.

5. For Type II reviews other than preliminary plats, the ~~planning commission~~ Hearing Examiner may grant preliminary approval, approval with conditions, or may deny the project based on the testimony received and the findings made. Preliminary approvals under this section shall become final fourteen days after publication of the notice of decision. If a written notice of appeal is received within the specified time, the matter shall be referred to the ~~city council~~ Superior Court of the State of Washington for Stevens County for review and a decision.
6. For Type II reviews of preliminary plats, the ~~planning commission~~ Hearing Examiner may recommend preliminary approval, approval with conditions or may deny the project based on the testimony received and the findings made. Such recommendation shall be submitted to the city council not later than fourteen days following action by the ~~planning commission~~ Hearing Examiner.

K. Type III, Legislative Review Process.
1. A Type III, Legislative, review shall require a review before the ~~planning commission~~ Hearing Examiner, a ~~commission~~ Hearing Examiner recommendation to the city council, and a hearing before the council.
2. In the event of initiation of an amendment by the council, it shall refer the proposed amendment to the ~~planning commission~~ Hearing Examiner for consideration and recommendation prior to taking action. Only one public hearing (before the ~~planning commission~~ Hearing Examiner) shall be held prior to council action.
3. The administrator shall prepare a staff report on the proposed amendment or action summarizing the comments and recommendations of city departments, affected agencies and special zones, and evaluating the amendment's consistency with the requirements of this title, the Chewelah comprehensive plan, other applicable city regulations, and applicable state and federal laws and regulations. The staff report shall include findings, conclusions and proposed recommendations for the disposition of the development application.
4. The administrator shall schedule a review before the ~~planning commission~~ Hearing Examiner as soon as possible after a technically complete application requiring a legislative review is submitted.
5. At the time and in the place appointed, the ~~planning commission~~ Hearing Examiner shall review the request and evaluate the proposal for consistency with the requirements of this title and other applicable laws, plans and regulations.
6. Whenever a proposed ordinance or amendment to the Zoning Ordinance or Land Division Ordinance or other ordinance implementing the comprehensive plan, or an amendment to the comprehensive plan is considered by the ~~planning commission~~ Hearing Examiner, the ~~commission~~ Hearing Examiner shall prepare findings of fact supporting its recommended action and transmit such findings to the city council.
7. Upon receipt of a recommendation by the ~~planning commission~~ Hearing Examiner of an ordinance, amendment to an existing ordinance, or an amendment to the comprehensive plan, the council shall, hold an open record public hearing for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, evaluating the proposal for consistency with the requirements of this title and other applicable laws, plans and regulations and considering the ~~commission~~ Hearing Examiner recommendation.
8. The council, before adoption, modification, or rejection of a Type III application, shall make findings of fact representing the official determination of the council and specifying the basis for the decision.
9. Action by the city council on a Type III application shall be final and conclusive, unless within twenty-one days from the date of publication of the notice of decision, the original applicant or a party adversely affected by the decision makes proper application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, a writ of mandamus, or other action as may be provided and allowed by law to review the action of the city council.

L. Final Decision.
   1. The review authority shall approve or deny a development proposal within the following timeframes from the date of the letter of completeness:
      a. One hundred twenty days for development applications, such as conditional use permit, variances, site plan review;
      b. Ninety days for preliminary subdivision plats;
      c. Thirty days for short plats;
   2. For development applications not identified in this section, the one hundred twenty-day timeframe shall apply. Exceptions to this include:
      a. Amendments to the comprehensive plan or development code.
      b. Any time required to correct plans, perform studies or provide additional information, provided that within fourteen days of receiving the requested additional information, the administrator shall determine whether the information is adequate to resume the project review.
      c. Substantial project revisions made or requested by an applicant, in which case the one hundred twenty days will be calculated from the time that the city determines the revised application to be complete.
      d. All time required for the preparation and review of an environmental impact statement.
      e. Projects involving the siting of an essential public facility.
      f. An extension of time mutually agreed upon by the city and the applicant.
      g. All time required to obtain a variance.
      h. All time required for an appeal of a determination of significance.

M. Notice of Decision. As soon as feasible after the hearing, the administrator shall prepare and distribute a notice of decision for all applications, in accordance with the requirements of Section 18.20.040D of this chapter.

N. Reinitiation of Hearings. No application for the same or substantially same project that has been denied may be filed within twelve months, except if specifically permitted at the time of approval or denial or if reinitiated by the ~~planning commission~~ Hearing Examiner or city council.

18.20.040 - Public notice.

A. Purpose and Intent. The intent of this section is to provide procedures for the content and distribution of public notices to ensure that interested persons are provided opportunities to review and comment on projects.

B. Notice of Application.
   1. A notice of application shall include the following:
      a. The date of the application, the date of the determination of completeness of the application, and the date of the notice of application;
      b. A description of the proposed project or requested action, including a list of other permits required, if applicable;
      c. A description of the SEPA determination of the proposed project or action and identification of any existing environmental documents that evaluate the proposed project, if applicable;
      d. A place where further information may be obtained;
      e. A statement of the public comment period, which is not less than fourteen days and not more than thirty days;
      f. A statement of the preliminary determination, if one has been made at the time of notice, of the development regulations that will be used for project mitigation and to determine consistency with the zoning and Land Division Ordinances;
      g. The schedule for making a decision on the request, including opportunities for public input and the form that such input should take.

2. Notice of an application for Type I procedure shall be made as follows:
   a. The administrator shall notify the adjacent property owners of intent to grant approval. Notification shall be made by certified mail (return receipt requested) and posting of the property.
   b. Final approval will be granted unless a request for a public hearing is filed with the city clerk within fourteen days of the date of the notice.
3. Notice of an application for Type II procedure shall be made as follows:
   a. Publication not less than fourteen days nor more than thirty days before the date of a public hearing in the official city newspaper of general circulation;
   b. Mail notice to all property owners within three hundred feet, not including street rights-of-way, of the boundaries of the property which is subject of the hearing. The notice shall be postmarked at least fourteen days prior to the date of the public hearing. The property owners shall be as shown on the most recent county assessor's records as certified by a list prepared by a title company within the last thirty days prior to the date of the application; and
   c. Post notice of the requested action on all street frontages of the property (properties) affected using notices provided by the administrator, at least fourteen days, but not more than thirty days prior to the hearing.
4. Notice of an application for Type III procedure shall be made as follows:
   a. Publication not less than fourteen days nor more than thirty days before the date of a public hearing in the official city newspaper of general circulation;
   b. If the proposed action is site-specific, mail notice to all property owners within three hundred feet, not including street rights-of-way, of the boundaries of the property which is subject of the hearing. The notice shall be postmarked at least fourteen days prior to the date of the public hearing. The property owners shall be as shown on the most recent county assessor's records as certified by a list prepared by a title company within the last thirty days prior to the date of the application; and
   c. If the proposed action is for a site specific, post notice of the requested action on all street frontages of the property (properties) affected using notices provided by the administrator, at least fourteen days, but not more than thirty days prior to the hearing.
   d. If the application would apply to a large number of properties (for example, an entire zone) publication of a map of areas affected may substitute for individual notice and posting.

C. Notice of Public Hearing. Prior to a public hearing, if the hearing date was not included in the notice of application, the administrator shall prepare a notice of public hearing, stating the nature, time and location of the hearing. Distribution of the notice of public hearing shall be completed in accordance with subsection B of this section.

D. Notice of Decision.
1. After a decision is made by the review authority, and within the specified review period, the administrator shall prepare a notice of decision that contains the following:
   a. The date of the application and the date of determination of completeness of application;
   b. A description of the project or requested action and the location of the property;
   c. A statement of any SEPA threshold determination;
   d. A statement of the action taken by the review authority;
   e. A statement that the action is final unless an appeal is submitted within the appeal period set by this title. The final appeal date shall be provided;
   f. A statement describing the procedure for an appeal;
   g. A statement that affected property owners may request from Stevens County a change in valuation for property tax purposes notwithstanding any program of revaluation.
2. The notice of decision shall be distributed as follows:
   a. Publication of the notice in the official city newspaper of general circulation;

b. Mailing of the notice to the applicant or applicant's representative and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted comments on the application.
c. Mailing of the notice to the county assessor's office.

18.20.050 - Appeal procedures.

A. General Provisions.
1. Any decision on a ministerial act, Type I, Type II, or Type III application made by the administrator or ~~planning commission~~ Hearing Examiner may be appealed, by applicants or parties of record, within fourteen calendar days of publication of the notice of decision.
2. Interpretations and SEPA determinations may be appealed to the city council.
3. Type I decisions appeals:
   a. Made by any administrative official to the city administrator;
   b. Made by the city administrator to the city council;
   c. Made by the ~~commission~~ Hearing Examiner to the city council.
4. Type II decisions, other than preliminary plats, may be appealed to the city council in the following manner:
   a. The appeal shall be filed in accordance with Section 18.20.050(B).
   b. The appeal shall be conducted as a closed record appeal, serving to provide argument and guidance for the decision. No new evidence or testimony shall be given or received. The parties to the appeal may submit timely written statements or arguments upon which the city council shall base its decision.
   c. The city council may request a staff presentation and may ask questions of staff.
   d. The city council may request a presentation by the appellant and may ask questions of the appellant.
5. Type II decisions for preliminary plats shall be subject to the Type III appeals processes and requirements.
6. Type III decisions may be appealed to the Stevens County Superior Court.

B. Filing.
1. An appeal shall contain the following:
   a. The decision being appealed;
   b. The name and address of the appellant;
   c. The specific reasons for the appeal (the appellant shall bear the burden of proving why the decision is inappropriate); and
   d. The desired outcome or changes to the decision.
2. The appeal fee shall be paid by the appellant in accordance with the fee schedule adopted by the city council or the clerk of Superior Court as applicable.

C. Judicial Appeal.
1. Appeals from the final decision of the ~~planning commission~~ Hearing Examiner or city council for which other appeals specifically authorized have been timely exhausted, shall be made to Stevens County Superior Court within twenty-one days of the date of publication of the notice of decision, unless another time period is established by state law or local ordinance. No person having actual prior notice of the proceedings of the ~~planning commission~~ Hearing Examiner or the city council hearings shall have standing to challenge the final action unless such person was a party of record at the final hearing.
2. Notice of the appeal and any other pleadings required to be filed with the court shall be served to the city clerk/treasurer.
3. The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The appellant shall post with the city clerk/treasurer prior to the preparation of any records an advance fee deposit in the amount specified by the city clerk/treasurer. Any overage will be promptly returned to the appellant.

18.20.060 - Enforcement.

A. Authority.

1. The administrator, building official and police department of the city shall be responsible for enforcing this title and remedying violations through proper legal channels. The administrator, building official and police department may adopt administrative rules to meet that responsibility.
2. A building permit for construction, alteration, repair, or relocation of any structure shall not be issued unless and until the plans, specifications, plot plan, and intended use of such structure conforms in all respects with the provisions of this title and any conditions of approval.

B. Certificate of Occupancy.

1. Before any use is established upon land or within a building, it shall be the responsibility of the owner of the land or building to inquire of the building official as to whether or not such use conforms to the regulations of the zone where it is to be located.
2. Upon written request of the owner, the building official shall, after inspection, issue a certificate of occupancy for any building or land stating whether the use conforms to the provisions of this title, or is a lawful nonconforming use.

18.20.070 - Violations and penalties.

A. General Provisions.

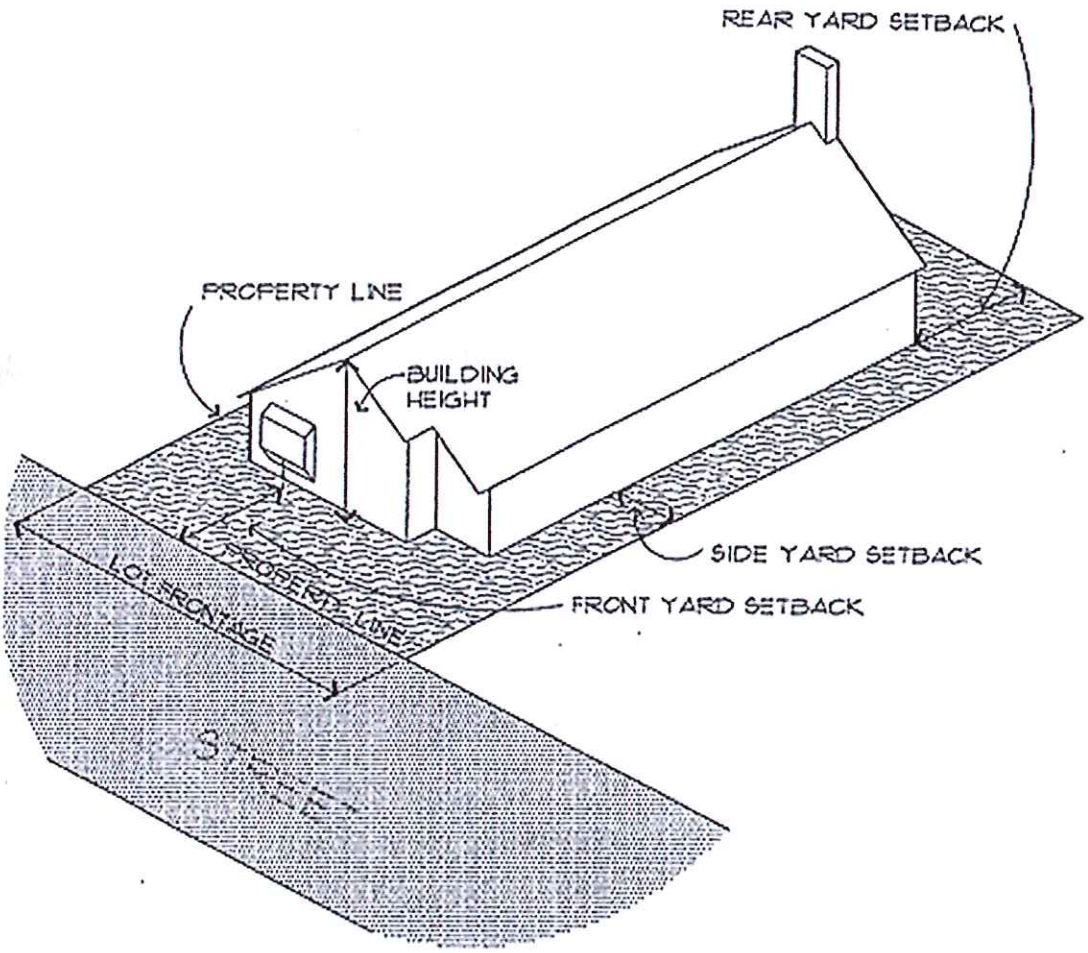
1. Compliance with the requirements of this title shall be mandatory. The general penalties and remedies established by the city for such violations shall apply.
2. Proof of a violation of a development permit or approval shall constitute prima facie evidence that the violation is that of the applicant and/or the owner of the property upon which the violation exists. An enforcement action under this chapter shall not relieve or prevent enforcement against any other responsible person.
3. A civil regulatory order may be issued and served upon a person if any activity by or at the direction of that person is, has been, or may be taken in violation of this title of the Chewelah Municipal Code.
4. A person who violates any provision of this title of the Chewelah Municipal Code, or who fails to obtain any necessary permit, or who fails to comply with a civil regulatory order shall be subject to a civil fine of not more than five hundred dollars and/or not more than three days in jail for each violation.
5. Each separate day, event, action or occurrence shall constitute a separate violation.

B. Revocation or Modification of Permits and Approvals.

1. Upon receiving an administrator's recommendation for revocation or modification of a ~~permitor~~ permit or approval, the city council shall review the matter at a public hearing. Upon a finding that the activity does not comply with the conditions of approval or the provisions of this title of the Chewelah Municipal Code, or creates a nuisance or hazard, the city council may delete, modify or impose such conditions on the permit or approval as it deems sufficient to remedy the deficiencies. If the council finds no reasonable conditions which would remedy the deficiencies, the permit or approval shall be revoked and the activity allowed by the permit or approval shall cease.
2. If a permit or approval is revoked for fraud or deception, no similar application shall be accepted for a period of three years from the date of final action and appeal, if any. If a permit or approval is revoked for any other reason, another application may be submitted subject to all of the requirements of this title of the Chewelah Municipal Code.

APPENDIX A
FIGURES

FIGURE 1:
DEVELOPMENT STANDARDS



Notes:

Roof eaves may project 2' into the required setback.

Setback will be calculated from the furthest protruding architectural element (in this example, a bay window) other than the above mentioned roof eaves.

Chimneys are not included in building height.

FIGURE 2:

CLEAR VIEW TRIANGLE

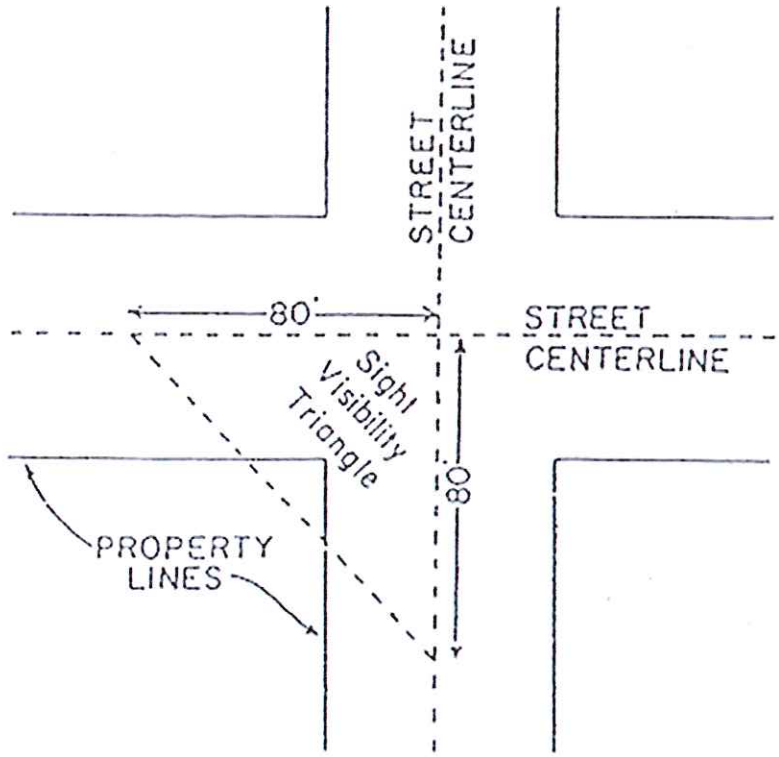


FIGURE 3:

LOT TYPES AND LOT LINES

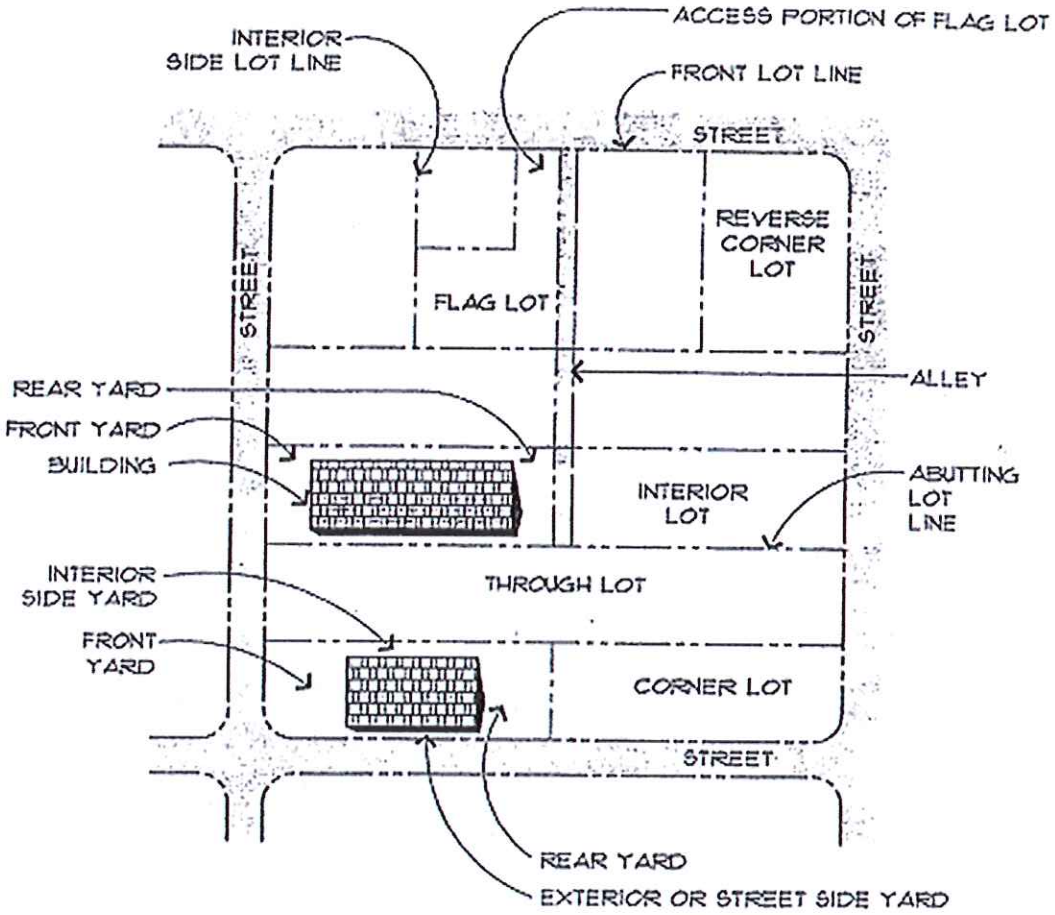
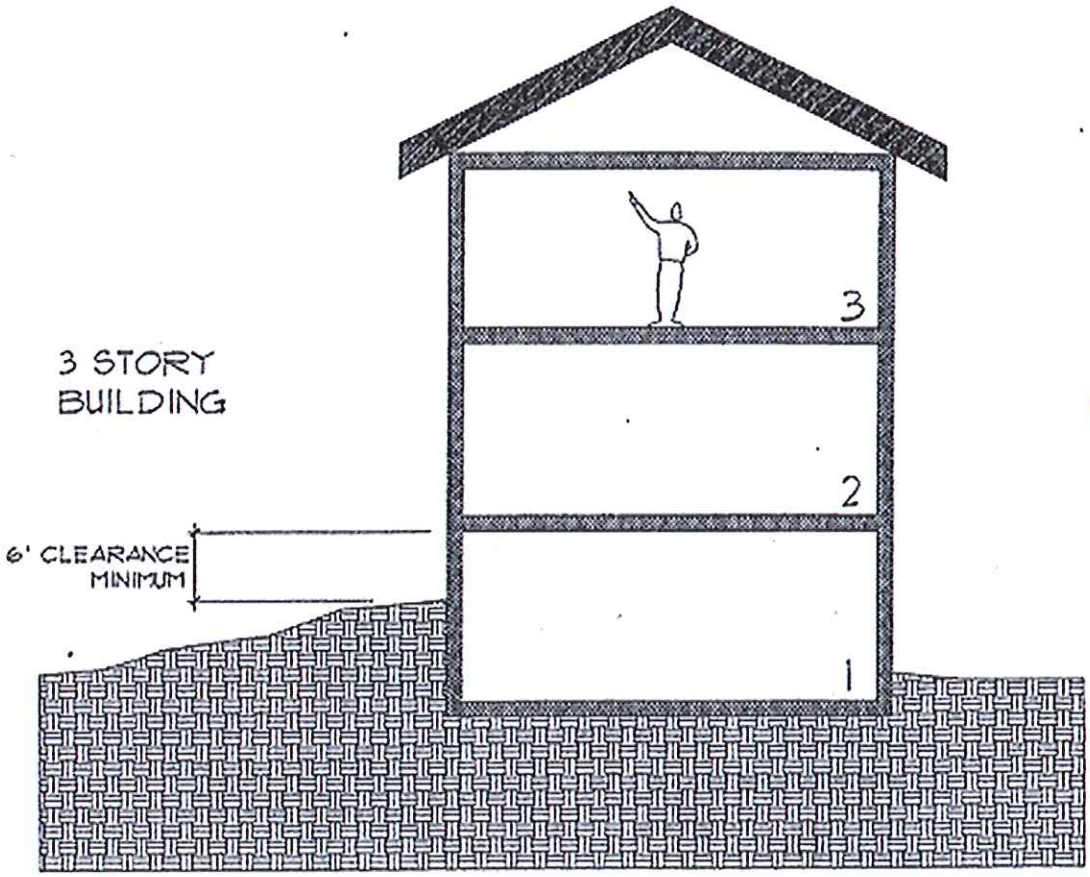


FIGURE 4:

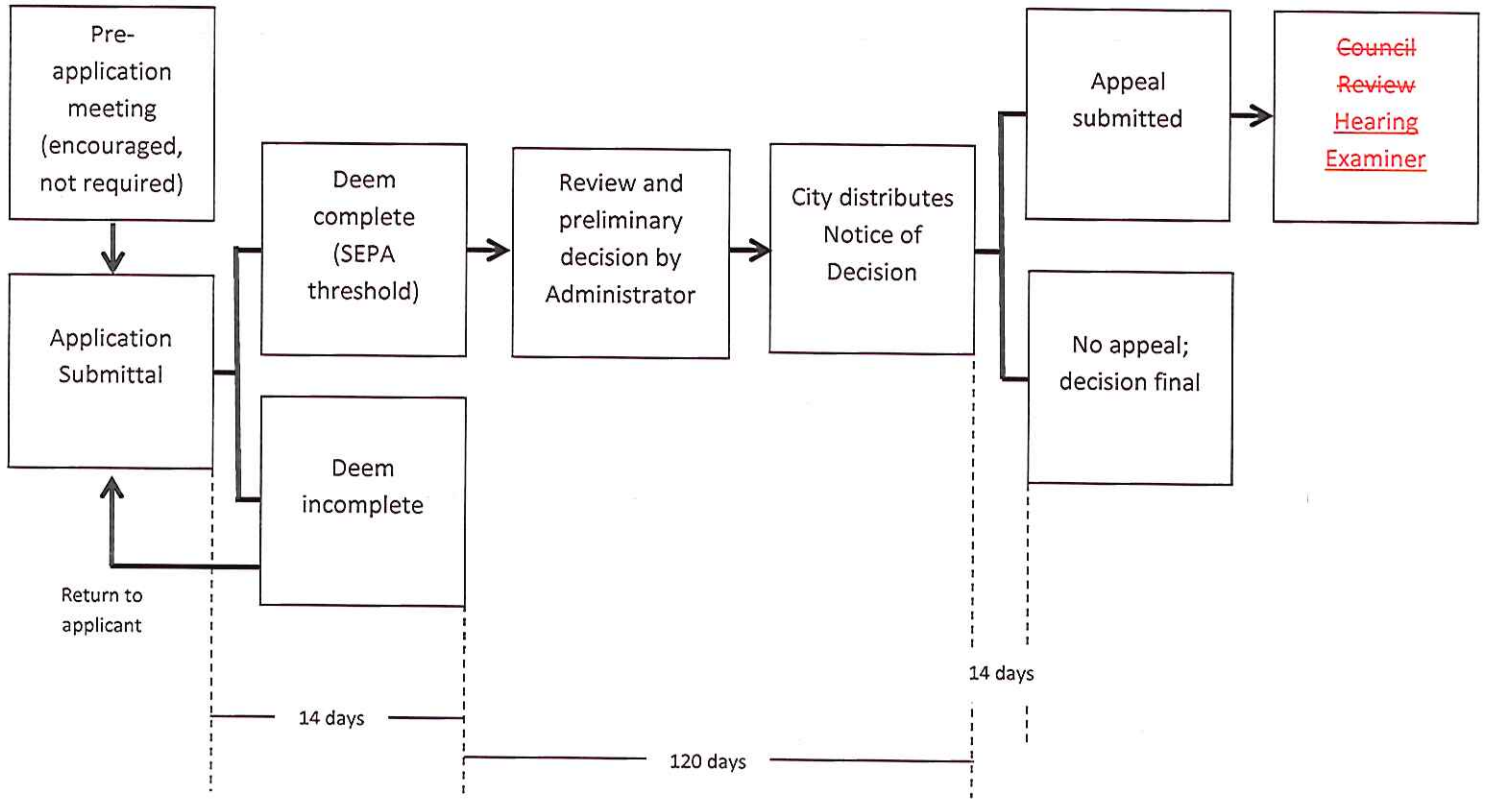
3 STORY BUILDING



APPENDIX B
Procedural Flow

Includes: Temporary Use Permit
Minor Variance
Final Planned Development (PD)
Lot Line Adjustment
Short Plat*

Reviewed by: Administrative Official
City Administrator

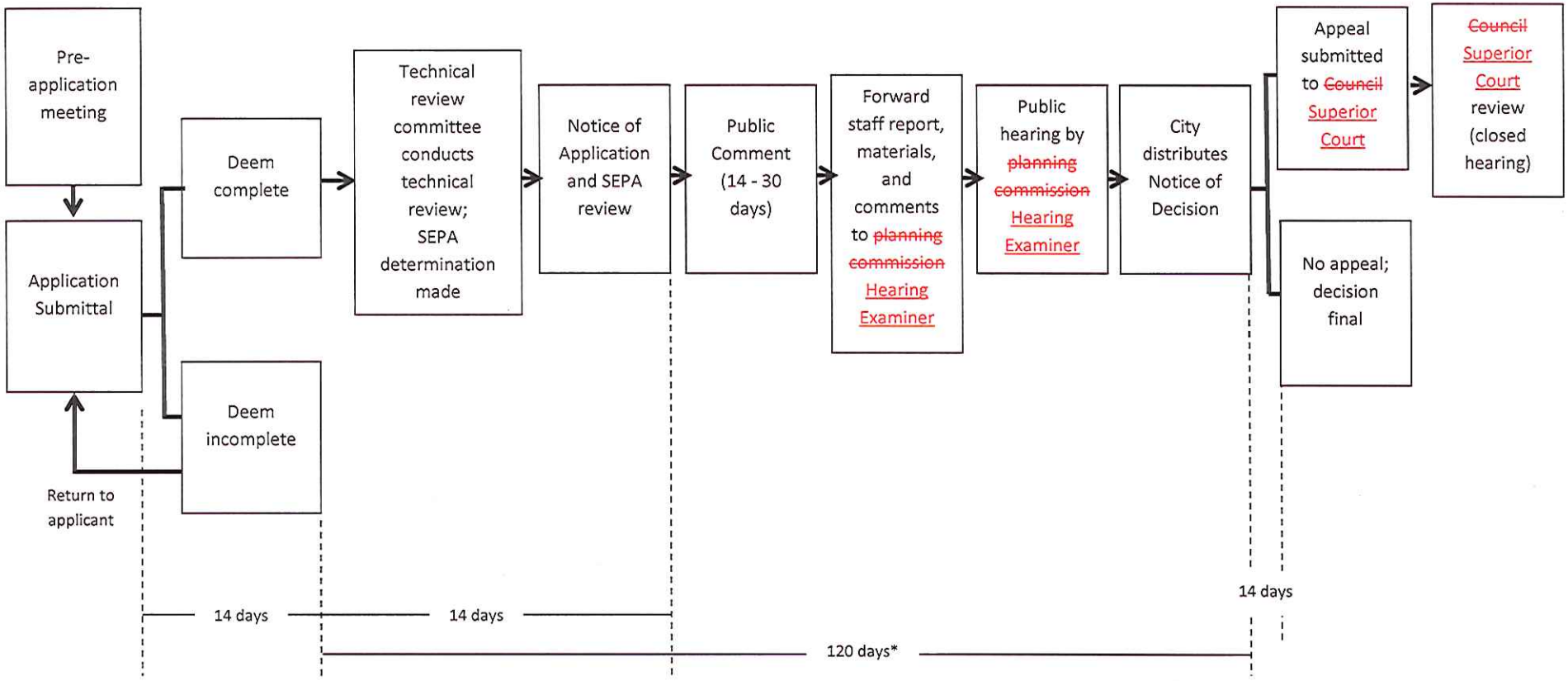


Total processing time: 120 days from the time the application is deemed complete (not including SEPA review or appeals)

*Maximum time for processing is 30 days from the date the application is deemed complete

TYPE II – QUASI-JUDICIAL REVIEW PROCESS

Includes: Conditional Use Permit
Major Variance
Site Plan Review

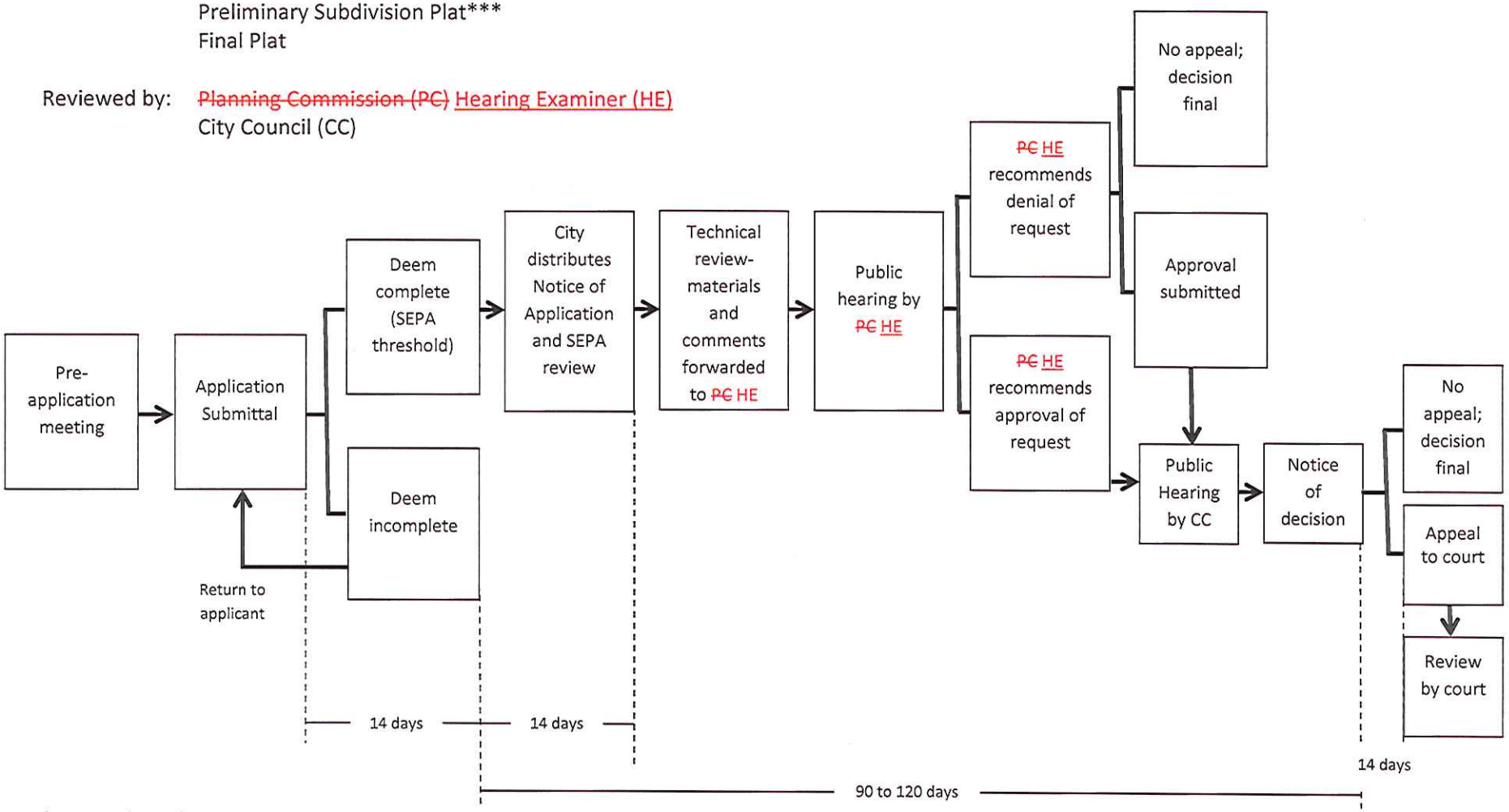


*Total processing time: 120 days from the time the application is deemed complete (not including SEPA review or appeals)

TYPE III – LEGISLATIVE AND PRELIMINARY SUBDIVISION REVIEW PROCESS

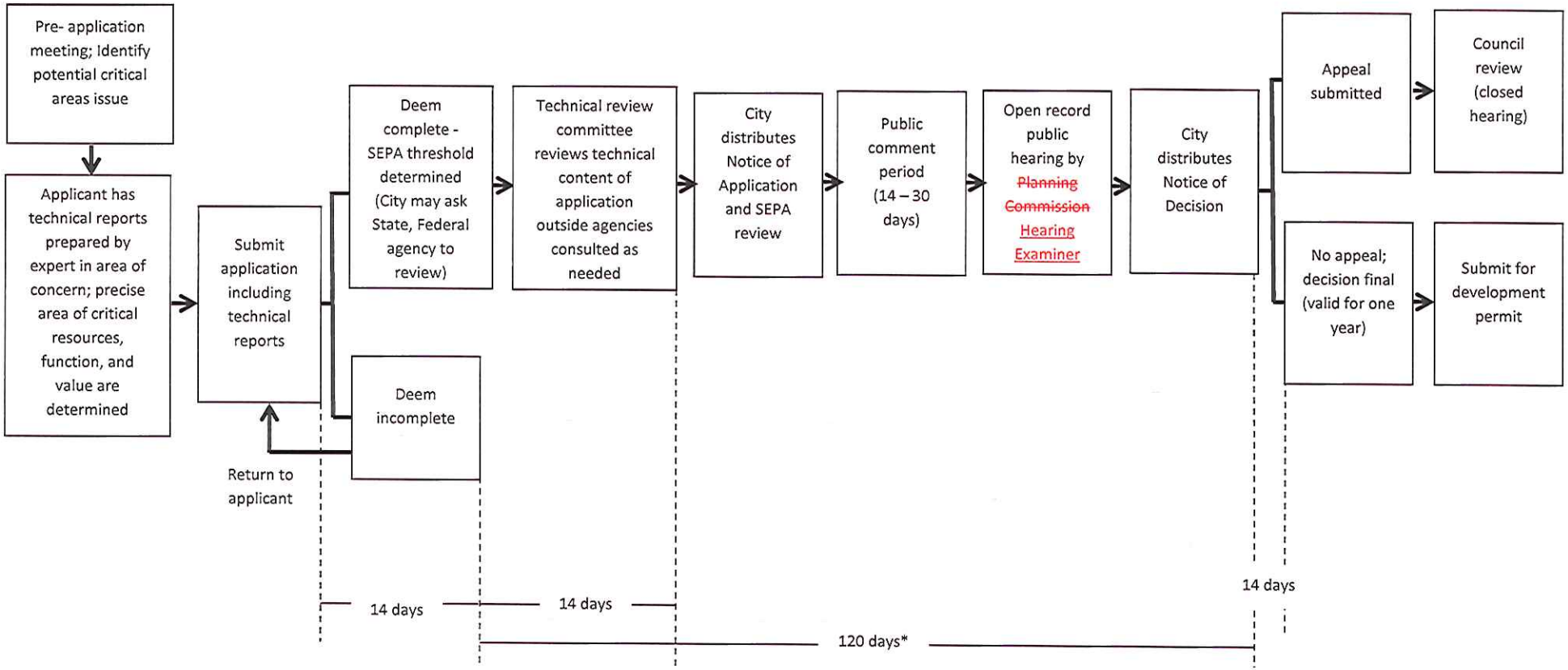
Includes: Map amendments to Comprehensive Plan or Unified Development Ordinance*
Text amendments to Comprehensive Plan or Unified Development Ordinance*
Text amendments to Shoreline Management Program*
Vacation/ Alteration*
Planned development**
Preliminary Subdivision Plat***
Final Plat

Reviewed by: ~~Planning Commission (PC)~~ Hearing Examiner (HE)
City Council (CC)



*Exempt from the 120-day processing rule
**120-day processing rule applies
***Maximum time for processing is 90 days from the date the application is deemed complete

DEVELOPMENT REVIEW IN CRITICAL RESOURCE AREAS



*Total processing time: 120 days from the time the application is deemed complete (not including SEPA review, variances, or appeals)

SECTION 8: REPEAL. Ordinances 150, 343, 376, 423, 426, 486, 524, 587, 608, 617, 624, 639, 644, 654, 655, 657, 668, 678, 698, 706, 737, 738, 739, 746, 747, 748, 770, 777, 783, 790, 794, 875, 884, 886 and 890 as codified in Titles 17 (Subdivisions) and 18 (Zoning) of the Chewelah Municipal Code (CMC) are hereby repealed.

SECTION 9: AMEND. Section 8 of Ordinance 643 as codified in CMC 16.04.070 and Section 2 of Ordinance 813 as codified in CMC 16.08.010 are hereby amended.

SECTION 10: SEVERABILITY. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

SECTION 11: EFFECTIVE DATE. This ordinance shall become effective five days after passage and publication as required by law.

Mayor Dorothy L. Knauss

Attest: Clerk/Treasurer Pamela McCart

Approved as to Form: City Attorney Charles Schuerman

Introduced: August 3, 2016
Adopted: August 3, 2016
Published: August 11, 2016