

Office of the City Attorney
Bob C. Sterbank
38624 SE River Street
PO Box 987
Snoqualmie, WA 98065

Office: (425) 831-1888
Fax: (425) 831-6041

www.ci.snoqualmie.wa.us
bsterbank@ci.snoqualmie.wa.us

May 9, 2017

Susan L. Carlson, Clerk
Supreme Court of Washington
P.O. Box 40929
Olympia, WA 98504-0929

RE: University of Washington v. City of Seattle, et al.
Supreme Court No. 93923-3

RECEIVED
MAY 11 2017
Washington State
Supreme Court
E
b/h

Dear Ms. Carlson:

(Corrected Appendices)

Please find enclosed for filing in the above-referenced matter the Table of Appendices and Appendices A – D to the Brief of Amicus Curiae Washington Association of Municipal Attorneys (“WSAMA”), filed electronically today, Tuesday, May 9, 2017. To address the Commissioner’s previous letter ruling concerning appendices, the attached brief cites to applicable RAP authority for the various appendices, e.g., at footnotes 2, 15 and 18.

Please do not hesitate to contact our office with any questions or concerns.

Very truly yours,

CITY OF SNOQUALMIE

Bob C. Sterbank
City Attorney

w/enclosures

cc: All parties

TABLE OF APPENDICES

Appendix A - 1	City of Bellingham Municipal Code Ch. 20.405
Appendix A – 2	City of Bellingham Ordinance No. 1998-09-0775
Appendix A – 3	City of Bellingham Ordinance No. 2004-12-087. ..5
Appendix A - 4	City of Ellensburg Municipal Code Sections 15.250.080 and 15.300.060.....5
Appendix A - 5	City of Cheney Municipal Code Ch. 21.37.....5
Appendix A - 6	Thurston County Code Ch. 20.54, Special Uses.....6
Appendix A - 7	City of Pullman Municipal Code Ch. 17.90 and Sections 17.70.030 Use Charts5
Appendix B.	Agreed Order in <i>University of Washington Friday Harbor Laboratories v. Port of Friday Harbor and the San Juan County Public Works Department</i> , 1986 WL 27542, Shorelines Hearings Board Case No. 85-24 (March 20, 1986)16
Appendix C.	Shoreline Master Program, San Juan County Code Chapter 18.50; Pierce County Code Section 18E.80.404(A).....16, 17
Appendix D.	Leavenworth Municipal Code Chapter 14.08.....18

APPENDIX "A"

APPENDIX "A - 1"

BELLINGHAM MUNICIPAL CODE

Chapter 20.40 INSTITUTIONAL DEVELOPMENT

Sections:

- 20.40.010 Applicability.
- 20.40.020 Purpose and intent.
- 20.40.030 Permitted uses.
- 20.40.040 Master plan adoption procedure.
- 20.40.050 Master plan elements and standards.
- 20.40.060 Development/application procedure.

20.40.010 Applicability.

Regulations specified within this chapter shall apply to the use of land within areas which have an institutional (IN) general use type. Additional regulations which may apply are referenced within the text for the convenience of the user. [Ord. 2004-12-088; Ord. 9024, 1982].

20.40.020 Purpose and intent.

A. Intent. The institutional general use type is intended to provide for the development of large campus type public or quasi-public uses in a planned and coordinated manner. Institutional areas should be considered where such uses utilizing at least 50 acres are in single or few ownerships or are otherwise able to utilize a coordinated planned concept.

B. Purpose. The purpose of the institutional use designation is to:

1. Delineate definite boundaries and development parameters for institutional types of uses;
2. Ensure orderly, phased development of appropriate uses within those areas;
3. Identify and reduce the impacts of institutional development on surrounding areas with less intensive uses;
4. Ensure the adequacy of city utilities, streets and other services to and within institutional areas as they develop;
5. Ensure development of institutional areas which is compatible with the physical features of those areas. [Ord. 9024, 1982].

20.40.030 Permitted uses.

A. Prior to approval of an institutional master plan pursuant to BMC 20.40.040 or upon property not included in such master plan, development is allowed in areas designated institutional as though such area was zoned as follows:

General Use Type	Residential Single
------------------	--------------------

Use Qualifier	Detached
Density	20,000 square foot minimum detached lot size
Special Conditions	None

If the applicable zoning for an institutional area so specifies, uses shown on an existing master plan for an area are allowed as enumerated within such plan.

B. Subsequent to the adoption of an institutional master plan, uses which are listed as permitted in that master plan are permitted upon approval pursuant to the procedures delineated in BMC 20.40.060. [Ord. 2004-12-088; Ord. 2002-10-069 § 57; Ord. 9024, 1982].

20.40.040 Master plan adoption procedure.

A. No development within an area designated institutional is permitted until a master plan as described in BMC 20.40.050 shall have been approved except as allowed in BMC 20.40.030(A).

B. An application for a new or amended master plan shall follow the procedures established in Chapter 21.10 BMC.

C. Final Actions. Upon approval of an ordinance adopting the master plan by the city council, all development within that institutional area shall comply with the plan requirements and standards included or referenced therein. [Ord. 2004-12-088; Ord. 2004-09-065; Ord. 1998-03-011 § 3; Ord. 9024, 1982].

20.40.050 Master plan elements and standards.

A master plan for an institutional area shall discuss specifically and make provisions for all concerns referred to in the special conditions listed for that area. The master plan shall include alternatives representing different landowners' choices for resolving issues raised during the planning process. The master plan shall also include at least the following elements and standards.

A. Elements. The following subjects shall be dealt with in both written and graphic formats. Maps shall be drawn at a scale appropriate to adequately show the plan proposals.

1. Land Use.

a. The master plan shall include maps and plans showing the following information:

- i. The area boundary.
- ii. Ownership boundaries of properties within and contiguous to the institutional area.
- iii. Existing improvements and land uses both within and contiguous to the institutional area.

- iv. Proposed land use classifications and boundaries between those use areas within the institutional area.
 - v. The designated land use classifications or properties contiguous to the institutional area.
- b. The rationale for the proposed land use classifications shall also be discussed. A list of the specific uses which would be allowed within each area shown on the land use classification plan shall also be included in the land use element.

2. Circulation.

- a. The circulation element of the master plan shall include maps showing the following information:
- i. Existing streets and rights-of-way within the institutional area, as well as those leading to it from nearby arterials.
 - ii. A plan for circulation within the institutional area, including provisions for automobile, transit, bicycle, and pedestrian circulation systems.
 - iii. Plans showing how access to the site will be provided, including alignment and profiles of any new roads and standards for their development as discussed in subsection (B) of this section.
 - iv. The general location and approximate capacity of parking facilities shall be shown relative to the circulation system within the institutional area.
- b. Narrative within the circulation element shall include a description of the existing circulation facilities – including the size and condition of any developed streets and sidewalks. Problems with the existing circulation system and proposals to deal with those problems shall be addressed. The phasing of circulation improvements within the institutional area shall also be specified pursuant to subsection (A)(4) of this section.

3. Utilities.

- a. Maps shall be provided in the master plan showing the following information:
- i. The location and size of all existing city utilities which are developed within the institutional area or which lead to the site.
 - ii. Plans for the location and sizing of utilities extensions and/or improvements which will be necessary as the site is developed.
- b. The utilities element shall also contain a description of the existing utilities, including the capacities and condition of existing lines. Those capacities shall be discussed in relationship to the additional capacity required for future development within the institutional area. Proposed improvements to correct any substandard conditions and to provide service to future development shall also be discussed. Phasing of those improvements relative to development of the area shall be delineated pursuant to subsection (A)(4) of this section.

4. Phased Development Schedule. The master plan shall include provisions which the city determines necessary for the phased development of the institutional area. These may include special warrant levels for street improvements and signalization; and/or square footage development

levels by use types or other appropriate levels which would trigger certain public amenities (bus shelters, recreational open space, bike and pedestrian ways, etc.) or utility improvements (storm drainage, sanitary sewers, water lines, etc.). The master plan shall include provision for the improvements required to raise the institutional site's ability to handle a higher level of development as projected by the master plan.

5. Open Space.

a. The open space element of the master plan shall include maps showing the following information:

- i. The topography of the institutional area with at least a five-foot contour interval.
- ii. Drainage courses, treed areas, and other major natural features, such as marsh areas or rock outcrops.
- iii. A plan showing areas to be reserved as open space areas, including those left in a natural state, and those landscaped for active or passive uses or standards for development of such spaces.

b. The open space element of the master plan shall also contain a written description of the relationship of the proposed open space plan to the nature features and conditions within the institutional area. There shall also be included a discussion of how the open space patterns will serve to buffer uses in the institutional area from adjacent, less intensive uses.

B. Standards. The master plan for an institutional use shall also contain standards for development within the area. Included shall be standards for the following:

1. Permitted uses for each area shown on the land use classification plan for the institutional area as required in subsection (A)(1) of this section.
2. Building height limitations with special attention given to those peripheral areas within the institutional area which border other areas with less intensive land use designation.
3. Site coverage limitations within the area.
4. Yard (or setback) requirements to those peripheral institutional areas which border other areas with less intensive land use designations.
5. Landscaping requirements with special attention given to those peripheral institutional areas which border other areas with less intensive land use designations.
6. Parking requirements including: the number and kinds of parking required, the design of the parking areas, and the location of parking areas relative to the uses they will serve, and other adjacent uses.
7. Street standards shall be specified which will accommodate the anticipated future needs. Facilities for pedestrians, bicycles, and transit should be taken into consideration. In no case shall right-of-way widths be less than minimum city requirements.

8. Standards for signing shall also be specified, with particular attention given to impacts on adjacent less intensive uses. A standardized design theme for signing for the entire institutional area may be included in the plan.

9. Provisions for handicapped access shall be specified. [Ord. 2004-12-088; Ord. 9024, 1982].

20.40.060 Development/application procedure.

A. An institutional site plan approval is required for all development proposals within an area having an institutional master plan approved by the city unless the development is exempted by the applicable master plan. All development must be consistent with the approved master plan. The planned proposal may be changed, altered or conditioned as reasonably necessary to ensure compatibility with city goals, policies, standards, the surrounding areas or to mitigate direct impacts of the proposal. The decision shall address all development aspects necessary to protect the public health, safety and welfare including, but not limited to, the following:

1. Appropriate permitted uses and/or special conditions on the uses;
2. Height restrictions on structures;
3. Yard requirements;
4. Sign regulations;
5. Street, utility and other public improvements both adjacent to the site and off site, which may be necessary as a result of the proposal; and
6. An exhibit specifying building area, parking area, curb cut locations, buffer areas if necessary, or any other feature or requirement which may need to be graphically depicted.

B. Applications shall follow the procedures in Chapter 21.10 BMC.

C. Building Permits. Any building permit issued must be in compliance with the restrictions and conditions of the institutional site plan approval. [Ord. 2004-09-065; Ord. 2002-10-069 § 57; Ord. 1998-03-011 §§ 1, 2; Ord. 10719 §§ 28 – 38, 1996; Ord. 10309 § 4, 1992; Ord. 9597 § 3, 1986; Ord. 9352 § 5, 1984; Ord. 9024, 1982].

The Bellingham Municipal Code is current through Ordinance 2017-02-008, passed February 27, 2017, and Resolution 2017-12, passed March 13, 2017.

Disclaimer: The City Clerk Representative has the official version of the Bellingham Municipal Code. Users should contact the City Clerk Representative for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.cob.org/> (<http://www.cob.org/>)

City Telephone: (360) 778-8000

Code Publishing Company (<http://www.codepublishing.com/>)

APPENDIX A-2

ORDINANCE NO. 1998-09-077

AN ORDINANCE RELATING TO LAND USE PLANNING, ADOPTING A NEW PLAN FOR THE WESTERN WASHINGTON UNIVERSITY NEIGHBORHOOD.

Whereas, the City of Bellingham adopted a new comprehensive plan in January 1996, Ordinance 10706, in accordance with the state Growth Management Act as amended, and

Whereas, Ordinance 10706 originally adopted the 1980 neighborhood plans on an interim basis while the plans were being updated, and

WHEREAS, The Bellingham Planning Commission conducted a public process to update the WWU Neighborhood Plan, including three worksessions and eight public hearings over a nine month period in 1997, and thereafter made recommendations for changes to the plan based on public testimony, and

WHEREAS, The Bellingham City Council held three public hearings to take public testimony and five open public work sessions to discuss the Planning Commission's recommendations, and

WHEREAS, The Council finds that circumstances of projected growth in student enrollment, environmental quality, transportation, communications, housing, public utilities and land use preferences have changed since adoption of the original WWU Neighborhood Plan in 1980, and

WHEREAS, The City Council adopts the Findings of Fact and Conclusions of Law prepared by the Planning Commission with the modifications as shown in Exhibit B.

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225

1

WHEREAS, The Council finds the updated WWU Neighborhood Plan to be consistent with the goals and policies identified in the Bellingham Comprehensive Plan, and

WHEREAS, a Determination of Nonsignificant Environmental Impact resulting from the changes proposed in the WWU Neighborhood Plan was issued on July 24, 1998 by the responsible official under the procedures of the State Environmental Policy Act, and

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: WWU Neighborhood Plan. The document attached herein as Exhibit A, is hereby adopted as a component of the Bellingham Comprehensive Plan and shall become the official neighborhood plan for the Western Washington University Neighborhood of the City of Bellingham.

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225

2

Passed by the City Council this 21ST day of SEPTEMBER, 1998

Bob Ryan
Council President

Approved by me this 29th day of September, 1998

Mark Hunsch
Mayor

Attest Jayne Carpenter
Finance Director

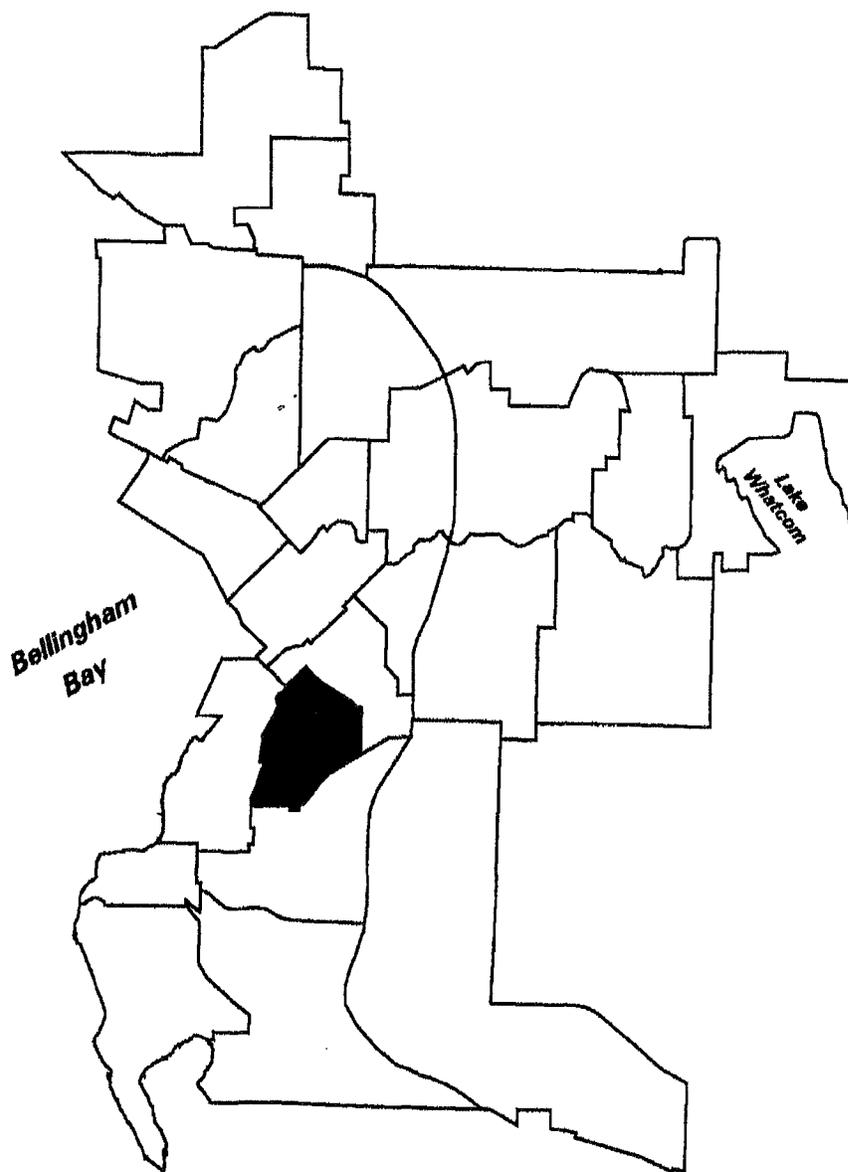
Approved as to Form:

Mark Hunsch
City Attorney

Published 10-04-98

WESTERN WASHINGTON UNIVERSITY

NEIGHBORHOOD PLAN



WESTERN WASHINGTON UNIVERSITY NEIGHBORHOOD PLAN

PREFACE

Subsequent to the adoption of the Bellingham Comprehensive Plan in January 1996, the city began a process to update the 23 neighborhood plans. This Western Washington University Neighborhood Plan is adopted as a subarea component of the comprehensive plan, in accordance with the State Growth Management Act. The purpose of this plan is to clarify and strengthen relationships between the City, the University and the surrounding neighborhoods with respect to planning for future growth and development within the Western Washington University neighborhood.

It is also the intent of this plan to identify issues and provide a foundation for eventual adoption by the city and WWU of an institutional master plan (IMP) in accordance with BMC 20.40. As such, this plan contains text and a number of recommendations that are to be implemented by specific requirements in the subsequent IMP. The recommendations are numbered and shown in bold italics print.

The IMP will provide specifics with respect to appropriate land uses, parking requirements, infrastructure improvements, building height, setbacks, buffering and landscaping requirements and other standards deemed appropriate by the Planning Commission and City Council during the development of the IMP.

SECTION I. NEIGHBORHOOD/CAMPUS CHARACTER

I-1 Introduction

The Western Washington University Neighborhood includes the campus of Western Washington University, one of six state-funded, four-year institutions of higher education. Since its beginning in 1893, WWU has grown into a comprehensive university of approximately 11,470 (10,200 Full Time Equilivant) students according to 1997 fall enrollment figures, making it the third largest in enrollment in the state behind only the University of Washington and Washington State University. Considered by many to have one of the most beautiful campuses in the U.S., WWU is home to unique environmental and economic research programs, award-winning experimental vehicle design, and highly regarded manufacturing, plastics, and electrical engineering technology programs.

WWU is the county's largest single employer, with nearly 1,500 employees. Western provided over \$150 million in income and \$50 million in retail sales to the local economy in 1996, according to Professor David Merrifield of the University's Center for Economic and Business Research. The indirect or multiplier effects of university and student expenditures result in approximately \$69 million in additional earned income for other county residents over time. Examples of these spin-off impacts include over \$7 million

II-2 City of Bellingham

The first documented cooperative planning effort between WWU and the city was the 701 Study in 1964. The University and the city implemented many of the recommendations from this comprehensive land use and traffic circulation plan.

Western's 1974 Facilities Development Plan (FDP) was adopted by the city and provided the basis for campus development during the 1970's and 1980s. In 1980, the city adopted the Western Washington University Neighborhood Plan, referencing Western's 1974 FDP as the master planning document guiding campus development. The 1980 WWU Neighborhood Plan also recommended that the FDP be updated and submitted to the city for review. Although the Updated Facilities Development Plan was submitted in 1981, the city has not formally reviewed or adopted any of Western's plans subsequent to the 1974 FDP.

The update of the WWU Neighborhood Plan began in February, 1997. The Bellingham Planning Commission throughout the year held a series of eleven work sessions and hearings. Prior to and during this time staff from WWU also held a series of cottage meetings to inform interested citizens about the University's Campus Master Plan. In November 1997, the Planning Commission recommended a draft neighborhood plan for approval and the City Council began reviewing the Commission's recommendations early in 1998. The plan was approved by the City Council in September 1998. Subsequent to the adoption of this neighborhood plan, the City and the University initiated development of an Institutional Master Plan as specified under BMC 20.40. The joint Institutional Master Plan will guide city review of campus development over the next several years. See Section VII for more discussion of the institutional master planning process.

SECTION III. CITY/UNIVERSITY/NEIGHBORHOOD RELATIONSHIPS

III-1 Issues

The City of Bellingham and Western Washington University have enjoyed a cooperative relationship over the years. Like many cities with large state institutions, the city of Bellingham adopted a somewhat "hands-off" approach in dealing with campus development issues in the past. This is due in large part to the fact that state agencies in Washington have historically been exempt from local land use plans and regulations. In 1991, the Growth Management Act was amended to require that state agencies comply with local comprehensive plans and development regulations adopted pursuant to the Act. As a result, the city in 1998 repealed the section of the Land Use Development Ordinance that exempted state agencies from complying with local land use regulations.

The Western Washington University campus is located among the Happy Valley, Sehome and South Hill neighborhoods. Campus activities have an impact on surrounding neighborhoods while providing benefits to the entire community. Residents of the areas adjacent to the campus have easy access to educational programs and cultural activities and other events offered by the University. These same residents are subject to increased traffic on local residential streets, parking on residential streets by

WWU students, faculty and staff, a concentration of student housing and other situations typical of neighborhoods abutting a large college campus.

The 1995 Bellingham Comprehensive Plan recognizes the opportunities and contributions WWU provides to residents of the city. The plan also recognizes that the campus operates among three largely residential neighborhoods, and therefore has impacts (both positive and negative) on those neighborhoods. This situation is summed up in the following policy from the Executive Summary section of the comprehensive plan:

DP-11 BELLINGHAM MAXIMIZES THE CONTRIBUTIONS OF WESTERN WASHINGTON UNIVERSITY TO THE COMMUNITY. CITY COORDINATION WITH UNIVERSITY REPRESENTATIVES ENSURES THAT THE IMPACTS OF THE UNIVERSITY'S ONGOING PROGRAMS AND CAMPUS DEVELOPMENT ARE CONSISTENT WITH THE GOALS OF THE COMMUNITY AS A WHOLE.

Campus activities have positive and negative impacts on the surrounding neighborhoods. It is critical that residents of those neighborhoods have an opportunity to participate in planning for future campus activities.

Recommendation #1: The City and the University agree that a collaborative City-University process, including provision for continuous involvement and participation by citizens from surrounding neighborhoods, will precede the development of campus plans and projects with significant off-campus impact.

SECTION IV. CIRCULATION

IV-1. Arterial Streets

The WWU campus is served primarily by the Samish Interchange with Interstate 5 and by three secondary arterial streets: Bill McDonald Parkway from the east, 21st Street from the south to Bill McDonald Parkway, and the Lakeway Interchange with I-5, west on Holly Street to Garden Street from the north (see Figure 1).

Bill McDonald Parkway -

This is the main entrance to campus both from the community and from the freeway. This formal entrance was built as a parkway in the late 1960s. In the mid-1990s a planted median and tree lined boulevard treatment were added to beautify the parkway.

As of 1996, Bill McDonald Parkway carries approximately 13,600 vehicles per day (vpd). Traffic modeling indicates the parkway will operate at or above acceptable levels of service for the foreseeable future. However, Bellingham's 1995 Comprehensive Plan identifies the parkway between the Samish Interchange and 21st Street as one of 64 arterial street segments expected to operate below adopted level of service standards by the year 2014.

SECTION VII. MISCELLANEOUS ISSUES

VII-1. Property Acquisition Areas

In response to state direction, the January 1997 WWU Draft Comprehensive Master Plan identifies a need to expand student/staff facilities to accommodate the anticipated growth from the current 11,470 students to 14,000 (10,200 to 12,500 Full Time Equivalent) by the year 2010. At 157 acres, Western has the smallest campus of any of the state universities. Therefore, the WWU anticipates that it may need to acquire properties and develop facilities outside the existing campus.

The University initially identified in the January 1997 Draft Comprehensive Master Plan approximately 56 acres in the Happy Valley, Sehome and South Hill neighborhoods as areas within which the University may acquire property. The University's Board of Trustees later reduced these areas to approximately 45 acres. This designation allows Western to acquire properties in these areas, as they become available. The WWU Draft Comprehensive Master Plan directs the University to use remaining core campus areas and those areas within a 10-minute walking distance of the library for academic purposes. This means Western will attempt to move support services and other uses that do not need to be centrally located to areas outside the core area of campus. Thus the University has stated their intent to use areas acquired in Happy Valley and Sehome for general support services, offices and storage. The majority of the property acquisition zones in Happy Valley and Sehome are zoned for multi-family development and are currently developed with a mixture of older and newer single and multi-family structures.

Throughout the WWU Neighborhood Plan update process, WWU has stated a desire to add land area to the existing campus to accommodate the anticipated future growth. However, this neighborhood plan deals only with the WWU Neighborhood (the main campus area). Decisions about possible campus expansion into adjoining neighborhoods should be made only after those neighborhood plans have been updated. If the University elects to acquire property in the Happy Valley, Sehome or South Hill neighborhoods, that property can only be used in accordance with existing zoning.

Recommendation #23: The Happy Valley, CBD, Sehome, and South Hill neighborhood plans shall contain a review and evaluation of potential campus expansion areas. Only after demonstrating that additional land area is needed and only after completion of the affected neighborhood plan(s) should property be evaluated for inclusion in the Institutional Master Plan and possible rezone to institutional. WWU is encouraged to refrain from acquiring any additional land in the Happy Valley, Sehome and South Hill neighborhoods until this planning work is completed and decisions are made about if and where campus expansion would be appropriate.

VII-2. Institutional Master Plan

The majority of the campus is zoned Institutional (See Section VIII, Land Use). The purpose and intent of this category is specified in Section 20.40.020 of the Land Use Development Ordinance:

- A. "Intent. The Institutional general use type is intended to provide for the development of large campus type public or quasi-public uses in a planned and coordinated manner. Institutional areas should be considered where such uses utilizing at least fifty (50) acres are in single or few ownership's or are otherwise able to utilize a coordinated planned concept.
- B. Purpose. The purpose of the Institutional Use designation is to:
- (1) Delineate definite boundaries and development parameters for institutional type uses;
 - (2) Insure orderly, phased development of appropriate uses within those areas;
 - (3) Identify and reduce the impacts of institutional development on surrounding areas with less intensive uses;
 - (4) Insure the adequacy of city utilities, streets and other services to and within institutional areas as they develop;
 - (5) Insure development of institutional areas which is compatible with the physical features of those areas."

The process to develop an institutional master plan (IMP) is also explained in the City's Land Use Development Ordinance. This process includes at least one neighborhood meeting as well as public work sessions and hearings before the Planning Commission and Council. The institutional master plan should address issues such as appropriate land uses, parking requirements, building height and setback requirements, landscaping and buffering, signage and other development standards deemed appropriate by the Commission and Council during the development of the IMP.

After development of an institutional master plan by the City and Western, individual projects would be subject to the planned development process for institutions as set forth in the Bellingham Municipal Code in effect at time of project application. Those projects that were found consistent with the IMP and had little or no impact on the surrounding neighborhoods would be reviewed administratively. Projects which either were not consistent with the IMP or which raised significant planning issues would be reviewed in a public meeting process before the Planning Commission, with appeals of administrative decisions conducted in a public hearing by the City Council.

APPENDIX A-3

AN ORDINANCE OF THE CITY OF BELLINGHAM RELATING TO COMPREHENSIVE PLANNING AND LAND USE REGULATIONS, AMENDING THE BELLINGHAM COMPREHENSIVE PLAN AND BMC TITLE 20, LAND USE DEVELOPMENT ORDINANCE, TO ESTABLISH A NEW LAND USE REGULATORY SYSTEM.

WHEREAS, the State of Washington through the Growth Management Act (GMA) sets legal requirements for communities' comprehensive plans and development regulations; and

WHEREAS, the City of Bellingham's land use regulatory system is 25 years old and was established prior to the GMA, regulatory reform, and the Bellingham Comprehensive Plan. In some aspects, the system is inconsistent with the goals, policies and requirements in these documents; and

WHEREAS, the current regulatory system is inconsistent with the GMA requirement for a clear distinction between plans and regulations; and

WHEREAS, an independent study by an experienced land use law consultant team recommends that the current system be significantly revised to address a number of legal and procedural issues; and

WHEREAS, understanding and administering the current system is difficult and time consuming for staff, leaving insufficient resources to address the many comprehensive long-range planning issues facing the community; and

WHEREAS, the proposed changes to the neighborhood plans consolidate zoning and related development regulations in the Land Use Development Ordinance. No change to any zoning or development regulation occurs as a result of this action; and

WHEREAS, the new land use regulatory system is intended to:

1. Encourage and facilitate development that is consistent with the goals and policies of the GMA and Bellingham's Comprehensive Plan.
2. Promote development that maintains and enhances the unique character of Bellingham neighborhoods.
3. Encourage citizen involvement in land use planning and project review.
4. Assure fair and predictable results and avoid unnecessary delays.
5. Organize, consolidate and simplify development regulations and permitting procedures.

6. Develop a system that is easier and more cost effective to administer.
7. Develop a system that is financed primarily through user fees.
8. Accommodate the use of a number of regulatory tools and processes such as design review, PUDs, site plan review, and transfer of development rights.
9. Ensure consistency with the state Growth Management Act and other relevant laws; and

WHEREAS, The neighborhood plans are, and will continue to be, part of the city's comprehensive plan and therefore important planning tools. The neighborhood plans are policy documents that will continue to guide decisions on discretionary land use permits and the development of environmental and land use regulations and capital facility plans; and

WHEREAS, neighborhood plans are part of the comprehensive plan and therefore are policy documents that should not contain zoning regulations; and

WHEREAS, as required by RCW 36.70A, notice of the city's intent to adopt the proposed comprehensive plan and neighborhood plan amendments was filed with the Department of Community, Trade and Economic Development and sent to other reviewing agencies at least 60 days prior to final adoption of this ordinance; and

WHEREAS, after mailed and published notice, the Planning Commission held public hearings on the proposed regulatory system changes on August 5 and October 21; and

WHEREAS, after mailed and published notice, the City Council held public hearings on the proposed regulatory system changes on September 13 and November 8; and

WHEREAS, the City Council has considered the recommendations of the Planning Commission, the staff report and the public comment and hereby adopts the findings, conclusions and recommendations of the Planning Commission.

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The Land Use Element of the Bellingham Comprehensive Plan is hereby revised to read as shown in Attachment 1.

Section 2. The 23 Bellingham Neighborhood Plans shall be amended as shown in Attachment 2.

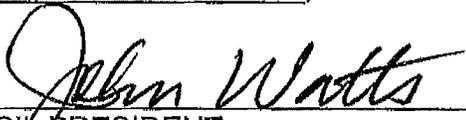
Section 3. B.M.C. Title 20 is hereby amended to include Appendix 20-A as shown in Attachment 3.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,

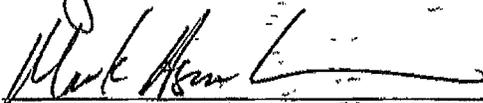
such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect fifteen (15) days after passage and publication of an approved summary thereof consisting of the title, but in no case prior to January 1, 2005.

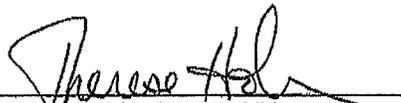
PASSED by the City Council this 13th day of December, 2004.


COUNCIL PRESIDENT

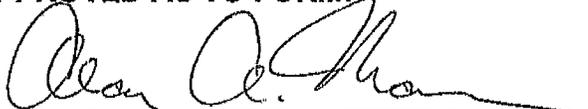
APPROVED by me this 4th day of Jan., ²⁰⁰⁵~~2004~~.


MAYOR

ATTEST:


FINANCE DIRECTOR

APPROVED AS TO FORM:


OFFICE OF THE CITY ATTORNEY

Published: December 17, 2004

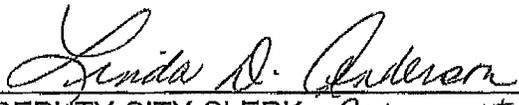
SUMMARY OF ORDINANCE NO. 2004-12-087
of the City of Bellingham, Washington

On December 13th, 2004, the City Council of the City of Bellingham, Washington, approved Ordinance No. 2004-, the main point of which may be summarized by its title as follows: 12-087

AN ORDINANCE OF THE CITY OF BELLINGHAM AMENDING THE BELLINGHAM COMPREHENSIVE PLAN AND BMC TITLE 20, LAND USE DEVELOPMENT ORDINANCE, TO ESTABLISH A NEW LAND USE REGULATORY SYSTEM BY MOVING THE ZONING DESIGNATIONS AND OTHER DEVELOPMENT REGULATIONS FROM THE NEIGHBORHOOD PLANS TO THE LAND USE ORDINANCE.

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of December 13, 2004.


DEPUTY CITY CLERK *Representative*

ATTACHMENT 2

Amendments to Bellingham's 23 Neighborhood Plans*

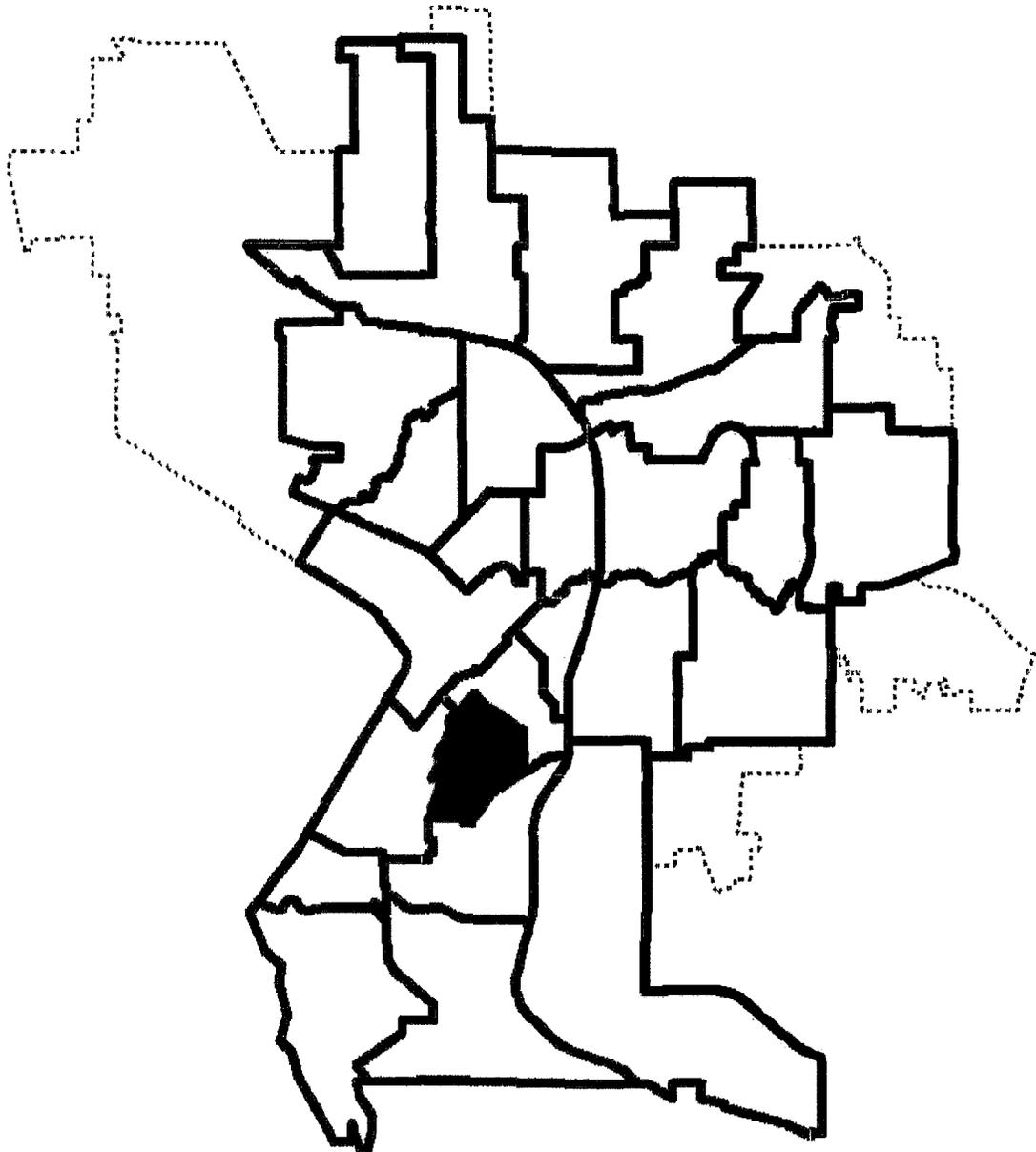
*This packet was provided to Council under separate cover because of its size. A copy is on file in the Council Office and also available for review in the Planning Department and on the city's web site.

NOTE TO FILE:

The contents of this attachment are not scanned or microfilmed (because of its' size). However, there is a full copy of both Attachment 2 and Attachment 3 filed with the ordinance in Archives.



City of Bellingham Neighborhood Plan **WWU**



Neighborhood Plan Adoption: In 1980, the Bellingham Plan was adopted and included individual plans for each neighborhood. When the Washington State Growth Management Act (GMA) was adopted in 1990, the City was required to update and amend the Bellingham Plan to include comprehensive planning elements required by the GMA. The Bellingham Comprehensive Plan was adopted in 1995 and again included all of the individual neighborhood plans.

Neighborhood Plan Amendment: The Bellingham Municipal Code (BMC) 20.20 includes procedures by which individual property owners may petition the City for an amendment to an individual neighborhood plan. This may be a simple text amendment to address a condition or concern in a particular neighborhood or it may be a request for a change to the land use designation in a portion of a neighborhood. Because the neighborhood plans are adopted as part of the Bellingham Comprehensive Plan, the GMA restricts amendments to once per year. The deadline for submitting neighborhood plan amendments to the City is December 1 of each year (See BMC 20.20). An amendment to a neighborhood plan is made by ordinance. All of the changes made to this plan since it was originally adopted are listed on the last page of the plan.

Neighborhood Plan Update: Periodically, individual neighborhood plans merit a complete update due to changes of conditions in the neighborhood and/or the City. A complete neighborhood plan update can be a complex process requiring a great deal of time, public participation, and planning staff resources. Some of the individual neighborhood plans that were originally adopted in 1980 have received complete updates, while others have not.

WESTERN WASHINGTON UNIVERSITY NEIGHBORHOOD PLAN

PREFACE

Subsequent to the adoption of the Bellingham Comprehensive Plan in January 1996, the city began a process to update the 23 neighborhood plans. This Western Washington University Neighborhood Plan is adopted as a subarea component of the comprehensive plan, in accordance with the State Growth Management Act. The purpose of this plan is to clarify and strengthen relationships between the City, the University and the surrounding neighborhoods with respect to planning for future growth and development within the Western Washington University neighborhood.

It is also the intent of this plan to identify issues and provide a foundation for eventual adoption by the city and WWU of an institutional master plan (IMP) in accordance with BMC 20.40. As such, this plan contains text and a number of recommendations that are to be implemented by specific requirements in the subsequent IMP. The recommendations are numbered and shown in bold italics print.

The IMP will provide specifics with respect to appropriate land uses, parking requirements, infrastructure improvements, building height, setbacks, buffering and landscaping requirements and other standards deemed appropriate by the Planning Commission and City Council during the development of the IMP.

SECTION I. NEIGHBORHOOD/CAMPUS CHARACTER

I-1 Introduction

The Western Washington University Neighborhood includes the campus of Western Washington University, one of six state-funded, four-year institutions of higher education. Since its beginning in 1893, WWU has grown into a comprehensive university of approximately 11,470 (10,200 Full Time Equivallant) students according to 1997 fall enrollment figures, making it the third largest in enrollment in the state behind only the University of Washington and Washington State University. Considered by many to have one of the most beautiful campuses in the U.S., WWU is home to unique environmental and economic research programs, award-winning experimental vehicle design, and highly regarded manufacturing, plastics, and electrical engineering technology programs.

WWU is the county's largest single employer, with nearly 1,500 employees. Western provided over \$150 million in income and \$50 million in retail sales to the local economy in 1996, according to Professor David Merrifield of the University's Center for Economic and Business Research. The indirect or multiplier effects of university and student expenditures result in approximately \$69 million in additional earned income for other county residents over time. Examples of these spin-off impacts include over \$7 million

in income to those in the wholesale/retail trade sectors, \$14 million to construction income, and \$48 million to other sectors of the economy. These figures do not reflect the benefits of spending by visitors to WWU.

Citizens of Bellingham enjoy access to Western's facilities and open space, including its acclaimed outdoor sculpture as well as popular offerings in theater, music and sports. In many respects, the University has been and continues to be a very important asset for the region.

I-2 History

The Western Washington University Neighborhood was created in the late 1970s as one of the 22 neighborhoods that made up the 1980 *Bellingham Plan*. The first WWU Neighborhood Plan contained a summary of City/University planning activities, and a brief circulation section that identified 21st Street as a secondary arterial connecting College Parkway (now Bill McDonald Parkway) to Valley Parkway (now Old Fairhaven Parkway) and identified the University's intent to seek vacation of the 21st Street right-of-way north of the parkway. The plan established four land use subareas, including Institutional zoning for the main campus area, Public zoning for a University-owned housing area along Bill McDonald Parkway, Public zoning for the Sehome Hill Arboretum, and Planned Residential, Mixed, zoning for three privately owned parcels along 21st Street. The plan recommended that the 1974 WWU Facilities Development Plan (FDP) be updated and approved by the University and submitted to the city and that the updated FDP become the master plan for campus development. Both the 1981 Updated Facilities Development Plan and the 1987 South Campus Master Plan were submitted to the city, however the city has not formally reviewed or adopted any of WWU's plans since the 1974 FDP.

I-3 Land Use

The main campus area contains 195 acres, including 38 acres in the Sehome Hill Arboretum. This leaves 157 acres available for academic and other education facilities. The main campus includes 42 academic and support buildings and ten residential housing and food service complexes, dating from 1896 (Old Main) to 1996 (Science, Math, & Technology Education Facility). These buildings provide a total of approximately 2,755,000 gross square feet of academic, support services, housing and recreation areas. Campus housing facilities (North Campus, Ridgeway, and South Campus) provide housing for approximately 3,650 students. Buildings and other hard surfaces (parking, roads, walkways) take up approximately 65 acres. The remaining areas are generally open spaces with 23 acres classified as usable open space. Current paved and gravel parking areas contain spaces for approximately 3,400 vehicles.

SECTION II. CITY/UNIVERSITY PLANNING ACTIVITIES

II-1 Western Washington University

As a state institution of higher education, WWU was established by, and is subject to the control of, the state government acting by and through the state Legislature, the

Governor, the Higher Education Coordinating Board, and the University's Board of Trustees, among others. Title 28B RCW (and other statutes) set forth the basic organizational structure, powers, and responsibilities of the various state governing entities with regard to higher education. As a result of amendments made to the 1990 Growth Management Act in 1991, like other state agencies, WWU is also required to comply with local comprehensive plans and development regulations.

The principal responsibility of a state institution of higher education, such as WWU, is to provide higher education to students as mandated by state requirements. Due to the state's increasing population and burgeoning demand for higher education, the state has determined that all state universities shall plan for increasing enrollments in the near future. Approximately 84,000 additional students are expected to enter the state's higher education system by the year 2010. The number of applications to WWU has been increasing. Pursuant to the state's direction and in response to the increasing number of applications, the WWU Board of Trustees has determined that WWU shall increase its enrollment from the current enrollment of approximately 10,200 FTE students to about 12,500 FTE students by approximately the year 2010. Accordingly, the University is conducting planning activities to determine the best ways to accommodate this increasing enrollment.

The University has undertaken a number of planning activities since its inception in 1896. These activities include: the first landscaping plan approved by the Board of Trustees in 1908; the BEBB and Gould Plan (1924-31); the Thiry Plan (1957-63); the 701 Study (1964); the Central Campus Development Plan (1964-68); the South Campus Academic Area Plan (1968); the Facilities Development Plan (1974); the Updated Facilities Development Plan (1981); and the South Campus Master Plan (1987). For a complete history of campus planning activities, see the January 1997 WWU Draft Comprehensive Master Plan.

In 1990, the University began the process to produce what would become the January 1997 WWU Draft Comprehensive Master Plan. This plan includes a summary of campus development and planning activities, and recommendations for future campus development. The plan is based on the direction set by the Board of Trustees to add an additional 250 FTE students per year, of which 150 would be on-campus enrollments. The plan has sections dealing with issues in the area of land use, landscaping, transportation and access, parking, public safety and campus infrastructure. The stated purpose and intent of Western's plan is:

"Because of the University's rapidly changing surroundings and anticipated growth as an institution, a comprehensive facilities master plan is not only a valuable planning tool but an essential vehicle to thoughtful and organized development of the Western Washington University Campus. Its function is to illustrate a visual concept for planned growth of the physical facilities of Western while taking into consideration both the Strategic Plan and the capital funding request processes. The master plan should respond to existing concerns, identify future facility site locations and propose a scheme for organized facilities growth in order to continue the University's commitment to quality education."

II-2 City of Bellingham

The first documented cooperative planning effort between WWU and the city was the 701 Study in 1964. The University and the city implemented many of the recommendations from this comprehensive land use and traffic circulation plan.

Western's 1974 Facilities Development Plan (FDP) was adopted by the city and provided the basis for campus development during the 1970's and 1980s. In 1980, the city adopted the Western Washington University Neighborhood Plan, referencing Western's 1974 FDP as the master planning document guiding campus development. The 1980 WWU Neighborhood Plan also recommended that the FDP be updated and submitted to the city for review. Although the Updated Facilities Development Plan was submitted in 1981, the city has not formally reviewed or adopted any of Western's plans subsequent to the 1974 FDP.

The update of the WWU Neighborhood Plan began in February, 1997. The Bellingham Planning Commission throughout the year held a series of eleven work sessions and hearings. Prior to and during this time staff from WWU also held a series of cottage meetings to inform interested citizens about the University's Campus Master Plan. In November 1997, the Planning Commission recommended a draft neighborhood plan for approval and the City Council began reviewing the Commission's recommendations early in 1998. The plan was approved by the City Council in September 1998. Subsequent to the adoption of this neighborhood plan, the City and the University initiated development of an Institutional Master Plan as specified under BMC 20.40. The joint Institutional Master Plan will guide city review of campus development over the next several years. See Section VII for more discussion of the institutional master planning process.

SECTION III. CITY/UNIVERSITY/NEIGHBORHOOD RELATIONSHIPS

III-1 Issues

The City of Bellingham and Western Washington University have enjoyed a cooperative relationship over the years. Like many cities with large state institutions, the city of Bellingham adopted a somewhat "hands-off" approach in dealing with campus development issues in the past. This is due in large part to the fact that state agencies in Washington have historically been exempt from local land use plans and regulations. In 1991, the Growth Management Act was amended to require that state agencies comply with local comprehensive plans and development regulations adopted pursuant to the Act. As a result, the city in 1998 repealed the section of the Land Use Development Ordinance that exempted state agencies from complying with local land use regulations.

The Western Washington University campus is located among the Happy Valley, Sehome and South Hill neighborhoods. Campus activities have an impact on surrounding neighborhoods while providing benefits to the entire community. Residents of the areas adjacent to the campus have easy access to educational programs and

cultural activities and other events offered by the University. These same residents are subject to increased traffic on local residential streets, parking on residential streets by WWU students, faculty and staff, a concentration of student housing and other situations typical of neighborhoods abutting a large college campus.

The 1995 Bellingham Comprehensive Plan recognizes the opportunities and contributions WWU provides to residents of the city. The plan also recognizes that the campus operates among three largely residential neighborhoods, and therefore has impacts (both positive and negative) on those neighborhoods. This situation is summed up in the following policy from the Executive Summary section of the comprehensive plan:

DP-11 BELLINGHAM MAXIMIZES THE CONTRIBUTIONS OF WESTERN WASHINGTON UNIVERSITY TO THE COMMUNITY. CITY COORDINATION WITH UNIVERSITY REPRESENTATIVES ENSURES THAT THE IMPACTS OF THE UNIVERSITY'S ONGOING PROGRAMS AND CAMPUS DEVELOPMENT ARE CONSISTENT WITH THE GOALS OF THE COMMUNITY AS A WHOLE.

Campus activities have positive and negative impacts on the surrounding neighborhoods. It is critical that residents of those neighborhoods have an opportunity to participate in planning for future campus activities.

Recommendation #1: The City and the University agree that a collaborative City-University process, including provision for continuous involvement and participation by citizens from surrounding neighborhoods, will precede the development of campus plans and projects with significant off-campus impact.

SECTION IV. CIRCULATION

IV-1. Arterial Streets

The WWU campus is served primarily by the Samish Interchange with Interstate 5 and by three secondary arterial streets: Bill McDonald Parkway from the east, 21st Street from the south to Bill McDonald Parkway, and the Lakeway Interchange with I-5, west on Holly Street to Garden Street from the north (see Figure 1).

Bill McDonald Parkway -

This is the main entrance to campus both from the community and from the freeway. This formal entrance was built as a parkway in the late 1960s. In the mid-1990s a planted median and tree lined boulevard treatment were added to beautify the parkway.

As of 1996, Bill McDonald Parkway carries approximately 13,600 vehicles per day (vpd). Traffic modeling indicates the parkway will operate at or above acceptable levels of service for the foreseeable future. However, Bellingham's 1995 Comprehensive Plan identifies the parkway between the Samish Interchange and 21st Street as one of 64 arterial street segments expected to operate below adopted LOS standards by 2014.

SECTION VII. MISCELLANEOUS ISSUES

VII-1. Property Acquisition Areas

In response to state direction, the January 1997 WWU Draft Comprehensive Master Plan identifies a need to expand student/staff facilities to accommodate the anticipated growth from the current 11,470 students to 14,000 (10,200 to 12,500 Full Time Equivalent) by the year 2010. At 157 acres, Western has the smallest campus of any of the state universities. Therefore, the WWU anticipates that it may need to acquire properties and develop facilities outside the existing campus.

The University initially identified in the January 1997 Draft Comprehensive Master Plan approximately 56 acres in the Happy Valley, Sehome and South Hill neighborhoods as areas within which the University may acquire property. The University's Board of Trustees later reduced these areas to approximately 45 acres. This designation allows Western to acquire properties in these areas, as they become available. The WWU Draft Comprehensive Master Plan directs the University to use remaining core campus areas and those areas within a 10-minute walking distance of the library for academic purposes. This means Western will attempt to move support services and other uses that do not need to be centrally located to areas outside the core area of campus. Thus the University has stated their intent to use areas acquired in Happy Valley and Sehome for general support services, offices and storage. The majority of the property acquisition zones in Happy Valley and Sehome are zoned for multi-family development and are currently developed with a mixture of older and newer single and multi-family structures.

Throughout the WWU Neighborhood Plan update process, WWU has stated a desire to add land area to the existing campus to accommodate the anticipated future growth. However, this neighborhood plan deals only with the WWU Neighborhood (the main campus area). Decisions about possible campus expansion into adjoining neighborhoods should be made only after those neighborhood plans have been updated. If the University elects to acquire property in the Happy Valley, Sehome or South Hill neighborhoods, that property can only be used in accordance with existing zoning.

Recommendation #23: The Happy Valley, CBD, Sehome, and South Hill neighborhood plans shall contain a review and evaluation of potential campus expansion areas. Only after demonstrating that additional land area is needed and only after completion of the affected neighborhood plan(s) should property be evaluated for inclusion in the Institutional Master Plan and possible rezone to institutional. WWU is encouraged to refrain from acquiring any additional land in the Happy Valley, Sehome and South Hill neighborhoods until this planning work is completed and decisions are made about if and where campus expansion would be appropriate.

VII-2. Institutional Master Plan

The majority of the campus is zoned Institutional (See Section VIII, Land Use). The purpose and intent of this category is specified in Section 20.40.020 of the Land Use Development Ordinance:

A. "Intent. The Institutional general use type is intended to provide for the development of large campus type public or quasi-public uses in a planned and coordinated manner. Institutional areas should be considered where such uses utilizing at least fifty (50) acres are in single or few ownership's or are otherwise able to utilize a coordinated planned concept.

B. Purpose. The purpose of the Institutional Use designation is to:

- (1) Delineate definite boundaries and development parameters for institutional type uses;
- (2) Insure orderly, phased development of appropriate uses within those areas;
- (3) Identify and reduce the impacts of institutional development on surrounding areas with less intensive uses;
- (4) Insure the adequacy of city utilities, streets and other services to and within institutional areas as they develop;
- (5) Insure development of institutional areas which is compatible with the physical features of those areas."

The process to develop an institutional master plan (IMP) is also explained in the City's Land Use Development Ordinance. This process includes at least one neighborhood meeting as well as public work sessions and hearings before the Planning Commission and Council. The institutional master plan should address issues such as appropriate land uses, parking requirements, building height and setback requirements, landscaping and buffering, signage and other development standards deemed appropriate by the Commission and Council during the development of the IMP.

After development of an institutional master plan by the City and Western, individual projects would be subject to the planned development process for institutions as set forth in the Bellingham Municipal Code in effect at time of project application. Those projects that were found consistent with the IMP and had little or no impact on the surrounding neighborhoods would be reviewed administratively. Projects which either were not consistent with the IMP or which raised significant planning issues would be reviewed in a public meeting process before the Planning Commission, with appeals of administrative decisions conducted in a public hearing by the City Council.

The University has indicated a desire to form an Institutional Master Plan Advisory Committee, consisting of representatives from various on and off campus groups, including the Happy Valley, Sehome and South Hill neighborhoods and city planning

staff. The purpose of this group would be to advise the University administration on relevant issues associated with the institutional master planning process for WWU. Alternatively, this committee could be formed by the WWU President and the Mayor to advise BOTH Western and the city administration on process and content issues relevant to the institutional master plan.

VII-3. Recommendations

Recommendation #24: WWU, the city and the adjoining neighborhoods should continue a cooperative process to develop an Institutional Master Plan for WWU. Initially, the IMP would cover:

- 1. The main campus area which is already zoned Institutional,***
- 2. The areas approved for rezoning to Institutional in this neighborhood plan update.***
- 3. The Physical Plant property (currently zoned Public), and the abutting block to the west of the Physical Plant (currently zoned Residential-Multi) where Western already owns the majority of the property.***
- 4. The Western-owned properties abutting Bill McDonald Parkway (currently zoned Residential-Multi) designated as the proposed site for a stormwater detention facility.***
- 5. Two Western-owned parcels at the north end of 20th Street (currently zoned Residential-Single) proposed as part of the 21st Street Realignment.***
- 6. The Western-owned properties abutting Oak Street (currently zoned Public and Residential-Multi) and currently being used for parking lots 7G and 3R.***
- 7. The Alumni Association facility and adjoining lot.***

Additions to the WWU IMP relating to any WWU uses in the adjoining neighborhoods should be considered cooperatively by WWU, the City, and the adjoining neighborhoods simultaneously with or immediately following City consideration of the updates to those neighborhood plans.

Recommendation #25: The institutional master plan should cover issues specified in the Institutional Development chapter of the City's Land Use Development Ordinance. Examples include land use, circulation, utilities, open space, parking, landscaping, maintenance and appearance of properties, and development schedules.

Another important aspect of the institutional master plan is development and standards related to the appearance and operation of the edges of campus. Often these areas have the most impacts on the adjoining residential areas. For example, activities

conducted at the Physical Plant property in the Happy Valley Neighborhood have both visual and functional impacts on the surrounding residences.

Recommendation #26: The WWU Physical Plant property should be reviewed during the institutional master plan process to determine alternatives for improving the appearance of this area and mitigating the impacts on surrounding properties while still performing the functions needed by the University.

The University's idea of forming an Institutional Master Plan Advisory Committee has merit. It could serve to improve communication between the University and its neighbors and could serve as an ongoing forum for discussing and resolving issues dealing with campus activities and future development at Western.

VII-4. Amendments to the Institutional Master Plan

The following recommendations shall guide the process to amend the institutional master plan for WWU.

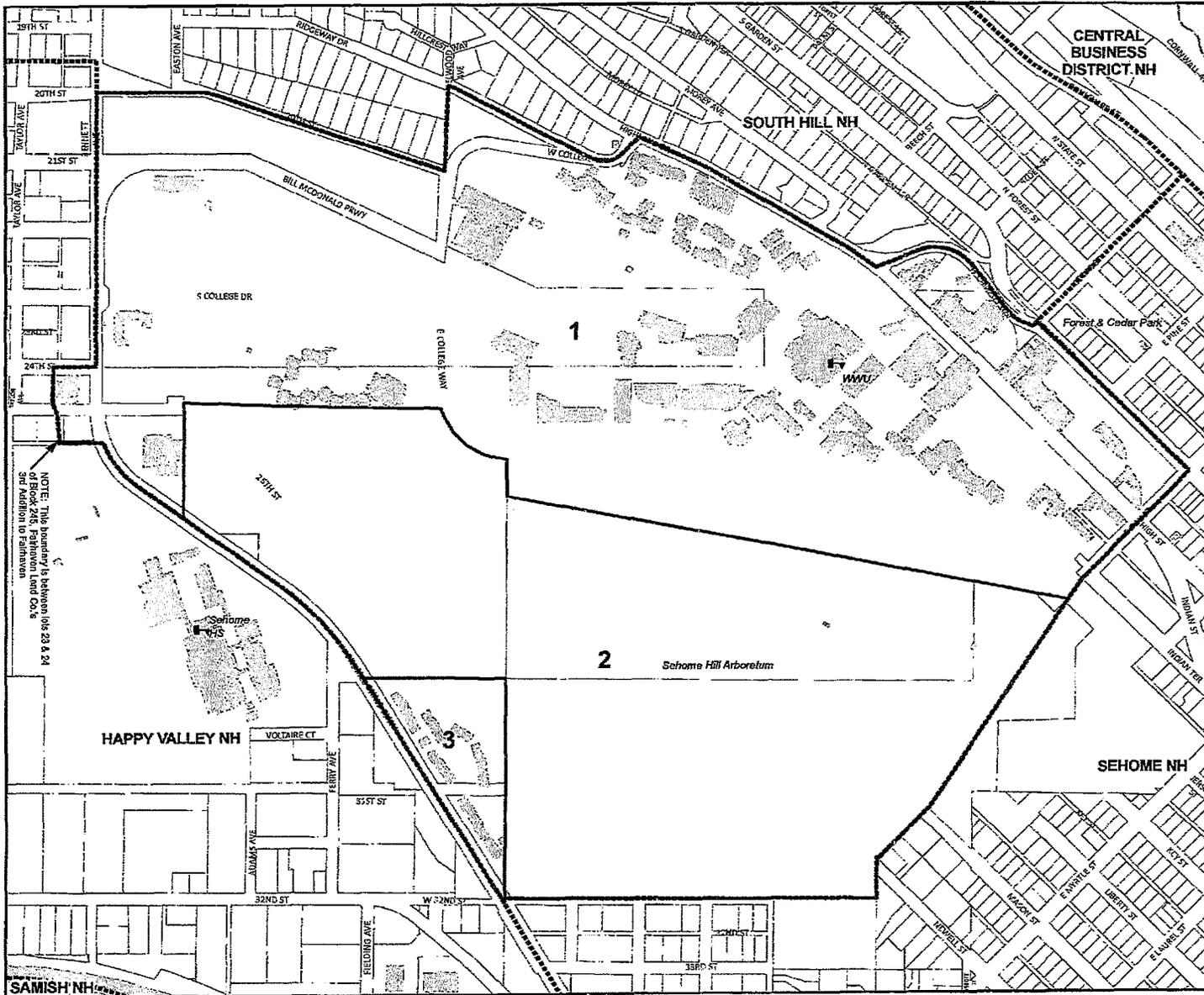
Recommendation 27: Prior to the City's review of any proposed campus expansion, additional information will be required on issues such as traffic patterns, parking needs, and the economic impact of any proposed expansion zone.

Recommendation 28: If additional land area is needed to accommodate future enrollment increases or institutional uses, a process involving the City, WWU and representatives from the three neighborhoods shall be established to recommend to the City Council and Western where the campus might most appropriately be expanded. This process shall occur during development and review of the WWU IMP; but the City shall act to amend the IMP to reflect any expansion recommendation only during the consideration of the affected neighborhood plan (the Happy Valley, Sehome and/or South Hill neighborhood plans).

VII-5. Public Facilities and Utilities

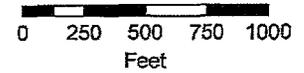
Drainage and water quality from areas containing impervious surfaces is the main public facility issue in this neighborhood. WWU has committed to meeting State and City stormwater regulations. To accomplish this, the University has started a planning process to provide a regional stormwater quality facility that will serve the southern portion of campus. This facility is preliminarily planned for an area the University owns south of Bennett Avenue and west of 22nd Street.

Recommendation #29: The University should work with the city and representatives of the Happy Valley Neighborhood to design the site containing the stormwater management facility in a manner which minimizes impacts on the existing vegetation and the neighborhood in general. The facility shall be designed to provide water quality benefits to the campus and the surrounding neighborhood. Efforts should be made to develop alternatives to a single centralized drainage site on the south side of Bill McDonald Parkway in order to retain existing natural vegetation on the site. Alternative drainage and retention methods are encouraged as a part of developing a campus-wide drainage plan.



WWU NEIGHBORHOOD LAND USE

- COMPREHENSIVE PLAN
LAND USE DESIGNATION
- 1 Institutional
 - 2 Public
 - 3 Public



City of Bellingham
Planning Department
2011

SECTION VIII. SUBAREA DESCRIPTIONS AND LAND USE DESIGNATIONS

Area 1

This area includes the State owned 157-acre main campus area administered by Western Washington University.

The University and the City should jointly develop an Institutional Master Plan (IMP) for the campus area which comprehensively addresses issues related to the development of the campus and its impacts on surrounding areas. The recommendations in this neighborhood plan are intended to provide the basis for the IMP, which should be completed in 1998. Once the institutional master plan is adopted, individual projects will be required to use the planned development process.

AREA 1 LAND USE DESIGNATION: INSTITUTIONAL

Area 2

Sehome Hill Arboretum is jointly owned by the City of Bellingham and WWU and is administered by the Arboretum Board. The arboretum is intended to be primarily a natural area, where the undisturbed processes of growth, competition, decay and succession can be observed and studied, and where plant species native to Whatcom County and adjoining counties will be growing in their natural surroundings. It is also intended to be a place where the general public can observe these processes with reasonably safe and easy access, without charge, and without damage to the biotic community.

In addition the arboretum provides a place for recreational enjoyment for hiking and scenic beauty within the arboretum and vista views of the Cascades, Mt. Baker, Bellingham Bay, the San Juan Islands and the City of Bellingham.

The Open Space Element of the Bellingham Comprehensive Plan recognizes the importance of this asset to the community and its function as a major open space adjacent to the WWU campus and recommends continued public use.

There are also public utilities on the site (water reservoir, broadcast tower).

Development will have to be carefully planned, taking into consideration the environmental sensitivity of the slopes and the importance of Sehome Hill as a visual landmark in the community.

AREA 2 LAND USE DESIGNATION: PUBLIC

Area 3

This area contains housing for college students and is owned by Western Washington University.

AREA 3 LAND USE DESIGNATION: PUBLIC

As adopted by Ordinance No. 8868 and amended by Ordinances 8946, 10176, 1998-09-077 and 2004-12-087.

WWU NEIGHBORHOOD PLAN - Glossary of Terms -

6-Year Program - The City of Bellingham's Six-Year Street Construction Program.

BMC - Bellingham Municipal Code.

Comprehensive Plan - The Bellingham Comprehensive Plan, adopted January, 1996.

DP - A Development Patterns and Community Character Policy, as found in the Bellingham Comprehensive Plan.

EIS - Environmental Impact Statement:

An information document prepared to assess the likely impacts on the environment from a particular project or action. As the scope or nature of a proposed project or action changes over time, a supplement to the original EIS may be necessary.

FDP - WWU's 1974 Facilities Development Plan

IMP - Institutional Master Plan:

A plan jointly developed and agreed to by the City and WWU and adopted by the City in accordance with Section 20.40 of the Bellingham Land Use Development Ordinance.

LOS - Level of Service:

A description of the amount of traffic along a street or at an intersection, rated "A" for best (free flowing) to "F" for worst (gridlock).

MOA - Memorandum of Agreement:

A temporary agreement between the City and WWU establishing the process for City review of proposed WWU development projects. This agreement and review process will be in effect on an interim basis, until the City and WWU have reached agreement on an institutional master plan for WWU.

RPZ - Residential Parking Zones:

A program begun in 1997 by the City in the South Hill and Sehome neighborhoods designed to reduce out-of-neighborhood on-street parking by allowing only residents and their guests to park on a street during certain hours of the day.

SOV - Single Occupancy Vehicle, an automobile containing only a driver.

TMP - Transportation Management Program:

A program adopted by WWU designed to reduce use of Single Occupancy Vehicles, reducing traffic and parking demand.

Vacation/vacate - Removal of the right of traffic to use a particular street.

VPD – vehicles per day, a measure of traffic through an intersection or on a street.

Western/WWU - Western Washington University.

WTA - Whatcom Transportation Authority.

WWU Draft Comprehensive Master Plan - A draft document released in January, 1997 by WWU to guide campus growth and development for the next 10 to 20 years.

WWUNP - Western Washington University Neighborhood Plan:

A plan adopted by the City of Bellingham for the Western Neighborhood, one of the 23 recognized neighborhoods in the City of Bellingham.

APPENDIX A-4

CITY OF ELLENSBURG MUNICIPAL CODE

15.250.080 Master plan for P-R zone uses – Type IV review process.

- A. Purpose. The purpose of the master plan is to permit appropriate institutional development within specific boundaries while minimizing impacts, and to balance the public benefits of the growth and change of the community's major institutions with the livability and vitality of the community's neighborhoods.
- B. Applicability. Recognizing that some institutions require long-range development plans and consist of large areas of land with multiple land uses, a master plan may be prepared for all, or a portion, of an entity's land area which is subject to this chapter and which master planned land encompasses an area of three acres or more.
- C. Application Submittal Requirements. In addition to the submittal requirements set forth in ECC 15.220.020(B), master plan applications shall include at a minimum: boundaries, land uses, circulation within and adjacent to the area, parking, utilities, open spaces, landscaping, and specific development standards. Such development standards may depart from provisions in Divisions III through V herein, provided the applicant demonstrates that the proposed standards meet the purpose and decision criteria herein.
- D. Procedures. Land development code amendments are subject to the Type IV review process as set forth in Chapter 15.210 ECC.
- E. Decision Criteria. The city council may approve or approve with modifications a master plan proposal if:
1. The proposal minimizes impacts to surrounding uses;
 2. The proposal balances the public benefits of the growth and change of the community's major institutions with the livability and vitality of the community's neighborhoods; and
 3. The proposal will not adversely affect the public health, safety or general welfare.

Upon the approval and adoption of the master plan by the city council, the development standards and requirements, if any, established in the master plan shall apply within the boundaries of the area subject to the master plan. [Ord. 4656 § 1 (Exh. O2), 2013.]

15.300.060 Special districts.

A. Public Reserve Zone (P-R). The P-R zone is a special use classification established to provide existing and future areas where public uses, such as, but not limited to, governmental, educational, recreational, cultural, and other public uses operated by a public entity may be allowed to develop. It is anticipated that the uses allowed may be unique and may involve a combination of uses not permitted outright in any other zoning districts. These purposes are accomplished by:

1. Allowing a full range of public uses including parks, schools, community centers, and governmental facilities;
2. Providing viable options for the adaptive reuse of surplus public facilities provided new uses can be integrated with the surrounding communities in a compatible manner; and
3. Use of this zone is appropriate for:
 - a. Areas designated public institutional or public open space in the comprehensive plan; and
 - b. Other sites planned to accommodate public uses allowed in the zone.

B. Downtown Historic District.

1. Designated. The geographic area identified in Figure 15.300.060(B) is designated an Ellensburg landmark district, hereafter to be known as the downtown historic district. The requirements of this chapter and Chapter 15.280 ECC shall apply to all existing structures or structures hereafter constructed within this district; and
2. No person, firm or corporation shall construct any new, or reconstruct, alter, remodel, paint, repair or demolish any existing structure within the downtown historic district prior to completing the review process required by the city landmarks and design ordinance (Chapter 15.280 ECC).

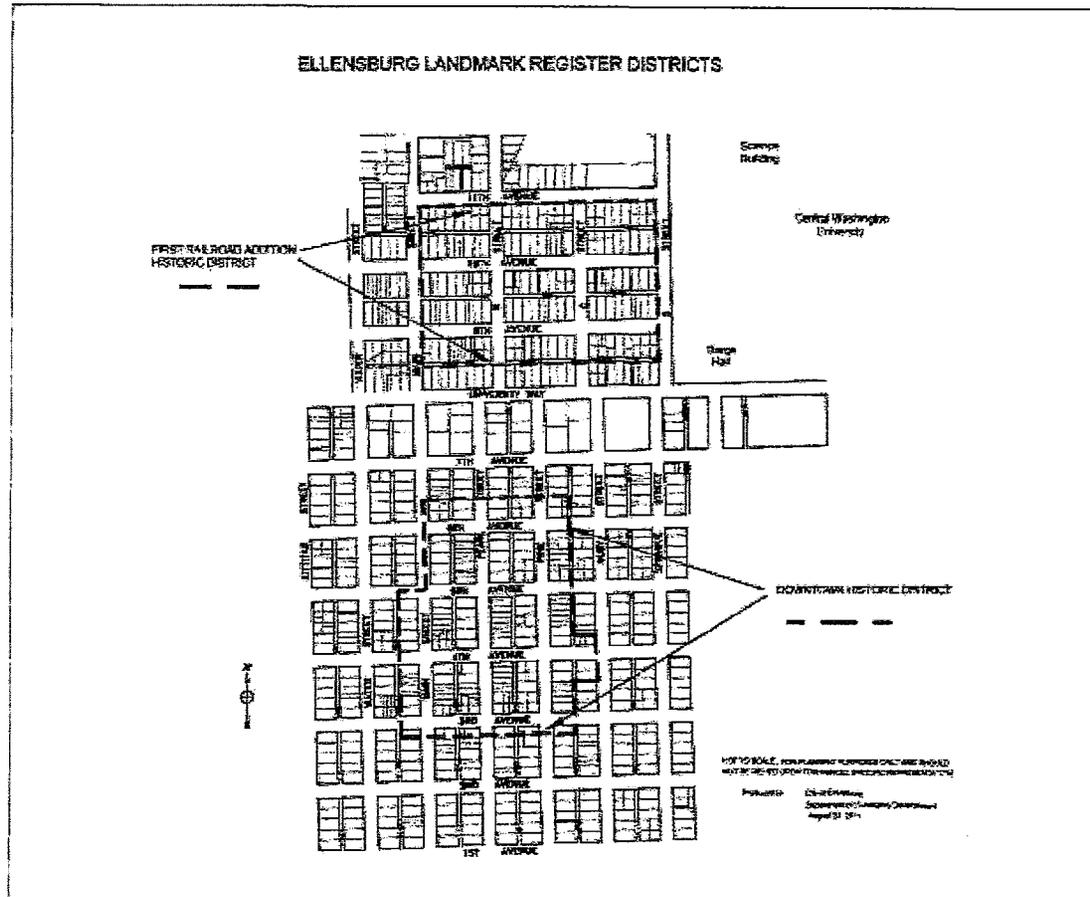


Figure 15.300.060(B). Downtown and First Railroad Addition Historic District boundaries.

C. First Railroad Addition Historic District.

1. Designated. The geographic area identified in Figure 15.300.060(B) is designated as an Ellensburg landmark district, hereafter to be known as the First Railroad Addition Historic District. The requirements of this chapter and Chapter 15.280 ECC shall apply to all existing structures or structures hereafter constructed within this district; and
2. No person, firm or corporation shall construct any new, or reconstruct, alter, remodel, paint, repair or demolish any existing structure within the First Railroad Addition Historic District prior to completing the review process required by the city landmarks and design ordinance (Chapter 15.280 ECC).

APPENDIX A-5

CITY OF CHENEY MUNICIPAL CODE

CHAPTER 21.37 - PUBLIC (P) ZONE

21.37.010 - Purpose.

- A. This zone implements comprehensive plan policies that encourage coordination between the University and the city in the planning and review of campus development. Coordination with campus development is essential due to the physical size of the university and its related effects on city facilities and services. This zone also coincides with the University Comprehensive Plan designation for property generally within the EWU campus area.
- B. The P District implements the provisions in EWU's Master Plan, which is the blueprint for campus development over the next decade. The purpose of the P District is to:
 - 1. Encourage coordination between the university and the City of Cheney, especially in the areas of land use planning and reviewing campus development;
 - 2. Facilitate university development;
 - 3. Ensure compatibility of university development with surrounding areas;
 - 4. Ensure adequacy of public utilities, parking, and transportation facilities; and
 - 5. Expedite the development review process.

(Ord. No. W-22, § 73, 4-22-2014; Ord. No. N-90, § 1(part), 1986)

21.37.020 - Declaration of essential use.

The essential function of the P zone is to designate areas used or intended to be used for institutions of higher education and to regulate development in accordance with the comprehensive plan.

(Ord. No. N-90, § 1(part), 1986)

21.37.030 - Uses.

- A. *Types of uses*. For the purposes of this chapter, there are four kinds of uses:
 - 1. A permitted (P) use is one that is permitted in the zone outright, subject to all of the applicable provisions of this title.

2. A limited (L) use is permitted in the zone outright providing it is in compliance with special requirements, exceptions or restrictions.
3. A conditional use (C) is a permitted use subject to review and conditions through the process set forth in CMC Chapter 21.58 and CMC Title 23 , governing Conditional Uses and Decision-Making Procedures, respectively.
4. A prohibited use (N) is not permitted in a zoning district under any circumstances.

B. *Use table* . A list of permitted, limited, conditional, and prohibited uses in the P District is presented in Table 21.37.030-1.

Table 21.37.030-1 "P" Zone Use Table	
Use	"P" Zone
Residential - CMC 21.36.030(A)	
Household Living	N
Group Living	P
Senior Housing	N
Transitional Housing	N
Home Occupation	N
Housing Types	
Single Dwelling, Attached	N

Single Dwelling, Detached	N
Accessory Dwelling Units	N
Accessory Structures	Y
Duplex	N
Townhouse	N
Multi-Dwelling Units	P
Manufactured Home	N
Civic (Institutional) - CMC <u>21.12.030(B)</u>	
Basic Utilities	P
Colleges	P
Community Recreation	P
Cultural Institutions	P
Day Care	
-Child Care Center	P

-Adult Day Care	P
Emergency Services	P
Human Service Facilities	N
Medical Centers	P
Parks/Open Space	
-Neighborhood Parks	P
-Community Parks	P
-Regional Parks	P
-Trails	P
Postal Service	P
Religious Institutions	C
Schools	P
Social/Fraternal Clubs	P
Transportation Facility	P

Commercial - CMC_21.12.030(B)	
Commercial Lodging	N
Eating/Drinking Establishments	P
General Retail	
-Sales-Oriented	P
-Personal Services	N
-Repair-Oriented	P
-Bulk Sales	N
-Outdoor Sales	P
Motor Vehicle Related	
-Motor Vehicle Sales/Rental	P
-Motor Vehicle Servicing/Repair	P
-Vehicle Fuel Sales	P
-EV Basic Charging Stations (accessory)	P

-EV Rapid Charging Stations (commercial)	P
-EV Battery Exchange Stations	P
Office	
-General	P
-Medical	P
-Extended	N
Non-Accessory Parking	P
Self-Service Storage	N
Industrial - CMC 21.12.030(D)	
Industrial Services	N
Manufacturing and Production	N
Railroad Yards	N
Research and Development	P
Warehouse/Freight Movement	P

Wholesale Sales	N
Waste-Related	P
Other - CMC <u>21.12.030(E)</u>	
Agriculture/Horticulture	P
Animal Kennel/Shelters	N
Animal Rendering Facility	N
Cemeteries	N
Detention and Post-Detention Facilities	N
Pet Day Care	N
Foundries	N
Mining	N
Rail Lines/Utility Corridors	P
Temporary Uses	P
Wireless Communication Facilities	L ¹

¹ Subject to provisions in CMC Chapter 21.50, Wireless Communication Facilities.

(Ord. No. W-22, § 74, 4-22-2014)

21.37.040 - Development standards.

- A. *Purpose*. The purpose of this section is to regulate the impact of university development on the surrounding neighborhood as envisioned in the comprehensive plan, maintain levels of service, and maximize the return on public investments in infrastructure.
- B. *Development standards*. All developments must comply with:
1. *Building height*. There is no maximum building height for new buildings.
 2. *Building setbacks*.
 - a. For structures abutting a public street, the minimum setback shall be 10 feet from the edge of the right-of-way, assuming the public street is constructed to city standards, including landscape strip and sidewalk.
 - b. For structures abutting a private street, the minimum setback shall be 10 feet from the edge of the curb or 5 feet from the edge of the sidewalk.
 - c. Structures shall have a minimum setback of 5 feet from the edge of a pedestrian access way.
 3. *Building entrances*.
 - a. Buildings designed for human occupancy with facades facing a public or private street shall have a main building entrance facing the street and not just an emergency exit.
 - b. Buildings designed for human occupancy shall include a pedestrian amenity, such as a porch, plaza, quad, courtyard, covered entryway, or seating area, as a component of a main building entrance.
 - c. Buildings such as sheds, barns, or garages, used exclusively for agricultural purposes, research, or storage shall be exempt from these standards for building entrances as described in "a" and "b," above.
 4. *Ground floor windows*.
 - a. Buildings designed for human occupancy with facade(s) that face a public or private street, path, or sidewalk shall have windows and pedestrian entrances.

- b. Ground floor is defined as the finished floor elevation of the first floor that qualifies as a story in a building, as defined in the Building Code.
 - c. Mirrored glass may not be used in ground floor windows.
 - d. Parking structures either above or below ground, shall be exempt from these standards for ground floor windows.
 - e. Buildings or portions of buildings used exclusively for research or storage purposes shall be exempt from the standards for ground floor windows described in "a", through "c", above.
5. *Roof mounted equipment .*
- a. No roof-mounted mechanical equipment shall be visible from the entrance of buildings that abuts the development site.
 - b. Satellite dishes, antennas, colocated/attached wireless telecommunications facilities, and other telecommunications equipment shall not be visible from nearby streets or buildings and must be screened behind a parapet wall or architectural feature.
6. *Landscaping .*
- a. Landscaping shall be provided for new campus buildings as well as parking areas adjacent to public and private streets as defined in CMC 21.42 (landscaping).
 - b. This vegetative buffer will be required upon any redevelopment of existing parking lots and/or the razing and redevelopment of existing buildings.
7. *Parking improvements .*
- a. Parking areas shall be designed to promote safe and convenient pedestrian access.
 - b. Parking improvements may be constructed as stand-alone projects and/or concurrent with new development.
 - c. Parking should be considered to meet the needs of new residence halls and classroom space.
 - d. Vehicle parking shall be located to the rear of buildings, and where it does not disrupt the pedestrian streetscape, it may be located to the side of buildings.
8. *Transportation improvements .*
- a. Safe and convenient transportation improvements shall be provided in conjunction with new development. This includes street, pedestrian, landscape strips, and in some cases, bicycle improvements.
 - b. Pedestrian amenities such as lighting, sidewalks, bench placement, planters, courtyards, quads, transit stops/shelters, bicycle racks, recycling receptacles, etc. shall be considered part of typical street improvements and incorporated into the final design.
 - c. Transportation improvements shall be constructed to ensure ADA compliance.

- d. Copies of complete as built shall be certified by the design engineer and shall be submitted to the city for approval for all newly constructed public improvements.

9. *Pedestrian and bicycle system connections .*

- a. Clearly defined and direct pedestrian connections shall be provided between street and building entrances, and between parking areas and building entrances.
- b. All pedestrian connections shall be a minimum of six feet in width of unobstructed passage and must be hard surfaced using pavers, brick, asphalt, or concrete.
- c. Sidewalks shall be provided along all streets and shall be required as an improvement when development and/or redevelopment occurs.
- d. Bicycle and pedestrian improvements shall be constructed to ensure ADA compliance.

10. *Site furnishings .*

- a. Site furnishings shall not block or impede pedestrian circulation or reduce the required sidewalk width.

11. *Transit .*

- a. A transit stop and/or transit shelter shall be provided as required by the Spokane Transit.

12. *Bicycle parking .*

- a. Bicycle parking shall be constructed with each development.
- b. Bicycle parking shall be near, but shall not block or impede building entrances.

13. *Mechanical equipment, trash enclosures, and outdoor storage areas .*

- a. All mechanical equipment enclosures, trash enclosures, and outdoor storage areas for non-agricultural buildings shall be screened as part of the building construction or with landscaping, masonry walls, solid wood fencing, or a combination of these materials for those areas that are visible from a street, building, or pedestrian access way, or are adjacent to a neighborhood.

14. *Public, private, and franchise utilities .*

- a. All new utility distribution lines shall be underground.
- b. Transformers and vaults not underground shall be screened.

15. *Exterior lighting .*

- a. The historic style light fixtures shall have poles and bases, and associated pole-mounted equipment such as banner hangers, etc., finished with a dark color.

- b. Contemporary light fixtures with shielded luminaries that minimize up lighting and glare shall be used in parking areas or other areas outside of the historic campus core and shall meet the requirements of a full cut-off light fixture.
- c. Outdoor field lighting may be installed on intramural and recreational playing fields, provided that the light is directed on the fields.
- d. With the exception of lighting for intercollegiate athletic facilities and intramural and recreational playing fields, light trespass onto surrounding residential properties shall not exceed 0.1 foot-candles, except in areas where additional lighting for safety and security, as determined by the university, is necessary. In such cases, light trespass onto surrounding residential properties shall not exceed 0.25 foot-candles.
- e. Stadium lighting for future expansions to the football stadium shall be provided in a manner that does not increase light spillage outside of the stadium proper.

(Ord. No. W-22, § 74, 4-22-2014)

APPENDIX A-6

THURSTON COUNTY CODE

Chapter 20.54 - SPECIAL USE*

Sections:

20.54.010 - Purpose and intent.

Each zoning district lists special uses that, because of their special impact or unique characteristics, can have a substantial adverse impact upon or be incompatible with other uses of land. This impact often cannot be determined in advance of the use being proposed for a particular location. Such uses may be allowed to locate within given districts only through the review process of the special use permit and under the controls, limitations and regulations of such permits. This chapter establishes general and specific development standards for special uses and provides for a review process which will evaluate the location, scale, compatibility with rural character and development characteristics of such uses and their impact on adjacent properties and the community as a whole, to the end that such uses may be approved, modified, or disapproved fairly and objectively.

(Ord. 13235 § 13, 2004; Ord. 11398 § 3 (part), 1997; Ord. 8216 § 108 (part), 1985)

20.54.015 - Approval authority.

1. Administrative Approval. Applications for the following types of special uses shall be reviewed and approved, modified or denied by the department:
 - a. Home occupations;
 - b. Expansions of nonconforming, nonresidential uses by no more than five percent;
 - c. Mobile or manufactured home parks (two to four mobile/manufactured homes per lot);
 - d. Temporary uses listed in Section 20.54.070(41.5)(b) in zoning districts shown on Table 1;
 - e. Attached or co-located WCFs within urban growth areas;
 - f. Remote freestanding WCF/antenna support structures that would not extend more than thirty feet above all adjacent trees within one hundred feet of the proposed WCF/antenna support structure location and would be located more than one mile from a residential district and co-located WCFs that do not require an increase in the height of the antenna support structure.
 - g. Family day care provider; and
 - h. Community club.
2. Hearing Examiner Approval. The approval authority for all other special use permits, including proposed expansions (greater than five percent) to or conversions of nonconforming, nonresidential uses, is the hearing examiner. (See Chapter 20.60.)

(Ord. 13235 § 14, 2004; Ord. 13058 § 3, 2003; Ord. 12463 § 17, 2001; Ord. 11867 § 1 (part), 1998; Ord. 11804 § 100, 1998; Ord. 11398 § 3 (part), 1997; Ord. 11025 § 28, 1995; Ord. 8216 § 108 (part), 1985)

(Ord. No. 14773, § 10(Att. I), 7-24-2012)

20.54.020 - Authorization.

When an application for a special use is filed with the department, the approval authority may authorize establishment of those uses that are expressly listed as special uses in a particular zoning district. No special use shall be issued unless the use complies with all of the applicable standards of this chapter and all other applicable requirements of this title.

(Ord. 11398 § 3 (part), 1997; Ord. 8216 § 108 (part), 1985)

(Ord. No. 14773, § 10(Att. I), 7-24-2012)

20.54.030 - Status of special use.

Any use for which a special use is authorized by the approval authority and which complies with the specific requirements of this chapter and those of other applicable chapters of this title shall be deemed to be a permitted use on the lot on which it is thus permitted. Once a special use has been authorized, however, the use shall not be enlarged, extended, increased in intensity, or relocated unless an application is made for a new or amended special use authorization.

(Ord. 11398 § 3 (part), 1997; Ord. 8216 § 108 (part), 1985)

20.54.040 - General standards.

In addition to the specific standards set forth hereinafter with regard to particular special uses, all uses authorized as special uses shall meet the following standards:

1. Plans, Regulations, Laws. The proposed use at the specified location shall comply with the Thurston County Comprehensive Plan and all applicable federal, state, regional, and Thurston County laws or plans.
2. Underlying Zoning District. The proposed use shall comply with the general purposes and intent of the applicable zoning district regulations and subarea plans. Open space, lot, setback and bulk requirements shall be no less than that specified for the zoning district in which the proposed use is located unless specifically provided otherwise in this chapter.
3. Location. No application for a special use shall be approved unless a specific finding is made that the proposed special use is appropriate in the location for which it is proposed. This finding shall be based on the following criteria:
 - a. Impact. The proposed use shall not result in substantial or undue adverse effects on adjacent property, neighborhood character, natural environment, traffic conditions, parking, public property or facilities, or other matters affecting the public health, safety and welfare. However, if the proposed use is a public facility or utility deemed to be of overriding public benefit, and if measures are taken and conditions imposed to mitigate

adverse effects to the extent reasonably possible, the permit may be granted even though the adverse effects may occur.

- b. Services. The use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, or services existing or planned to serve the area.

4. Time Limits.

- a. Expiration of Approval. If a building permit has not been issued, or if construction activity or operation has not commenced within three years from the date of final approval, the special use permit shall expire. The special use permit shall also expire when the use or activity for which the permit was granted is vacated for a period of three years.
- b. Upon the application of the owner or representative, the approval authority may grant a one year extension. In no case shall the approval authority grant an extension for more than one year at a time. If an extension of time is approved, the special use permit will be subject to all new and amended regulations, requirements, policies or standards which are adopted after the original date of approval.
- c. Knowledge of the expiration date and initiation of a request for extension approval time is the responsibility of the applicant. The county is not responsible for providing notification prior to expiration. All requests for an extension of time must be submitted to the department prior to expiration of the special use permit.
- d. Time Limit and Re-Review. Where the approval authority is the hearing examiner, there may be a condition to provide time limits for the use. If it is determined after review that the special use no longer meets the conditions set by the hearing examiner at the time of the initial approval, the use may be terminated, or such standards added as will achieve compliance with the original hearing examiner conditions.

5. Signs. In addition to the requirements of Chapter 20.40, the following provisions apply to uses approved by this chapter:

- a. For home occupations and home-based industries, there shall be no more than one sign, not to exceed six square feet in area, and except for home occupations, may be attached to the structure housing the special use or may be freestanding. Freestanding signs shall not exceed forty-two inches in height measured from the ground to the top of the sign. Signs shall be unlit and shall use nonflashing, nonreflective materials. Colors shall be nongarish and consistent with residential character.
- b. For home occupations, the sign shall be attached to the home or the structure housing the home occupation. Where the building is not visible from the nearest public road serving the property, one freestanding sign complying with the foregoing specifications may also be placed near the road.
- c. For other uses consisting of a single business or use on a site in residential zoning district, there shall be no more than one two-faced sign not to exceed thirty-two square feet per side; or alternatively, two signs attached to the building below the roof line, or placed close to the building, with a combined square footage not to exceed thirty-two square feet.
- d. Multi-business sites shall be governed by Chapter 20.40.

(Ord. 12463 § 18, 2001; Ord. 11804 § 101, 1998; Ord. 11398 § 3 (part), 1997; Ord. 8216 § 108 (part), 1985)

20.54.050 - Conditions and restrictions.

In addition to those standards set forth in this chapter with regard to both general and specific standards which must be met, the approval authority may impose such additional conditions, safeguards and restrictions upon the proposed use as it may deem necessary in the public interest.

(Ord. 11398 § 3 (part), 1997; Ord. 8216 § 108 (part), 1985)

20.54.060 - Application for a special use.

1. Before submitting an application for a hearing examiner approved special use permit (see Chapter 20.54.015), the applicant shall submit a request form and one copy of the proposal to the resource stewardship department for a presubmission conference. At minimum, the proposal shall contain in a rough and approximate manner the information required in the special use application. The purpose of the presubmission conference is to enable the applicant to obtain the advice of affected County departments as to the applicability of the intent, standards and provisions of this title to the proposal. Upon receipt of a properly prepared request, the resource stewardship department shall notify the applicant of the time and place for the presubmission conference.
2. The procedures controlling application for and the review and approval of special uses shall be as provided in Chapter 20.60. See Section 20.60.020(3)(c) for expanded public notification requirements.

(Ord. 11398 § 3 (part), 1997; Ord. 11025 § 29, 1995; Ord. 8216 § 108 (part), 1985)

(Ord. No. 14439, § 11, 11-16-2010)

20.54.065 - Applications for essential public facilities.

Applications for uses which qualify as essential public facilities are subject to the following requirements:

1. In order to enable the director to determine the appropriate classification for the use, at least ninety days before submitting an application, the prospective applicant shall identify the approximate geographic area within which the proposed use could potentially have adverse impacts, such as increased traffic, public safety risks, noise, glare, emissions, or other environmental impacts. Classifications are as follows:
 - a. Type 1—Multi-County Facilities. These are major facilities serving or potentially affecting more than one county. These facilities include, but are not limited to, regional transportation facilities, such as regional airports, state correction facilities, and state educational facilities.
 - b. Type 2. These are local or inter-local facilities serving or potentially affecting residents or property in more than one jurisdiction. They could include, but are not limited to, county jails, county landfills, community colleges, secure community transition facilities, sewage treatment facilities, communication towers, and inpatient facilities (e.g., substance abuse facilities, mental health facilities, and group homes). Note: Such facilities which would not have impacts beyond the jurisdiction in which they are proposed to be located would be Type 3 facilities.
 - c. Type 3. These are facilities serving or potentially affecting only the jurisdiction in which they are proposed to be located.
2. Type 1 Facilities. The following requirements apply to those essential public facilities identified as Type 1 facilities by the director:
 - a.

At least ninety days before submitting a special use permit application, the prospective applicant shall notify the affected public and jurisdictions of the general type and nature of the proposal, identify sites under consideration for accommodating the proposed facility, and identify opportunities to comment to the county on the proposal.

- b. Applications for specific projects shall not be considered complete in the absence of proof of a published notice regarding the proposed project in a newspaper of general circulation in the affected area. This notice shall include the information described above and shall be published at least ninety days prior to the submission of the application.
 - c. The applicant shall include with the application an analysis of the alternative sites considered for the proposed facility. This analysis shall include the following:
 - i. An evaluation of the site's capability to meet basic siting criteria for the proposed facility, such as size, physical characteristics, access, and availability of necessary utilities and support services;
 - ii. An explanation of the need for the proposed facility in the proposed location;
 - iii. The site's relationship to the service area and the distribution of other similar public facilities within the service area or jurisdiction, whichever is larger;
 - iv. A general description of the relative environmental, traffic, and social impacts associated with locating the proposed facility at the alternative sites which meet the applicant's basic siting criteria. The applicant shall also identify proposed mitigation measures to alleviate or minimize significant potential impacts; and
 - v. The application shall also briefly describe the process used to identify and evaluate the alternative sites.
 - d. The requirements of subsections (2)(a), (b) and (c) above do not apply to the expansion of existing facilities where the gross floor area of the facility (excluding accessory buildings), as of the effective date of this provision, is increased by less than twenty-five percent. For land-based facilities, such as regional airports, the requirements of subsections (2)(a), (b) and (c) above do not apply to the expansion of existing facilities where the facility capacity (excluding accessory buildings) or gross land area, as of the effective date of this provision, is increased by less than twenty-five percent.
3. Type 2 Facilities. The following requirements apply to those essential public facilities identified as Type 2 facilities by the director:
- a. At least ninety days before submitting a special use permit application for a Type 2 essential public facility, the prospective applicant shall notify the affected public and jurisdictions of the general type and nature of the proposal, identify sites under consideration for accommodating the proposed facility, and identify opportunities to comment to the county on the proposal.
 - b. Applications for specific projects shall not be considered complete in the absence of proof of a published notice regarding the proposed project in a newspaper of general circulation in the affected area. This notice shall include the information described above and shall be published at least ninety days prior to the submission of the application.
 - c. The requirements of subsections (3)(a) and (b) above do not apply to the expansion of existing facilities where the gross floor area of the facility (excluding accessory buildings), as of the effective date of this provision, is increased by less than sixty percent. For land-based facilities, such as landfills, the requirements of subsections (3)(a) and (b) above do not apply to the expansion of existing facilities where the facility capacity (excluding

42.	Travel trailer parks/commercial campgrounds	X	X	X	X	X													
43.	Veterinary clinics	X	X	X	X	X	X	X	X										
44.3	Wireless communication facilities (WCFs)—attached or co-located	A/ X																	
44.4	WCFs/antenna support structures-remote freestanding*															A/ X			A/ X
44.6	(WCFs)/antenna support structures-freestanding*	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
45.	Work release*	X	X	X						X									

X = Special use permit (approval authority is hearing examiner)

A = Administrative special use permit (approval authority is staff)

1 = Summit Lake overlay zone, Chapter 20.30

2 = Except as prohibited or limited in Chapter 20.23

3 = Applies to uses related to public parks, trails and preserves and not otherwise permitted in Chapter 20.08E

* May qualify as an essential public facility; refer to TCC 20.54.065

** = Asphalt batch plants are allowed in these zones only when they have an Asphalt Plant special use permit.

(Ord. 13884 § 13, 2007; Ord. 13834 § 14, 2007; Ord 13235 § 15, 2004; Ord. 13058 § 47, 2003)

(Ord. No. 14141, 11-10-2008; Ord. No. 14678, § 5, 11-15-2011; Ord. No. 14725, § 3(Att. C), 3-13-2012; Ord. No. 14773, § 10(Att. I), 7-24-2012; Ord. No. 14782, § 2(Att. A), 8-14-2012)

20.54.070 - Use—Specific standards.

The following standards apply to specific special uses and are in addition to those established in other sections of this chapter. The zoning districts in which a special use is authorized are identified in Table 1.

1. Academic Schools.

a. Minimum Site Size.

- i. For Public Schools. Minimum site size shall be as required by the Superintendent of Public Instruction.
- ii. For Private Schools. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area of a private school in excess of four students, shall be determined by the approval authority.

The density shall not exceed one hundred students per one acre of ground nor shall there be more than one square foot of floor area to two square feet of ground area.

- b. Any portion of the site which abuts upon a residential use shall be screened in such a manner as to reduce the noise generated by activities on the school grounds.
- c. The height of any auditorium or gymnasium shall be set by the approval authority.

2. Airfields and Landing Strips. Private airfields associated with an agricultural or forestry operation shall be reviewed as an administrative special use permit. Other airfields shall be reviewed as a special use permit. Only military airfields are allowed within the military reservation district.

3. Animal-Bone Black Processing, Fat Rendering, Distillation of Bones. No specific additional standards.

3.1 Asphalt Production. Asphalt plants (hot mix or batch plants) are subject to the following provisions:

- a. Setbacks. The emissions point source at an asphalt plant shall be separated by a distance of at least five hundred feet from public parks and public preserves, which include parks, regional trails, national wildlife refuges, state conservation areas, wild life areas, and other government owned preserves, or three hundred feet from the boundary of any residential zoning district with an existing or zoned density of greater than one dwelling unit per five acres, urban growth areas, and any residential lot less than one acre in size.
- b. Asphalt plants are allowed in the rural resource industrial (RRI), light industrial (LI), and rural residential resource one dwelling unit per five acres (RRR1/5) zoning designations or within a permitted gravel mine located within selected zoning designations as reflected in Table 1. Existing asphalt plants located within a permitted mineral extraction use area may apply for a new special use permit when the extraction activity ceases.
- c. The location of asphalt plants shall be consistent with the Thurston County Comprehensive Plan, which includes, but is not limited to, sub-area plans.

- d. Prior to commencing operation, the asphalt plant operator shall provide evidence to the county that the facility has received coverage under the state's National Pollution Discharge Elimination Systems (NPDES) general permit applicable to asphalt plants, unless it provides written confirmation of an exemption from the agency with jurisdiction over such permit.
- e. Asphalt plants shall provide necessary space to accommodate delivery trucks on the site.
- f. Asphalt plants shall have County approved haul routes.
- g. The source of Recycled Asphalt Pavement (RAP) shall only be from highways, roadways, runways, parking lots and shall not be from a contaminated site such as a Superfund site or Model Toxic Control Act (MTCA) site. The asphalt plant operator shall provide semiannual reports to the county documenting the source of all recycled asphalt pavement brought to the production site.
- h. Asphalt plants shall comply with the requirements and best management practices of the Thurston County Drainage Design and Erosion Control Manual, as amended.
- i. Asphalt plants shall be fueled by natural gas, propane, or an alternative fuel with the same or less hazardous emissions or waste as natural gas or propane.
- j. The operation shall obtain and maintain a solid waste permit from Thurston County environmental health for operations that recycle asphalt.
- k. Asphalt plants shall meet all applicable requirements of Chapter 17.20 TCC, Mineral Extraction and Asphalt Production.

3.5 Athletic Facilities.

- a. This category shall not be construed to include major sporting facilities or large indoor facilities. Facilities shall be sized to serve the local community.
- b. Indoor facilities shall be limited to the following:
 - 1. Maximum building size: four thousand five hundred square feet.
 - 2. Minimum lot size: two acres.
 - 3. All structures and parking areas shall be set back from adjacent residential properties a minimum of one hundred feet. The one hundred foot setback shall include sight-obscuring plantings.
 - 4. Any building shall be of a design that will be compatible with the residences in the area.
- c. Outdoor facilities shall be limited as follows:
 - 1. Maximum number of parking stalls: thirty. However, the approval authority shall determine if additional spaces will be needed to guarantee that all user parking will be on the premises and will be adequate for the use.
 - 2. All parking areas shall be set back from adjacent residential properties a minimum of one hundred feet. The one hundred foot setback shall include sight-obscuring plantings.

4. Boat Launch. No specific additional standards.

4.5 Camp or Recreation Ground.

- a. Minimum size of camp or recreation ground: two acres. Minimum camping site: one thousand square feet.
 - b. No structure or camp site shall be located closer than twenty-five feet to any adjacent lot line. At least ten feet of the buffer area shall be in sight-obscuring plantings.
 - c. Permitted improvements may include facilities for picnicking, boating, fishing, swimming, outdoor games, miniature golf courses and other sports and activities. Associated improvements and facilities shall be shown on the site plan. Such facilities shall be designed to serve only the patrons of the campground.
 - d. Such uses shall be designed for temporary occupancy.
6. Cemeteries.
- a. Access to roads shall be at least two hundred feet from any intersection. A turning lane shall be provided if required by Thurston County public works department.
 - b. A protective fence and landscaped strip of evergreen trees and shrubs at least ten feet in width shall be installed on all common property boundary lines with any residential district.
7. Churches.
- a. The height limitations of the pertinent use district need not be observed; however, if the height limitation of such use district is exceeded, then each side yard shall be at least equal in width to the height of the building, spires and towers excluded.
 - b. Any dwelling located in conjunction with a church shall comply with the provisions governing residential uses of the use district in which it is located.
 - c. There shall be suitable landscape screening on any church parking lot adjacent to a public right-of-way. A sight-obscuring landscape screen or pleasing high solid fence shall be provided between the church parking lot and any abutting residential use.
 - d. Church-sponsored uses requiring special use approval may be reviewed under the original special use application for the church, or as an amendment to an approved special use.
8. Community Center/Community Club.
- a. Minimum lot size shall be two acres.
 - b. Maximum building size shall be four thousand five hundred square feet on parcels up to five acres.

Maximum building size shall be six thousand square feet on parcels of five acres or larger.

- c. Maximum of one community center or community club shall be located per lot.
- d. No community center/community club may be located closer than one thousand feet from another community center/community club.
- e. All structures and parking areas shall be set back from adjacent residential properties a minimum of one hundred feet. The one hundred foot setback shall include sight-obscuring plantings.
- f. The building shall be of a design that will be compatible with the residences in the area.
- g.

Maximum number of parking stalls: thirty. However, the approval authority shall determine if additional spaces will be needed to guarantee that all user parking will be on the premises and will be adequate for the use.

9.3 Composting Facilities.

- a. Purpose. To allow facilities which import, process, package, and distribute products derived from composting yard wastes, other biosolids, and organic waste;
- b. Standards.
 1. Minimum lot size—twenty acres,
 2. Maximum building site coverage—ten percent,
 3. Minimum structural setback—one hundred feet from property line,
 4. Direct access to the operation shall be from a collector or arterial road,
 5. The entire composting operation must be conducted under a roof,
 6. The operation shall be effectively screened from view by using a solid screen six feet high. Screening may include fences, walls, vegetation, berms with vegetation, combinations of these, or other methods, all of which must provide a permanent solid screen barrier to prohibit visibility from rights-of-way and adjacent and nearby properties. Vegetation used for screening must be of sizes, types, numbers, and siting adequate to achieve one hundred percent opacity within three years. All vegetation used for screening shall be maintained in a healthy condition. Vegetation used for screening that dies shall be replaced within six months. Fences and walls over six feet high require a building permit,
 7. The operation shall meet all state noise and air quality control standards,
 8. The operation shall obtain and maintain a solid waste permit from Thurston County environmental health.

9.5 Country Inn Design Standards.

- a. Minimum lot size—ten acres;
- b. Minimum structural setback (including parking area)—one hundred feet from property line;
- c. Maximum building height—thirty feet (excluding existing structures);
- d. When a proposed country inn for an existing structure cannot meet the required setbacks, the hearing examiner may adjust setbacks to residential standards, subject to the applicant demonstrating compatibility with the rural environment;
- e. Existing structures are defined as structures existing at the time of adoption of this title;
- f. Minimum distance of one country inn from another shall be three air miles but not measured over Eld, Budd or Henderson Inlets. Separation of country inns from a neighborhood convenience use shall be one to three miles based on impact (as defined in Section 20.54.040(3)(a) and (b)). An analysis of such impact shall be made part of the staff report to the hearing examiner;
- g. Parking—one space per two table settings, one space per employee (all other requirements for parking area are located in Section 20.44.030);
- h. Access. All country inns must take primary access off a county arterial or collector roadway;

- i. Hours of operation—nine a.m. to ten p.m. (except for New Year's Eve);
- j. Landscaping. Landscaping will be required where necessary to screen, buffer, and enhance residential character of neighborhood. The applicant will be required to provide a landscape plan showing how the above noted requirements will be met;
- k. Location. Country inns in the RL 1/1 and RL 1/2 zones will only be allowed when the country inn property is located within three-fourths miles of state highway right-of-way.

10. Day-Care Centers and Nursery Schools.

- a. All such uses shall be located so as to have access adequate to accommodate pedestrian and vehicular traffic to and from the use as determined by the approval authority. To assist in making this determination, each applicant shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day.
- b. When such a use is located in or adjacent to a residential district, screening in the form of plantings, walls, or fencing shall be provided of such a nature and density as determined by the approval authority.
- c. Parking space shall be provided as follows:
 - i. If the day-care facility also serves as a private residence, a minimum of two off-street parking spaces shall be provided for the residents.
 - ii. In addition, off-street parking for staff and for pickup and delivery of children shall be provided as follows:
 - (A) Staff parking shall comply with Chapter 20.44.
 - (B) Off-street pickup and delivery spaces shall be provided commensurate with the number of children served by the facility so that the neighborhood will not be adversely impacted or children endangered.

11. Drive-In Theaters. No specific additional standards.

11.3 Essential Public Facilities.

- a. The applicant shall demonstrate that the proposed use will not have any probable significant adverse impact on critical areas; lands within any long-term agriculture district, long-term forestry district, or Nisqually agricultural district; or designated mineral resource lands, except for lineal facilities, such as highways, where no feasible alternative exists.
- b. Major public facilities which generate substantial traffic shall be sited near major transportation corridors.

11.4 Family day care provider (as defined in Section 20.03.040(46.2)).

- a. The facility shall comply with all applicable building, fire, safety, and health codes; and business licensing requirements.
- b. The facility shall conform to lot size, building size, setbacks, and lot coverage standards applicable to the underlying zoning district except if the structure is a legal non-conforming structure.
- c. The facility shall be certified by the office of child care policy licenser as providing a safe passenger loading area.
- d. Signage shall comply with Chapter 20.40 of this title.
- e.

Hours of operation shall be limited to facilitate neighborhood compatibility, while also providing an appropriate opportunity for persons who use family day care and work a nonstandard work shift.

- f. Before obtaining a state license, proof of written notification by the provider shall be furnished to the county that the immediately adjoining property owners have been informed of the intent to locate and maintain such a facility. If a dispute arises between neighbors and the family day care provider over licensing requirements, the licensor may provide a forum to resolve the dispute.

11.5 Farm Housing (Five or More Units).

- a. Applicant shall demonstrate that the number of requested units are needed for the efficient operation of the farm.
- b. The farm housing units shall be located in a manner that will not negatively affect the viability of farming on the property.

11.7 Farm stands.

- a. Farm stands for retail sale of agricultural products are permitted as a matter of right: meaning no land use approval is required, provided the farm stand meets the following standards:
 - i. The structure does not exceed four hundred square feet if enclosed on one or more sides, or seven hundred square feet if open on all sides, and the roofed area of the associated structure is a tent or similar membranous material.
 - ii. The structure is licensed as a vehicle.
 - iii. The stand may not be in place for more than six months out of the year. Wood or metal framed structures meeting all applicable Building Code requirements that do not exceed seven hundred square feet may operate year around.
 - iv. Safe vehicular access and customer parking shall be provided on site, such that vehicles are not required to back onto a road right-of-way or easement.
 - v. The farm stand and associated parking shall be located outside of any road right-of-way or easement. Structures and canopies associated with a farm stand must be set back a minimum of ten feet from any road right-of-way or easement.
 - vi. At least seventy-five percent of the agricultural produce displayed is grown in the Pacific Northwest. Sale of ancillary products is permitted: however, such products shall not exceed twenty-five percent of product display area.
 - vii. Farm stands operated by separately owned farms are encouraged to be collocated in the same area, using shared vehicular access and parking, or stands shall be separated by a minimum of one thousand feet between access points. The director of resource stewardship may consider exceptions to this separation standard on a case by case basis. Up to three separately operated farm stands are permitted on one site, but must be separated by a minimum of twenty feet pursuant to International Fire Code requirements. Collocated farm stands may be reviewed under one application if applied for concurrently.
 - viii. All other applicable state and local regulations related to public health, safety, including but not limited to food safety and general welfare shall be met.
 - ix. Unless a twenty foot wide, existing, legal vehicular access is used, a new farm stand requires a Thurston County Public Works encroachment permit to provide access, or to improve an existing access from a county road.

- x. On-site advertising signs of no more than four square feet meeting the standards of TCC Section 20.40.035 are exempt from Thurston County review and approval. Larger signs are permitted pursuant to TCC Chapter 20.40 and may require a building permit.
 - b. Farm stands for retail sale of agricultural products which exceed the size criteria contained in Section 20.54.070(11.7)(a)(i) shall be reviewed through an administrative special use permit if the following standards are met:
 - i. The roofed area or associated structure does not exceed two thousand square feet, and
 - ii. The standards of 11.7(a)(iv) through (x) are met.
 - c. Farm stands for retail sale of agricultural products meeting the following standards shall be reviewed and approved by the Thurston County Hearing Examiner through a special use permit.
 - i. The roofed area or associated structure is between two thousand and one and three thousand square feet, and
 - ii. The standards of 11.7(a)(iv) through (x) are met.
 - iii. Farm stands larger than three thousand square feet would be reviewed as commercial operations subject to all applicable land use regulations, including underlying zoning.
12. Feedlots. No specific additional standards.
- 12.2 Forest Management Activities.
- a. The maximum cumulative building size for uses other than storage shall be four thousand square feet; and
 - b. The maximum area permitted for accessory storage uses, whether indoor or outdoor, shall be ten thousand square feet.
- 12.5 Garages, on Upland Lots and Within the Summit Lake Special Management Area.
- a. Meet the setback standards of the underlying zone;
 - b. Provide buffers of native vegetation (either existing or replanted) of thirty feet along the front property line and twenty feet along the side property line, with this buffer to be located on the upland lot and not within the right-of-way; and
 - c. Be compatible in design, color, shape, landscaping and size to surrounding upland garages or residences within one-fourth mile.
13. Golf Facilities.
- a. Facilities shall be limited to a single eighteen-hole golf course with or without accompanying driving range.
 - b. Stand-alone driving ranges shall be considered a golf facility.
 - c. Clubhouses shall be limited to four thousand five hundred square feet.
 - d. Parking lots shall be set back from the nearest residential property a minimum of one hundred feet. The one hundred foot setback shall include sight-obscuring plantings.
14. Greenhouses or Nurseries—Retail. No specific additional standards.
- 14.5 Greenhouses—Wholesale. No specific additional standards.
15. Home-Based Industry.

Purpose. To provide for small-scale commercial or industrial activities on residential parcels, subordinate to the primary residential use, if the approval authority finds that such activities can be conducted without substantial adverse impact on the residential environment in the vicinity. The scale of the proposals to be considered through this mechanism is typically greater than could be accommodated through a home occupation permit, but less than would require an outright rezone to industrial or commercial districts.

- a. The following list of uses is not intended to be exhaustive, but rather is intended to be illustrative of the types of uses which the approval authority may consider:
 - i. Antique and gift shops;
 - ii. Art or photography studios;
 - iii. Auto repair;
 - iv. Bed-and-breakfast with more than six guests;
 - v. Blacksmith shop;
 - vi. Construction office;
 - vii. Furniture repair or refinishing;
 - viii. Pottery shop;
 - ix. Real estate sales office;
 - x. Small restaurants for ten or fewer patrons;
 - xi. Woodworking shop.
- b. Standards.
 - i. The business must be owned and operated only by full-time residents of the parcel on which the proposed use is being requested.
 - ii. The business may not employ more than two persons on the site at any one time who reside off the subject property.
 - iii. Only those buildings or areas as specifically approved by the approval authority may be utilized in the conduct of the business.
 - iv. Any new building constructed to house the home-based industry shall be limited in scale so that it is in character with neighboring properties. In no case shall more than four thousand square feet of total building area on the property be devoted to the home-based industry.
 - v. Any business requiring customers to visit the site shall provide a minimum of three on-site parking spaces in addition to one each for full-time equivalent employees who reside off the subject property and two for the owners of the subject property.
 - vi. All activity related to the conduct of the business or industry shall be conducted within an enclosed structure, except that vehicles used in the business may be stored openly as approved on the site plan.
 - vii. The approval authority may attach additional conditions or requirements or may make modifications to the site plan where necessary to protect the health, safety and welfare of the public.
 - viii. The scale of the proposed use shall be limited in nature.

- ix. The granting of the proposed use shall not, in effect, constitute a rezone.
 - x. (1) Direct access must be from a road improved at minimum to a rural gravel road under Thurston County Road Design Standards, Appendix 6-A. Exception: If the estimated traffic generated by the home based industry, in addition to existing traffic, exceeds one hundred sixty trips per day total, or in the opinion of the Director of Thurston County Public Works, will likely cause significant hazards or cause significant damage to said road, a paved road built to Thurston County Road Design Standards is required.
 - (2) If located on a private road, documentation demonstrating that the applicant is a party to a road maintenance agreement shall be provided. The road maintenance agreement shall be recorded with the Thurston County Auditor and, at minimum, contain the following information.
 - (A) The name of the applicant, a notarized signature of all parties to the agreement, as well as the subject property address, parcel number, legal description, and Thurston County project number if applicable:
 - (B) A description of the physical limits of the agreement that, at minimum, provides for maintenance of the road from the property line of the applicant to the nearest county maintained road or state highway and shall also contain the following language:
 - 1. "Thurston County has no responsibility to build, improve, maintain or otherwise service the private road described herein. The building, maintenance, repair, improvement, operation or services on the storm water facilities outside County rights-of-way are the responsibility of the property owner(s)."
 - 2. "The parties hereby agree on behalf of themselves, their heirs, personal representatives, successors, and assigns, to maintain said road for the life of the project and to perform repairs so as to maintain the road in a good and safe condition in accordance with the standards set forth herein unless said maintenance is taken over by the county, a special district, other governmental agency, or a recorded private road maintenance association."
 - 3. "In the event that the property owner, their agent, customer, business or professional invitee causes damages to the road other than ordinary wear and tear, said property owner shall be required to repair such damage and bear the cost thereof exclusively."
 - 4. The terms "maintenance" and "repair" shall include, but are not limited to, repairing the road surface, adding gravel, filling pot holes, clearing obstructions, grading or scraping the road as necessary, cleaning or recutting ditches as necessary, trimming brush along the roadside, removing snow, unplugging or opening culverts or drainpipes, and performing any and all other necessary work required to maintain the road in a condition that will allow for reasonable and safe access of standard passenger vehicles.
 - 5. Failure of an applicant to adhere to the requirements of this road maintenance agreement may result in permit revocation or other enforcement actions.
- xi. No off-site signage is permitted.
- xii. No business may provide drive-through services.
- xiii. No outside storage of equipment or materials shall be permitted unless screened or fenced so as to not be visible from streets and neighboring properties.
- xiv. No expansions of the approved home-based industry are permitted.

16. Home Occupations.

- a. Home occupations are subordinate to the primary residential use and are permitted in any dwelling unit and include, but are not necessarily limited to, the following:
 - i. Artists and sculptors;
 - ii. Authors and composers;
 - iii. Dressmakers, seamstresses and tailors;
 - iv. Home crafts, such as model making, rug weaving, lapidary work, woodworking and ceramics;
 - v. Office facility of a minister, rabbi, priest or other similar person associated with a religious organization;
 - vi. Office facility of a salesman, sales representative or manufacturer's representative, architect, artist, broker, dentist, physician, engineer, urban planner, landscape architect, public relations practitioner, instructor in arts and crafts, insurance agent, land surveyor, lawyer, musician, real estate agent or typist;
 - vii. Classes of specialized instruction;
 - viii. Barbershops and beauty parlors;
 - ix. Bed-and-breakfast with no more than six guests;
 - x. Kennels housing four to ten dogs with the following standards:
 - (A) Dogs which are let outside unleashed shall be kept in a fenced enclosure.
 - (B) The setback standards in Section 20.07.030 for animals housed inside a structure shall apply.
 - (C) Visual screening, increased setback, increased lot size, and other conditions may be required taking into account safety, noise and odor factors.
 - (D) Kennels within the McAllister geologically sensitive area (MGSA) district shall be subject to a waste management plan approved by the department which minimizes the risk of groundwater contamination.
- b. Permitted home occupations do not include the following:
 - i. Funeral chapel or funeral home;
 - ii. Medical or dental clinic or hospital;
 - iii. Riding or boarding stable;
 - iv. Veterinary clinic or hospital.
- c. Home occupations operating under the following circumstances are permitted as a matter of right (that is, they are exempt from an approval process), provided all of the other standards of this chapter are met:
 - i. No employees;
 - ii. No sign;

- iii. All work is done inside the dwelling, not in any accessory buildings; and
- iv. No materials or equipment used in the home occupation are stored, altered or repaired outdoors.
- d. In addition to the standards applicable in the zoning district in which located, all home occupations shall be subject to the following standards:
 - i. A home occupation must be conducted within a dwelling which is the bona fide residence of at least one of the persons employed in the occupation or in an accessory building thereto which is normally associated with a residential use.
 - ii. No alteration to the exterior of the buildings as permitted in subsection (16)(d)(i) above shall be made which changes the character and appearance as a residential use.
 - iii. No outside storage of equipment or materials shall be permitted unless screened or fenced so as to not be visible from streets and neighboring properties. Up to four cords of wood may be stored outdoors in the case of persons engaged in a home occupation of selling firewood.
 - iv. No more than two persons at any one time other than a member of the immediate family occupying such dwelling shall be employed.
 - v. No special use may generate noise at the property line in excess of twenty continuous minutes for the maximum total of one hour per day if the noise is so loud as to be annoying.
 - vi. If the occupation is the type in which classes are held or instruction given, there shall be no more than four students allowed in any one class or instruction period.
 - vii. Only those buildings or areas as specifically approved by the approval authority may be utilized in the conduct of the business.
 - viii. Any new construction to house the home occupation shall be limited in scale so that it is in character with neighboring properties. In no case shall more than one thousand square feet of total building area on the property be devoted to the home occupation.
 - ix. All activity related to the conduct of the business shall be conducted within an enclosed structure except that vehicles used in the business may be stored openly as approved on the site plan.
 - x. The approval authority may attach additional conditions or requirements or may make modifications to the site plan where necessary to protect the health, safety and welfare of the public.
 - xi. (1) Direct access must be from a road improved at minimum to a rural gravel road under Thurston County Road Design Standards, Appendix 6-A. Exception: If the estimated traffic generated by the home based industry, in addition to existing traffic, exceeds one hundred sixty trips per day total, or in the opinion of the Director of Thurston County Public Works, will likely cause significant hazards or cause significant damage to said road, a paved road built to Thurston County Road Design Standards is required.
(2) If located on a private road, documentation demonstrating that the applicant is a party to a road maintenance agreement shall be provided. The road maintenance agreement shall be recorded with the Thurston County Auditor and, at minimum, contain the information required in Section 20.54.070(15)(b)(x)(2).
 - xii. No off-site signage is permitted.
 - xiii. No expansions of approved home occupations are permitted.

17. Hospitals.

- a. Minimum lot size shall be five acres;
- b. Minimum front yard of fifty feet, measured from property line;
- c. Minimum side or rear yard of fifty feet, measured from property line;
- d. Maximum height shall be as determined by the approval authority;
- e. Maximum lot coverage shall be fifty percent.

17.5 Jails.

- a. General Requirements. Adequate sewage disposal facilities and water must be provided without diminishing the level of service for system users or others dependent upon the resource.
- b. Location.
 - i. Jail sites shall not be located closer than five hundred feet from the boundary of a district in which the use is not allowed as a special use.
 - ii. Jail sites shall be located at least one mile from any school and any site for which a special use application for a school has been submitted.
 - iii. Jails shall be located such that law enforcement officers can respond to a call for assistance within five minutes under typical conditions.
 - iv. Advance life support service, as defined in RCW 18.73.030(19), must be available within five minutes under typical conditions.
 - v. The hearing examiner may lessen standards in subsections (17.5)(b)(i) and (ii) above if, in his or her opinion, a water body, freeway, or other barrier provides separation as effective as these standards.
- c. Security. The applicant shall submit a proposed security plan which, at a minimum, is consistent with applicable American Corrections Association security standards. This plan shall identify staffing levels and scheduling, building security, an escape search plan, and provisions for immediate public notification of escapes.
- d. Design.
 - i. Size. Jails with a capacity for two hundred inmates shall be located on a site of at least fifteen acres. Jail sites shall contain an additional four acres for each additional fifty bed increase in capacity above this threshold.
 - ii. Landscaping/Buffers.
 - (A) The applicant shall submit a binding landscaping plan which serves to maintain or enhance the character of the area without jeopardizing security. This plan shall incorporate at least a twenty-five-foot landscaped buffer along public rights-of-way.
 - (B) The applicant shall install an eight-foot high fence in character with the neighborhood between the facilities and all property boundaries, with the exception of the landscaped street frontage, which effectively screens the site from adjacent properties. The hearing examiner may waive or lessen this requirement if he/she determines that, due to existing site features or the type or character of adjoining uses, the privacy and security of the occupants of adjoining properties can be maintained in the absence of a fence or with a lower fence.
 - (C) Barbed wire topped fencing shall not be visible from public rights-of-way.
 - (D) Outdoor activity areas located in residential districts shall not be visible from public rights-of-way or adjacent properties.

- iii. Noise. The hearing examiner may require conditions to minimize potential noise impacts including, but not limited to, altering the location of outdoor use areas and noise generating facilities, and installation of noise reducing elements such as walls, berms, and landscaping.
- iv. Lighting. Site lighting shall not produce levels of illumination or glare that would pose a nuisance or hazard for motorists on public rights-of-way or constitute a nuisance for occupants of adjacent properties.
- v. Access. Jails shall have direct access to an arterial or collector unless the hearing examiner determines that access via a lesser classification of street would not be detrimental to neighborhood character and would not increase public safety risks.

18. Junk Yards—Wrecking Yards.

- a. Fencing. All operations shall be entirely enclosed by a solid fence or wall, at least eight feet high constructed of plank boards, brick, cinder blocks, concrete, or a totally sight-obscuring natural screen, with access only through solid gates. Such fence or wall shall be kept in good repair and neatly painted in a uniform color and in harmony with the surrounding neighborhood.
- b. The contents of junk or automobile wrecking yards shall not be placed or deposited to a greater height of the fence or wall prescribed in this section.
- c. Provision shall be made for control and treatment of runoff.
- d. Junk yards and wrecking yards shall obtain and maintain a solid waste permit from Thurston County environmental health.

18.5 Juvenile Detention Facilities.

- a. General Requirements. Adequate sewage disposal facilities and water must be provided without diminishing the level of service for system users or others dependent upon the resource.
- b. Location.
 - i. Rural Areas.
 - (A) Sites accommodating juvenile detention facilities shall not be located closer than one thousand feet from the boundary of a district in which the use is not allowed as a special use.
 - (B) Sites accommodating people convicted of violent crimes shall be located at least one-half mile from residential districts with an allowable density of one unit per two acres or greater.
 - (C) Sites accommodating juvenile detention facilities shall be located at least one mile from any school and any site for which a special use application for a school has been submitted.
 - (D) Juvenile detention facilities shall be located such that outside law enforcement officers can respond to a call for assistance within five minutes under typical conditions.
 - (E) Advance life support service, as defined in RCW 18.73.030(19), must be available within five minutes under typical conditions.
 - (F) The hearing examiner may lessen standards in subsections (18.5)(b)(i)(A), (B) and (C) of this section if, in his or her opinion, a water body, freeway, or other barrier provides separation as effective as these standards.
 - ii. Urban Growth Areas.
 - (A)

Buildings accommodating juvenile detention facilities shall not be located closer than two hundred feet from the boundary of a district in which the use is not allowed as a special use.

(B) Juvenile facilities shall be located such that outside law enforcement officers can respond to a call for assistance within five minutes under typical conditions.

(C) Advance life support service, as defined in RCW 18.73.030(19), must be available with five minutes under typical conditions.

c. Security.

i. For county juvenile detention facilities, the applicant shall submit a security plan, reviewed by the sheriff, which, at a minimum is in compliance with applicable American Corrections Association's security standards for juvenile detention facilities. This plan shall identify staffing levels and scheduling, building security, an escape search plan, and provisions for immediate public notification of escapes.

ii. For state juvenile correctional facilities, the applicant will annually advise the sheriff of the current staffing levels and scheduling. The current escape search plan and provisions for immediate public notification of escapes will also be provided. The facility will be operated in compliance with Juvenile Rehabilitation Administration standards and applicable state and local regulations.

d. Design.

i. Size. Juvenile detention facilities with capacity for up to seventy-five inmates shall be located on a site of at least five acres. Sites shall contain an additional four acres for each additional fifty bed increase in capacity above this threshold.

ii. Setbacks. The facility shall be set back at least seventy-five feet from public rights-of-way and property lines.

iii. Landscaping/Buffers.

(A) The applicant shall submit a binding landscaping plan which serves to maintain or enhance the character of the area without jeopardizing security. This plan shall incorporate a landscaped buffer along public rights-of-way. The type and size of the required landscape buffer shall reflect the security needs of the facility and mitigate aesthetic and other impacts on surrounding properties.

(B) The applicant shall install an eight-foot high fence in character with the neighborhood between the facilities and all property boundaries, with the exception of the landscaped street frontage, which effectively screens the site from adjacent properties. The hearing examiner may waive or lessen this requirement if he/she determines that, due to existing site features or the type or character of adjoining uses, the privacy and security of the occupants of adjoining properties can be maintained in the absence of a fence or with a lower fence. An existing fence that exceeds the eight-foot requirement may remain when a modification to an existing juvenile facility is proposed.

(C) Barbed wire topped fencing shall not be visible from public rights-of-way or adjacent properties, unless such fencing existed prior to the effective date of this title.

(D) Outdoor activity areas located in residential districts shall not be visible from public rights-of-way or adjacent properties.

iv. Noise. The hearing examiner may require conditions to minimize potential noise impacts including, but not limited to, altering the location of outdoor use areas and noise generating facilities, and installation of noise reducing elements such as walls, berms, and landscaping.

v.

Lighting. Site lighting shall not produce levels of illumination or glare that would pose a nuisance or hazard for motorists on public rights-of-way or constitute a nuisance for occupants of adjacent properties.

- vi. Access. Juvenile detention facilities shall have direct access to an arterial or collector unless the hearing examiner determines that access via a lesser classification of street would not be detrimental to neighborhood character and would not increase public safety risks.

19. Kennels Housing Eleven or More Dogs.

- a. If dogs are kept or let outside unleashed, they shall be kept in a fenced enclosure.
- b. The setback standards in Section 20.07.030 for animals housed inside a structure shall apply.
- c. Visual screening, increased setback, increased lot size and other conditions may be required by the approval authority taking into account safety, noise and odor factors.
- d. Kennels within the McAllister Geologically Sensitive Area (MSGA) and R 1/10 districts shall be subject to a waste management plan approved by the hearing examiner which minimizes the risk of groundwater contamination.

20. Major Energy Transmission and Generating Facilities.

- a. These facilities are generally of a regional scope and include such uses as:
 - i. Electrical generating facilities exceeding ten megawatts in capacity;
 - ii. Electrical transmission lines exceeding one hundred fifteen thousand volts;
 - iii. Pipelines for (A) petroleum or petroleum products with inside diameter of six inches or over, exceeding fifteen miles in length; and (B) natural gas, synthetic natural gas or liquid propane gas with inside diameter of fourteen inches or over, exceeding fifteen miles in length;
 - iv. Refineries with capacity exceeding twenty-five thousand barrels per day;
 - v. Liquid natural gas ports exceeding one hundred by one hundred six standard cubic feet per day;
 - vi. Petroleum and liquid propane gas ports exceeding fifty by one hundred three barrels per day;
 - vii. Underground gas storage facilities with capabilities exceeding one hundred by one hundred six standard cubic feet per day;
 - viii. Other energy facilities as provided under definitions (Chapter 20.03).
- b. The need for the particular location proposed shall be demonstrated by the applicant to the satisfaction of the approval authority, including a full accounting of alternative locations and sites.
- c. The physical and economic impacts of such facilities will be evaluated, and measures to mitigate these impacts provided.

21. Mineral Extraction. Mineral extraction (including expansions of existing conforming and legal nonconforming mines) and their accessory uses are subject to the following provisions and the provisions of Chapter 17.20 of this code, the Thurston County Mineral Extraction Code:

- a. Accessory Uses.
 - i.

The following accessory uses are allowed only when expressly permitted in a special use permit issued by the approval authority: washing, sorting or crushing of rock or gravel, concrete batching, storage or use of fuel, oil or other hazardous materials, and equipment maintenance. Limited manufacturing of concrete products from sand and gravel excavated on-site may be allowed by the department as an accessory use to a permitted concrete batching facility; provided, that retail sales of such products are prohibited. All other accessory uses are allowed only when approved after administrative review by the department.

- ii. Accessory uses are permitted only in conjunction with an existing mineral extraction operation. The permit for the accessory use expires when the SUP for the mineral extraction expires, is revoked, or when significant mineral extraction activity as defined in Section 17.20.150 ceases. Recycling of concrete is permitted as an accessory use only in conjunction with a permitted crusher and in accordance with any health department requirements.
- b. Reports. Copies of any reports or records, except financial reports, required to be submitted to federal, state, regional or county officials or agencies pursuant to any laws or regulations shall be made available to the county upon request. Information required shall be limited to that pertaining to operations within Thurston County. The public disclosure of such information shall be governed by applicable law. The operator shall keep a record of the source of any asphalt, concrete or soils imported from off-site and stored on-site.
 - c. Application and Review Procedures. In addition to the information required in Chapter 20.60 of this code, the application to the county for a special use permit for mineral extraction shall include:
 - i. A contour map, drawn to the scale of one hundred feet to the inch and contour intervals of two feet, or at a scale and topographic interval determined to be adequate by the department. The map must show current field topography, including the location of water courses of the tract intended for the proposed operation and estimated thickness of overburden and mineral-bearing strata in the tract intended for the proposed operation;
 - ii. The rehabilitation and conservation plans described in Section 17.20.140 of this code;
 - iii. A list of all proposed activities anticipated or planned to occur on the site, including but not limited to the method of mineral extraction, washing, sorting, crushing, concrete batching, equipment maintenance, or any activity that could result in a potential, significant, adverse environmental impact;
 - iv. A preliminary drainage plan in accordance with Chapter 15.05 of this code;
 - v. A copy of the applicant's DNR reclamation permit application, as required by RCW 78.44.080.
 - d. Bonds. In cases where rehabilitation requirements of the county exceed those of the Department of Natural Resources, a performance bond may be required in an amount to be sufficient to insure rehabilitation in accordance with the plan submitted pursuant to Section 17.20.140 of this code, subject to applicable law. With the approval of the county and for such period or periods as may be specified, the owner may be permitted to post its own bond without corporate surety.
 - e. Permit Review. Any permit issued pursuant to this chapter shall be reviewed by the approval authority no less frequently than every five years from the date of the decision to approve the permit. The approval authority shall determine the frequency of permit review. The director may authorize a reasonable fee for this review. At the time of such review, the approval authority may impose additional conditions upon the operation if the approval

authority determines it is necessary to do so to meet the standards of this chapter, as amended.

- f. Designated Mineral Lands Status. In accordance with Chapter 20.30B, an application for designation as mineral resource lands of long-term commercial significance may accompany an application for a special use permit for mineral extraction. Refer to Chapter 20.30B for requirements.

21.3 Mobile or Manufactured Home Parks (two—four Mobile/Manufactured Homes Per Lot). The provisions of Chapter 20.31 shall apply.

21.6 Mobile or Manufactured Home Parks (five or More Mobile/Manufactured Homes). The provisions of Chapter 20.31 shall apply.

22. Neighborhood Convenience Commercial. The standards shall be the same as those in Chapter 20.22, with the addition that the maximum developed site size shall be no more than two and one-half acres and such uses shall be located at road intersections with primary access off of a designated collector or arterial.

23. Nonprofit Institution or Workshop for Mentally or Physically Handicapped. Same standards as for commercial, business or trade school.

23.5 Nonresidential, Nonconforming use in Rural Area.

- a. Purpose. To provide limited expansion of isolated commercial or industrial businesses, legally established on or before July 1, 1990, that may not be principally designed to serve the existing or projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Such expansion shall meet all of the standards listed below. Conversion of such uses may be considered pursuant to Section 20.56.060. This special use category applies exclusively to nonconforming uses for which a special use category does not already exist under this chapter.

b. Standards.

- i. Expansion is limited to a maximum of fifty percent of the existing building square footage, or use area if no structure is involved, as of July 1, 1990, provided that all of the standards below are met.
- ii. The expansion will occur on the same lot upon which the existing use is located.
- iii. The expansion is visually compatible with the surrounding rural area.
- iv. Detrimental impacts to adjacent properties will not be increased or intensified.
- v. The expansion does not result in a formerly small operation dominating the vicinity.
- vi. The expansion will not constitute new urban development in the rural area.
- vii. Public services and facilities are limited to those necessary to serve the isolated nonresidential use and are provided in a manner that does not permit low-density sprawl.
- viii. The design standards of the underlying zoning district and all other applicable regulations are met.

24. Nursing or Convalescent Home. No specific additional standards.

25. Off-Site Treatment and Storage Facilities for Hazardous Wastes and Special Incinerator Ash.

- a. Off-site treatment and storage facilities are subject to the state siting criteria adopted pursuant to the requirements of Chapter 70.105 RCW.
- b. Off-site treatment and storage facilities are limited to treating or storing hazardous wastes or special incinerator ash generated within Thurston County.

25.5 Parks, Trails, and Preserves.

- a. This section applies only government-owned parks, trails, and preserves and their related facilities and to related uses proposed for these facilities that are not otherwise permitted in Chapter 20.08E.
- b. Nighttime lighting for outdoor sports fields, courts, or along trails must be mitigated so as to shield neighboring properties from glare.
- c. Parking facilities for more than thirty vehicles shall be screened with sight-obscuring landscaping along any adjacent property line.
- d. Noise and traffic impacts to adjacent properties shall be mitigated.
- e. The proposed use must be consistent with the master plan for the park, trail or preserve.
- f. Camping and other overnight facilities must be provided with a security patrol.

26. Petroleum Products—Processing/Storage. No specific additional standards.

27. Plastics, Paints, Commercial Chemicals—Manufacture. No specific additional standards.

27.5 Prisons and Prerelease Facilities.

a. General Requirements.

- i. The applicant shall provide verification that the proposed facility is in compliance with all applicable state and local standards and regulations.
- ii. Adequate sewage disposal facilities and water must be provided without diminishing the level of service for system users or others dependent upon the resource.

b. Location.

- i. Prison and prerelease sites shall not be located closer than two miles from the boundary of a district in which the use is not allowed as a special use.
- ii. Prison and prerelease sites shall be located at least two miles from any school and any site for which a special use application for a school has been submitted.
- iii. Prisons and prerelease facilities shall be located such that law enforcement officers can respond to a call for assistance within five minutes under typical conditions.
- iv. Advance life support service, as defined in RCW 18.73.030(19), must be available within five minutes under typical conditions.
- v. The hearing examiner may lessen standards in subsections (27.5)(b)(i) and (ii) of this section if, in his or her opinion, a water body, freeway, or other barrier provides separation as effective as these standards.

c. Security. The applicant shall submit a security plan, reviewed by the sheriff, which, at a minimum, is in compliance with the American Corrections Association's security standards. This plan shall identify staffing levels and scheduling, building security, an escape search plan, and provisions for immediate public notification of escapes.

d. Design.

- i.

Size. Prerelease facilities with a capacity for up to two hundred inmates shall require a site of at least forty acres, minimum security prisons and work camps with capacity for up to four hundred inmates shall require a site of at least eighty acres, and medium and high security prisons with capacity for up to eight hundred inmates shall require a site of at least one hundred sixty acres. All such sites shall contain an additional ten acres for each additional fifty bed increase in capacity above these thresholds.

ii. Setbacks. Prisons and prerelease facilities shall be set back from public rights-of-way and property lines as follows:

Size	Minimum Setback
Capacity for 200 inmates	125 feet
Capacity for 201 to <u>400</u> inmates	175 feet
Capacity for 401 to 600 inmates	225 feet
Capacity for 601 to <u>800</u> inmates	275 feet
Capacity for 801+ inmates	325 feet

iii. Landscaping/Buffers.

- (A) The applicant shall submit a binding landscaping plan which serves to maintain the character of the area without jeopardizing security.
- (B) The applicant shall install an eight-foot high fence in character with the surrounding area between the facilities and all property boundaries, with the exception of the landscaped street frontage, which effectively screens the site from adjacent properties. The hearing examiner may waive or lessen this requirement if he/she determines that, due to existing site features or the type or character of adjoining uses, the privacy and security of the occupants of adjoining properties can be maintained in the absence of a fence or with a lower fence.
- (C) Outdoor activity areas shall not be visible from public rights-of-way or adjacent properties.

iv. Noise. The hearing examiner may require conditions to minimize potential noise impacts including, but not limited to, altering the location of outdoor use areas and noise generating facilities, and installation of noise reducing elements such as walls, berms, and landscaping.

v. Lighting. Site lighting shall not produce levels of illumination or glare that would pose a nuisance or hazard for motorists on public rights-of-way or constitute a nuisance for occupants of adjacent properties.

vi.

Access. Prisons and prerelease facilities shall have direct access to an arterial or collector unless the hearing examiner determines that access via a lesser classification of street would not be detrimental to the neighborhood character and would not increase public safety risks.

29. Public Facilities—New or Major Additions to Existing Facility. No specific additional standards.
30. Public Utilities—New or Major Additions to Existing Facility. There shall be no rotary converters, generating machinery or other equipment that would cause substantial noise, electrical interference or similar disturbances.
31. (Reserved)
32. Railroad Rights-of-Way.
 - a. Establishment and subsequent extensions of rights-of-way for tracks and passenger stations shall be regulated as special uses.
 - b. All other railroad facilities, such as switching yards, holding tracks, freight depots and shops, are prohibited in residential districts.
- 32.5 Recycling Processing Centers.
 - a. Purpose. To allow facilities which collect, process, store, and distribute the following recyclable materials: papers, cardboard, metal cans, glass, plastics, junk, rags, asphalt, concrete, motor vehicle oil, wood for chipping, sheet rock, tires and rubber products, and biosolids.
 - b. Standards.
 - i. Minimum Lot Size. Minimum acreage requirement for zone where use is permitted;
 - ii. Maximum building site coverage—ten percent;
 - iii. Minimum structural setback—thirty-five feet from all property lines;
 - iv. Direct access to the operation shall be from a collector or arterial road;
 - v. The processing operation must be conducted within a building. Storage shall meet the standards of Chapter 20.34;
 - vi. The operation shall be effectively screened from view by using a solid screen six feet high. Screening may include fences, walls, vegetation, berms with vegetation, combinations of these, or other methods, all of which must provide a permanent solid screen barrier to visibility from rights-of-way and adjacent and nearby properties. Vegetation used for screening must be of sizes, types, numbers, and siting adequate to achieve one hundred percent opacity within three years. All vegetation used for screening shall be maintained in a healthy condition. Vegetation used for screening that dies shall be replaced within six months. Fences and walls over six feet high require a building permit;
 - vii. The operation shall meet all state noise and air quality control standards;
 - viii. The operation shall obtain and maintain a solid waste permit from Thurston County environmental health for operations which recycle junk, rags, asphalt, concrete, motor vehicle oil, wood for chipping, sheetrock, tires and biosolids.
33. Recreational Vehicle and Boat Storage Yards—Commercial.
 - a. A minimum of a twenty-foot landscaped buffer around the perimeter shall be required. No parking or storage of vehicles shall be allowed in the required yards or buffers.
 - b. Location on an arterial road is required.

34. Residential Care Facilities.

- a. Residential care facilities housing five or fewer residents, other than staff, are permitted outright in all residential districts. All other residential care facilities are special uses subject to the requirements of this chapter.
- b. Special use approval is contingent upon obtaining and maintaining state licensing for operation of the facility. Special use approval terminates when the state license is no longer in effect. Furthermore, any increase in the number or change in the class of residents authorized by the state license terminates approval unless a new special use authorization is obtained for the new class or number of residents.
- c. The maximum number of residents permitted in a facility is twenty, exclusive of staff.
- d. Minimum Lot Size. For up to ten residents, exclusive of owners/operators and/or staff, minimum lot size will be twelve thousand five hundred square feet or the minimum lot size of the underlying zone, whichever is greater. For facilities with above ten residents, the minimum lot size shall be twelve thousand square feet plus one thousand square feet per additional resident, or the minimum lot size allowed in the underlying zone, whichever is greater.
- e. Minimum Off-Street Parking. In addition to the requirements of Section 20.44.030, one space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility and one for each employee.

34.3 Resorts and Retreat Facilities.

- a. Maximum building coverage shall be six thousand square feet on parcels between five and ten acres. Maximum building coverage shall be twenty thousand square feet on parcels larger than ten acres.
- b. No individual building shall be larger than four thousand five hundred square feet.
- c. Minimum lot size: five acres.
- d. All structures and parking areas shall be set back from adjacent residential properties a minimum of one hundred feet. The one hundred foot setback shall include sight-obscuring plantings.

35. Riding Stables, Arenas or Academies.

- a. A lot area of not less than ten acres shall be required.
- b. Visual screening, increased setback, increased lot size, and other conditions may be required taking into account safety, noise, and odor factors.
- c. If the facility is to contain food service facilities or is intended to be used for exhibitions or shows, additional parking shall be provided as required.

36. Rifle, Pistol and Archery Ranges.

- a. The minimum lot size requirement for an outdoor rifle trap or skeet shooting or pistol range used by an organization shall be ten acres. For an outdoor archery range used by an organization, minimum lot size shall be two acres.
- b. No structure or shooting areas associated with a shooting or firing range shall be located closer than one hundred feet to any lot line.
- c. Other structures shall have minimum yard requirements as established in Chapter 20.25 (Arterial Commercial District).
- d. All shooting areas shall be completely fenced.

- e. The shooting areas shall be surrounded by an eight-foot high noise barrier in the form of an earth berm or wall, or be located in a minimal eight-foot deep depression.
 - f. In the consideration of an application for a permit, the approval authority shall take into account both safety and noise factors, and may prescribe additional conditions with respect thereto.
37. Sawmills, Lumber/Planing Mills, Molding Plants. No specific standards.
38. Sawmills, Large. No specific standards.
39. Sawmills—Temporary On-Site.
- a. Special use authorizations may be issued for a portable sawmilling operation that will operate in excess of thirty days but not to exceed six months, with no more than one, six-month extension.
 - b. Portable sawmilling operations shall be limited to timber grown on the same property.
 - c. No structure and no storage of lumber, logs and timber shall be located closer than one hundred feet to any lot line. And no structure housing or enclosing a saw shall be located closer than four hundred feet to any lot line which abuts a residential district or residentially used property.
 - d. The hours and days of operation shall be established by the approval authority, except that outside the long-term forestry district such operations shall not occur during the period from eight p.m. to eight a.m.
- 39.5 Secure Community Transition Facilities. The following requirements apply to secure community transition facilities.
- a. Occupancy. No more than three people, other than staff, shall occupy a secure community transition facility. However, if the state requires the county to accommodate additional committed sex offenders, the hearing examiner may authorize up to a total of six offenders in a secure community transition facility as necessary to meet the state's minimum requirement. The request to allow increased occupancy shall be processed in accordance with the procedures of this chapter.
 - b. Separation from Other Uses. Secure community transition facilities shall be separated from other uses as follows:
 - i. Secure community transition facilities shall not be located adjacent to, immediately across a street or parking lot from, or within the line of sight of a risk potential activity or facility listed below that is in existence at the time a site is applied for. For the purposes of this standard, "within the line of sight" means that it is possible to reasonably visually distinguish and recognize individuals. In evaluating alternative sites, great weight shall be given to sites that are the farthest removed from risk potential activities and facilities.
 - (A) Schools (public and private) and schools sites owned by a school district or private school and planned for school development;
 - (B) Licensed pre-schools;
 - (C) Licensed child care homes and day care centers;
 - (D) Sports fields, playgrounds and public parks;
 - (E) Churches, synagogues, temples and mosques;
 - (F) Recreational and community centers;
 - (G) School bus stops;

(H) Public libraries; and

(I) Publicly dedicated trails.

- ii. Sites proposed for a secure community transition facility shall not be located within five hundred feet of a residence or a vacant residential lot. The hearing examiner may waive the five hundred-foot separation from residential lots if the applicant obtains development rights or easements that preclude the siting of a residence within five hundred feet of the proposed secure community transition facility.

The distance specified above shall be measured from the proposed location of the dwelling in the secure community transition facility to the boundary of the applicable property. (Also see subsection h).

- iii. The separation of secure community transition facilities from other uses specified in subsections (b)(i) and (ii) above may be reduced to the extent waterbodies, bluffs, freeways or similar barrier effectively preclude access from the proposed secure community transition facility to the uses identified in those subsections.

c. Preferred Locations.

- i. Where alternative sites are available for siting a secure community transition facility, preference shall be given to sites in the following districts, in descending order of priority: long-term forestry district, military reservation, industrial districts, and commercial districts. Prior to approving a site in a lower priority district, the applicant must demonstrate that sites are not available in all of the higher priority districts, or that the proposed site would pose less of a public safety risk than alternative sites in the priority districts.
- ii. Secure community transition facilities shall not be located in a Rural Residential-One Unit per Five Acres (RR 1/5) District, Rural Residential/Resource-One Unit per Five Acres (RRR 1/5) District, Rural-One Dwelling Unit per Twenty Acres (R 1/20) District, Rural-One Dwelling Unit per Ten Acres District (R 1/10), or Urban Reserve-One Dwelling Unit per Five Acres District (UR 1/5) unless the hearing examiner determines that a proposed site in one of these districts would pose less of a public safety risk than alternative sites, or the applicant demonstrates that no site meeting the requirements contained in this section is available in other zoning districts.
- iii. When considering and balancing siting criteria for secure community transition facilities, the greatest weight shall be given to public safety. The siting of secure community transition facilities shall take into account equitable distribution consistent with Chapter 71.09 RCW. However, the hearing examiner may approve a secure community transition facility in the vicinity of a similar use if s/he determines that it is in the public interest (such as in nonresidential districts where the facility would pose relatively low public safety risks and impact relatively few county residents) and is consistent with the provisions of this chapter.

- d. Zoning Overlay. An overlay zoning designation shall be applied to the area surrounding any approved secure community transition facility site which precludes the uses listed in subsection (b)(i) above within one-fourth mile of the approved site, except as provided for by subsection (b)(iii).

e. Staffing and Security Measures.

- i. As a condition of approval, the applicant shall be required to enter into a contract with the county specifying the secure community transition facility's staffing, security measures, escape search plan and escape notification procedures.
- ii.

The applicant shall submit as part of the application the staffing plan and a general security plan for the proposed secure community transition facility. The general security plan shall indicate the types of security measures/facilities proposed for the secure community transition facility including, but not limited to, constant electronic monitoring of residents, site security measures/equipment, and site access and control consistent with Chapter 71.09 RCW, unless otherwise ordered by a court. This plan shall be forwarded to the Thurston County Sheriff for review and recommendation to the hearing examiner. The security plan made part of the public record shall not be in such detail that security of the facility would be compromised.

- iii. The applicant shall submit as part of the application procedures for immediate public notification of escapes. This notification procedure shall be submitted to the Thurston County Sheriff for review and recommendation to the hearing examiner.
- iv. The applicant shall install an eight-foot high fence, in character with the surrounding area, between the facility and all property boundaries. The hearing examiner may waive or lessen this requirement if s/he determines that, due to existing site features or the type or character of adjoining uses, the privacy and security of the occupants of adjoining properties can be maintained in the absence of a fence or with a lower fence.
- v. The facility shall have a backup power source.
- vi. The staffing plan shall provide for a minimum staffing ratio of one staff per resident during waking hours (e.g. 7:00 a.m. to 11:00 p.m.) and two awake staff per three residents during normal sleeping hours (e.g., 11:01 p.m. to 6:59 a.m.).
- f. Landscaping. The applicant shall submit a landscaping plan that serves to maintain the character of the area without jeopardizing security, as determined by the hearing examiner.
- g. Lighting. Site lighting shall not produce levels of illumination or glare that would pose a nuisance or hazard for motorists on public rights-of-way or constitute a nuisance for occupants of adjacent properties.
- h. Reduction of standards.
 - i. In the event that it is not possible to site a facility in compliance with standards above, the applicant may request that the hearing examiner reduce the five hundred-foot separation of secure community transition facilities from residences and residential lots required by subsection (b) above as necessary to enable siting of a secure community transition facility in the County. The burden shall be on the applicant to demonstrate that no site is available meeting the requirements of this chapter absent such a reduction.

The applicant shall identify the areas that would become available for siting the proposed facility through the proposed relaxation of the standard. The applicant shall provide evidence that the proposed site provides the greatest separation from the uses listed in subsection (b) above and the shortest law enforcement response time of the available alternative sites, or that it poses the least risk to public safety of the available sites.

Following a public hearing, the hearing examiner may reduce the standards in subsection (b) above to the minimum extent necessary to provide an opportunity for siting a secure community transition facility.

- ii. Requests for reduction in siting standards specified in subsection (b) above shall be processed per TCC 2.06. Notice of the request shall be given in the manner required by TCC 20.60.020(3).

40. Slaughterhouses. No specific additional standards.

41. Solid Waste Disposal.

- a. The following types of solid waste handling and disposal sites shall be allowed:
 - i. Sanitary landfills;
 - ii. Transfer Stations. Fixed, supplemental, collection/transportation disposal facilities, used by persons and route collection vehicles to deposit solid wastes into a larger vehicle for transport to the disposal site; this does not include a detachable container used for consolidation of the solid wastes from individuals in rural or small town populations;
 - iii. Construction and demolition waste disposal sites, defined as a type of solid waste site that specifically accepts only the wastes and debris generated from the construction, alteration or demolition of buildings. Types of wastes acceptable for such sites shall include, but not be limited to, lumber, roofing, building scraps, rubble, broken concrete, bricks, asphalt, plaster, sheetrock, conduit, pipe, wire, insulation and glass.
- b. Performance Standards.
 - i. Screening. The disposal site or handling facility shall be surrounded by a sight-obscuring fence, vegetation, berm or other screening.
 - ii. Access.
 - (A) Each application for a special use must be accompanied by a letter from the county engineer and/or appropriate city engineer stating that the proposed access to the site is adequate considering traffic safety and existing street conditions.
 - (B) Immediate access should not be through residential areas unless the approval authority finds that the public health, safety and general welfare would not be unduly affected thereby.
 - (C) Access to construction and demolition waste disposal sites shall be limited to the disposal site operators, municipal garbage and refuse collection agencies, private garbage and refuse haulers franchised by the Washington State Utilities and Transportation Commission and building contractors. The general public shall not have access to construction and demolition waste disposal sites.

41.5 Temporary Uses.

- a. Permitted Temporary. Uses. The following temporary uses are permitted as a matter of right and are exempt from an approval process provided that the requirements in subsection (d) below are met.
 - i. Garage or yard sales conducted on the premises of a residential dwelling;
 - ii. Rummage sales, outdoor sales and other fundraising activities sponsored by schools, places of worship or other nonprofit organizations. Such uses shall not occur on a site for more than thirty days in any one calendar year;
 - iii. Outdoor art and craft shows and exhibits on public park and/or school property;
 - iv. Neighborhood association meetings or picnics on property owned by the association or its members;
 - v. One sales office for the purpose of selling lots or homes within a subdivision may be constructed on the site of a subdivision prior to final plat approval and may operate until all of the lots have been developed and sold;
 - vi.

Properties rented or used for personal social events, such as wedding receptions, private parties, or similar activities, not more than four times during any one calendar year;

- vii. Estate sales held on the property of the deceased;
 - viii. Use of mobile homes or recreational vehicles during construction of a dwelling following issuance of a building permit, not to exceed the period of construction;
 - ix. Christmas tree sales, limited to not more than forty-five days of site occupation and operation in any one calendar year;
 - x. Parking lot and other outdoor sales, limited to no more than thirty days of site occupation and operation in any one year period. Merchandise displays may only occupy parking stalls which are in excess of parking requirements;
 - xi. Temporary stands for the sale of fireworks, subject to rules and regulations administered by the fire district;
 - xii. Running and biking events associated with community events;
 - xiii. Similar unclassified uses as determined by the department consistent with Section 20.54.070(41.5)(d).
- b. The following temporary uses are permitted with an administrative special use permit for which the approval authority shall be the director, subject to the requirements in Section 20.54.040(41.5)(d) below, in zoning districts as shown on Table 1.
- i. Outdoor art and craft shows and exhibits not exceeding three days and not located on public park and/or school property;
 - ii. Circuses, carnivals and similar transient amusement enterprises, limited to not more than thirty days of site occupation and operation in any one calendar year;
 - iii. Rummage and other outdoor sales sponsored by schools, places of worship or other nonprofit organizations occurring more than thirty days in any one calendar year;
 - iv. Community events, not exceeding seven days in duration and not more than four times per year for any single property;
 - v. Overflow off-site parking, not exceeding seven days in duration and not more than four times in any one calendar year;
 - vi. Auctions, not exceeding three days and held four or fewer times in any one calendar year on the site of any legally established nonresidential use;
 - vii. Similar unclassified uses as determined by the department consistent with Section 20.54.070(41.5)(d).
- c. The following temporary uses are permitted with a special use permit for which the approval authority shall be the hearing examiner, subject to the requirements in Section 20.54.070(41.5)(d) below, in zoning districts as shown on Table 1.
- i. Outdoor art and craft shows and exhibits exceeding three days and not located on public park and/or school property;
 - ii. Circuses, carnivals and similar transient amusement enterprises, more than thirty days of site occupation and operation in any one calendar year;
 - iii. Community events, exceeding seven days in duration or occurring more than four times per year for any single property;
 - iv. Properties rented or used for personal social events, such as wedding receptions private parties or similar activities, more than four times during any one calendar year;

- v. Overflow off-site parking, exceeding seven days in duration or more than four times in any one calendar year;
- vi. Auctions, exceeding three days or held more than four times in any one calendar year on the site of any legally established nonresidential use;
- vii. Similar unclassified uses as determined by the department consistent with Section 20.54.070(41.5)(d).

d. Temporary uses are subject to the following regulations:

- i. No temporary use shall be permitted on public rights-of-way, unless a right-of-way obstruction permit is authorized by the public works department.
- ii. Approval of temporary uses is subject to written permission of the property owner on which the use is to be located.
- iii. The applicable approval authority may apply additional conditions to any special use permit for a temporary use in order to:
 - (A) Ensure compliance with the intent of the Zoning Ordinance;
 - (B) Ensure that such use is not detrimental to neighboring properties and the community as a whole; and
 - (C) Ensure compliance with the Uniform Building Code and Uniform Fire Code.
- iv. Within three days after termination of the special use permit for any temporary use, such use shall be abated and all structures, signs and evidence of such use removed. The county may require a cash bond be posted by the applicant upon application to defray the costs of cleanup and repair of the property should the permittee fail to do so.
- v. Temporary use permits not exercised within one hundred eighty days of issuance shall be null and void.
- vi. Violations. In addition to any other remedy provided by this chapter, at any time when such temporary use is operated in violation of required conditions of this section, or otherwise found to constitute a nuisance, the county may revoke the temporary use permit. The permittee shall be given notice of and an opportunity to contest the revocation prior to a final determination. If, in the opinion of the department, the violation poses a life, health or safety threat, the temporary use permit may be revoked immediately, and the permittee shall be given the opportunity to request reconsideration and/or appeal.

42. Travel Trailer Parks and Commercial Campgrounds.

- a. Minimum size of campground or park: two acres. Minimum camping site: one thousand square feet;
- b. No structure or camp site shall be located closer than ten feet to any lot line. At least ten feet of the buffer area shall be in sight-obscuring planting;
- c. Permitted improvements may include facilities for picnicking, boating, fishing, swimming, outdoor games, miniature golf courses, or any mechanical amusement device, and other sports and activities. Associated improvements and facilities shall be shown on the site plan. Such facilities shall be designed to serve only the patrons of the campground;
- d. Such uses shall be designed for temporary occupancy, for up to six months, not permanent occupancy, as distinguished from a mobile/manufactured home park.

43. Veterinary Clinics or Hospitals.

- a. Current construction and maintenance standards of the American Animal Hospital Association shall apply at all times.
- b. Boarding and grooming of animals, other than that incidental to medical and surgical care, shall be prohibited.

- c. Off-street parking requirements including screening shall be the same as those for medical and dental offices as in Chapter 20.44 (Parking and Loading) and Section 20.45.040, in Ch. 20.45 (Landscaping and Screening).
- d. Setbacks shall be as provided in Section 20.25.040(5) (arterial commercial district).

44.3 Wireless Communication Facilities (WCFs)/Antenna Support Structures (Including Radio and Television Towers). See Chapter 20.33.

44.6 Wireless Communication Facilities (WCFs)/Antenna Support Structures—Freestanding (Including Radio and Television Towers). See Chapter 20.33.

44.8 WCF/Antenna Support Structures—Remote Freestanding (Including Radio and Television Towers). See Chapter 20.33.

45. Work Release Facilities.

a. General Requirements.

- i. The applicant shall provide verification from the Department of Corrections (DOC) that the proposed facility is in compliance with DOC standards and applicable state and local regulations.
- ii. The site must be accessible by public transportation or an alternative transportation program, approved by the hearing examiner, must be provided to serve the needs of the facility's occupants.
- iii. Adequate sewage disposal facilities and water must be provided without diminishing the level of service for system users or others dependent upon the resource.

b. Location.

- i. Work release facilities shall not be located closer than five hundred feet from the boundary of a district in which the use is not allowed as a special use.
- ii. Sites accommodating people convicted of violent crimes shall be located at least one-half mile from residential districts with an allowable density of one unit per two acres or greater.
- iii. Sites accommodating work release facilities shall be located at least one mile from any school and any site for which a special use application for a school has been submitted.
- iv. Work release facilities shall be located such that law enforcement officers can respond to a call for assistance within five minutes under typical conditions.
- v. Advance life support service, as defined in RCW 18.73.030(19), must be available within five minutes under typical conditions.
- vi. The hearing examiner may lessen standards in subsections (45)(b)(i), (ii), and (iii) of this section if, in his or her opinion, a water body, freeway, or other barrier provides separation as effective as these standards.

c. Security.

- i. The applicant shall submit a security plan, reviewed by the sheriff, which at a minimum is in compliance with applicable American Corrections Association's security standards. This plan shall identify staffing levels and scheduling, building security, monitoring programs to verify the presence of the program's participants at jobs and training programs, policies for unescorted absences, policies and penalties for violation of rules and procedures, an escape search plan, and provisions for immediate public notification of escapes and walkaways.

- ii. The applicant shall provide opportunities for community residents and local law enforcement officials to participate in decisions regarding the classification of inmates to be accommodated at the proposed facility.
- d. Design.
- i. Size. Work release facilities shall house no more than fifty inmates.
 - ii. Setbacks. The facility shall be set back at least seventy-five feet from public rights-of-way and property lines.
 - iii. Landscaping/Buffers.
 - (A) The applicant shall submit a binding landscaping plan which serves to maintain or enhance the character of the area without jeopardizing security. This plan shall incorporate at least a twenty-five-foot landscaped buffer along public rights-of-way.
 - (B) The applicant shall install an eight-foot high fence in character with the neighborhood between the facility and all property boundaries, with the exception of the landscaped street frontage, which effectively screens the site from adjacent properties. The hearing examiner may waive or lessen this requirement if he/she determines that, due to existing site features or the type or character of adjoining uses, the privacy and security of the occupants of adjoining properties can be maintained in the absence of a fence or with a lower fence.
 - (C) Outdoor activity areas located in residential districts shall not be visible from public rights-of-way or adjacent properties.
 - iv. Noise. The hearing examiner may require conditions to minimize potential noise impacts including, but not limited to, altering the location of outdoor use areas and noise generating facilities, and installation of noise reducing elements such as walls, berms, and landscaping.
 - v. Lighting. Site lighting shall not produce levels of illumination or glare that would pose a nuisance or hazard for motorists on public rights-of-way or constitute a nuisance for occupants of adjacent properties.
 - vi. Access. The proposed site shall have direct access to an arterial or collector, unless the hearing examiner determines that access via a lesser classification of street would not be detrimental to the neighborhood character and would not increase public safety risks.

(Ord. 13884 § 14, 2007; Ord. 13834 § 15, 2007; Ord. 13235 § 16, 2004; Ord. 13058 § 4, 2003; Ord. 13040 Attach. C § 9, 2003; Ord. 12807 § 3, 2002; Ord. 12463 § 20, 2001; Ord. 11867 §§ 1 (part), 13, 1998; Ord. 11804 §§ 102—104, 1998; Ord. 11398 § 3 (part), 1997; Ord. 11220 § 13, 1996; Ord. 11025 §§ 30, 31, 1995; Ord. 10893 §§ 6, 7, 1995; Ord. 10703 § 2, 1994; Ord. 10398 § 16, 1993; Ord. 10368 § 2, 1993; Ord. 10199 § 8, 1992; Ord. 9707 § 2, 1991; Ord. 9619 § 3, 1990; Ord. 9532 §§ 5, 6, 1990; Ord. 9361 §§ 2, 3, 1989; Ord. 8970 § 5, 1988; Ord. 8216 § 108 (part), 1985)

(Ord. No. 14678, § 4, 11-15-2011; Ord. No. 14773, § 10(Att. I), 7-24-2012; Ord. No. 14782, §§ 1, 2(Att. A), § 3(Att. B), 8-14-2012)

APPENDIX A-7

CITY OF PULLMAN MUNICIPAL CODE

Chapter 17.90

WASHINGTON STATE UNIVERSITY DISTRICT

Sections:

- 17.90.010 Washington State University District-Purposes
- 17.90.020 Uses Permitted
- 17.90.030 Development Standards
- 17.90.040 Coordination of Plans

17.90.010 Washington State University District - Purposes.
The purposes of the Washington State University (WSU) District are to:

- (1) furnish areas for the location of university services and facilities to promote Washington State University's goal of excellence in higher education; and
- (2) encourage cooperation between the city and Washington State University in planning the physical development of the community.

17.90.020 Uses Permitted. Principal uses permitted in the Washington State University District are listed in Use Chart 17.70.030.

17.90.030 Development Standards. Given that Washington State University maintains a capital planning and development operation to administer its own university development standards, no specific development standards are set forth in this Title for the WSU zone district. Furthermore, none of the standards contained in the following Chapters shall apply to the WSU zone district:

- (1) Chapter 17.35 Exceptions and Special Provisions
Pertaining to Uses, Development
Regulations, and Performance Standards
- (2) Chapter 17.40 Off-street Parking and Loading
- (3) Chapter 17.45 Landscaping and Screening
- (4) Chapter 17.50 Sign Regulations
- (5) Chapter 17.55 Home Occupations
- (6) Chapter 17.100 Floodplain Management District
- (7) Chapter 17.105 Manufactured Homes, Recreational
Vehicles, and Trailers

- (8) Chapter 17.107 Planned Residential Development
- (9) Chapter 17.108 Townhouses
- (10) Chapter 17.135 Site Plan Review

17.90.040 Coordination of Plans. The Planning Commission should invite an appropriate representative(s) from Washington State University to participate in a public meeting at least once every other year to provide updates on city and university land use plans and discuss other efforts to promote orderly development in the community. Following this public meeting, the Planning Commission may recommend appropriate action to the City Council to further the purposes of this Title. (Ord. 03-33 §74, 2003; Ord. 03-38 §1, 2003).

17.70.030 USE CHART
DISTRICTS

MANUFACTURING USES

	R1	RT	R2	R3	R4	C1	C2	C3	IRP	I1	I2	NO. OF REQUIRED PARKING SPACES EXCEPT C2 DISTRICT
Meat Products									C		P	
Dairy Products										P	P	
Slaughtering, Rendering, Animal Fats and Oils, Feedlots and Stockyards												
Vegetable Oil Milling									C		P	
Canning/Preserving Fruits/Vegetables									C	C	C	
Bakery and Confectionary Products						P	P	P	C	P	P	
Grain Mill Products									C	C	P	
Bottling/Canning Beverages; Flavor Extracts, Flavoring Syrups									C	P	P	
Distilled Beverages										C	P	
Other Foods and Kindred Products									C	P	P	
Pharmaceuticals									C	P	P	
Marijuana Processing Facility										P ¹	P ¹	
Marijuana Production Facility										P ¹	P ¹	
Apparel and Finished Products Made from Fabric, Leather or Similar Materials						P	P	P	C	P	P	
Leather Tanning and Finishing									C	C	C	
Furniture and Fixtures									P	C	P	
Sawmills and Planing Mills									C		C	
Lumber and Wood Products									P	P	P	
Pulp Manufacturing									C		C	
Paper and Allied Products									C	P	P	
Printing and Publishing						P	P	P	P	P	P	
Petroleum Refining, Chemicals and Allied Products, and Primary Metal Industries									C		C	
Rubber/Primary Plastics from Raw Materials									C		C	
Plastic/Acrylic/Fiberglass/Resin Products									C	P	P	
Stone, Clay, Concrete and Glass Products; Rock Crushing									C	P	P	
Cement and Asphalt Manufacturing												
Concrete, Gypsum, Bituminous Paving and Plaster Products											C	
Fabricated Metal Products; Welding Shop								C	P	P	P	
Equipment and Instruments Used by Professional, Scientific and Engineering Vocations (e.g., Electrical/Electronic Equipment; Medical/Dental Implements; Photographic/Optical Goods)								P	P	P	P	
Miscellaneous Processing of Raw Materials									C	C	C	
Miscellaneous Manufacturing and/or Assembling of Finished Products								C	C	P	P	

One (1) per employee on the largest shift plus parking for company vehicles

FOOTNOTE: ¹ See 17.35.080(13)

17.70.030 USE CHART
DISTRICTS

TRADE USES

	R1	RT	R2	R3	R4	C1	C2	C3	IRP	I1	I2	NO. OF REQUIRED PARKING SPACES EXCEPT C2 DISTRICT
Wholesale Trade								P	P	P	P	One (1) per employee on largest shift plus parking for company vehicles
Petroleum Bulk Stations											P	
Scrap and Waste Materials; Automobile Salvage and Wrecking Yards										C ¹	C ¹	
Retail Building Materials, Farm Equipment; Farm/Garden Supplies								P		P	P	One per 400 SF net floor area
Paint, Glass, Wallpaper; Hardware							P	P		P	P	
General Merchandise; Retail Apparel and Accessories						P	P	P				
Convenience Store (less than 2500 SF)						P	P	P	P	P	P	One per 200 SF net floor area
Retail Food						P ²	P	P				One per 400 SF net floor area
Retail Automotive, Marine Craft								P				
Gasoline Service Stations							P ³	P ³		P ³	P ³	One per 200 SF net floor area
Retail Furniture/Home Furnishings						P	P	P				One per 400 SF net floor area
Eating Establishments						P ^{4,5}	P	P	P	P	P	One per 200 SF net floor area
Sidewalk Cafe/Accessory to Restaurant						P ⁶	P ⁶					
Sidewalk/Street Vending						P ⁷	P ⁷	P ⁷		P ⁸	P ⁸	
Taverns, Bars, and Cocktail Lounges						C	P	P	C	P	P	One per 200 SF net floor area ⁷
Marijuana Retail Facilities								P ⁹				One per 200 SF net floor area
Retail Drugs						P	P	P				One per 400 SF net floor area
Other Retail Trades						C	P	P				

FOOTNOTES:

¹ See 17.45.065.

² Retail food establishments are permitted in the C1 district if less than 2,500 square feet.

³ See 17.35.080(2).

⁴ Eating places in the C1 district may serve alcoholic beverages if they are maintained principally as places for preparation and consumption of meals, do not contain a separate area for consumption of alcoholic beverages, and do not deny entry to minors.

⁵ A drive-in facility and a drive-in window facility in conjunction with this use are prohibited in C1 district.

⁶ Sidewalk cafés are permitted to encroach on the public right of way to the extent that an eight-foot width of sidewalk for pedestrian circulation remains.

⁷ Sidewalk vending is permitted, provided a minimum of five horizontal feet of sidewalk or five horizontal feet of pedestrian clearance area (if no sidewalk is present) remains unobstructed.

⁸ Only "lunch wagon" type vending is permitted.

⁹ See 17.35.080(13).

APPENDIX “B”

1986 WL 27542 (Wash.Shore.Hrg.Bd.)

Shorelines Hearings Board

State of Washington

UNIVERSITY OF WASHINGTON **FRIDAY HARBOR LABORATORIES**, APPELLANT,
v.
PORT OF FRIDAY HARBOR AND THE SAN JUAN COUNTY PUBLIC WORKS DEPARTMENT,
RESPONDENTS.

SHB No. 85-24
March 20, 1986

AGREED ORDER

*1 IT IS ORDERED that the attached **shoreline** management substantial development permit is amended as set forth below by the addition of the following conditions:

7. There shall be no changes in use or increases in capacity of the premises covered by the permit without first obtaining appropriate new permit(s).

8. The applicants will install stock fencing along the southeast side of Argyle Lagoon of a minimum height of 60 inches, the fencing to be located near the line of ordinary high tide and in some areas on **Friday Harbor Laboratories'** property, if necessary. The fencing is to start just south of the closest driveway to the northeast edge of Argyle Lagoon and to continue around the south end of that lagoon, to end at the north end of the salt marsh. The fencing is to be installed and maintained by the applicants.

10. **Friday Harbor Laboratories** will install and maintain appropriate public information signing with contents and locations to be previously discussed with applicants.

11. The sandy arm of Argyle Lagoon that extends north from the boat launch area will be properly signed by the applicants with content and location to be discussed with **Friday Harbor Laboratories**, and with the understanding that if persons using that arm abuse **Friday Harbor Laboratories'** property, the applicants will continue the fencing described above to the north end of the arm.

12. Applicants will install an earthen berm to a minimum height of one foot along the northeast side of the Jackson Beach access road from the north end of Argyle Lagoon continuing south around the parking area at the south end of the lagoon. The berm shall be a minimum of two feet high at the north edge of that parking area.

13. The applicants will install a permeable sump at the upper end of the existing boat launch ramp. This sump will be the width of the ramp and be covered by a grill and contain a means of directing drainage back into the land mass.

14. The parties will cooperate to place an effective floating barrier just seaward of the mouth of Argyle Lagoon. The parties will cooperate to obtain necessary permission. The applicants will obtain materials and the applicants and **Friday Harbor Laboratories** will share the labor of installation and maintenance. Cost will be considered in determining the appropriate type of barrier.

Except as amended by this Order, the attached permit and the project as described in the attached drawing are affirmed.

Dated this 20th day of March, 1986.

SHORELINES HEARINGS BOARD

LAWRENCE J. FAULK, Chairman
GAYLE ROTHROCK, Vice Chairman
WICK DUFFORD, Lawyer Member
NANCY R. BURNETT, Member
John Pitts, Member
Robert A. Landles, Member

Approved for entry:

Ehkuapp, Jr.

Attorney for applicants/respondents

Steve Milam, attorney for appellants

1986 WL 27542 (Wash.Shore.Hrg.Bd.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.

APPENDIX “C”

**SAN JUAN COUNTY
SHORELINE MASTER PROGRAM**

Chapter 18.50
SHORELINE MASTER PROGRAM

Sections:

Article I. General Provisions

- 18.50.010** General.
- 18.50.020** General applicability.
- 18.50.030** Definitions.

Article II. General Regulations

- 18.50.040** Administration.
- 18.50.050** Archaeological and historic resources.
- 18.50.060** Clearing and grading.
- 18.50.070** Environmental impacts.
- 18.50.080** Environmentally sensitive areas.
- 18.50.090** Parking.
- 18.50.100** Public access.
- 18.50.110** Shorelines of statewide significance.
- 18.50.120** Signs.
- 18.50.130** Vegetation management.
- 18.50.140** View protection.
- 18.50.150** Water quality.

Article III. Specific Shoreline Use Regulations

- 18.50.160** General.
- 18.50.170** Agriculture.
- 18.50.180** Aquaculture.

- 18.50.190 Boating facilities (including docks, piers, and recreational floats).**
- 18.50.200 Breakwaters, jetties, and groins.**
- 18.50.210 Bulkheads.**
- 18.50.220 Commercial development.**
- 18.50.230 Dredging.**
- 18.50.240 Forest management.**
- 18.50.250 Industrial development.**
- 18.50.260 Institutional development.**
- 18.50.270 Landfills and solid waste disposal.**
- 18.50.280 Log transfer sites and facilities and log storage.**
- 18.50.290 Mineral extraction.**
- 18.50.300 Pedestrian beach access structures.**
- 18.50.310 Ports and water-related port facilities.**
- 18.50.320 Recreation.**
- 18.50.330 Residential development.**
- 18.50.340 Transportation facilities.**
- 18.50.350 Utilities.**

Article IV. Shoreline Modification Regulations

- 18.50.360 General shoreline modification activities.**
- 18.50.370 Shoreline restoration and beach enhancement.**

Article V. Severability and Effective Date

- 18.50.380 Severability.**
- 18.50.390 Effective date.**

Article I. General Provisions

18.50.010 General.

A. Title. This chapter of the Unified Development Code, together with Element 3 of the Comprehensive Plan and SJCC 18.80.110(I)(3), 18.80.110(J)(4) and 18.80.120(D), is the Shoreline Master Program for San Juan County, Washington.

B. Short Title. The short title of this chapter and Element 3 of the Comprehensive Plan is the "SJC Shoreline Master Program" or "SMP."

C. Authority.

1. The provisions of this section are adopted pursuant to RCW 90.58.140(3) and 90.58.200, the Shoreline Management Act of 1971 ("SMA"), Chapters 173-26 and 173-27 WAC, Element 3 of the Comprehensive Plan, and this Chapter 18.50 SJCC, the San Juan County Shoreline Master Program.

2. Liberal Construction. As provided in RCW 90.58.900, the SMA is exempted from the rule of strict construction, and it and the Shoreline Master Program shall be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the SMA and this program were enacted and adopted, respectively.

3. Conflicting Policies or Regulations. The SMA and the Shoreline Master Program comprise the basic state and local law regulating the use of shorelines in the County. Unless specifically provided otherwise, in the event that provisions of the Shoreline Master Program conflict with other applicable state or local policies or regulations, the SMA and Shoreline Master Program shall control. Where the Shoreline Master Program is more restrictive than other applicable state or local policies or regulations, the SMA and Shoreline Master Program shall control. Where other applicable state or local policies or regulations are more restrictive than the SMA and/or Shoreline Master Program, such policies or regulations control.

D. Official Map.

1. A map, known officially as the "San Juan County Designated Shoreline Environments Map," (a.k.a., the "map," "official map") is part of the SJC Master Program. The map shows all areas of San Juan County under the jurisdiction of this master program and the official designated environments as provided by the Shoreline Element of the Comprehensive Plan for all affected lands and waters.

2. There is only one official copy of the map, which is maintained by the San Juan County planning department. Amendments to the map are promptly recorded on the official copy.

3. At the time of adoption of this master program, one copy of the official map will be filed with the County auditor. In addition, at least once every 12 months following the filing of the initial map with the auditor, the planning department will make an additional copy of the official map and file it, with the initial map, in the auditor's office. If the official map has not been amended during the 12-month period, the planning department may file with the auditor a notice to that effect, signed by the planning director, in lieu of a copy of the official map. The purpose of these annual filings is to create an official record of the changes occurring over time in the designated shoreline environments. At no time will the copies of the map filed with the auditor be altered in any way.

4. No part of the map may be altered or amended without the approval of the Washington Department of Ecology, except those changes provided for in subsection (D)(5) of this section.

5. Where questions arise regarding the precise boundaries of any designated environment, the administrator will make the final determination, subject to the provisions of SJCC 18.80.140, Appeals. Unofficial copies of the map may be prepared for administrative purposes as needed.

6. Lakes of 20 acres or more are subject to the Shoreline Management Act and the Shoreline Master Program, as provided in RCW 90.58.030(2)(d)(iii). Those lakes that meet this criterion but which are not shown on the official maps, or which are not shown with a shoreline environment designation, shall be considered to be subject to the underlying Comprehensive Plan density designation while shoreline use is subject to the shoreline environment designation matching the Comprehensive Plan land use district designation for the area, until such time as the lakes are assigned specific designations in the County's Shoreline Master Program.

E. Responsibilities of Administrator, Planning Department, and Planning Commission.

1. Administrator.

a. Technical and Administrative Assistance. The administrator shall make written recommendations to the decisionmaker regarding shoreline permit applications, provide technical and administrative assistance to the hearing examiner or the BOCC as required, and provide such technical assistance to the planning commission as may be needed; and

b. Administrative Responsibilities. The administrator shall have the overall administrative responsibility for the master program, which includes:

- i. Establishing the procedures and preparing the forms deemed essential for the administration of the Shoreline Master Program;
- ii. Advising applicants for permits and other interested persons of the policies, regulations, and procedures established by the Shoreline Master Program and the Act;
- iii. Making administrative interpretations of the Shoreline Master Program, as necessary;
- iv. Collecting required fees;
- v. Determining that applications are proper and complete prior to review;
- vi. Making field inspections; and
- vii. Seeking compliance with the provisions of the Shoreline Master Program and the SMA and of conditions attached to a shoreline permit issued by the County.

2. Planning Department and Planning Commission. The planning department and planning commission have authority to review and recommend revisions to the Shoreline Master Program, and shall monitor shoreline developments to enable effective and comprehensive review of this master program, as provided in SJCC 18.90.040. (Res. 77-2003 § 1; Ord. 13-2002 § 1; Ord. 2-1998 Exh. B § 5.1)

18.50.020 General applicability.

A. Relationship to Comprehensive Plan. This master program provides land use regulations to implement the goals and policies of the Comprehensive Plan Shoreline Element. These regulations apply to all of the land and waters of San Juan County which fall under the jurisdiction of the Shoreline Management Act. These regulations do not apply to development and uses beyond the jurisdictional limits of the Act unless a proposed development involves both jurisdictional and nonjurisdictional land and the upland development is found to adversely affect the shoreline environment. If a conflict occurs between this chapter and other sections of this code, this chapter shall prevail.

B. Applicability to Persons. This master program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other nonfederal entity which develops, owns, leases, or administers lands, wetlands, or waters which fall under the jurisdiction of the Shoreline Management Act, except for the right of any person established by treaty to which the United States is a party.

C. Applicability to Federal Agencies.

1. Federal agencies are subject to the SJC Master Program and the Washington State Shoreline Management Act, as provided by the Coastal Zone Management Act (16 U.S.C. 1451 et seq.; WAC 173-27-060(1)).

2. The shoreline permit system applies to nonfederal activities constituting developments or conditional uses undertaken on lands subject to nonfederal ownership, lease, or easement even though such lands may fall within the external boundaries of federally owned lands.

3. The shoreline permit system applies to development and uses undertaken on lands not federally owned but under lease, easement, license, or other similar property right of the federal government.

D. Applicability to Development. This master program applies to all "development" as defined in Chapter 18.20 SJCC.

E. Applicability to Substantial Development.

1. This master program applies to all "substantial development" as defined in Chapter 18.20 SJCC.

2. No substantial development may be undertaken unless a valid shoreline substantial development permit is first issued by the County and unless all work proceeds in compliance with the requirements of the Shoreline Management Act, this master program, and other applicable state and local regulations.

F. Exemptions from Substantial Development Permit Requirements.

1. Exemption from the substantial development permit requirements under subsection (G) of this section does not constitute an exemption from the policies of the Shoreline Management Act, the policies and regulations of this SMP, or other applicable local, state, or federal permit requirements. Exemption procedures are provided in SJCC 18.80.110(F). Exemptions shall be construed narrowly in accordance with WAC 173-27-040(1)(a). Statements of exemption are required for certain developments; see SJCC 18.80.110. A use

classified as a conditional use or a use not named or contemplated in this chapter is allowed only as a conditional use and is ineligible for shoreline permit exemption.

2. The following, as defined in WAC 173-27-040, are not considered to be substantial developments:

- a. Any development of which the total cost or fair market value, whichever is higher, does not exceed the maximum exempt amount allowed by state law, WAC 173-27-040(2)(a), if such development does not materially interfere with the normal public use of the water or shorelines of the state. The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment, or materials.
- b. Normal maintenance or repair of existing structures or developments, including damage by fire, accident, or the elements, subject to WAC 173-27-040(2)(b).
- c. Construction of the normal protective bulkhead common to single-family residences subject to WAC 173-27-040(2)(c).
- d. Emergency construction necessary to protect property from damage by the elements, in accordance with WAC 173-27-040(2)(d).
- e. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. However, a feedlot of any size, all processing plants, other activities of a commercial nature, and alteration of the contour of the shorelands by leveling or filling other than that which result from normal cultivation, shall not be considered normal or necessary farming or ranching activities. For the purposes of this chapter, a "feedlot" shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations; or barns or similar agricultural structures on wetlands (WAC 173-27-040(2)(e)).
- f. Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids, such as channel markers and anchor buoys. WAC 173-27-040(2)(f).
- g. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for his own use or the use of his family, which residence does not exceed a height of 35 feet above average grade level, except as provided in this SMP, and which meets all requirements of the Act and this SMP, as specified in WAC 173-27-040(2)(g).
- h. Construction of a dock, including a community dock, designed for pleasure craft only, for the private, noncommercial use of the owners, lessee, or contract purchaser of single- and multiple-family residences, as specified in WAC 173-27-040(2)(h). This exception applies if either:
 - i. In salt waters, the fair market value of the dock does not exceed \$2,500; or

ii. In fresh waters, the fair market value of the dock does not exceed \$10,000, but if subsequent construction having a fair market value exceeding \$2,500 occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this code.

i. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of the system waters, including return flow and artificially stored ground water from the irrigation of lands (WAC 173-27-040(2)(i)).

j. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water (WAC 173-27-040(2)(j)).

k. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as part of an agricultural drainage or diking system (WAC 173-27-040(2)(k)).

l. Site exploration and investigation activities that are prerequisite to preparation of an application for development authority under this code if:

i. The activity does not interfere with the normal public use of the surface waters;

ii. The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

iii. The activity does not involve the installation of any structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

iv. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the County to ensure that the site is restored to pre-existing condition; and

v. The activity is not subject to the permit requirements of RCW 90.58.550 (WAC 173-27-040(2)(m)).

m. The process of removing or controlling an aquatic noxious weed, as defined in state law, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the U.S. Department of Agriculture or the department jointly with other state agencies under Chapter 43.21C RCW (WAC 173-27-040(2)(n)).

n. Watershed restoration projects as defined in Chapter 90.58 RCW, in accordance with WAC 173-27-040(2)(o).

o. A public or private project that is designed to improve fish or wildlife habitat or fish passage, as provided in WAC 173-27-040(2)(p), when all of the following apply:

i. The project has been approved by the Washington Department of Fish and Wildlife (WDFW);

ii. The project has received hydraulic project approval by the WDFW pursuant to Chapter 75.20 RCW; and

iii. The County has determined that the project is substantially consistent with this master program.

p. Hazardous substance remedial actions, as specified in WAC 173-27-040(3).

G. Exemptions from Substantial Development Permit Requirements – Residential Appurtenances. Normal appurtenances to a single-family residence are included in the permit exemption provided in subsection (F)(2)(g) of this section. “Normal appurtenance” means a structure that is necessarily connected to the use and enjoyment of a single-family residence and includes one garage, one accessory dwelling unit, attached decks, a driveway, utilities, fences, antennas, satellite dishes less than one meter in diameter, and solar arrays serving one single-family residence. For the “normal appurtenance” exemption to apply, the applicant must submit a certificate that the structure will be constructed by an owner, lessee or contract purchaser of a single-family residence for his or her own use or the use of his or her family or a person providing health care to the owner or the owner’s family. Normal appurtenances also include:

1. Grading of less than 250 cubic yards or removal of native vegetation that is not within 50 feet of the OHWM or the top of the bank, whichever is greater, when associated with the construction or modification of a single-family residence.

2. Construction or renovation of structures with fair market value of less than the maximum value allowed by Chapter 90.58 RCW and WAC 173-27-040(2)(a).

3. Beach access structures; provided, that a written statement of exemption is obtained; and provided, that all of the following criteria are met:

a. The total cost or fair market value of the improvements does not exceed the maximum allowed by state law.

b. No roofs or roof covering materials such as awnings are permitted.

c. All materials must be finished in subdued natural earth colors.

d. No construction or placement seaward or below the ordinary high water mark (OHWM) is permitted unless the stairs or ramp are connected to an exempt or permitted dock.

e. Stairs or ramps are allowed when no other beach access exists or is reasonably feasible.

f. The maximum vertical height of the structure is 15 feet and the maximum width of the structure is three feet. One intermediate landing or platform with a maximum size of three feet by three feet is allowed. Stairways that are proposed for exposed areas of the shoreline shall not be located on rock faces or bluffs in excess of 172 percent average slope (i.e., a maximum 60-degree angle).

g. The bank stability requirements of SJCC 18.50.330(B)(2) shall be complied with.

h. All disturbed areas shall be immediately replanted with naturally occurring vegetation. Deep-rooted plants as recommended by the Natural Resources Conservation Service or the WSU Cooperative Extension Service shall be planted on the face and top of the bank to help stabilize the soil. All planting shall be completed prior to the end of the growing season which immediately follows construction. All construction debris shall be immediately removed from the site.

i. All stairs or ramps proposed for property associated with or located within subdivisions that contain shoreline common areas, as defined in SJCC 18.50.330(F)(2), must be located within the common area or the access easements to the shoreline common area.

H. Coordination with Element 3 of the Comprehensive Plan and UDC Regulations.

1. All shoreline use and development proposals must be consistent with the goals, policies, and regulations of this SMP, Element 3 of the Comprehensive Plan, and other applicable policies and regulations.

2. When a conditional use permit or variance is required by Chapter 18.30 SJCC for development also within the jurisdiction of this SMP, the hearing examiner, with the advice of the administrator, will attach such conditions to permit or variance approval as are necessary to ensure the development is consistent with this SMP.

3. When any proposed subdivision of land or other development is subject to the jurisdiction of this SMP the entire proposal will be reviewed as a single project. The application will be reviewed for consistency with the provisions of the Comprehensive Plan, this code, and this SMP; however, the specific use regulations of this SMP will apply only to those areas subject to shoreline management jurisdiction. (Ord. 21-2002 § 6; Res. 145-1998; Ord. 2-1998 Exh. B § 5.2)

18.50.030 Definitions.

The definitions for all terms used in this document have the meanings specified in Chapter 18.20 SJCC. (Ord. 2-1998 Exh. B § 5.3)

Article II. General Regulations

18.50.040 Administration.

Administrative policies in Element 3 of the Comprehensive Plan and regulations in this chapter are applicable to all uses and activities regardless of SMP environment designation or eligibility for shoreline permit exemption that may occur within SMP jurisdiction. The following general regulations are in addition to use-specific regulations:

A. All shoreline uses and shoreline modification activities, including those that do not require a shoreline substantial development permit, must conform to the policies and regulations of this SMP.

B. All shoreline modification activities are prohibited unless they are in support of an allowable shoreline use which conforms to the provisions of this SMP.

PIERCE COUNTY CODE

**Chapter 18E.80
LANDSLIDE HAZARD AREAS**

Sections:

- 18E.80.010 Purpose.**
- 18E.80.020 Landslide Hazard Areas.**
- 18E.80.030 Landslide Hazard Area Review Procedures.**
- 18E.80.040 Landslide Hazard Area Standards.**
- 18E.80.050 Buffer Requirements.**
- 18E.80.060 Appendices.**
 - A. Geological Assessment-Landslide Hazard Geotechnical Letter.**
 - B. Geological Assessment-Landslide Hazard Geotechnical Evaluation.**
 - C. Geological Assessment-Landslide Hazard Geotechnical Report.**

18E.80.010 Purpose.

The following statements describe the purpose of this Chapter:

- A. Protect human life and health.
- B. Regulate uses of land in order to avoid damage to structures and property being developed and damage to neighboring land and structures.
- C. Identify and map active landslide hazard areas.
- D. Minimize the ill effects on wetlands and critical fish and wildlife habitat that can result from landslides.
- E. Establish a permit requirement and review procedures for development proposals in areas with potential landslides.

(Ord. 2004-57s § 2 (part), 2004)

18E.80.020 Landslide Hazard Areas.

A. Landslide Hazard Areas Indicators. Landslide hazard areas are areas potentially subject to mass movement due to a combination of geologic, seismic, topographic, hydrologic, or manmade factors. Landslide hazard areas can be identified by the presence of any of the following indicators:

1. Areas of historic failures, including areas of unstable, old and recent landslides or landslide debris within a head scarp.
2. Areas with active bluff retreat that exhibit continuing sloughing or calving of bluff sediments, resulting in a vertical or steep bluff face with little or no vegetation.
3. Areas with both of the following characteristics:
 - a. Slopes steeper than 20 percent with a vertical relief of 20 feet or more (see 18E.80-1 in Chapter 18E.120 PCC); and

- b. Hillsides that intersect geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock.
 4. Slopes that are parallel or sub-parallel to planes of weakness, such as bedding planes, joint systems, and fault planes in subsurface materials.
 5. Areas exhibiting geomorphological features indicative of past slope failure, such as hummocky ground, back-rotated benches on slopes, etc.
 6. Areas with tension cracks or ground fractures along and/or near the edge of the top of a bluff or ravine.
 7. Areas with structures that exhibit structural damage such as settling and cracking of building foundations or separation of steps or porch from a main structure that is located near the edge of a bluff or ravine.
 8. The occurrence of toppling, leaning, bowed, or jackstrawed trees that are caused by disruption of ground surface by active movement.
 9. Areas with slopes containing soft or liquifiable soils.
 10. Areas where gullying and surface erosion have caused dissection of the bluff edge or slope face as a result of drainage or discharge from pipes, culverts, ditches, and natural drainage courses.
 11. Areas where seeps or springs or indicators (e.g., vegetation type) of a shallow groundwater table are observed on or adjacent to the face of the slope.
 12. Any area with a slope of 40 percent or steeper and with a vertical relief of 15 or more feet, except those manmade slopes created under the design and inspection of a geotechnical professional or slopes composed of competent bedrock. For the purposes of determining whether a slope is considered to be a landslide hazard area, the horizontal and vertical distance between the top and toe of slope are utilized. (See Figure 18E.80-1 in Chapter 18E.120 PCC.)
 13. Areas that are at risk of mass movement due to seismic events.
 14. Areas that include alluvial or colluvial fans located at the base of steep slopes and drainages.
- B. Potential Landslide Hazard Areas.** Potential landslide hazard areas, as depicted on the Critical Areas Atlas-Landslide Hazard Areas Map, are those areas where the suspected risk of slope instability and landslide is sufficient to require a geological assessment to assess the potential for active landslide activity. Potential landslide hazard areas are determined using the following criteria:
1. Areas identified on the Coastal Zone Atlas of Washington, Volume VII, Pierce County as either U (unstable), Urs (unstable recent slide), Uos (unstable old slide), I (intermediate), or M (modified), and any adjacent areas within 300 feet. (See Figure 18E.80-2 in Chapter 18E.120 PCXC.)
 2. Areas identified on the Pierce County topographic maps as having slopes greater than 20 percent with a vertical relief of greater than 20 feet and any adjacent areas within a distance of 65 feet (See Figure 18E.80-3 in Chapter 18E.120 PCC.)
 3. Areas that possess one or more of the landslide hazard area indicators (stratigraphy, groundwater conditions, etc.) as set forth in PCC 18E.80.020 A. and any adjacent area within a distance of 65 feet.
 4. Areas not reflected on the Coastal Zone Atlas that have been determined to be active through a geological assessment process.
 5. Areas identified on the Pierce County topographic maps as having slopes greater than 50 percent with a vertical relief of greater than 100 feet and any adjacent areas within a distance of 300 feet.

C. Landslide Hazard Area Categories. Landslide hazard areas shall be classified into categories which reflect each landslide hazard areas past landslide activity and the potential for future landslide activity based on an analysis of slope instability. Landslide hazard areas shall be designated as follows:

1. **Active Landslide Areas.** A composite of the active landslides and/or unstable areas, including that portion of the top of slope and slope face subject to failure and sliding as well as toe of slope areas subject to impact from down slope run-out, identified and mapped during a geological assessment of a site. An active landslide hazard area exhibits one or more of the following:

- a. Areas of historical landslide movement on a site which have occurred in the past century including areas identified on the Coastal Zone Atlas of Washington, Volume VII, Pierce County as Urs (unstable recent slide).
- b. Unstable areas that exhibit geological and geomorphologic evidence of past slope instability or landsliding or possess geological indicators (stratigraphy, ground water conditions, etc.), as set forth in 18E.80.020 A., that have been determined through a geological assessment process to be presently failing or may be subject to future landslide activity. The impact of the proposed development activities must be considered in defining the extent of the active areas.
- c. Interim areas are located between areas identified through the geological assessment process as an active landslide hazard area. Interim areas will be considered part of the active landslide hazard area if the required top of slope or toe of slope landslide hazard area buffer encompasses the area. (See Figure 18E.80-4 in Chapter 18E.120 PCC.)

2. **Stable Areas.** Areas that have been identified as potential landslide hazard areas, but, through the geological assessment process, meet one of the following conditions:

- a. No indicators as set forth in PCC 18E.80.020 A. actually exist that indicate the potential for future landslide activity to occur.
- b. A slope stability analysis has indicated that there is no apparent landslide potential.
- c. Adequate engineering or structural measures have been provided in a geological assessment – geotechnical report that mitigates the potential for a future landslide to occur as a result of current or past development activity. The engineering or structural measures must provide a minimum factor of safety of 1.5 static conditions and 1.1 for dynamic conditions. Analysis of dynamic (seismic) conditions shall be based on a minimum horizontal acceleration as established by the current version of the Pierce County Building Code. The engineering or structural measures must be completed, inspected and accepted for the area to be deemed stable. Construction sequencing recommendations must be provided by the geotechnical professional when a proposed development will be constructed concurrently with the engineering or structural measures.
- d. A geological assessment has been performed and the results of that assessment indicate that an area is not an active landslide hazard area.
- e. Areas that have been determined to be stable or are converted into a stable area by the implementation of engineering or structural measures are not considered a landslide hazard critical area.

(Ord. 2006-103s § 3 (part), 2006; Ord. 2004-57s § 2 (part), 2004)

18E.80.030 Landslide Hazard Area Review Procedures.

A. General Requirements.

1. The Pierce County Critical Area Atlas provides an indication of where active and potential landslide hazard areas are located within the County. The actual presence or location of an active landslide hazard area and/or additional potential landslide hazard

areas that have not been mapped, but may be present on or adjacent to a site, shall be evaluated using the geological assessment procedures established in this Chapter.

2. The Department will complete a review of the Critical Areas Atlas – Landslide Hazard Area Map and other source documents for any proposed regulated activity to evaluate whether the site is or may be located within an active or potential landslide hazard area. Identification of an active or potential landslide hazard area may also occur as a result of field investigations conducted by Department staff.

3. When the Department's maps or sources indicate that the site for a proposed regulated activity is or may be located within an active or potential landslide hazard area, the Department shall require the submittal of a geological assessment as outlined in 18E.80.030 B. below. (See Figure 18E.80-5 in Chapter 18E.120 PCC.)

4. Unless otherwise stated in this Chapter, the critical area protective measure provisions contained in PCC 18E.10.080 shall apply.

B. Geological Assessment. A geological assessment is a site investigation process to evaluate the on-site geology affecting a subject property.

1. Geological assessments shall be submitted to the Department for review and approval together with a landslide hazard area application and associated fee.

2. A geological assessment shall include a field investigation and may include the use of historical air photo analysis, review of public records and documentation, and interviews with adjacent property owners, etc.

3. The geological assessment shall include the following information and analysis:

a. An evaluation of which areas on the site or within the vicinity of the site meet the criteria for an active landslide hazard area and stable area as set forth in PCC 18E.80.020 C.1. and 2.

b. Consider the run-out hazard of landslide debris to the proposed development that starts upslope (whether part of the subject property or on a neighboring property) and/or the impacts of landslide run-out on down slope properties.

c. The geological assessment shall include a detailed review of the field investigations, published data and references, data and conclusions from past geological assessments, or geotechnical investigations of the site, site-specific measurements, tests, investigations, or studies, as well as the methods of data analysis and calculations that support the results, conclusions, and recommendations.

4. Geological assessments shall be prepared under the responsible charge of an appropriately licensed geotechnical professional(s), and signed, sealed and dated by the geotechnical professional(s) (as defined in PCC 18.25.030 and established in this Chapter) and the format shall be pre-approved by the Department.

5. A field investigation and geological assessment shall be completed under the responsible charge of an appropriately licensed geotechnical professional(s) to evaluate whether or not an active landslide hazard area exists within 300 feet of the site. (See Figure 18E.80-5 in Chapter 18E.120 PCC.)

a. The geological assessment shall be submitted in the form of a geotechnical letter when the geotechnical professional finds that no active landslide hazard area exists within 300 feet of the site. The geotechnical letter shall meet the requirements contained in 18E.80.060 – Appendix A.

b. The geological assessment shall be submitted in the form of geotechnical evaluation when the geotechnical professional finds that an active landslide hazard area exists, but is located more than 300 feet away from the proposed project area. The

geotechnical evaluation shall meet the requirements contained in 18E.80.060 – Appendix B.

c. The geological assessment shall be submitted in the form of a geotechnical report when the geotechnical professional finds that an active landslide hazard area exists within 300 feet of the proposed project area or when a geotechnical professional indicates that mitigation measures are necessary in order to construct or develop within a potential landslide hazard area. The geotechnical report shall meet the requirements contained in 18E.80.060 – Appendix C.

6. Geological assessments that do not contain the minimum required information or comply with the landslide hazard area standards set forth in 18E.80.040 will be returned to the geotechnical professional for revision.
7. The Department shall review the geological assessment and either:
 - a. Accept the geological assessment; or
 - b. Reject the geological assessment and require revisions or additional information.
8. When the geological assessment has been accepted, the Department shall issue a decision on the landslide hazard area application.
9. A geological assessment for a specific site may be valid for a period of up to five years when the proposed land use activity and site conditions affecting the site are unchanged. However, if any surface and subsurface conditions associated with the site change during that five-year period, the applicant may be required to submit an amendment to the geological assessment.

(Ord. 2004-57s § 2 (part), 2004)

18E.80.040 Landslide and Erosion Hazard Area Standards.

A. Active Landslide Hazard Areas. Any development, encroachment, filling, clearing or grading, building structures, impervious surfaces, and vegetation removal shall be prohibited within active landslide hazard areas and associated buffers except as specified in the following standards:

1. **Stormwater Conveyance.** Stormwater conveyance shall be allowed when it is conveyed through a high-density polyethylene stormwater pipe with fuse-welded joints and when no other stormwater conveyance alternative is available. The pipe shall be located on the surface of the ground and be properly anchored so that it will continue to function in the event of an underlying slide.
2. **Utility Lines.** Utility lines will be permitted when no other conveyance alternative is available. The line shall be located above ground and properly anchored and/or designed so that it will continue to function in the event of an underlying slide. Utility lines may be permitted when it can be shown that no other route alternative is available. It must be demonstrated by the applicant that a utility line within a landslide hazard area has been designed in a manner that: does not impact the stability of the slope, minimizes or eliminates the potential for rupture or failure, and assures that in the event of failure there will not be a life/safety risk. Appropriate design features such as above ground installation, restrained joint ductile pipe, welded steel pipe, pile supports, the use of high density polyethylene pipe with fuse welded joints, increased wall thickness, special coating, or other measures shall be employed. Automatic shutoff valves shall be provided on fluid or gas transmission lines.
3. **Trails.** Trails shall be allowed when all of the following conditions have been met:
 - a. The removal or disturbance of vegetation, clearing or grading shall be prohibited during the wet season (November 1 to May 1).
 - b. The proposed trail shall not decrease the existing factor of safety within the active landslide hazard area, or any required buffer.

- c. The proposed trail shall not create the need for larger landslide hazard area buffers and setbacks on neighboring properties unless approved through a notarized written and recorded agreement with the affected property owners.
 - d. The proposed trail cannot be located outside the active landslide hazard area or its associated buffer due to topographic constraints of the parcel or size and/or location of the parcel in relation to the limits of the active landslide hazard area and /or its associated buffer.
 - e. The proposed trail is for non-vehicular use only, and is a maximum of 4 feet in width.
 - f. Trails shall not be sited within active landslide hazards or their associated buffers when there is such a high risk of landslide activity that the use of the trail would be hazardous.
 - g. Trails shall be designed and constructed using an engineered drainage system or other methods to prevent the trail surface from becoming a drainage course.
4. Lots may be created that contain an active landslide hazard area as long as the lot is designed in such a way that future development of the lot will not impact the active landslide hazard area or its associated buffer. The created lot(s) shall be designed in such a manner that a sufficient buildable area is provided after all setbacks, pertinent critical area standards, critical area protection measures, and other County regulations are applied.

B. Landslide Hazard Management Areas. All regulated activities may be allowed in areas located within 300 feet of an active landslide hazard area subject to the following standards:

- 1. The Department reviews and approves a Geological Assessment – geotechnical report and the Department's evaluation indicates that the potential landslide hazard area is stable.
- 2. The proposed development is located outside of an active landslide hazard area and any required buffer, as set forth in 18E.80.050.
- 3. The proposed recommendations and mitigation measures contained within the geotechnical report are adequate to reduce or mitigate risks to health and safety.
- 4. The proposed development shall not cause a decrease in the existing factor of safety within the neighboring active landslide hazard areas or associated buffers. The proposed development shall not decrease the factor of safety within the Landslide Hazard Management area below the limits of 1.5 for static conditions and 1.2 for dynamic conditions. Analysis of dynamic (seismic) conditions shall be based on a minimum horizontal acceleration as established by the current version of the Washington State Building Code.
- 5. The removal and disturbance of vegetation, clearing or grading shall be limited to the area of the approved development and shall not be allowed during the wet season (November 1 through May 1) unless adequate provisions for wet season erosion have been addressed in the Geotechnical Report and approved by the Department.
- 6. Surface drainage from developed areas, including downspouts and runoff from paved or unpaved surfaces up slope, shall not be directed through an active landslide hazard area or its associated buffer unless it is conveyed in conformance with the provisions in 18E.80.040 A.1. above.
- 7. Stormwater retention facilities, including infiltration systems utilizing perforated pipe, are prohibited unless the slope stability impacts of such systems have been analyzed and mitigated by a geotechnical professional and appropriate analysis indicates that the impacts are negligible.

8. The proposed development shall not create a need for larger landslide hazard area buffers and setbacks on neighboring properties unless approved through a notarized written agreement with the affected property owner(s).

9. The proposed development shall be sited far enough from regressing slope faces to ensure 120 years of useful life for the proposed structure(s) or infrastructure.

10. Lots may be created that are located within or contain a landslide hazard management area as long as the lot is designed in such a way that future development of the lot will not impact the active landslide hazard area or its associated buffer. The created lot shall contain a sufficient buildable area after all setbacks, pertinent critical area standards, critical area protection measures, and other County regulations are applied.

11. Sites that are directly adjacent to any riparian area, wetlands, tidal marshes, and estuaries may be subject to additional buffer requirements and standards as set forth in Chapter 18E.40 PCC, Critical Fish and Wildlife Habitat Areas, or wetlands as set forth in Chapter 18E.30 PCC, Wetlands.

(Ord. 2004-57s § 2 (part), 2004)

18E.80.050 Buffer Requirements.

A. Determining Buffer Widths.

1. The buffer width shall be measured on a horizontal plane from a perpendicular line established at the edge of the active landslide hazard area limits (both from the top and toe of the slope). (See Figure 18E.80-6 in Chapter 18E.120 PCC.)

2. A buffer of undisturbed vegetation shall be required for an active landslide hazard area. The required buffer width is the greater amount of the following distances:

- a. Fifty feet from all edges of the active landslide hazard area limits;
- b. A distance of one-third the height of the slope if the regulated activity is at the top of the active landslide hazard area and a distance of one-half the height of the slope if the regulated activity is at the bottom of an active landslide hazard area, or the distance recommended by the geotechnical professional.

B. Modification of Buffer Widths. The Department may require a larger buffer width than the buffer distance, as determined in A. above, if any of the following are identified:

1. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts.
2. The area has a severe risk of slope failure or downslope stormwater drainage impacts.

(Ord. 2004-57s § 2 (part), 2004)

18E.80.060 Appendices.

- A. Geological Assessment-Landslide Hazard Geotechnical Letter.**
- B. Geological Assessment-Landslide Hazard Geotechnical Evaluation.**
- C. Geological Assessment-Landslide Hazard Geotechnical Report.**

18E.80.060 – Appendix A

Geological Assessment – Landslide Hazard Geotechnical Letter

A. A geotechnical letter shall include the following:

1. The letter shall be labeled identifying the submittal as a "Landslide Hazard Geotechnical Letter."
 2. The dates when the geological assessment was performed. The date when the letter was prepared.
 3. The parcel number(s) of the site.
 4. Site address, if one has been assigned by the County.
 5. A brief description of the project (including the proposed land use) and a description of the area to be developed.
 6. A paragraph that states the following specific language:
"The services described in this letter were prepared under the responsible charge of (Individual's Name). (Individual's Name) meets the qualifications contained in Title 18E, Section 18E.80.030 to prepare a landslide hazard geological assessment. (Individual's Name) understands the requirements of the current Landslide Hazard Area Chapter 18E.80 and the definitions of the applicable terms contained within Chapter 18.25. (Individual's Name) or someone under his/her responsible charge has performed a landslide hazard geological assessment, conducted a field investigation, and researched historic records on or in the vicinity of the above referenced site. In my opinion, the scope of services completed for this project is adequate to meet the requirements of the Department and it does not appear that an active landslide hazard area exists within 300 feet of the site."
 7. The name, mailing address, and telephone number of geotechnical professional who performed the geological assessment and prepared the letter.
 8. The name, mailing address, and telephone number of the property owner.
- B. The geotechnical letter shall be prepared under the responsible charge of an appropriately licensed geotechnical professional(s) and be signed, sealed and dated by the geotechnical professional(s).
- C. Geotechnical letters shall be in conformance with a format that is pre-approved by the Department.
(Ord. 2006-103s § 2 (part), 2006; Ord. 2004-57s § 2 (part), 2004)

18E.80.060 – Appendix B

Geological Assessment – Landslide Hazard Geotechnical Evaluation

- A. A Geotechnical evaluation shall include the following:
1. The first page of the document shall be labeled identifying the submittal as a "Landslide Hazard Geotechnical Evaluation."
 2. The dates when the geological assessment was performed. The date when the verification document was prepared.
 3. The parcel number(s) of the site.
 4. Site address, if one has been assigned by the County.
 5. A detailed description of the project (including the proposed land use) and a description of the area to be developed.
 6. A description of the surface and subsurface geology, hydrology, soils, and vegetation at the site and a list of the landslide hazard area indicators, as set forth in PCC 18E.80.020 A., that were found on or in the vicinity of the site.
 7. A summary of the results, conclusions, and recommendations resulting from the geological assessment of the landslide hazards on or in the vicinity of the site. This summary shall address all of the information required in PCC 18E.80.030 B.
 8. An accurate site plan drawn at a scale of 1" = 20', 1" = 30', 1" = 50' (or other scale deemed appropriate by the Department) is required. The Department may require that the site plan information listed below be based on a field survey by a licensed surveyor. The site plan shall include:

- a. The limits/location of the active landslide hazard area(s) set forth in PCC 18E.80.020 C.1.
 - b. The limits/location of the required landslide hazard buffer based upon the requirements set forth in PCC 18E.80.050 A.
 - c. The location of any existing and proposed structures, utilities, on-site septic systems, wells, and stormwater management facilities.
 - d. The full geographical limits of the proposed project area (area to be developed).
 - e. Dimension the closest distance between the identified active landslide hazard area boundary and the project area.
 - f. Existing topography on the site presented in 2-foot contours.
 - g. Property lines for the site.
 - h. North arrow and plan scale.
9. A paragraph that states the following specific language:
"The services described in this evaluation were prepared under the responsible charge of (Individual's Name). (Individual's Name) meets the qualifications contained in Title 18E, Section 18E.80.030 to prepare a landslide hazard geological assessment. (Individual's Name) understands the requirements of the current Landslide Hazard Area Chapter 18E.80 and the definitions of the applicable terms contained within Chapter 18.25. (Individual's Name) or someone under his/her responsible charge has performed a landslide hazard geological assessment, conducted a field investigation, and researched historic records on or in the vicinity of the above referenced site. In my opinion, the scope of services completed for this project is adequate to meet the requirements of the Department and it does not appear that an active landslide hazard area exists within 300 feet of the proposed project area."
10. The name, mailing address, and telephone number of geotechnical professional who performed the geological assessment and prepared the geotechnical evaluation document.
11. The name, mailing address, and telephone number of the property owner.
- B. The geotechnical evaluation shall be prepared under the responsible charge of an appropriately licensed geotechnical professional(s) and be signed, sealed and dated by the geotechnical professional(s) and the format shall be pre-approved by the Department.
- C. Geotechnical evaluation documents shall be in conformance with a format that is pre-approved by the Department.
(Ord. 2006-103s § 2 (part), 2006; Ord. 2004-57s § 2 (part), 2004)

18E.80.060 – Appendix C

Geological Assessment – Landslide Hazard Geotechnical Report

- A. At a minimum, a geotechnical report shall include the following:
1. The first page of the document shall clearly identify the submittal as a "Landslide Hazard Geotechnical Report."
 2. The dates when the geological assessment was performed. The date when the geotechnical report was prepared.
 3. The parcel number(s) of the site.
 4. Site address if one has been assigned by the County.
 5. A detailed description of the project (including the proposed land use) and a description of the area to be developed.
 6. A description of the surface and subsurface geology, hydrology, soils, and vegetation of the site and a list of the landslide hazard area indicators, as set forth in PCC 18E.80.020 A., that were found on or in the vicinity of the site.

7. A summary of the results, conclusions, and recommendations resulting from the geological assessment of the landslide hazards on or in the vicinity of the site. This summary shall address all of the information required in PCC 18E.80.030 B.

8. An accurate site plan drawn at a scale of 1" = 20', 1" = 30', 1" = 50' (or other scale deemed appropriate by the Department) is required. The Department may require that the site plan information listed below be based on a field survey by a licensed surveyor.

The site plan shall include:

- a. The limits/location of the active landslide hazard area(s) set forth in PCC 18E.80.020 C.1. Delineation of the active landslide hazard area limits shall differentiate between areas of historic landslide activity and adjacent unstable areas.
 - b. The limits/location of the required landslide hazard buffer based upon the requirements set forth in PCC 18E.80.050 A.
 - c. The limits/location of any potential landslide hazard areas that have been designated as stable areas in accordance with PCC 18E.80.020 C.2.c.
 - d. The location of any existing and proposed structures, utilities, on-site septic systems, wells, and stormwater management facilities.
 - e. The full geographical limits of the proposed project area (area to be developed).
 - f. Location and unique identifier of geotechnical borings, CPT soundings, or other surveys or explorations used to characterize subsurface conditions.
 - g. Extent of cross-section(s) used to evaluate the three-dimensional subsurface geologic and groundwater conditions at the site.
 - h. Extent of cross-section(s) used in the evaluation of slope instability.
 - i. Existing topography on the site presented in 2-foot contours.
 - j. Property lines for the site.
 - k. North arrow and plan scale.
9. Subsurface characterization data must be provided. The data shall be based on both existing and new information that may include soil borings (SPT or other appropriate driven sample collection methods), test pits, geophysical surveys, or other appropriate subsurface exploration methods, development of site-specific soil and/or rock stratigraphy, and measurement of groundwater levels including variability resulting from seasonal changes, alterations to the site, etc.
- a. Conventional geotechnical boring data shall be reported as a graphic log utilizing the following standards:
 - (1) The vertical scale of the graphic log shall be such that 5 feet of drilled depth is scaled to range of 1" to 2" (1:60- or 1:30-scale), and shall include vertical columns that record depth in 1 foot increments, SPT value or equivalent value, and incremental blow counts, a graphic pattern representation of the soil type encountered during drilling, and sample descriptions and other comments regarding drilling.
 - (2) The graphic log shall have a header on the first page that includes a unique identifier for the boring, the times and dates of the start and completion of drilling, the manufacturer and model of the drilling rig, the company name of the drilling contractor, the name(s) of the site geologist(s) or engineer(s) overseeing the drilling activities, the details of the method used to advance the borehole (e.g., 4" i.d. hollow-stem auger), and the type of drilling fluid used to stabilize the borehole. In addition, the boring data/graphic log shall include an indication that the SPT was completed in accordance with applicable ASTM standards or other appropriate driven sample collection methods, which are specified, completed in general accordance with applicable ASTM standards. This information shall include a description of the sampler, hammer weight, drop

height, the type of hammer used to drive the sampler performing the STP, number of turns of rope if a cathead is used to raise the hammer, condition of rope (i.e., new, used, frayed, oily, etc.), and the depth of static groundwater measured immediately prior to abandonment of the boring and the time and date of this measurement.

(3) All subsequent pages of the graphic log shall have the unique identifier for the boring, the times and dates of the start and completion of drilling, and the number of the page and the total number of pages comprising the log.

(4) Each SPT value or equivalent value will be reported in the appropriate column showing the blow counts recorded at each 6" interval, and the sum of the blow counts between penetration distances of 6" to 18," unless refusal conditions (50 or more blows with less than 6" of sampler penetration) are met anywhere in this interval. At refusal, the blow count shall be recorded as the number of blows with the corresponding sampler penetration, in inches.

(5) SPT tests or other sample collection methods shall be performed every 5 feet during drilling, at a minimum.

(6) The soil sample descriptions will include the total length of the recovered sample, the soil color, odor, the density or consistency (loose to very dense, very soft to very stiff), degree of water saturation (dry, moist, wet, saturated), and dilatancy. For granular (sand and gravel) soils, the description shall include a physical description of the soil sample, including size distribution (poorly or well graded), angularity, composition, amount and plasticity of the fines fraction. For fine soils (silt and clay), the description shall include a qualitative estimate of the proportion of the silt and clay size particles (e.g., silty clay, clay with some silt, etc.), plasticity, and amount and type of organic material. The sample description shall include a description of any bedding, laminations, slickensides, or other textural or deposition features, including contact between dissimilar soil types. The sample description shall also include a field classification of the soil sample using the Unified Soil Classification System where the classification is expressed in lower case letters (e.g., sp, ml, etc.). The sample classification shall be expressed in upper case letters (e.g., SP, ML, etc.) where subsequent laboratory testing has been performed. This column of the graphic log will also include any other information relevant to the subsurface investigation, such as loss of drilling fluid, heaving, churning of the drill in gravelly soils, etc.

b. CPT sounding data shall be reported as a graphic log utilizing the following standards:

(1) The vertical scale of the graphic log shall be such that 5 feet of penetrated depth is scaled to range of 1" to 2" (1:60- or 1:30-scale), and shall include vertical columns that record depth in 1 foot increments.

(2) The graphic log shall have a header on the first page that includes a unique identifier for the boring, the times and dates of the start and completion of the CPT sounding, the manufacturer and model of the CPT system, the company name of the CPT service contractor, the name(s) of the site geologist(s) or engineer(s) overseeing the CPT sounding, and any comments regarding the conduct of the testing, reaction of the CPT system during sounding, etc.

(3) All subsequent pages of the graphic log shall have the unique identifier for the boring, the times and dates of the start and completion of drilling, and the number of the page and the total number of pages comprising the log.

(4) The graphic log shall display, at a minimum, a continuous depth plot of the uncorrected tip resistance, the friction (sleeve) resistance, the friction ratio, and the measured pore pressure with an overlay of the calculated hydrostatic pore pressure. These curves shall be plotted so as to show the full variation of the measured quantities within the depth range of the sounding, and each curve shall have a visible scale with the minimum and maximum ranges labeled.

- (5) All of the CPT data recorded for each sounding shall also be provided in either electronic or hardcopy format. Electronic data will be presented in an ASCII text file format.
- c. Geotechnical borings or CPT soundings will be advanced to a depth sufficient to characterize geologic conditions the existing or potential landslide mass.
 - d. Other methods used for subsurface characterization shall be assigned a unique identifier, and the basic data presented in appropriate graphical and/or tabular format.
 - e. The three-dimensional subsurface conditions at the site shall be presented using one or more cross-sections showing location and depth penetration of geotechnical borings, CPT soundings, or other subsurface characterization methods, interpretation of the geometry of major soil units, and projected location of the static groundwater surface determined from the subsurface exploration. The cross-sections shall be presented at a scale of 1" = 20', 1" = 30', 1" = 50' (or other scale deemed appropriate by the Department). Each cross-section shall have a legend with a description of the various major soil units.
10. Soil strength and index properties (i.e., unit weight, cohesion, etc.) shall be provided for each soil unit interpreted from the subsurface characterization of the site, and shall be presented in tabular format. Justification for the presented values of these soil parameters shall be based on one or more of the following approaches:
- a. Back analysis based on pre-landslide stability conditions.
 - b. Laboratory measurement of strength or other index properties made on soil samples.
 - c. Correlation of soil strength index properties to other geotechnical indices (e.g., SPT blow counts, etc.), where the correlation relations are documented (e.g., published literatures, in-house empirical data set, etc.).
 - d. Soil strength and indices based on generic values must provide a clear justification for their use.
11. A detailed description of any prior grading activity, soil instability, or slope failure.
12. Assessments and conclusions regarding slope stability for both the existing and developed conditions shall be presented and documented. These assessments and conclusions shall include:
- a. Evaluation of the potential types of landslide failure mechanisms (e.g., debris flow, rotational slump, translational slip, etc.) that may affect the site.
 - b. Quantitative stability evaluation of slope conditions of the various failure mechanisms using state-of-the-practice modeling techniques. Limiting equilibrium methods of analysis shall state the stability conditions as a factor of safety. The most unstable failure geometry(ies) shall be presented in the form of a cross-section(s), with the least stable failure geometry for each failure mechanism clearly indicated. The stability evaluation shall also consider dynamic (earthquake) loading, and shall use a minimum horizontal acceleration as established by the current version of the Washington State Building Code.
 - c. An analysis of slope regression rate shall be presented in those cases where stability is impacted or influenced by erosional processes (e.g., wave cutting, stream meandering, etc.) acting on the toe of the slope.
13. Mitigation recommendations using engineered measures to protect the proposed structure(s) and any adjacent structures, infrastructure, adjacent wetlands, or critical fish and wildlife habitat from damage or destruction as a result of proposed construction activities shall be designed by a professional engineer. The Geotechnical Report shall contain:
- a. Design plans and associated design calculations for engineered structures or drainage systems (e.g., structural foundation requirements, retaining wall design, etc.).

- b. Recommendations and requirements pertaining to the handling of surface and subsurface runoff in the developed condition.
 - c. Identification of necessary geotechnical inspections to assure conformance with the report mitigation and recommendations.
 - d. Proposed angles of cut and fill slopes, site grading requirements, final site topography (shown as 2' contours), and the location of any proposed structures, on-site septic systems, wells, and stormwater management features or facilities associated with the development detailed within the body of the report and shown on a site map at the same scale as that required in Section A-7 of this Appendix.
 - e. Soil compaction criteria and compaction inspection requirements.
 - f. An analysis that indicates how the proposal meets the standards outlined in PCC 18E.80.040.
 - g. Structural foundation requirements and estimated foundation settlement shall be provided if structures are proposed.
 - h. Lateral earth pressures.
 - i. Suitability of onsite soil for use as fill.
 - j. Mitigation measures for building construction on each lot for short plats, large lots, or formal plats such that additional geotechnical professional involvement is minimized during building construction.
 - k. Construction sequencing recommendations shall be provided when an applicant intends to convert an active landslide hazard area to a stable area, concurrently with the construction of the proposed development (reference PCC 18E.80.020 C.2).
14. The Geotechnical Report shall contain a paragraph that states the following specific language:
- "The services described in this report were prepared under the responsible charge of (Individual's Name). (Individual's Name) meets the qualifications contained in Title 18E, Section 18E.80.030 to prepare a landslide hazard geological assessment. (Individual's Name) understands the requirements of the current Landslide Hazard Area Chapter 18E.80 and the definitions of the applicable terms contained within Chapter 18.25. Individuals under the responsible charge of (Individual's Name) have performed a landslide hazard geological assessment, conducted a field investigation, and researched historic records on or in the vicinity of the above referenced site. In my opinion, the scope of services completed for this project is adequate to meet the requirements of the Department.
- B. The Geotechnical Report shall be prepared under the responsible charge of an appropriately licensed geotechnical professional(s) and be signed, sealed and dated by the geotechnical professional(s) and the format shall be pre-approved by the Department.
- C. The Department may request a geotechnical professional to provide additional information in the geotechnical report based upon existing conditions, changed conditions, or unique circumstances occurring on a case by case basis.
- D. Geotechnical reports shall be in conformance with a format that is pre-approved by the Department.
- (Ord. 2004-57s § 2 (part), 2004)

APPENDIX “D”

Chapter 14.08
OLD WORLD BAVARIAN ARCHITECTURAL THEME¹

Sections:

- 14.08.010 Purpose.**
- 14.08.020 Applicability.**
- 14.08.030 Design review board review.**
- 14.08.035 Design review permit – Conditions and effect.**
- 14.08.040 Design elements.**
- 14.08.050 Supplemental regulations.**
- 14.08.060 Small commercial buildings.**
- 14.08.070 Mechanical equipment.**
- 14.08.080 Signs.**
- 14.08.090 Enforcement.**
- 14.08.100 Appendix: Portfolio of Photographs of Old World Bavarian Architecture and Signs for the City of Leavenworth.**

14.08.010 Purpose.

The purpose of this chapter is to assist all involved in the design of new buildings, structures, walkways, plazas, lighting, or other miscellaneous items identified herein or the alteration of existing buildings, structures, walkways, plazas, lighting, or other miscellaneous items identified herein in order to develop and promote Leavenworth's Old World Alpine Bavarian village theme. [Ord. 1374 § 1 (Exh. A), 2010; Ord. 1164 § 1, 2001; Ord. 1157 § 1, 2001.]

14.08.020 Applicability.

A. Within all of the commercial zone districts of the city and the city's urban growth area, the following shall conform in exterior design to the Old World Bavarian architectural theme:

1. New buildings, structures, walkways, plazas, lighting, or other miscellaneous items identified herein;
2. Additions, substantial alterations and individual changes to structures and buildings; and

3. Modifications to walkways, plazas, lighting and other miscellaneous items identified herein.

B. For purposes of subsection (A) of this section, the term "substantial alteration" shall be defined as any interior and/or exterior alteration of an existing building or structure, the total cost of which (including but not limited to electrical, mechanical, plumbing and structural changes) within any 18-month period equals or exceeds 75 percent of the value of that building or structure at the time that a permit is applied for. The value shall be determined by using a contractor's estimate for construction and either the most recent assessed value as stated in the Chelan County assessor's current year tax records or an appraisal submitted by a licensed real estate appraiser. The estimate and the appraisal shall be dated no later than six months prior to the date of permit submittal.

C. When a permit for new construction and/or an addition is applied for, the entire structure and/or addition shall comply with all of the requirements of this chapter except as follows:

1. For zero lot line buildings, at a minimum, partial-pitched roofs which comply with the requirements of LMC 14.08.040(B) shall be incorporated on all sides of the structure which front on a street and/or alley. At a minimum, the partial-pitched roof shall span the entire length of the wall fronting on the public street and/or alley and shall extend 16 feet from the perimeter edge of the structure back toward the center of the structure, which measurement shall not include that portion overhanging the edge of the structure.

D. When a permit for a substantial alteration is applied for, the entire structure, including all existing components, shall comply with all of the requirements of this chapter, with the exception of roof and wall treatments, which at a minimum shall comply with the following:

1. If the substantial alteration is equal to or greater than 75 percent, but less than 90 percent of the value of the structure (using the valuation methodologies and time frame in subsection (B) of this section), the following requirements shall apply:

a. If the existing roof is not in conformance with the requirements of this chapter, it shall be replaced on all sides of the structure which front on a street and/or alley with a partial-pitched roof which complies with the requirements of LMC 14.08.040(B). The partial-pitched roof shall span the entire length of the wall fronting on the public street and/or alley and shall extend 16 feet from the perimeter edge of the structure back toward the center of the structure, which measurement shall not include that portion overhanging the edge of the structure.

b. If the existing wall treatment is not in conformance with the requirements of this chapter, the entire surface of those walls of the structure which front on a public street shall be resurfaced with wall treatment which complies with the requirements of LMC 14.08.040(C). The remaining walls of the structure (which do not front on a public street) shall not be required to be resurfaced with a compliant wall treatment, but shall be painted in an identical or complementary color to the compliantly surfaced walls. This exception to wall treatment requirements applies only to the wall surfacing materials; all other requirements of this chapter, including, but not limited to, decorative windows, doors, and trims shall apply.

2. If the substantial alteration is 90 percent or more of the value of the structure (using the valuation methodologies and time frame in subsection (B) of this section), the application shall be treated as new construction and/or an addition and the entire structure and/or addition shall comply with the requirements of this chapter except as follows:

a. For zero lot line buildings, at a minimum, partial pitched roofs which comply with the requirements of LMC 14.08.040(B) shall be incorporated on all sides of the structure which front on a street and/or alley. At a minimum, the partial pitched roof shall span the entire length of the wall fronting on the public street and/or alley and shall extend 16 feet from the perimeter edge of the structure back toward the center of the structure, which measurement shall not include that portion overhanging the edge of the structure.

E. Every change to an exterior element of a structure, including, but not limited to, doors, windows, wall finishes, paint, roofing materials, and/or structural elements shall comply with the requirements of this chapter unless such change is routine maintenance and repair; in which case, it may be repaired with a material which is identical to that of the original materials or a material which is determined equally or more compliant by the community development director or his/her designee. This determination of compliance may be remanded at his/her discretion to the design review board. For purposes of this chapter, routine maintenance and repair is defined as corrective and/or preventative actions which do not result in an alteration but which allow for a structure to perform its intended, original purpose.

F. An existing structure which is not compliant with the Old World Bavarian Architectural Theme shall not be relocated to the commercial zone districts or be moved from one place to another within the commercial zone districts. A determination of the compliance or noncompliance of the structure shall be made by making application to the design review board, which shall render findings of fact in making this determination. If a structure can be determined to be compliant with minor improvements which do not exceed 25 percent of the value (using the valuation methodologies in subsection (B) of this section), the structure shall be allowed to be relocated subject to compliance with conditions placed on the permit by the design review board. To ensure that when a structure is placed it shall comply completely and in a timely manner with the permit requirements, the applicant shall be required to bond for all improvements at 150 percent of the total value (using valuation methodologies in subsection (B) of this section) and all improvements shall be completed within 120 days of the date of permit approval. Noncompliance will result in a requirement for the property owner to remove the structure.

G. A change of occupancy which results in physical changes to the structure shall be treated as either new construction, a substantial alteration or changes to individual elements in accordance with how the said change or changes meets the thresholds described in subsections (B) through (F) of this section and shall be held to the requirements as delineated thereto with the following exceptions:

1. An existing single-family residential structure which converts to a use other than an overnight rental and undergoes a change of occupancy pursuant to the building code shall be treated as new construction and shall comply with the requirements of this chapter applicable to new construction; except the roof shall not be required to be brought into compliance; however, fascia shall be trimmed with materials which comply with the requirements of this chapter.

a. When roof materials and/or structural roof components are replaced in a manner which is not routine maintenance and repair (e.g., a patch job), the materials and structural components shall comply with the requirements of LMC 14.08.040(B).

2. An existing single-family residential structure which converts to an overnight rental shall not be required to comply with this chapter except as follows:

a. If there are exterior and/or interior alterations proposed to the structure which exceed 50 percent of the value of the structure (using the valuation methodologies and time frame in subsection (B) of this section) the structure shall be treated as new

construction and shall comply with the requirements of this chapter; except the roof structure shall not be required to be brought into compliance with this chapter.

i. When roof materials and/or structural roof components are replaced in a manner which is not routine maintenance and repair (e.g., a patch job), the materials and structural components shall comply with the requirements of LMC 14.08.040(B).

b. When an overnight rental converts to a subsequent use, it shall be required to comply with subsection (G) of this section. [Ord. 1374 § 1 (Exh. A), 2010; Ord. 1157 § 1, 2001.]

14.08.030 Design review board review.

A. No building or structure (regardless of the size), walkway, plaza, lighting or other miscellaneous items identified herein shall be placed, constructed, changed, altered, added to, and/or undergo a change in occupancy status pursuant to the building code in any commercial zone district without first obtaining design review board approval and a permit. All applications for permits for construction, changes, alterations, additions, and/or changes of use of buildings, structures, walkways, plazas, lighting, or other miscellaneous items identified herein shall first be submitted to and be reviewed and approved by the design review board, who shall determine if the application is compliant with this chapter for the Old World Bavarian architectural theme.

B. All applications for permits required by this chapter shall be accompanied by a complete set of plans and blueprints clearly defining the construction, changes, alterations, or remodeling and stating the proposed location, dimension, and types of construction and design. The plans and blueprints shall be drawn to scale and shall clearly define the roofing materials and siding materials to be used and also the finish, paint or other materials to be used or applied on all exterior walls, trims, and other details and shall state a contemplated date of commencement and completion of the project, and shall become the property of the city upon submission of the application. All applications submitted shall be accompanied by payment of a permit fee for the amount identified in the city's fee schedule.

C. The applicant shall submit an accurate colored rendering of the proposal. The colored rendering shall either be done in a form of paint, colored pencils, colored pens, or be computer-generated. Paint chips or paint samples shall be submitted with the colored rendering for all colors included in the rendering.

D. In determining whether the proposed placement, construction, change, addition, or alteration conforms to exterior design of the Old World Bavarian architectural theme, the design review board shall consider the compatibility of the proposed exterior design with the existing design review board approved Bavarian structures and designs in the commercial zone districts of the city and the city's urban growth area and may, in addition, consult the following publications which contain many examples of architecture, including some examples that are specific to the Old World Bavarian architectural theme:

1. "Bayern in Bildern." Illustrations of Bavaria. Munchen, L. Muller (1971);

2. "Häuser in den Alpen," by Viktor Proksch. Pinquin Verlag, Innsbruck, and Umschau Verlag, Frankfurt A.M. (1964) (this book is also available in an English/French version);

3. "Bemalte Fassaden," by Margarete Baur-Heinbold. Verlag Georg D.W. Callwey, Munchen (1975);
4. "Bayern – Bavaria – La Baviere: e. Bildbd.," by Otto Siegener. Munchen-Pullach: Simon (1975);
5. "Wohnen im Alpenland," by S. Staffa. Verlag, Kitzbuhel;
6. "Die Schönsten Bauernhufe Oberbayerns," by Ottmar Schubert. Munchen (1999).

E. Copies of the above publications and similar related reference works shall be kept on hand by the city for review by applicants and by members of the design review board.

F. An applicant may submit a preliminary sketch prior to furnishing a complete application for review at a regularly scheduled design review board meeting. Following review by the board, the applicant shall complete the application as directed by the board in accordance with this chapter.

G. Design review applications shall be processed in accordance with the quasi-judicial review process, pursuant to Chapter 21.09 LMC. In order to schedule a design review board meeting, a complete application shall be received by the development services department at least 10 working days prior to the meeting.

H. Changes to a design review board approved design, which are subsequently proposed after the initial approval of the design review board permit, shall require submission of an application to the design review board for approval prior to construction of the change.

I. Supporting reference materials shall be supplied to the design review board by the applicant at the request of the board.

J. The development services manager or designee may administratively approve the design of retaining walls, landscaping structures, landscaping planter sign bases, lighting, fences or fence-type walls, garbage enclosures, walkways, plazas, publicly owned equipment, or similar structures when they are not proposed in conjunction with a larger project that would require design review board review. In addition, the development services manager or designee may administratively approve changes to the individual exterior elements (LMC 14.08.020) which collectively do not exceed five percent of the value of the structure (using the valuation methodologies and time frame in LMC 14.08.020(B)) when they are not proposed in conjunction with a larger project that would require design review board review. Approval shall be subject to the standards contained in this chapter. At the discretion of the city, the application, or portions of the application, may be required to be submitted to the design review board for review and approval.

K. The applicant or a representative of the applicant shall be in attendance at the design review board meeting for an application to be reviewed by the design review board.

L. Chelan County has adopted the city's codes within the city's urban growth area, including this chapter, the Old World Bavarian architectural theme. The city's design review board will perform reviews of applications for projects located in the urban growth area and relay its findings to the county for inclusion in the county decision-making process. The county is the decision-making authority within the

geographic boundary of the city's urban growth area. [Ord. 1485 § 1 (Att. A), 2014; Ord. 1374 § 1 (Exh. A), 2010; Ord. 1164 § 2, 2001; Ord. 1157 § 1, 2001.]

14.08.035 Design review permit – Conditions and effect.

Architectural design review permits issued on the basis of plans and applications approved by the design review board or administrative official (as applicable) authorize only the arrangement and design set forth in such approved plans and applications, and no other use, arrangement, design or construction. Use, arrangement, design or construction at variance with that authorized shall be deemed violation of this title and punishable as provided in Chapter 21.13 LMC. [Ord. 1476 § 1 (Att. A), 2014.]

14.08.040 Design elements.

The design review board, in granting or denying approval of a permit in accordance with this chapter, should consider the following criteria. This list is intended to serve as a guide for prospective developers of representative Old World Bavarian design features which have proven effective on commercial buildings in the city. The following design elements shall be incorporated, as applicable, in design proposals brought before the Leavenworth design review board to implement the Old World Bavarian architectural theme in the city of Leavenworth. A minimum of three decorative design details (in addition to structural elements) shall be included on a building or structure. Decorative design details include, but are not limited to, painted trim, decorative fascia, window treatments, balconies, and murals.

A. Shapes.

1. The single most defining shape of Bavarian Alpine architecture is the low-pitched roof with expansive overhangs, regardless of building size. An alpine roof is designed to hold snow for insulation. The overhangs deal with ice buildup and help keep the area right next to the house free of snow. In the rainy regions of Germany where snow is not prevalent, the roofs are very steep in order to shed water.
2. Buildings are rectangular or are combinations of rectangles.
3. Very large warehouse- or market-type buildings pose special problems to this design theme. They must, however, include traditional Bavarian design elements and materials.

B. Roofs.

1. Roofs have a pitch of three and one-half to five and one-half.
2. Roof overhangs are expansive on the front and sides and usually require rafter and lookout beams. Lookout beams shall be scrolled or have decorative faceplates. The scrolling shall be traditional Rococo, Baroque or folk designs. Lookout beams shall not extend beyond the fascia.
3. Pitched Roof Materials.
 - a. Tile, simulated tile, standing seam metal, high-profile asphalt shingles, or heavy shakes are acceptable.

b. Acceptable colors for standing seam metal are red, brown, green or gray. Galvanized metal is unacceptable. Tile or asphalt shingle colors should be red, gray, or brown earth tones.

c. Standard overlap metal, plain shingles, and profileless asphalt shingles are not acceptable.

4. Fascia shall be scrolled or multiple profile.

5. When snow guards are used or intended to be used, they shall be included in the overall design review approval.

6. If roof rafters are exposed (open soffit), the underside of the roof covering shall be one of the following materials: resawn plywood, tongue and groove boards (beveled or plain), T-111 run lengthwise, solid wood, or exterior finish sheeting.

C. Walls. Wall treatments shall consist of the following:

1. Stucco or stucco-like material;

2. Wood, usually on the upper level of the wall;

3. A combination of the above;

4. Unacceptable materials or methods are:

a. Metal siding;

b. Stucco board, or panelized preapplied stucco, except that the use of Hardipanel® may be allowed for zero lot line walls where there are no required side yard setbacks and where another building either has already been built to each side of the new building or is being built concurrently, and the walls being covered with Hardipanel® will not be generally visible;

c. Half timbering (see LMC 14.08.100(K));

d. Concrete block (cracked or plain). If concrete block is used, it shall be stuccoed;

5. Retaining walls, landscaping structures, permanent or semi-permanent (because of size and/or weight) landscape planters, landscaping planter sign bases, and similar structures may be constructed of landscaping timbers (not railroad ties), stone, irregularly shaped rock, large boulders, poured concrete, split-faced concrete block landscaping stones, or other new materials as approved by the design review board. Cultured stone that has the appearance of stone, irregularly shaped rock or large boulders is acceptable. Round river rock is not acceptable;

6. Fences or fence type walls may be constructed of decorative metal, wrought iron, wood, stone, stucco, irregularly shaped rock, poured concrete, split-faced concrete block stones, or other new materials as approved by the design review board. Cultured stone

that has the appearance of stone, irregularly shaped rock or large boulders is acceptable. Round river rock is not acceptable. Chain link fencing is not allowed in any commercial zone district, except as follows:

- a. When required by state or federal law.
- b. When deemed necessary by a public safety official for public safety purposes.
- c. When used for security purposes on property owned and/or leased by a public entity.
- d. When used as temporary construction fencing.

At its discretion, the city may require that shielding components be incorporated into the fencing, apply time limits to the installation, and/or apply other conditions as determined necessary to mitigate impacts.

D. Balconies. Balconies are optional. Where architectural balconies not intended for actual use are proposed, they shall have an apparent means of access, i.e., a door or false door, or large window. If balconies are present, they shall contain traditional design elements, such as:

1. Heavy beam supports;
2. Scrolled slats;
3. Flower boxes. This is the traditional location for them.

E. Doors and Doorways. Doors are constructed of wood or materials with a wood-like appearance; however, doors used for utility and/or service entrances can be constructed of other materials but shall be colored to blend with adjacent surfaces. Many doorways are arched. The arched doorway or entryway should be constructed of wood or stucco.

F. Windows. Window treatment options are:

1. Recessed, with or without painted decorative trim;
2. Shutters are desirable when painted trim is not applied;
3. Painted decorative trim;
4. Grid inserts in the glazing;
5. Flower boxes;
6. Windows may be arched;

7. A combination of the above is acceptable; however, one of the window treatment options in subsections (F)(1) through (5) of this section is mandatory;

8. Flush, unadorned windows are unacceptable.

G. Trim. Trim is the least of the design elements, not the focus of the design.

1. Scrolling. Decorative scroll work shall be required on fascia board and other trim. In general, scrolling follows traditional or Rococo designs. Design details for scroll work shall be included with the application.

2. Stone is used in rectangular linear forms for accents. River rock, concrete block (cracked or plain), and irregular stone slabs are unacceptable.

3. Wood shall not be used as trim over stucco.

H. Decorative Painting. Designs for murals or art work on exterior walls or around windows and doors shall be presented for design review board approval before application to the building.

1. Corner walls may be painted to simulate rectangular stone.

2. Three-dimensional painting is encouraged around windows and doors when shutters are not present. Classic as well as Rococo designs should be used.

3. Murals may be of a traditional Bavarian theme. Scenic murals are also acceptable. All murals are subject to design approval by the design review board. Murals may incorporate a sign, or may stand alone. When a sign is incorporated into the mural, then a sign permit and compliance with Chapter 14.10 LMC, Signs, are required.

I. Colors. Color selection shall incorporate the following:

1. The predominant stucco color is white or off-white. Pastels are acceptable, but only with white or off-white accents on stucco trim. Bold bright colors are unacceptable.

2. All wood trim (including beams, fascia and siding) shall be stained with transparent wood-tone stain. Very seldom is opaque stain or painted (color) trim used over wood. However, hunter green and other accent colors are sometimes used for shutters and flower boxes.

3. A paint chip or paint sample shall be submitted with the colored rendering of a design for all colors incorporated in the rendering. This requirement applies to the sign and architectural theme sections of this code. The sign portion of the mural is not exempt from this requirement, although the rest of the mural is. [Ord. 1442 § 1 (Att. A), 2013; Ord. 1374 § 1 (Exh. A), 2010; Ord. 1164 § 3, 2001; Ord. 1157 § 1, 2001.]

14.08.050 Supplemental regulations.

A. The design review board may require the following structures or items to comply to the maximum extent practical and feasible with the Old World Bavarian architectural theme when they are located in any commercial zone district:

1. Street furnishings.
2. Walkways and/or plazas.
3. Garbage enclosures.
4. Kiosks.
5. Public telephone booths.

B. Meters, utility boxes, vents, louvers, conduit covers and other similar items shall be colored to blend with adjacent surfaces.

C. Serving windows to outdoor, privately owned staging areas shall be set back a minimum of eight feet from the sidewalk or public right-of-way.

D. The terms, provisions and requirements of this chapter shall be in addition to and not in lieu of the requirements set forth in the International Building Code and other uniform codes adopted by the city or in any other ordinance, state statute or regulation governing the construction, building, zoning or other similar regulations applicable to the city.

E. The painting of a new or existing building in a color different from the color originally approved shall require approval by the design review board.

F. Buildings shall not be occupied or opened for business until the approved exterior design features of that building are finished. A temporary certificate of occupancy/exemption may be granted by the city with a surety to perform work for not more than the time period allowed by the surety to perform work; provided, that the reason for delayed completion is due to weather or other circumstances beyond the control of the owner.

G. Until all applicable fees, charges, and expenses have been paid in full, as required, no action shall be taken by the city on any application, appeal or request excepting that of design review board consultation.

H. Design review board approved architectural and sign permits shall expire in conformance with LMC 15.04.030 and associated building permits (as necessary).

I. As a condition of approval for the issuance of any design review board approved architectural and sign permit or any permit issued under this title or other associated titles contained in this code, a performance or surety bond may be required, subject to the following:

1. The city attorney shall approve all performance and surety bonds as to form and securities.

2. The director(s) of the affected department(s) shall approve all performance and surety bonds as to amount and adequacy.
3. Alternative sureties may be considered by the city upon approval by the city attorney and the affected departments of the city.
4. The value of the bond/surety shall be equal to at least 150 percent of the estimated cost of the improvement(s) to be performed for improvements completed within a one-year time frame or 200 percent for improvements completed within a two-year time frame, or to be utilized by the city to perform any necessary work, or to reimburse the city for performing any necessary work and documented administrative costs associated with action on the bond/surety. To determine this value, the applicant must submit a bid for the improvements to be performed. If costs incurred by the city exceed the amount provided by the assurance device, the property owner shall reimburse the city in full, or the city may file a lien against the subject property for the amount of any deficit. Upon written request, the city may grant a one-time extension of the bond/surety.
5. Upon completion of the required work by the property owner and approval by the city at or prior to the completion date identified in the assurance device, the city shall promptly release the device.
6. If the performance bond or surety is required, the property owner shall provide the city with an irrevocable notarized agreement, with a form provided by the city or form acceptable to the city, granting the city and its agents the right to enter the property and perform any required work remaining uncompleted at the expiration of the completion date identified in the assurance device.

J. Rain gutters, downspouts, and heat tapes shall be required for all eaves to eliminate the possibility of drainage onto sidewalks. [Ord. 1473 § 1 (Att. A), 2014; Ord. 1374 § 1 (Exh. A), 2010; Ord. 1157 § 1, 2001.]

14.08.060 Small commercial buildings.

Single-story buildings, such as roadside stands, bratwurst stands, etc., that are less than 160 square feet, follow the same low-angle Bavarian Alpine roof construction as larger buildings. They may have all wood outside wall construction. If all wood siding is used, the siding must be tongue and groove cedar, pine, or squared log construction. Usually the siding is applied horizontally. Plywood siding is unacceptable. Stucco may be used. These buildings should have extensive overhangs front and back, with more modest overhangs on the sides. Natural wood tone stains predominate in Bavaria, with little or no painting of the trim. Most of the ornate features are scrolled trim with window shutter cutouts. Roofing materials are the same as for larger buildings. The overall feeling should be rustic in nature. [Ord. 1374 § 1 (Exh. A), 2010; Ord. 1157 § 1, 2001.]

14.08.070 Mechanical equipment.

All mechanical equipment, e.g., heating and air conditioning equipment, air handling ducts, and compressors, shall be screened from view. False balconies, false chimneys, railings, and parapet walls may be utilized as long as they do not detract from the Bavarian Alpine theme. Screening plans/designs must be included in architectural elevations presented for board review and approval. [Ord. 1374 § 1 (Exh. A), 2010; Ord. 1157 § 1, 2001.]

14.08.080 Signs.

A. All signs must conform with the city sign ordinance.

B. Examples of approved signs are found in LMC 14.08.100(M).

C. General locations for signing is to be indicated on the design review application drawings, with evidence that flowers and other features will not interfere. [Ord. 1374 § 1 (Exh. A), 2010; Ord. 1157 § 1, 2001.]

14.08.090 Enforcement.

This chapter shall be enforced pursuant to Chapter 21.13 LMC. [Ord. 1374 § 1 (Exh. A), 2010; Ord. 1157 § 1, 2001.]

14.08.100 Appendix: Portfolio of Photographs of Old World Bavarian Architecture and Signs for the City of Leavenworth.

The community development director shall make color copies of the "Portfolio of Photographs of Old World Bavarian Architecture and Signs for the City of Leavenworth" available to the public to view. The "Portfolio of Photographs of Old World Bavarian Architecture and Signs for the City of Leavenworth," dated January 23, 2001, is incorporated herein by this reference and is hereby adopted as part of this chapter. A monetary deposit according to the city's adopted fee schedule shall be required to check out the portfolio of photographs. The following are included in the portfolio:

A. Typical building shapes;

B. Roofs;

C. Walls;

D. Balconies;

E. Doorways;

F. Windows;

G. Trim;

H. Decorative painting;

I. Colors;

J. Small buildings;

K. Inappropriate design elements;

L. Local Bavarian Alpine buildings;

M. Signs;

N. Regional Bavarian Alpine building styles and map. [Ord. 1374 § 1 (Exh. A), 2010; Ord. 1157 § 1, 2001.]