

CITY OF COLVILLE
ZONING ORDINANCE

November 1997

(as thereafter amended)

Title 17

ZONING*

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*Prior history: Ordinances 854 NS, 830 NS, 809 NS, 808 NS, 803 NS and 744 NS, and prior code sections 14.03.010 through 14.72.010.

ARTICLE I

INTRODUCTORY PROVISIONS

Chapter 17.04

GENERAL PROVISIONS

Sections:

- 17.04.010 Short title.
- 17.04.020 Purpose and intent.
- 17.04.030 Scope and compliance.
- 17.04.040 Interpretation.
- 17.04.050 Fees.
- 17.04.060 Definitions.

17.04.010 Short title.

The provisions of this ordinance and amendments to it shall be known and may be cited as "The Colville Zoning Ordinance, Title 17 of the Colville Code."

17.04.020 Purpose and intent.

It is the purpose and intent of this title to:

- A. Facilitate orderly growth and development of the city consistent with the goals and guidelines of the Colville Comprehensive Plan;
- B. Protect the health, safety, and general welfare of city residents;
- C. Promote sound economic development and protect property values;
- D. Promote the wise use of the area's natural resources;
- E. Establish land use districts and provide for the appropriate regulation of land use within those districts;
- F. Provide flexible regulations which encourage compatible and efficient land use;
- G. Provide a clearly defined and streamlined review process; and
- H. Provide for the administration and enforcement of these regulations.

17.04.030 Scope and compliance.

The provisions of this title shall be held to be minimum requirements, adopted for the promotion of the public health, safety, or general welfare. Wherever the requirements of this title differ from the requirements of any lawfully adopted rules, regulations, ordinances, the most restrictive or that imposing the higher standards shall govern.

17.04.040 Interpretation.

A. Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future, and the singular includes the plural; the word “shall” is always mandatory, the word “may” is permissive and denotes the use of discretion in making a decision, subject to the judgment of the Administrative Official of the ordinance. The words “used” or “occupied” include the words “intended,” “designed,” or “arranged to be used or occupied.”

B. The Administrative Official shall interpret and rule on the meaning, intent and proper general application of the provisions of this ordinance. Upon written request and as determined necessary, the Administrative Official shall issue a written interpretation within 30 days of receipt of the request. The written interpretation shall concisely identify the issue as well as the reasoning behind the interpretation.

C. The Administrative Official may permit in a zone any use not specifically described in the ordinance after a finding that such use is similar to uses permitted in the zone and that the use is in keeping with the spirit and intent of the zone in which the use is to be located.

17.04.050 Fees.

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for appeals and other matters pertaining to this title. The schedule of fees shall be posted in the office of the Administrative Official and may be altered or amended only by the City Council.

17.04.060 Definitions.

The following definitions shall be used in the implementation of this title. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used.

Accessory use or structure. A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

Administrative Official. The person designated by the City Council to administer this title or his/her designated representative.

Adult entertainment. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance, or dance involves a person who is unclothed or in such costume, attire, or clothing as to expose any portion of the female breast below the top of the areola or any portion of the human pubic region, anus, buttocks, or wearing any device or covering exposed to view what simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, or genitals, even if completely and opaquely covered. This includes any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, or simulation or relation to human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, or fondling or other erotic touching of human genitals, pubic region, or female breast.

Adult family home. The regular family abode of a person or persons who are providing personal care, room and board to more than one (1) but not more than four (4) adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six (6) adults may be permitted if the Washington State Department of Social & Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law. (RCW 70.128.010)

Alley. A passage or way open to public travel and dedicated to public use other than a public street affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation. Alleys are not considered streets under the terms of this title.

Amendment. A change in the zoning ordinance codified in this title. There are two types of zoning related amendments; those that request a reclassification of land allowing a change in the range of permitted uses on a specific piece of property and those which request a change in the text of this title. See Chapter 17.96 for amendment procedure.

Amusement enterprise. Establishments engaged in providing entertainment for a fee and including such activities as dance halls; bowling alleys; shooting galleries; roller or ice rinks; and trampoline facilities.

Assembly area. Any area used for the gathering and congregation of persons with or without the provision of seating and including any area designed for spectator activity.

Automobile repair. An establishment providing major repair and/or maintenance of motor vehicles, including mechanical repair, replacement of parts, body repair, painting, engine overhaul or other major repair or maintenance.

Bed and breakfast. A residence where sleeping, bathing and toilet accommodations and eating for one (1) or more persons are provided for hire on a daily or weekly basis, and where the living spaces of the residents are shared by the guests.

Binding site plan. A drawing to a scale of one (1) inch equals 100 feet or larger which:

1. Identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by this title;
2. Contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by elected city officials; and
3. Contains provisions ensuring that development is in conformity with the site plan.

Board. The City of Colville Zoning Board of Adjustment.

Boarding house. A dwelling unit having only one (1) kitchen within which is provided not more than five (5) guest rooms providing lodging (with or without provision of meals) for compensation. A boarding house containing guest rooms numbering six (6) or more shall be considered a hotel.

Building height. The vertical distance measured from the average elevation of the proposed finished grade around the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building (see Figure 1 in Appendix A).

Carport. A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three (3) sides.

Child day care center. A facility providing for the care of 13 or more children. No such center shall be located in a private residence unless a portion of the residence where the children have access is used exclusively for the children during the hours the center is in operation or is separate from the usual living quarters of the family.

Child mini-day care center. (1) A day care facility for the care of 12 or fewer children in a facility other than the dwelling of the person or persons under whose care and supervision the children are placed; or (2) A day care facility for the care of from seven (7) to 12 in the dwelling of the person or persons under whose care and supervision the children are placed.

Church. A building used exclusively for religious worship and schooling or other activity in connection therewith.

Closed record appeal. A hearing based on the record established at an open record hearing, where no new testimony or evidence is admitted.

Commission. The City of Colville Planning Commission.

Conditional use. An unusual and/or unique type of land use which due to its nature requires special consideration of its impact on the neighborhood and land uses in the vicinity. Therefore, a permit specifying the conditions that must be met in order to establish and operate the use on the proposed site is required. Conditional Use Permits (CUPs), which run with the land, are reviewed and approved by the Colville Zoning Board of Adjustment in accordance with Chapter 17.84.

Convalescent, nursing, or retirement and rest home. Home or place of residence, the operator of which is licensed by the state of Washington to give special care or supervision to his or her charges and in which nursing, dietary, and other personal services are furnished to convalescents, invalids, and aged persons but in which are kept no persons suffering from mental sickness or from contagious or communicable disease and in which no surgery or other primary treatments such as are customarily provided in hospitals or sanitariums are performed.

Critical areas. Includes the following areas and ecosystems: a) wetlands, b) areas with a critical recharging effect on aquifers used for potable water, c) habitat conservation areas, or d) geologically hazardous areas.

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

Dangerous waste. Those solid wastes designated in WAC 173-303-070 through 173-303-103 as dangerous or extremely hazardous waste.

Designated manufactured home. A manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes, which:

1. is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;
2. was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and
3. has exterior siding similar in appearance to siding materials commonly used on conventional site-built uniform building code single-family residences;
4. complies with all local design standards applicable to other homes within the neighborhood in which the manufactured home is to be located.

Development agreement. A legally binding agreement between a property owner and the city which establishes the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. The City shall adopt a development agreement by ordinance or resolution.

District or zone. An area accurately defined as to the boundaries and location on the official zoning map and within which area certain land use regulations as prescribed by the text of this title apply.

Dwelling, duplex. A structure designed exclusively for occupancy by two (2) families living independently of each other, doing their own cooking and containing two (2) dwelling units. Such building has a common roof or the dwelling units are joined by a common roof.

Dwelling, multifamily. A structure designed exclusively for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.

Dwelling, single family attached. A structure designed exclusively for occupancy by multiple families living independently of each other with each owning their own unit. Such building has a common roof or the dwelling units are joined by a common roof. Examples are condominiums, town house, or row houses.

Dwelling, single family. A structure designed for and occupied by one (1) family only.

Dwelling unit. One (1) or more rooms designed, occupied or intended for occupancy as living quarters, with cooking, sleeping, and bathroom facilities.

Essential public facilities. Facilities needed for the health, safety, and general welfare of the community, such as utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the area in which it is located.

Factory built housing. Housing designed for human occupancy, such as a single family dwelling, in which the structure of any room is entirely or substantially prefabricated or assembled at a place other than the building site. Factory built housing complies with all the requirements of the Uniform Building Code and does not include manufactured housing or mobile homes.

Family. A group of individuals not necessarily related by blood, marriage or legal custody living together in a dwelling unit, as a single housekeeping unit under a common management plan based on an intentionally structured relationship providing organization and stability.

Farming. The cultivation of land for the production of crops, and only including the raising of livestock when in compliance with Section 17.64.180.

Fence. A masonry wall or a barrier composed of posts connected by boards, rails, panels, or wire for the purpose of enclosing space or separating parcels of land.

Fence height. The vertical distance measured from the finished grade (ground) level to the highest board, rail, post, or wire, including any retaining wall.

Flag Lot. A lot not fronting on or abutting a public road but with access to the public road by a narrow, private right-of-way or driveway (see Figure 2 in Appendix A).

Floating zone or district. A zoning district established and regulated by this title but which is unmapped. The zoning district and its associated regulations are “anchored” to the land only after a rezone reclassification is approved for a particular piece of property.

Floor area ratio (FAR). The gross floor area of all buildings or structures on a lot divided by the total lot area.

Frontage wall. The front side of a building which extends in a direction parallel to the public right-of-way.

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

Habitat conservation area. Includes a) areas with which species designated as endangered, threatened, and sensitive under Section 7 of the Endangered Species Act have primary association; b) habitats and species of local importance; c) naturally occurring ponds under 20 acres and their submerged aquatic beds that provide wildlife habitat; d) waters of the state; and e) state natural area preserves and natural resource conservation areas.

Hardship. Physical characteristics of a property that are peculiar to the land, such as topography, soils, and dimensions, and that interfere with the application of the development standards for the district in which the property is located.

Hazardous waste. All dangerous and extremely hazardous waste.

Hazardous waste generator. Any person or site whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulations under the Dangerous Waste Regulations, WAC Chapter 173-303.

Hazardous waste, on-site. A hazardous waste treatment and storage facility which treats and stores wastes generated on the same lot.

Hazardous waste, off-site. A hazardous waste treatment and storage facility that treats and stores waste from generators on properties other than those on which the facility is located.

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

Hazardous waste, treatment. The physical, chemical, or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in value.

Home occupation. A business that is operated entirely within a dwelling unit or accessory structure, the activity of which is clearly incidental to the use of the residence as a dwelling.

Hospital. A building designed and used for the medical and surgical diagnosis, treatment, and housing of persons under the care of doctors and nurses. Convalescent, nursing, and retirement homes are not included in this definition.

Hospital, veterinary and animal. A building or premises for the medical or surgical treatment for animals or pets, including boarding of hospitalized animals but excluding any exterior kennels, cages, or runs.

Hotel. A building or portion of a building providing six (6) or more guest rooms without cooking facilities for the lodging of transient persons, with or without provision of meals, in return for compensation.

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

Kennel. Any land or building in which four (4) or more dogs or cats at least four (4) months of age are kept commercially for board, propagation, or sale.

Landscape area. A planted area that includes trees, lawns, and plants, other than weeds. Landscape areas can include natural materials, such as rocks, and pedestrian and vehicular access points.

Loading space, off-street. An off-street parking space or berth used for the loading and unloading of products or materials from vehicles. Required off-street loading spaces are not to be included as off-street parking for purposes of meeting the parking standards in this title.

Lot. A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Lot coverage. The percentage of the total lot area covered by structures, including all projections except eaves. Accessory buildings shall be counted in the computation of lot coverage.

Lot frontage. The portion of a lot nearest the street. On corner lots and through lots, all sides of a lot adjacent to streets shall be considered "front yards" (see Figure 1 in Appendix A).

Lot measurements. "Lot measurements" means as follows:

A. "Depth means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

B. “Width” means the dimension of the lot line at the street right-of-way line; or, in an irregularly shaped lot, the dimension across the lot at the building setback line; or, in a corner lot, the narrow dimension of the lot at a street or building setback line.

Lot of record. A legally created lot which is part of a subdivision recorded in the office of the Stevens County auditor, or a lot or parcel described by metes and bounds, the description of which has been so recorded, or by GLO subdivision method.

Lot types. The diagram (see Figure 2 in Appendix A) which follows illustrates terminology used in this title with reference to “corner lots,” “interior lots,” and “through lots”:

A. In the diagram, A equals “corner lot,” defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked A(1) in the diagram.

B. B equals “interior lot,” defined as a lot other than a corner lot with only one (1) frontage on a street.

C. C equals “through lot,” defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots may be referred to as double frontage lots.

D. D equals “flag lot,” defined as a lot not fronting on or abutting a public road but with access to the public road by a narrow, private right-of-way or driveway.

Manufactured home. A single family dwelling built according to the Department of Housing & Urban Development Manufactured Home Construction and Safety Standards Act, which is also a national, preemptive building code. A manufactured home:

1. includes plumbing, heating, air conditioning, and electrical systems;
2. is built on a permanent chassis; and
3. can be transported in one (1) or more sections with each section at least 8 feet wide and 40 feet long when transported; or when installed on the site is 320 square feet or greater (see RCW 46.04.302). References to manufactured homes include mobile homes.

Manufactured home park. A tract of land under single ownership or control upon which two (2) or more manufactured homes occupied as dwellings may be located.

Manufactured home space. A plot of ground within a mobile home park designated to accommodate one (1) manufactured home.

Marquee. A permanent roofed structure attached to and supported by the building and projecting over public property. A marquee shall include any object or decoration attached to or a part of the marquee.

Medical clinic. A building or group of buildings designed for the use of physicians, dentists, and others engaged in the practice of the healing arts and licensed by the state of Washington.

Miniwarehouse. A fully enclosed building or group of buildings that contains varying sizes of individual, compartmentalized, controlled-access stalls or lockers for the storage of customer's goods and wares.

Mitigation. Compensating for impacts to a critical area, particularly wetlands, such that no overall net loss in either size or function occurs.

Mobile home. A factory built dwelling fabricated prior to June 15, 1976, to standards other than the Housing & Urban Development (HUD) Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufacture Home Construction and Safety Standards Act.

Motel. A building or group of buildings containing six (6) or more individual sleeping units or guest rooms without cooking facilities, where lodging with or without provision of meals is provided for compensation. Motels are designed to temporarily accommodate the automobile tourist or transient with parking facilities conveniently located near each unit.

Net development area. The total lot area minus the land area set aside for dedicated public streets, utility easements, schools, and public parks.

New manufactured home. Any manufactured home required to be titled under Title 46 RCW which has not been previously titled to a retail purchaser, and is not a "used mobile home" as defined in RCW 82.45.032(2).

Open record hearing. A hearing that creates the record through testimony and submission of evidence and information.

Outdoor storage. The keeping of material, merchandise, goods, or vehicles outside of a building or in a screened area in the same place for more than 24 hours.

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

People with functional disabilities. (1) A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of: (a) needing care, supervision or monitoring to perform activities or instrumental activities of daily living, or (b) needing support to ameliorate or compensate for the effects of the functional disability to lead as independent a life as possible, or (c) having a physical or mental impairment which substantially limits one or more of the person's major life activities; (d) having a record of having such an impairment, or (2) being regarded as having such an impairment. Functional disabilities does not include current, illegal use of or active addiction to, a controlled substance.

Person. Includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Pet, household. Domesticated animals such as dogs, cats, hamsters, non-venomous snakes, birds and rabbits. Animals such as mink, fowl, poultry, and large and small hoofed animals are excluded. Household pets do not include animals raised for consumption.

Pet Store. A retail establishment in which domestic animals and animal merchandise are kept for the purpose of sale to the public. Animal merchandise includes food, toys, and grooming supplies. A pet store does not provide boarding services.

Pound. A place provided and operated by city employees or by an independent agency under the authority of the city acting alone or in contract with other municipalities for the restraint and care of animals.

Recreational vehicle (RV). A vehicle or portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use. Recreational vehicles shall include, but are not limited to, campers, motor homes and travel trailers.

Recreational vehicle (RV) park. A tract of land under single ownership or control upon which two (2) or more RV's occupied on a temporary basis may be located.

Residential care facility. A facility, licensed by the State, that cares for at least five (5) but not more than 15 people with functional disabilities, that has not been licensed as an adult family home pursuant to RCW 70.128.175.

Run with the land. A covenant, permit, or restriction to the use of land that is binding on the present and all future owners of the property.

School, specialty. Any public or privately operated school having specialty training and not offering a general curriculum.

Screening. A method of visually shielding or obscuring an abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Service station. A retail business establishment supplying gasoline, oil, accessories, and minor service for automobiles.

Sign, abandoned. Any sign that no longer correctly identifies or advertises any person, business lessee or owner, product, or actions conducted or available on the premises.

Sign, above-marquee. A sign extending above the ceiling or roof of a canopy or marquee.

Sign, combination. A sign incorporating any combination of features of a pole, projecting, and roof signs.

Sign, commercial. Any commercial communication device, structure, or fixture which is visible from any public right-of-way intended to aid the business establishment in question in promoting the sale of a project, goods or services using graphics, symbols or written copy.

Sign, electrical. Any sign containing electrical wiring but not including signs illuminated by an exterior light source.

Sign, ground. A self-supporting sign placed on the ground that is independent of any other structure.

Sign, incidental. A small, nonelectric sign four (4) square feet or less in area, intended primarily for the convenience of the public and of a temporary nature pertaining to goods, products and services.

Sign, low intensity illumination. An output which does not exceed the equivalent of: a) 425 milliamperes fluorescent tubing behind plex face spaced on seven (7) inch centers; or b) exposed neon of 30 milliamperes.

Sign, off-premises. A sign that advertises goods, products, services or facilities at another location or directs persons to a different location from where the sign is installed.

Sign, pole. A free standing sign supported wholly by a pole or poles in the ground which are not a part of a building.

Sign, projecting. A sign, other than a wall sign, which is attached to and projects in any direction more than 12 inches from a structure or building face.

Sign, readerboard. A sign which is specifically designed for the use of replaceable or changeable copy. This definition includes only those signs which use interchangeable letters to vary the sign message.

Sign, real estate. A portable sign erected by the owner or owner's agent advertising the real estate upon which the sign is located for rent, lease or sale, or direction to said property.

Sign, roof. A sign erected upon or above a roof or parapet wall of a building or structure.

Sign, sidewalk. Portable sign, typically in the shape of an inverted V, with two signboards attached to each other at the top of the sign (also known as "sandwich board" or "A-frame" signs) or an inverted "T" shaped sign. Each board shall be considered a separate face for purposes of determining allowable area of sign. "Sign" in this section shall refer to sidewalk sign or other type of portable sign located within or on the public way.

Sign, special event. A temporary sign used to promote a community fair, festival, or event.

Sign, surface area. The total area of a sign visible from any one viewpoint or direction, excluding the sign support structure, architectural embellishments, or framework which contains no written copy. Individual letter sign using a wall as the background without added decoration or change in wall color shall be calculated by measuring the perimeter enclosing each letter. The combined total area of all individual letters shall be

considered the total area of the sign. Module signs consisting of more than one (1) sign cabinet shall be computed by adding together the total area of each module. Perimeter or sign area shall be established by the smallest rectangle enclosing the extreme limits of the letter, module or advertising message being measured.

Sign, Temporary. Any sign, banner, pendant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, or signs that are not permanently attached to a structure that are designed to be portable, and are intended to be displayed for a limited period of time only.

Sign, under-marquee. A sign suspended below the ceiling or roof of a canopy or marquee.

Sign, wall. A sign attached parallel to and not extending more than 12 inches from the facade or face of any building to which it is attached and supported throughout its entire length, width, and height, with the exposed face of the sign parallel to the plane of the wall or facade.

Solar collector. Any device or area that uses the sun's energy to heat domestic water or to heat, cool, or light a living space. This definition includes not only familiar space and domestic water heating system collectors but also collectors for space cooling and the passive design techniques of south facing windows and greenhouses.

State siting criteria. Criteria for the siting of hazardous waste treatment and storage facilities contained in WAC 173.303.285.

Story. The portion of a building included between the upper surface of any floor and the upper surface of the floor next above (see Figure 3 in Appendix A). If a finished floor level directly above an under-floor space is more than six (6) feet above grade for more than 50 percent of the perimeter or is more than 12 feet above grade at any point, the under-floor space shall be considered a story.

Story, First. The lowest story in a building which qualifies as a story, except that a floor level in a building having only one level shall be classified as a first story if such floor level is not more than four (4) feet below grade for more than 50 percent of the total perimeter, or more than eight (8) feet below grade at any point (see Figure 4 in Appendix A).

Street. A public right-of-way or recorded private easement, not including alleys, which affords primary means of access to abutting properties.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, and mobile or manufactured homes.

Subdivision. The division or redivision of land into five (5) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

Subdivision, short. The division or redivision of land into four (4) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership.

Supported living arrangement. A living unit owned or rented by one (1) or more persons with functional disabilities who receive assistance with activities or daily living, instrumental activities of daily living, and/or medical care from an individual or agency licensed and/or reimbursed by a public agency to provide such assistance.

Temporary juvenile detention center. A facility operated for the purpose of short term, temporary detention of juveniles awaiting arraignment or transfer to another facility.

Temporary Use. A use established for limited duration, not to exceed six (6) months, with the intent to discontinue the use upon the expiration of the time period established in the permit. Temporary uses include the use of an RV as a dwelling under certain circumstances and other uses as determined by the Administrator.

Theater, drive-in. An outdoor facility designed to show motion pictures or theatrical productions to patrons seated in automobiles.

Utilities, public. An agency providing a public service which is paid for by the recipient and subject to government regulations. The services include, but are not limited to, electrical substations, pumping lift stations or similar regulatory appurtenances for the collection, transmission or distribution of electricity, natural gas, water, wastewater, storm water, communication or other similar service.

Variance. A departure from the terms of the zoning ordinance for standards such as height, area, size of structure, size of yards, or open spaces. Variances are reviewed by the Colville Zoning Board of Adjustment in accordance with Chapter 17.88.

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

Yard—Front, rear and side. Figure 5 in Appendix A illustrates the terminology used in this title with reference to front, rear, and side yards:

A. “Yard” means an open space which lies between the property line and the building setback lines, the inside boundary of which shall be considered parallel to the nearest property line.

B. “Front yard” means a yard extending between side lot lines across the front of a lot adjacent to a street.

C. “Rear yard” means a yard extending across the rear of the lot between the side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

D. “Side yard” means a yard extending from the rear line of the required front yard to the rear lot line.

Youth oriented businesses. A business utilizing a permanent building or facility where children under the age of 18 are invited onto the business premises in conjunction with such business activity and at least 50 percent of the business revenues is generated from their patronage.

ARTICLE II

ZONING DISTRICTS

Chapter 17.08

ESTABLISHMENT & INTERPRETATION OF DISTRICTS--PROVISION FOR OFFICIAL ZONING MAP

Sections:

- 17.08.010 Text and official zoning map.
- 17.08.020 Replacement of official zoning map.
- 17.08.030 District boundaries.
- 17.08.040 Extension of regulations.

17.08.010 Text and official zoning map.

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

- Single Family Suburban (R-1-S)
- Single Family Residential (R-1)
- Multifamily Residential (R-2)
- General Residential (R-3)
- Central Business (C-2)
- General Commercial (C-3)
- Light Industrial (LI)
- Industrial (I)
- Open Space and Conservation (OS)
- Critical Resource Areas Overlay (CRA)
- Floodplain Management Overlay (FM)
- Airport Landing Overlay (AL)
- Airport Facilities (AF)
- Pedestrian Core Overlay (PC)

B. If, in accordance with the provisions of this title and RCW Chapter 35.63, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the City Council, with an entry on the official zoning map stating the date of the official action of the City Council and the changes.

C. No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures in this title. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this title and punishable as provided under Chapter 17.124.

D. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map located in the Colville Office of Building and Planning shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

17.08.020 Replacement of official zoning map.

A. In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment. The new official zoning map shall be identified by the signature of the mayor attested by the city clerk, and bearing the seal of the city under words that certify that the map supersedes and replaces the Official Zoning Map.

B. Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

17.08.030 District boundaries.

- A. The district boundary lines are indicated on the adopted zoning map.
1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 3. Boundaries indicated as approximately following city limits shall be construed as following such city limits.
 4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
 6. Boundaries indicated as parallel to or extensions of features indicated in Sections 1 through 5 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale on the map.
 7. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by this chapter, the Zoning Board of Adjustment shall interpret the district boundaries.

17.08.040 Extension of regulations.

Where a district boundary line divides a lot which was in single ownership at the time of passage of the ordinance codified in this title, the Zoning Board of Adjustment may permit, as a conditional use, the extension of the regulations for either portion of the lot not to exceed fifty feet beyond the district line into the remaining portion of the lot.

Chapter 17.12

APPLICATION OF DISTRICT REGULATIONS

Sections:

- 17.12.010 General provisions.
- 17.12.020 Conformity to regulations required.
- 17.12.030 Noncomplying erection or alteration prohibited.
- 17.12.040 Limitations on yard use for purposes of compliance.
- 17.12.050 Yard or lot dimensions.
- 17.12.060 Zoning upon annexation.
- 17.12.070 Uses.

17.12.010 General provisions.

- A. The regulations in each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, unless indicated otherwise.
- B. In figuring the units permitted, decimals shall be rounded off to the next whole number: 0.1 to 0.4 shall be rounded down; 0.5 to 0.9 shall be rounded up.
- C. Where the official city street and highway map shows a future width greater than the dedicated width, setbacks shall be measured from the proposed future street width line.

17.12.020 Conformity to regulations required.

No building, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations specified for the district in which it is located.

17.12.030 Noncomplying erection or alteration prohibited.

No building or other structure shall be erected or altered:

- A. To exceed the height;
- B. To accommodate or house a greater number of families;
- C. To occupy a greater percentage of lot area;
- D. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than required; or in any manner contrary to the provisions of this title.

17.12.040 Limitations on yard use for purposes of compliance.

No part of a yard, or other open space required in connection with any building for the purpose of complying with this title, shall be included as part of a yard or open space similarly required for any other building.

17.12.050 Yard or lot dimensions.

No yard or lot existing at the time of passage of the ordinance codified in this title shall be reduced in dimension or area below the minimum requirements in this title. Yards or lots created after the effective date of this title shall meet at least the minimum requirements established by this title.

17.12.060 Zoning upon annexation.

All territory which is annexed to the city shall be designated on the zoning map as provided for in the Comprehensive Plan. Requests to alter the zoning on property shall follow the procedure in Chapter 17.96.

17.12.070 Uses.

A. Table 17.12.070 indicates permitted and conditionally permitted uses in the various base districts. Permitted uses are allowed as a matter of right. Because of considerations of traffic, noise, lighting, hazards, health and environmental issues, certain uses may be permitted subject to a Conditional Use Permit. For purposes of this section the following apply:

1. "P" indicates a permitted use
2. "C" indicates a use that requires a Conditional Use Permit

B. Uses allowed in the overlay districts are addressed in the applicable chapters.

Table 17.12.070: Permitted and Conditionally Permitted Uses in Base Zone Districts

Use	Zoning District									
	R-1-S	R-1	R-2	R-3	C-2	C-3	L-I	I	OS	AF
Hazardous waste treatment & storage facilities, off-site (18)								P		
Hazardous waste treatment & storage, on-site (19)					P	P	P	P		
Health studio					P	P				
Hobby shop					P	P				
Hospitals	C	C	C	C						
Hotel & motel					P	P				
Incidental uses, including one private garage/unit & household pets	P	P	P	P	P	P	P		P	
Industrial equipment & supplies, retail sales							P	P		
Institutions of higher education or training	C	C	C	C	C	P				
Interior decorator studio					P	P				
Jewelry store					P	P				
Keeping of livestock	P (34)									
Landscape nursery	C				C	P	P			
Laundry & dry cleaning, dyeing or rug cleaning plant					C	P				
Leather goods store					P	P				
Libraries, museums, art galleries, cultural institutions			C	C	P	P				
Light industrial use, such as manufacture & assembly of products or materials not expressly prohibited in (20)							P			
Light manufacturing						C (21)	P			
Lumber yard, retail or wholesale						C	P	P		
Manufacture of cement, lime & plaster of paris								P		
Manufacture, compounding, processing, refining treatment & assembly (22)								P		
Marine craft, equipment & supply sales & repair & service of small craft					C		P			
Medical & dental clinics		C	C	C	P	P				
Miniwarehouse rental storage facilities					C (23)	P (23)	P			
Mobile/Manufactured Home or RV sales & service						P	P			
Motor vehicles, heavy equipment, boats, retail sales							P	P		
Music store					P	P				
Natural conservancy areas left in natural state									P	
Nursing, retirement, rest & convalescent homes	C	C	C	C	C	C				
Office supplies & equipment store					P	P				
Offices, administrative and executive					P	P	P (7)			
Offices, professional and general			P (25)	P (25)	P (26)	P (26)	P (26)			

*P = permitted C = conditional
Uses may be affected if property is also in an overlay district (see applicable overlay section)*

Table 17.12.070: Permitted and Conditionally Permitted Uses in Base Zone Districts

Use	Zoning District									
	R-1-S	R-1	R-2	R-3	C-2	C-3	L-I	I	OS	AF
Travel agencies					P	P				
Upholstery shop					C	P	P			
Utility or communication facility, including telecommunications	C	C	C	C	C (27)	P (27)	P			
Variety stores					P	P				
Wholesale warehouse or storage establishments					C (32)	P (32)	P	P		

Key

R-1-S	Single Family Suburban District	C-3	General Commercial District
R-1	Single Family Residential District	L-I	Light Industrial District
R-2	Multifamily Residential District	I	Industrial District
R-3	General Residential District	OS	Open Space and Conservation District
C-2	Central Business District	AF	Airport Facilities District

Notes:

- (1) provided they meet the standards of Chapter 17.24 (Note: Excludes duplexes in the C-3 District within the Airport Overlay District – Ordinance #1398 NS)
- (2) shall be multisectioned by original design, with a width of 20 feet or greater as measured along its entire body length
- (3) to be occupied by an employee or owner acting as caretaker of a permitted use
- (4) used exclusively for security personnel employed by permitted use
- (5) provided they meet the standards of Chapter 17.68
- (6) second story and above only
- (7) does not exceed 25% of the gross floor area of permitted use
- (8) includes bowling alley, roller or ice rink, dance hall, shooting gallery, and trampoline
- (9) not closer than 200 feet from an R district, housed in a completely enclosed building
- (10) provided 100 feet from any property line
- (11) provided any livestock are retained within a secure building or fence
- (12) does not include fairgrounds
- (13) retail only
- (14) confectionery stores with or without fountains
- (15) where storage of materials and equipment is not a primary function
- (16) where storage of materials and equipment is a primary function
- (17) with greater than 5,000 sq. ft.
- (18) subject to state siting criteria in WAC 173-303-285
- (19) subject to state siting criteria in WAC 173-303-285 and incidental to a permitted use

P = permitted

C = conditional

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

Table 17.12.070: Permitted and Conditionally Permitted Uses in Base Zone Districts

- (20) no commercial or manufacture of the following: acetylene; distillation of alcohol; asphalt and tar; kiln fired brick, tile, terra cotta, fats, oils and soap; fertilizer, garbage, offal, bones and the reduction of dead animals; smelting of metal; lampblack, stove and shoe polish; oilcloth and linoleum; paint, shellac, turpentine, lacquer and varnish; paper and pulp; petroleum processing; explosive or highly flammable material; tannery and curing of raw hides; acid, ammonia, bleach, chlorine, dye stuff, glue, gelatin and size
- (21) provided no increase in noise level, air or visual pollution and that the use complies with 17.64.160
- (22) the following materials and operations are prohibited: explosives, distillation of bones, rendering of fat and disposal of dead animals; glue, ammonia, chlorine and bleaching powder; petroleum or gas refining
- (23) dead storage (i.e. objects and merchandise) only; flammable or hazardous chemicals or explosives are prohibited. No business shall be conducted in or from a miniwarehouse.
- (24) excluding those whose principal activity includes a service customarily carried on as a business, such as serving meals and/or alcoholic beverages
- (25) excluding wholesale and retail stores, shops, and markets
- (26) includes: accountants, attorneys, medical, engineers, architects, insurance, real estate, lumber, savings & loan, stocks and other similar office uses
- (27) includes related warehouse facilities or storage establishments
- (28) occupancy shall not exceed four (4) weeks and RV parks are prohibited in publicly owned park sites
- (29) including sidewalk cafes
- (30) drive-in requires CUP
- (31) drive-in is permitted use
- (32) only when occupying a completely enclosed building
- (33) per standards of Section 17.64.160B
- (34) per standards in Section 17.64.180
- (35) CUP required if adjacent to R district
- (36) only beyond the Pedestrian Core Overlay District; subject to a maximum 10 ft. front and/or side green space. Porches may extend into green space
- (37) subject to CUP and Pedestrian Core Overlay District
- (38) Airport facilities including runways, hangars, service facilities such as for aviation fuel, passenger terminal buildings, and all other uses common or incidental to airport use; aircraft sales, repair, rebuild, maintenance service and storage; fixed base operations providing aviation and aircraft services; medical uses such as first aid and/or medical stabilization necessary prior to air evacuation; facilities necessary for the staging of helicopter and fixed-wing air ambulance aircraft including those necessary for ambulances and other emergency vehicles; public structures and uses essential to the welfare of the city (fire stations, pump stations and water storage)
- (39) schools related to aircraft and flight operations
- (40) provided they locate no closer than 1,000 from schools, parks, churches, museums and youth oriented businesses
- (41) shall meet the definition of “Designated manufactured home” and “New manufactured home” as contained in Chapter 17.04.060. The manufactured home shall comply with all local design standards applicable to other homes within the neighborhood in which the manufactured home is to be located.

Chapter 17.16

SINGLE FAMILY SUBURBAN DISTRICT (R-1-S)

Sections:

- 17.16.010 Purpose and intent.
- 17.16.020 Uses.
- 17.16.030 Development standards.
- 17.16.040 Other applicable regulations.

17.16.010 Purpose and intent.

The purpose of the single family suburban district is to provide for the orderly transition of sparsely settled or rural areas into urban single family use with an average density of 4.5 units per acre. It is further the purpose of this district to permit the keeping of some livestock and agricultural uses, subject to such conditions as to insure compatibility with adjacent land uses.

17.16.020 Uses.

Examples of uses in the R-1-S district are provided in Table 17.12.070.

17.16.030 Development standards.

- A. Minimum Lot Size and Dimensions:
 - 1. Single family dwelling:
 - (a) Minimum lot area--9,650 square feet;
 - (b) Minimum lot width--70 feet.
 - 2. Duplexes:
 - (a) Minimum lot area--14,400 square feet;
 - (b) Minimum lot width--100 feet.
- B. Yard Requirements
 - 1. Front yard: 20 feet
 - 2. Rear yard: 15 feet
 - 3. Side yard: 5 feet, except 10 feet on a street side of a corner lot
- C. Maximum Lot Coverage: 35%
- D. Building Height: 3 stories or 42 feet, whichever is less

17.16.040 Other applicable regulations.

In addition to the requirements contained in this section the requirements contained in Article III, Supplementary Standards shall also apply to development in the R-1-S District.

Chapter 17.20

SINGLE FAMILY RESIDENTIAL DISTRICT (R-1)

Sections:

- 17.20.010 Purpose and intent.
- 17.20.020 Uses.
- 17.20.030 Development standards.
- 17.20.040 Other applicable regulations.

17.20.010 Purpose and intent.

The purpose of the single family residential district is to provide for the enhancement and protection of those areas which serve low-density residential needs. The average density in the district is 4.5 units per acre. The R-1 districts should be located in areas where adequate water, sewer, and street facilities are available and should be protected from the encroachment of incompatible land uses.

17.20.020 Uses.

Examples of uses in the R-1 district are provided in Table 17.12.070.

17.20.030 Development Standards.

All development in the R-1 district shall comply with the following standards:

- A. Minimum Lot Size and Dimensions:
 - 1. Single family dwelling:
 - (a) Minimum lot area--7,200 square feet;
 - (b) Minimum lot width--60 feet.
 - 2. Duplexes:
 - (a) Minimum lot area--10,800 square feet;
 - (b) Minimum lot width--60 feet.
- B. Yard Requirements
 - 1. Front yard: 20 feet
 - 2. Rear yard: 15 feet
 - 3. Side yard: 5 feet, except 10 ft. on a street side of a corner lot
- C. Maximum Lot Coverage: 35%
- D. Building Height: 3 stories or 42 feet, whichever is less

17.20.040 Other applicable regulations.

In addition to the requirements contained in this section the requirements contained in Article III, Supplementary Standards shall also apply to development in the R-1 District.

Chapter 17.24

MULTIFAMILY RESIDENTIAL DISTRICT (R-2)

Sections:

- 17.24.010 Purpose and intent.
- 17.24.020 Uses.
- 17.24.030 Development standards.
- 17.24.040 Other applicable regulations.

17.24.010 Purpose and intent.

The purpose of the multi-family residential district is to provide higher density housing for residents who want smaller units with limited private open space to maintain. Multi-family areas should be located to serve as a transitional buffer zone between commercial areas and low density residential areas. The average density of the multifamily residential district is 22 units per acre. This zone should be located on or convenient to arterial or collector streets and where the property can be adequately served by water, sewer, and fire protection services.

17.24.020 Uses.

Examples of uses in the R-2 district are provided in Table 17.12.070.

17.24.030 Development standards.

All development in the R-2 district shall comply with the following standards:

- A. Minimum Lot Size: 6,000 square feet
- B. Residential Density Provisions: For greater than five (5) units, the minimum lot area requirements shall be increased by 1,300 square feet for each additional unit.
- C. Minimum Lot Width: 60 feet
- D. Yard Requirements
 - 1. Front yard: 20 feet
 - 2. Rear yard: 15 feet
 - 3. Side yard: 5 feet, except 10 feet on the street side of a corner lot
- E. Maximum Lot Coverage: 50%
- F. Building Height: 3 stories or 42 feet, whichever is less

17.24.040 Other applicable regulations.

In addition to the requirements contained in this section the requirements contained in Article III, Supplementary Standards shall also apply to development in the R-2 District.

Chapter 17.28

GENERAL RESIDENTIAL DISTRICT (R-3)

Sections:

- 17.28.010 Purpose and intent.
- 17.28.020 Uses.
- 17.28.030 Development standards.
- 17.28.040 Other applicable regulations.

17.28.010 Purpose and intent.

The purpose of the general residential district is to provide for a variety of available housing choices and to provide an area for the location of manufactured homes. The average density of the general residential district is 22 units per acre.

17.28.020 Uses.

Examples of uses in the R-3 district are provided in Table 17.12.070.

17.28.030 Development standards.

All development in the R-3 district shall comply with the following standards:

- A. Minimum Lot Size: 6,000 square feet
- B. Residential Density Provisions: For greater than five (5) units, the minimum lot area requirements shall be increased by 1,300 square feet for each additional unit.
- C. Minimum Lot Width: 60 feet
- D. Yard Requirements
 - 1. Front yard: 20 feet
 - 2. Rear yard: 15 feet
 - 3. Side yard: 5 feet, except 10 feet on the street side of a corner lot
- E. Maximum Lot Coverage: 50%
- F. Building Height: 3 stories or 42 feet, whichever is less

17.28.040 Other applicable regulations.

In addition to the requirements contained in this section the requirements contained in Article III, Supplementary Standards shall also apply to development in the R-3 District.

Chapter 17.32

CENTRAL BUSINESS DISTRICT (C-2)

Sections:

- 17.32.010 Purpose and intent.
- 17.32.020 Uses.
- 17.32.030 Development standards.
- 17.32.040 Other development standards.
- 17.32.050 Other applicable regulations.

17.32.010 Purpose and intent.

The purpose of the central business district is to serve the majority of commercial, retail businesses, and professional uses forming the central activity center of the city. The intent is to preserve and enhance areas in which pedestrian oriented retail sales and businesses will locate and to encourage consolidated peripheral parking to serve the district.

17.32.020 Uses.

Examples of uses in the C-2 district are provided in Table 17.12.070.

17.32.030 Development standards.

All development in the C-2 district shall comply with the following standards:

- A. Minimum Lot Size: No limitation
- B. Minimum Lot Width: No limitation
- C. Yard Requirements
 - 1. Front yard: 0 feet
 - 2. Rear yard: 0 feet
 - 3. Side yard: 0 feet
- D. Maximum Lot Coverage: 100%
- E. Building Height: No limitation

17.32.040 Other development standards.

A. All business, service, repair, storage, or merchandise display in a C-2 district shall be conducted wholly within an enclosed building, or fully screened area, except for the following:

- 1. Off-street parking and loading;
- 2. Food and drink service in connection with cafe, restaurant, or other eating establishment.
- B. A cart shall be permitted on the sidewalk in connection with a sidewalk cafe provided the cart does not create a health and safety problem for pedestrians or adjacent uses.
- C. Ground floor street frontage of each structure shall be pedestrian-oriented and designed to accommodate pedestrian-oriented uses to a minimum depth of 50 feet from the front of the structure.
- D. All buildings shall provide ground floor windows along street facades. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited on the ground floor along street facades.

E. Roof shall drain in such a way that water will not flow onto sidewalks, adjacent properties or into a sanitary sewer. Paved areas exceeding 1,500 square feet in area shall be provided with approved drainage disposal systems on the property except in areas where adequate storm drainage systems are available.

17.32.050 Other applicable regulations.

In addition to the requirements contained in this section the requirements contained in Article III, Supplementary Standards shall also apply to development in the C-2 District.

Chapter 17.36

C-3 GENERAL COMMERCIAL DISTRICT

Sections:

- 17.36.010 Purpose and intent.
- 17.36.020 Uses.
- 17.36.030 Development standards.
- 17.36.040 Other applicable standards.

17.36.010 Purpose and intent.

The purpose of the General Commercial District is to serve those commercial and business uses which, because of large space requirements, truck traffic generated, or similar characteristics, should not be located in the central business district of the city. In addition, the purpose of this district is to establish and preserve commercial areas having a variety of uses which are accessible primarily by automobile.

17.36.020 Uses.

Examples of uses in the C-3 district are provided in Table 17.12.070.

17.36.030 Development Standards.

All development in the C-3 district shall comply with the following standards:

- A. Minimum Lot Size: No limitation
- B. Minimum Lot Width: No limitation
- C. Yard Requirements
 - 1. Front yard: 0 feet
 - 2. Rear yard: 0 feet; except 10 feet if adjacent to an existing residential use
 - 3. Side yard: 0 feet; except 5 feet if adjacent to an existing residential use
- D. Maximum Lot Coverage: 100%
- E. Building Height: No limitation
- F. Roofs shall drain in such a manner that water will not flow onto sidewalks, adjacent properties or into a sanitary sewer. Paved areas exceeding 1,500 square feet in area shall be provided with approved drainage disposal systems on the property except in areas where adequate storm drainage systems are available.
- G. Automobile, manufactured home, or recreational vehicle (RV) sales lots shall be drained and surfaced with crushed rock or asphalt paving except in those portions of the lot maintained as landscape areas.

17.36.040 Other applicable regulations.

In addition to the requirements contained in this section the requirements contained in Article III, Supplementary Standards shall also apply to development in the C-3 District.

Chapter 17.40

LIGHT INDUSTRIAL DISTRICT (LI)

Sections:

- 17.40.010 Purpose and intent.
- 17.40.020 Uses.
- 17.40.030 Development standards.
- 17.40.040 Other applicable regulations.

17.40.010 Purpose and intent.

The purpose of the light industrial district is to provide areas for light industrial uses and manage the development of these uses to minimize or eliminate nuisance factors and hazards, such as excessive smoke, dirt, glare, odors, vibration, heat, noise, increased surface water runoff, and radiation, to surrounding areas.

17.40.020 Uses.

Examples of uses in the LI district are provided in Table 17.12.070.

17.40.030 Development standards.

All development in the LI district shall comply with the following standards:

- A. Minimum lot area: No limitation
- B. Minimum lot width: No limitation
- C. Yard Requirements
 - 1. Front yard: 0 feet
 - 2. Rear yard: 0 feet; except 20 feet where abutting an R district
 - 3. Side yard: 5 feet
- D. Maximum Lot Coverage: 100%
- E. Building Height: No limitation

17.40.040 Other applicable regulations.

In addition to the requirements contained in this section the requirements contained in Article III, Supplementary Standards shall also apply to development in the LI District.

Chapter 17.44
INDUSTRIAL DISTRICT (I)

Sections:

- 17.44.010 Purpose and intent.
- 17.44.020 Uses.
- 17.44.030 Development standards.
- 17.44.040 Other applicable regulations.

17.44.010 Purpose and intent.

The purpose of the industrial district is to preserve land for industries which may create a greater degree of hazard or more annoyance than would be permitted in any other use district. Uses such as residential and some retail businesses are not permitted in this zone in order to encourage heavy industry to locate in areas where their operation will be neither injurious to nor hindered by these uses.

17.44.020 Uses.

Examples of uses in the I district are provided in Table 17.12.070.

17.44.030 Development standards.

All development in the I district shall comply with the following standards:

- A. Minimum lot area: No limitation
- B. Minimum lot width: No limitation
- C. Yard Requirements
 - 1. Front yard: 0 feet; except 50 feet where abutting an R district
 - 2. Rear yard: 0 feet; except 50 feet where abutting an R district
 - 3. Side yard: 0 feet; except 50 feet where abutting an R district
- D. Maximum Lot Coverage: 100%
- E. Building Height: No limitation

17.44.040 Other applicable regulations.

In addition to the requirements contained in this section the requirements contained in Article III, Supplementary Standards shall also apply to development in the I District.

Chapter 17.46

AIRPORT FACILITIES DISTRICT (AF)

Sections:

- 17.46.010 Purpose and intent.
- 17.46.020 Permitted uses.
- 17.46.030 Development standards.
- 17.46.040 Other applicable standards.

17.46.010 Purpose and intent.

The Airport Facilities District is intended to ensure the continued safe operation of the Colville Airport and reduce conflicts by providing for airport-related facilities.

17.46.020 Permitted uses.

Uses permitted in the AF District shall be those directly related to the maintenance and operation of the Colville Airport. Examples of uses permitted in this district are shown in Table 17.12.070.

17.46.030 Development standards.

All development in the AF District shall comply with the following standards:

- A. Minimum Lot Size: No limitation
- B. Minimum Lot Width: No limitation
- C. Yard Requirements:
 - 1. Front yard: 0 feet
 - 2. Rear yard: 0 feet, except 20 feet if adjacent to an existing residential use.
 - 3. Side yard: 0 feet, except 20 feet if adjacent to an existing residential use.
- D. Maximum Lot Coverage: 100%
- E. Building Height: 35 feet, or as necessary to comply with the Airport Landing Overlay District requirements.

17.46.040 Other applicable standards.

In addition to complying with the provisions of this district, uses and activities shall comply with the provisions contained in Article III, Supplementary Standards and Chapter 17.60, the Airport Landing Overlay District (AL). In the event of any conflict between any provisions of the overlay zone and the primary zoning district, the more restrictive provisions shall apply.

Chapter 17.48

OPEN SPACE AND CONSERVATION DISTRICT (OS)

Sections:

- 17.48.010 Purpose and intent.
- 17.48.020 Uses.
- 17.48.030 Development standards.
- 17.48.040 Rezone application.
- 17.48.050 Expiration of OS district approval.
- 17.48.060 Other applicable regulations.

17.48.010 Purpose and intent.

The purpose of the open space and conservation district is to encourage the retention of lands necessary for open spaces, parks, and similar uses.

17.48.020 Uses.

Examples of uses in the OS district are provided in Table 17.12.070.

17.48.030 Development standards.

- A. All development in the OS district shall comply with the following standards:
- B. Minimum lot area: No limitation
- C. Minimum lot width: No limitation
- D. Yard Requirements
 - 1. Front yard: 20 feet
 - 2. Rear yard: 15 feet
 - 3. Side yard: 5 feet
- E. Maximum Lot Coverage: 50%
- F. Building Height: 3 stories or 42 feet, whichever is less

17.48.040 Rezone application.

A request for rezone to OS shall be accompanied by a comprehensive site plan of the area to be rezoned showing all buildings, parking facilities, walls, fences, walkways, and other pertinent information. The request shall be reviewed by the Planning Commission with a recommendation on the zone change request to the City Council. Any change in the construction of the approved development plan will be subject to additional approval of the Planning Commission.

17.48.050 Expiration of OS district approval.

If use of the property as authorized by the zone change has not commenced after a period of one (1) year from the date of final approval, the Planning Commission may on its own initiative, consider to rezone the property back to its previous zoning classification before the rezone was granted.

17.48.060 Other applicable regulations.

In addition to the requirements contained in this section the requirements contained in Article III, Supplementary Standards shall also apply to development in the OS District.

Chapter 17.52

CRITICAL RESOURCE AREAS OVERLAY DISTRICT (CRA)

Sections:

- 17.52.010 Purpose and intent.
- 17.52.020 General provisions.
- 17.52.030 Uses.
- 17.52.040 Review.
- 17.52.050 Wetlands.
- 17.52.060 Habitat conservation areas.
- 17.52.070 Geologically hazardous areas.
- 17.52.080 Aquifer recharge/wellhead protection areas.
- 17.52.090 Reasonable use exception.
- 17.52.100 Nonconforming activities.

17.52.010 Purpose and intent.

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

17.52.020 General provisions.

A. The City's Critical Resource Areas Map provides generalized information on the location of critical areas, including wetlands, habitat conservation areas, geologically hazardous areas and aquifer recharge/wellhead protection areas. A site specific analysis which indicates that any critical area regulated by this Chapter or Chapter 17.56 exists on a lot will result in that portion of the lot being classified as a critical area or floodplain area.

B. The following features shall not be altered or developed except as permitted by this section:

1. Water features, including rivers, streams, creeks, lakes, ponds and wetlands; or
2. Areas that provide habitat to priority species; or
3. Slopes of 40% or greater; or
4. Areas with a critical recharging effect on aquifers used for potable water.

C. The City requires applicants to demonstrate that development on a site determined to have critical areas will protect the resource by taking one of the following steps (listed in order of preference):

1. Avoid impacting the resource altogether.
2. Minimize the impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectify the impact by repairing, rehabilitating or restoring the affected environment to the conditions existing at the time of the initiation of the project.

4. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.

5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.

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

17.52.030 Uses.

Uses allowed on a lot containing or within 200 feet of a critical area shall be the same as those listed in the use zone in which the lot is located. Each use shall be evaluated using the review process required for the use in the zone in conjunction with the requirements of this section and applicable state and federal regulations. Nothing in this chapter is intended to preclude the reasonable use of property.

17.52.040 Review.

A. Site Plan Review, in accordance with Chapter 17.92, shall be obtained prior to any clearing or development activities within 200 feet of a critical area, identified on the City maps, except in the case of an aquifer recharge/wellhead protection area in which Site Plan Review shall be obtained for new commercial or industrial uses or a change in use if the use is listed or is similar to a listed use categorized as a high or moderate risk in the Stevens County Critical Aquifer Recharge Study, Table 2. Activities listed in 17.52.040C are exempt from Site Plan Review.

B. A technical study identifying the precise area of critical resource and its function and resource value shall be submitted as part of the application. The study shall be prepared by experts with demonstrated qualifications in the area of concern. The City may retain consultants at the applicant's expense to assist in the review of the technical study if needed.

C. The following activities shall be allowed in critical areas without Site Plan Review provided they are not prohibited by any other chapter or law and provided they are conducted using best management practices and at a time designed to minimize adverse effects to the critical resource;

1. Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife;

2. Outdoor recreational activities which do not involve disturbance of the resource or site area, including fishing, hunting, bird watching, hiking, boating, horseback riding, swimming, canoeing, and bicycling;

3. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the resource by changing existing topography, vegetation, water conditions or water sources;

4. Education, scientific research, and use of nature trails;

5. Existing and ongoing agriculture activities, including farming, horticulture, aquaculture, irrigation, ranching or grazing of animals. Activities on areas lying fallow as part of a conventional rotational cycle are part of an ongoing operation. Activities which bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it was conducted has been converted to another use or has lain idle for more than 18 months.

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

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

8. Minor modification of existing serviceable structures within a buffer zone where modification does not adversely impact functions of the critical area.

17.52.050 Wetlands.

A. The existence of a wetland and the location of its boundary shall be determined by the applicant through the performance of a field investigation applying a methodology acceptable to the U.S. Army Corps of Engineers or Washington Department of Ecology (DOE). Qualified professionals shall perform wetland determinations and delineations using the methodology acceptable to the U.S. Army Corps of Engineers or Washington DOE.

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

1. Category I Wetland (Exceptional Resource Value) criteria:

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

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

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

2. Category II Wetland (Significant Resource Value) criteria:

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

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

c. Wetlands contiguous with demonstrated spawning habitat for anadromous fish;

d. Streams having demonstrated spawning habitat for anadromous fish.

3. Category III Wetland (Important Resource Value) criteria:

a. Regulated wetlands that do not qualify as Category I, II or IV.

4. Category IV Wetland (Ordinary Resource Value) criteria:

a. Isolated wetlands that are less than one (1) acre in size, have only one (1) wetland class, and have only one (1) dominant plant species.

b. Isolated wetlands that are less than two (2) acres in size, have only one (1) wetland class, and have a predominance of exotic species.

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

1. Category I wetland: 100-foot buffer;
2. Category II wetland: 50-foot buffer;
3. Category III wetland: 25-foot buffer;
4. Category IV wetland: 10-foot buffer;
5. Any wetland restored, relocated, replaced or enhanced because of a wetland alteration shall have the minimum buffer required for the highest wetland class involved.

D. The Planning Commission may through the Site Plan Review process reduce the minimum buffer width, but in no case shall the buffer be less than ten (10) feet.

E. The Planning Commission may allow buffer width averaging, provided that the total buffer area is not less than that required within the minimum buffer, and that averaging will not reduce the wetland functional values.

F. If activities result in the loss or degradation of a regulated wetland or buffer, a mitigation or enhancement plan prepared by a qualified expert shall be submitted for review and approval. Any mitigation or replacement wetland shall be located in the same watershed as the impacted wetland(s) of the same category and shall comply with the following ratios (new wetland area to existing):

1. Category I: 3:1
2. Category II:
 - a. Forested 2:1
 - b. Scrub-shrub 1.5:1
 - c. Emergent 1:1
3. Category III or IV: 1:1

G. The Planning Commission may increase the ratios under the following circumstances:

1. If there is uncertainty as to the probable success of the proposed restoration or creation;
2. If the applicant proposes a significant period of time between the destruction of a wetland and the replication of wetland functions in mitigation;
3. If the proposed mitigation is expected to result in a loss in functional value;
4. The proposed relocation is off site or the replacement is with out-of-kind compensation;
5. The wetland was illegally filled or altered.

H. The Planning Commission may decrease the ratios if the findings of a wetlands mitigation plan demonstrate that no net loss of wetland functional values will result from the decreased ratio. However, the minimum acreage replacement ratio required shall be 1:1.

17.52.060 Habitat conservation areas.

If a development is proposed within 200 feet or within a distance which could impact habitat conservation areas, the applicant shall provide a habitat management plan (HMP), prepared by a qualified expert in the species in question for evaluation by the town, state, and federal agencies. The HMP shall be based on sound habitat management practices and shall be designed to achieve specific habitat objectives. The town shall ask the appropriate resource agencies to review and comment on the development impacts and provisions of the HMP.

17.52.070 Geologically hazardous areas.

A. A minimum 25 foot buffer shall be established from the top, toe or sides of an identified geological hazard, including landslides, earthquake fault lines, or steep slope areas (40% or greater). The buffer may be increased if necessary to protect public health, safety and welfare, based on information contained in a geotechnical report prepared by a qualified professional engineer.

B. The Planning Commission may allow a reduction in the buffer provided the geotechnical report substantiates the following findings:

1. The proposed development will not create a hazard to the subject property, surrounding properties or rights-of-way, erosion or sedimentation to off-site properties or bodies of water;

2. The proposal uses construction techniques which minimize disruption of existing topography and natural vegetation; and

3. The proposal mitigates all impacts identified in the geotechnical report.

C. Buffers shall be maintained in native vegetation to provide additional soil stability and erosion control.

17.52.080 Aquifer recharge/wellhead protection areas.

A. In areas designated as high susceptibility for aquifer contamination, all uses shall be connected to the City's sewer system. No new uses on a septic system are permitted in high susceptibility areas of critical aquifer recharge.

B. For uses locating within the critical aquifer recharge area and requiring Site Plan Review, a disclosure form indicating activities and hazardous materials that will be used shall be provided for review and approval.

C. Impervious surfaces shall be minimized within the critical aquifer recharge areas.

D. Best management practices shall be followed by commercial and industrial uses located in the critical aquifer recharge areas.

E. An emergency response plan shall be prepared and submitted for review and approval by the City.

17.52.090 Reasonable use exception.

A. If application of the requirements in this Section would deny all reasonable economic use of the lot, development will be permitted if the applicant demonstrates all of the following to the satisfaction of the Planning Commission when reviewed through Site Plan Review process:

1. There is no other reasonable use or feasible alternative to the proposed development with less impact on the critical area; and

2. The proposed development does not pose a threat to the public health, safety and welfare on or off of the subject lot; and

3. Any alterations permitted to the requirements of this section shall be the minimum necessary to allow for reasonable use of the property; and

4. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant in subdividing the property or adjusting a boundary line, and creating the undevelopable condition after the effective date of this section; and

5. The proposal mitigates the impacts on the critical area to the maximum extent possible.

17.52.100 Nonconforming activities.

A. A regulated activity that was approved prior to the passage of this section and to which significant economic resources have been committed as a follow up to the approval but which does not conform to this section may be continued subject to the following:

1. No such activity shall be expanded, changed, enlarged, or altered in any way that increases the extent of its nonconformity without a permit issued in accordance with this section.

2. Except for cases of fallowing as part of normal agricultural activity, if a nonconforming activity is discontinued for 12 consecutive months, any resumption of the activity shall conform to this section.

3. If a nonconforming use or activity is destroyed by human activities or an act of god, it shall not be resumed except in conformity with this section.

4. Activities or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming activities.

Chapter 17.56

FLOOD MANAGEMENT OVERLAY DISTRICT (FM)

Sections:

- 17.56.010 Purpose and intent.
- 17.56.020 Establishment of boundaries.
- 17.56.030 Warning and disclaimer of liability.
- 17.56.040 Permitted uses.
- 17.56.050 Site plan review.
- 17.56.060 General standards.
- 17.56.070 Specific standards.
- 17.56.080 Manufactured homes.
- 17.56.090 Floodways.
- 17.56.100 Conditions for variances.

17.56.010 Purpose and intent.

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

17.56.020 Establishment of boundaries.

The areas of special flood hazard are identified on the Flood Insurance Rate Maps and Flood Boundary-Floodway maps. The flood hazard area includes land within the 100-year floodplain and the floodway. The floodway area includes the channel or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. For areas of special flood hazard studied in detail, the floodway boundary is delineated upon the Flood Insurance Study Maps.

17.56.030 Warning and disclaimer of liability.

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

17.56.040 Permitted uses.

All uses permitted in the underlying district subject to Site Plan Review and to special building code requirements, so long as the applicant can demonstrate that the proposed development will not increase the risk of flooding or flood damage for properties upstream or downstream of the site.

17.56.050 Site plan review.

Site Plan Review shall be obtained before construction or development begins within the FM District. The review shall be for all "structures" including manufactured homes and for all other "development" including fill and other activities. Site Plan Review shall be in accordance with Chapter 17.92 and shall include information necessary to gauge the effect of the proposed development on floodplain management.

17.56.060 General standards.

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

17.56.070 Specific Standards.

A. In all areas of special flood hazards where the base flood elevation has been provided the following standards are required:

1. Residential Construction:

a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a level equal to or greater than two (2) feet above base flood elevation.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement shall be certified by a registered professional engineer or architect.

2. Non-Residential Construction:

a. New construction and substantial improvement of any non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.

iv. Non-residential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 17.56.070A1b.

17.56.080 Manufactured homes.

All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least two (2) feet above the base flood elevation and is securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 17.56.070.A1.

17.56.090 Floodways.

A. Floodways are extremely hazardous areas due to the velocity of floodwaters which carry debris, potential projectiles, as well as due to erosion potential. The following provisions apply:

1. Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If subsection 17.56.090A1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 17.56.060 and 17.56.070, except the placement of any manufactured home is

prohibited unless in an existing manufactured home park or existing manufactured home subdivision.

17.56.100 Conditions for variances.

A. A Variance to the requirements in this Chapter may be requested and shall be processed in accordance with Chapter 17.88.

B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size, only in order to avoid denying all economic use of the property.

C. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing and water right-of-way floodproofing, when it can be determined that such action will have low damage potential, complies with all other variance criteria and otherwise complies with other standards of this section.

D. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

E. Any applicant to whom a variance has been granted shall be given written notice that the variance is assumed by the applicant and/or occupant(s) of the resulting development, not the City of Colville.

Chapter 17.60

AIRPORT LANDING OVERLAY DISTRICT (AL)

Sections:

- 17.60.010 Purpose and intent.
- 17.60.020 Compliance.
- 17.60.030 Permitted uses.
- 17.60.040 Conditional uses.
- 17.60.050 Limitations.
- 17.60.060 Hazard marking and lighting.

17.60.010 Purpose and intent.

The Airport Landing Overlay District is intended to restrict the height of structures and objects of natural growth and to require the marking and lighting of existing and new uses to control the hazard to aircraft as required by Part 77 (Objects Affecting Navigable Airspace) of the Federal Aviation Regulations. In addition, this overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of Colville residents.

17.60.020 Compliance.

In addition to complying with the provisions of the underlying zoning district, uses and activities shall comply with the provisions of the overlay zone. In the event of any conflict between any provisions of the overlay zone and the primary zoning districts, the more restrictive provisions shall apply.

17.60.030 Permitted uses.

Permitted uses in the AL district shall be as follows:

- A. Airport facilities, including runways, hangars, service facilities such as for aviation fuel, passenger terminal buildings, and all other uses common or incidental to airport use;
- B. Agricultural uses that do not include buildings or structures.
- C. Underground pipelines and utility wires.
- D. Single family dwellings, manufactured homes, and duplexes, when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Stevens County a Hold Harmless Agreement and Aviation and Hazard Easement and submits them to the airport sponsor and City Planning Department.

17.60.040 Conditional uses.

Because of considerations of traffic, noise, lighting, hazards, health and environmental issues, the following uses may be permitted in the AL District subject to a Conditional Use Permit:

- A. Multi-family dwellings, when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Stevens County a Hold Harmless Agreement and Aviation and Hazard Easement and submits them to the airport sponsor and City Planning Department;

- B. Passive, low-intensity recreation areas which do not include buildings or structures;
- C. Commercial and industrial uses, when authorized in the primary zoning district, provided the use does not result in the following:
 - 1. Electrical interference with navigational signals or radio communication between the airport and aircraft
 - 2. Light or glare making it difficult for pilots to distinguish between airport lights or others
 - 3. Impaired visibility
 - 4. Creating or increasing bird strike hazards
 - 5. Endangering or interfering with the landing, taking off or maneuvering of aircraft intending to use the airport
 - 6. Attracting large numbers of people
- D. Buildings and uses of a public works service or public utility nature.

17.60.050 Limitations.

- A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the Airport Imaginary Surfaces.
- B. No place of public assembly shall be permitted in the Airport Approach Safety Zone.
- C. No structure or building shall be allowed within the Clear Zone.
- D. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations shall not apply to structures customarily employed for aeronautical purposes.
- E. No glare producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.
- F. In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 65 Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit and subdivision plat as a note on the face of the plat.
- G. In areas where the noise level is anticipated to be 65 Ldn and above, prior to issuance of a building permit for construction of noise sensitive land use (real property normally used for sleeping or as schools, churches, hospitals, or public libraries) the applicant shall be required to incorporate into the building design measures which will achieve an indoor noise level equal to or less than 45 decibels.
- H. No building permit shall be issued for erection of any new structure or alteration to or expansion of any existing structure that would create an airport hazard due to height or increase the height of an existing airport hazard.

17.60.060 Hazard marking and lighting.

- A. Any building permit may be conditioned, if deemed necessary by the Airport Board to avoid an airport landing hazard, so as to require that the structure or tree in question is marked and/or lighted to indicate to pilots the presence of an airport hazard. Marking and lighting shall be installed, operated and maintained by the local airport authority.

B. Any existing use not in conformance with the height limitations herein may be required to permit the installation, operation and maintenance of markers and lights if an airport hazard exists.

Chapter 17.62

PEDESTRIAN CORE OVERLAY (PC)

Sections:

- 17.62.010 Purpose and intent.
- 17.62.020 Compliance.
- 17.62.030 Uses.
- 17.62.040 Conditional uses.

17.62.010 Purpose and intent.

The Pedestrian Core Overlay is intended to preserve the area defined as the pedestrian core within the Central Business District (C-2) for pedestrian oriented retail sales and businesses.

17.62.020 Compliance.

In addition to complying with the provisions of the underlying zoning district, uses and activities shall comply with the provisions of the overlay zone. In the event of any conflict between any provisions of the overlay zone and the primary zoning district, the more restrictive shall apply.

17.62.030 Uses.

Examples of uses in the C-2 District are provided in Table 17.12.070.

17.62.040 Conditional uses.

While the primary purpose of the Pedestrian Core Overlay District (PC) is for pedestrian oriented retail sales and businesses, it is recognized that some residential uses may be desirable. The following uses may be permitted in the PC District subject to a Conditional Use Permit:

- A. Single family residence street level, provided the street front of a commercial building is dedicated to viable retail space.
- B. Nursing, retirement, rest, and convalescent homes.

ARTICLE III

SUPPLEMENTARY STANDARDS

Chapter 17.64

SUPPLEMENTARY DISTRICT REGULATIONS AND EXCEPTIONS

Sections:

- 17.64.010 Visibility at intersections in residential districts.
- 17.64.020 Fences, walls, and hedges.
- 17.64.030 Front yard exceptions.
- 17.64.040 Side yard exceptions.
- 17.64.050 Rear yard exceptions.
- 17.64.060 Exceptions to height regulations.
- 17.64.070 Erection of more than one principal structure on a lot.
- 17.64.080 Use of recreational vehicles as permanent dwelling units.
- 17.64.090 Parking and storage of vehicles.
- 17.64.100 Landscaping, screening, and maintenance.
- 17.64.110 Signs.
- 17.64.120 Home occupations.
- 17.64.130 Manufactured homes on individual lots.
- 17.64.140 Child day care center.
- 17.64.150 Satellite dish antennas.
- 17.64.160 Operational standards for industrial uses.
- 17.64.170 Criteria for review of animal pounds and kennels.
- 17.64.180 Animal density.

17.64.010 Visibility at intersections in residential districts.

A. Sight Visibility Triangle. On a corner lot in any R district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede visions between a height of three and one-half (3 1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area designated as the sight visibility triangle. The sight visibility triangle shall be formed by measuring back from the point where the intersecting street centerlines meet, a distance of 80 feet along the centerlines, with the third side of the triangle being the straight line connection between the above-mentioned side lines (see Figure 6).

B. Exceptions. Sight visibility triangle regulations of this section shall not apply to:

1. Utility poles, traffic-control devices, official warnings signs or signals;
2. Trees, so long as they are not planted in the form of a hedge and are trimmed to the trunk to the height of at least ten (10) feet above the grade level of the centerline of the intersection so as to leave, in all seasons, a clear and unobstructed cross view;

3. Permanent structures and fences which are existing prior to passage of the ordinance codified in this title.

17.64.020 Fences, walls, and hedges.

A. Notwithstanding other provisions of this title, fences, walls, and hedges located within and along the sides of a required front yard shall not exceed 48 inches in height.

B. Fences, walls, and hedges located within a required side or rear yard shall not exceed six (6) feet in height; fences located behind the required front, side, or rear yard shall not be more than ten (10) feet high.

C. All outdoor storage of materials, waste, and equipment by a commercial use which is located in or adjacent to any R district shall be screened from sight of the properties in any R district by a sight-obscuring fence a minimum of six (6) feet and a maximum of ten (10) feet high.

D. The fence heights allowed by this section shall not eliminate the visibility at intersections requirement of Section 17.64.010.

17.64.030 Front yard exceptions.

A. Chimneys, cornices, pilasters, sills or other similar architectural features may extend two (2) feet into a required front yard.

B. Eaves, platforms, steps, terraces, solar collectors, carports, or unenclosed porches may extend six (6) feet into a required front yard.

C. In the R districts the front yard shall conform to the requirements of this title. However, the required front yard depth need not exceed the average front yard depth of the existing structures if 50 percent of the lots with structures, on one side of a street between two intersecting streets and in the same zone, have front yards of less than the required depth, except that in no case shall the front yard depth be less than ten (10) feet.

17.64.040 Side yard exceptions.

Eaves and solar collectors may extend two (2) feet into a required side yard.

17.64.050 Rear yard exceptions.

A. Eaves, chimneys, cornices, fireplaces, pilasters, sills or other similar features may extend two (2) feet into a required rear yard.

B. Decks, porches, steps or terraces, or patios without roof coverings may extend three (3) feet into a required rear yard.

C. Accessory buildings may be located three (3) feet from the rear property line, provided the roof and eaves are designed to prevent runoff from crossing a property line.

D. Solar collectors may extend three (3) feet into a required rear yard.

17.64.060 Exceptions to height regulations.

Spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, flagpoles, parapet walls, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy are exempt from the height limitations in the district development standards.

17.64.070 Erection of more than one (1) principal structures on a lot.

In any district, more than one (1) structure containing a permitted principal use may be erected on a single lot, provided that yard and other requirements of this title shall be met for each structure as though it were on an individual lot.

17.64.080 Use of recreational vehicles as permanent dwelling units.

A. Use of recreational vehicles as permanent dwelling units is prohibited in all zoning districts established within this title. Recreational vehicles may be parked within the corporate limits of the city and used for temporary residence purposes subject to the following provisions:

B. Recreational vehicles may be located on individual lots for a period of time not to exceed four (4) weeks in any one consecutive 12 month period in any R district, and within a designated RV park, where adequate water, sanitary sewer, and power facilities are available for the use of the occupants of the vehicle.

C. Recreational vehicles may be used as a temporary dwelling and may be located on individual lots within the R-3 and C-3 district, and within a designated RV or manufactured home park for a six (6)-month period of time, provided:

1. Water, sanitary sewer, and power facilities are available and connected to the recreational vehicle;

2. Minimum requirements are met for lot area, setbacks, and off-street parking;

3. The vehicle shall bear an insignia issued by the state regulatory agency indicating that the unit meets prescribed standards for a recreational vehicle;

4. Authorization for the temporary placement of an RV shall be obtained from the Administrative Official through the Temporary Use Permit procedure. Any person granted permission for the placement of an RV may apply for one extension of time not to exceed six (6) months. Approval for each installation is nontransferable and nonrenewable.

D. The Administrative Official may grant a Temporary Use Permit allowing recreational vehicles to locate for a maximum 72-hour period on the west side of Walnut Street between Dominion and Hawthorne Avenues or on other city property.

17.64.090 Parking and storage of vehicles.

A. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any property in an R district unless in completely enclosed buildings, except for doors for ingress and egress, or enclosed by a sight-obscuring fence a minimum of six (6) feet high.

B. Recreational vehicles such as motor homes, boats, trailers, travel trailers, and campers removed from a vehicle shall not be parked or stored on a street in an R district; provided, however, that such vehicle may be parked on a street for a period of time not to exceed 72 hours during loading and unloading.

17.64.100 Landscaping, screening, and maintenance.

A. A landscape plan and maintenance schedule are required as part of the development review process, except in the case of single family development. Landscape plans shall be submitted as part of the application for a planning approval. If a separate planning approval is not required, a landscape plan shall be submitted with the application for a building permit.

B. Perimeter screening shall be provided as follows:

1. At the front, sides, and rear of all commercial and industrial sites to provide an all season visual separation and a wind break between adjacent land uses. Perimeter landscaping shall shield the views of industrial and commercial land uses, including outdoor storage, service, waste disposal areas, and loading areas, from roads and adjacent uses. If, however, the rear of the site is adjacent to an agricultural use, no rear yard perimeter screening is required.

2. Screening may be provided by existing vegetation, landscaped areas, including the use of berms, fencing or a combination thereof. The use of vegetation (trees and columnar shrubs) is encouraged.

3. If a parking lot is adjacent to a street, a minimum of five (5) foot wide perimeter landscape area shall be provided between the street and the parking lot.

4. Trees and columnar shrubs shall be a minimum of four (4) feet in height at the time of planting and shall grow to a minimum of eight (8) feet within five (5) years.

5. Additional screening may be required between dissimilar land uses, at the discretion of the Planning Commission or Board of Adjustment.

6. Screening requirements may be relaxed if warranted by the use of clustering or shared access, at the discretion of the Planning Commission or Board of Adjustment.

C. Interior screening shall be required for parking areas according to the following minimum requirements:

1. Landscaping shall be provided at a minimum of 10% of the parking area.

2. One (1) tree for every 10/20 (single/double row) parking spaces shall be provided, for summer shade.

3. Minimum tree size at planting shall be two (2) inch caliper.

4. Trees shall be planted a minimum three (3) feet from curbs and sidewalks.

5. Screening shall include shrubs suitable to be maintained at a height of three (3) feet.

6. Location of all landscaping shall avoid obstructing views of crosswalks, intersections, and streetlights.

D. The following materials and design requirements are encouraged in landscaping plans:

1. The use of plant materials that will achieve a variety of heights, shapes and/or textures upon maturity;

2. A combination of evergreen and deciduous trees, shrubs and groundcover;

3. The selection and planting of landscaping in close proximity to utility lines that will not adversely impact utility lines;

4. The use of drought-tolerant plant materials;
 5. The retention of existing trees; and
 6. Fencing materials that are attractive, durable, and complement or blend with the natural colors of the surrounding environment.
- E. All trees planted shall be in compliance with Municipal Code Section 12.16.
 - F. Provisions shall be made for the on-going maintenance, including irrigation as necessary, of required landscape areas. Trees and shrubs which die within 12 months of planting shall be replaced by the property owner.
 - G. All yards shall be maintained such that there will be no accumulation of silt, mud or standing water causing unsightly or hazardous conditions either within the yard or on adjacent properties. This does not apply to approved drainage swales.
 - H. All yards and buildings shall be maintained in a neat, tidy manner, including trimming and upkeep of all landscaped areas, and the removal of debris and unsightly objects.
 - I. All undeveloped land areas shall be maintained in permanent vegetative cover, or alternatively be landscaped with an approved combination of materials to control runoff.
 - J. All yards shall be maintained free of noxious weeds consistent with the regulations of the Stevens County Weed Board.

17.64.110 Signs.

- A. Location. Signs shall not interfere, confuse, or conflict with the recognition and visibility of any traffic control or directional devices or street name signs. No sign shall be placed on any public right-of-way until a permit to do so is issued by the Administrative Official, provided that no permit to place a sign in the public right-of-way shall be issued until such time as the Administrative Official provides written guidelines and conditions for the issuance of the permit. Said guidelines and conditions shall be approved by the city attorney and city street superintendent.
- B. Abandoned signs shall be removed within 30 days of termination of occupancy.
- C. Signs in an "R" District shall comply with the following:
 1. Maximum height for a pole or ground sign in an "R" District shall be eight (8) feet from the ground level to the sign top.
 2. No sign in the "R" District may be electric, pulsating, or flashing but a non-residential identification sign in an "R" district may be illuminated to low intensity as defined in Section 17.04.060.
 3. Each single family dwelling may have one (1) permanent wall sign or one (1) pole sign not exceeding four (4) square feet in area, identifying the occupants thereof, in addition to house numbers and/or any required identification on a mailbox.
 4. Multifamily dwellings may have one (1) permanent sign, which identifies the building, not exceeding 32 square feet in area, adjacent to a public right-of-way which may be either a wall sign or a pole sign, in addition to house numbers and/or any required identification on a mailbox.
 5. Public, charitable, educational, and religious institutions may have two (2) permanent signs, one which identifies the building and the other for the promotion of associated activities, each not exceeding a total of 32 square feet in area, in addition to address numbers and/or any required identification on a mailbox. Hospitals are permitted additional signage as necessary to direct traffic. Wall signs, pole, or ground signs are allowed.

6. Professional offices may have one (1) permanent sign which may be a wall sign or a pole sign with an area not exceeding eight (8) percent of the frontage wall.

7. Manufactured home parks may have one (1) sign per entrance to the park from a public street (not to exceed two (2) signs), each not exceeding 32 square feet in area, in addition to space numbers and/or any required identification on a mailbox.

8. Home occupations may have one (1) sign not exceeding four (4) square feet in area, and shall be placed flat against the building. This sign shall be permitted in addition to those permitted in Section 17.64.110 C. 3 and 4.

9. Real estate signs, each with an area not exceeding six (6) square feet, may be erected to advertise the sale, lease, or rental of the property on which it is located. A real estate sign shall be allowed for any period of time needed but shall be removed within 14 days after the sale, lease, or rental of the premises.

10. One (1) on-premises construction sign, limited to 50 square feet total sign surface area, may be erected and shall be removed no later than 14 days after completion of construction.

D. C-2, C-3, LI, I Districts. The following signage shall be allowed:

1. Signs for dwellings may be permitted as in subdivisions C.3 and C.4 of this section.

2. Maximum allowable sign surface area for wall signs shall be 20 percent of the square footage of the exposed portion of any wall on which the sign is placed, except when used in combination with other types of signs, then the maximum area shall be as provided in subdivision (3) of this subsection.

3. Maximum allowable sign surface area for projecting signs, above-marquee signs, roof signs, or any combinations of signs (i.e., wall and projecting, roof and above-marquee, etc.) shall be ten (10) percent of the square footage of the exposed portion of any wall on or above which the sign is placed.

4. In addition to the maximum total sign surface area permitted, the Administrative Official may permit the location of one (1) under-marquee sign per entrance upon a determination that the additional signage is necessary for the convenience of the public. Such sign shall be located no less than eight (8) feet above the grade of the sidewalk or walkway under the sign.

5. On property with an area of 10,000 square feet or less, one (1) freestanding pole or ground sign may be permitted. One (1) additional freestanding pole or ground sign may be permitted for each additional 15,000 square feet of property or portion thereof. The maximum allowable total sign surface area for a freestanding pole sign shall be 200 square feet per sign, or 200 square feet per sign side if the sign is double-faced. The maximum allowable area per ground sign shall be 32 square feet, or 32 square feet per sign side if the sign is double-faced.

6. Off-premises signs may be erected on ground or wall locations, and shall be subject to all regulations stated above except that the maximum allowable total sign surface area for off-premises signs shall be 100 square feet.

7. One (1) on-premises construction sign, limited to 50 square feet total sign surface area, may be erected and shall be removed no later than 14 days after completion of construction.

8. Sidewalk Sign.

a. A maximum of one sidewalk sign per business is permitted, including businesses having more than one street frontage. The sign shall be placed in front of and on the same side of the street of the business or establishment which it advertises.

b. Buildings with multiple tenants who have access from a common entrance are permitted one sign per building upon which all interior tenants may be advertised.

c. Businesses located on a courtyard are permitted one sign per building upon which all interior tenants may be advertised. The sign may be placed on the street adjoining the courtyard, subject to the provisions of this section.

d. Maximum size of sign shall be 8 square feet per sign face; maximum sign width is 30 inches; maximum sign height is four feet; minimum sign height is 30 inches.

e. Maximum height of sign shall be 48 inches above the sidewalk, walkway, or plaza upon which it is placed, and no materials (such as paper, balloons, windsocks, etc.) may be added to the sign to increase its height. The height of such signs may not be artificially increased above the allowed maximum by the placement of material underneath. For other than A-frame signs, sign bases shall be a maximum of 24 inches in diameter or 24 inches square. Bases shall be designed to prevent overturning based on a 15-lb./sq. ft. wind load.

f. Location – no sign shall be placed in such a way as to reduce the continuous unobstructed width of a sidewalk or walkway to less than five (5) feet. No sign may obstruct an entrance to a building or any steps. No sign may be placed within a crosswalk nor closer than fifteen (15) feet from the curb line at an intersection. Signs must be at least 30 inches but not more than five (5) feet from the curb. Signs must be placed at least twelve inches from a tree grate or other planting. Signs must be at least fifteen (15) feet from another sidewalk sign.

g. Materials – sidewalk signs shall be constructed of weather-resistant materials, such as wood, plastic, metal, or durable fabric. Sidewalk signs constructed of, and/or incorporating, impermanent materials, including but not limited to cardboard and paper, are prohibited. Construction of all signs shall be in such a manner as not to create a safety hazard. No sign shall contain foil, mirrors, bare metal, or other reflective materials which could create hazardous conditions to motorists, bicyclists, or pedestrians, or contain lights of any kind. Wheels, tubs, buckets, or any other similar material shall not be allowed as sign bases.

h. Owners shall remove their sidewalk sign upon closing and during periods of strong wind.

i. Owners are responsible for the repair and maintenance of their sidewalk sign. Sidewalk signs will be inspected periodically.

j. The owner of a sidewalk sign shall provide proof of continuous liability insurance naming the City of Colville as co-insured.

k. No sidewalk sign shall be installed without first obtaining a sign permit from the Administrative Official. An annual permit shall be issued for all sidewalk signs to be installed.

9. Temporary and Special Event Signs

a. Temporary signs may not be installed in a manner that would confuse or obstruct the view of vehicles or pedestrians or in a manner that would create an unsafe condition.

b. Temporary signs shall not exceed the maximum allowable total sign surface area for signs attached to any building as required under Colville Municipal Code, Section 17.64.110.D of this title.

c. Temporary signs shall be permitted only on the property of the business installing the sign.

d. Temporary signs shall not exceed the maximum size allowed under Colville Municipal Code, Section 15.04.080.

e. Temporary signs attached to building projections, such as awnings and marquees, are prohibited.

f. A temporary sign advertising goods, products, or services may remain in place for a period not exceeding sixty (60) days and may not be reinstalled for a period of thirty (30) days following removal.

g. Temporary signs promoting special events must be located on private property only, unless a permit to place the sign in or over city right-of-way has been obtained from the Administrative Official. These signs must be removed within forty-eight (48) hours following the event.

h. A temporary sign used to advertise the name of a business may be placed for a period not to exceed two (2) years from the date of permit issuance. A written request may be made for an extension not to exceed one (1) year, provided hardship can be demonstrated.

E. No person shall erect, construct, structurally alter or repair, or maintain a sign in the city without first obtaining a sign permit from the Administrative Official. Application for a sign permit shall include all structural detail, dimensions, materials, illumination and advertising copy, and a plot plan, with a north arrow, showing property lines, abutting structures on the property, existing signs and proposed sign locations. In locations where animated and/or video signs may pose an elevated risk of adverse effects to public safety, the City may require additional mitigating measures to preserve public safety including, but not limited to, traffic safety. Additional engineering and/or structural data stamped by a civil or structural engineer registered in the state of Washington may be required. A permit shall become null and void if the work for which it was issued has not been completed within one (1) year of its issuance.

F. Exceptions to Permit. A sign permit shall not be required for the following:

1. The cleaning, painting, or normal repair and maintenance of any existing sign, provided that no structural modification is made;
2. Traffic, directional or other public information signs erected by a public agency;
3. On-premises non-illuminated incidental signs, not exceeding a maximum of four (4) square feet. On-premises incidental signs conforming to the provisions of this section shall not be considered as part of the total sign surface area allowed for each occupancy.
4. Temporary or Special Event signs located on private property, subject to applicable standards as outlined in this title;
5. House or building numbers;
6. On-premises occupant identification signs, containing only the name and address of the person on the premises;
7. Change of copy on a reader board sign;
8. Permanent building identification signs, such as building plaques and corner stones;
9. Temporary decorations customary for special holidays, such as Christmas and Independence Day;

10. Real estate signs;
11. Political signs;
12. Signs painted on or attached inside a window;
13. Signs painted directly on a building;
14. Signs required by law, traffic or pedestrian control signs, signs indicating scenic or historic points of interest, which are erected by or on the order of a public officer in the performance of his public duty;
15. Sculptures, fountains, mosaics, and design features which do not incorporate advertising or identification;
16. The flag of a government or noncommercial institutions, such as schools;
17. Official public notices, official court notices;
18. On-premises construction signs limited to fifty square feet total sign surface area.

G. In addition to these regulations all signs shall comply with the Washington State Building Code, as adopted by the city.

H. In a situation where a 'sign' is not specifically defined as to 'type', the Administrative Official shall define the sign based on most similar sign types which are defined.

I. Non-compliance, Abatement, and Appeal: All sidewalk, temporary, and special event signs shall comply immediately with the above standards. All sidewalk, temporary, and special event signs (conforming and non-conforming) in existence prior to the effective date of this section shall comply with the provisions of this title. Failure to comply with any of the above standards at any time may result in a civil infraction per Chapter 1.10 of the Colville Municipal Code. Violations of this title could result in the termination of an existing permit.

Appeal Process. The Administrative Official's decision can be appealed to the Zoning Board of Adjustment in accordance with Colville Municipal Code, Chapter 17.116.

17.64.120 Home occupations.

A. The following standards shall govern the operation of a home occupation:

1. The use, including all storage space, shall not occupy more than 49 percent of the total floor area of any and all structures employed in said use, or 500 square feet, whichever is less.

2. No alteration to the appearance of the dwelling unit shall be made which is non residential in nature;

3. The home occupation shall not employ more than two (2) persons who are not residents of the dwelling;

4. Signs identifying a home occupation shall be limited to one (1) nonelectric sign not exceeding four (4) square feet in area, and shall be placed flat against the wall.

5. There shall be no window display nor shall sample commodities be displayed outside the building.

6. No retail sales, directly to the public, are permitted;

7. If the home occupation is conducted in a single family residence, no equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the property line. If the home

occupation is conducted in a dwelling unit other than a single family residence, no equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses outside of the dwelling unit. In the case of the electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

8. The home occupation shall not generate vehicular traffic which will interfere with residential traffic circulation or shall not cause more than six (6) vehicles including vehicles used by customers, vendors or delivery services to visit the premises per day;

9. Any need for parking generated by the home occupation shall be met in a location on-site other than in the required front yard.

10. The home occupation shall not involve the use or storage of explosive, toxic, combustible or flammable materials in a quantity that exceed the amounts incidental to normal residential use.

11. A home occupation shall not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes for which purpose the residential district was created and is primarily intended.

B. The number of home occupations at any one (1) address is not limited, except that the cumulative impact of all such businesses shall not exceed the standards in this section.

17.64.130 Manufactured homes on individual lots.

A. Except where the base of the manufactured home is flush to ground level, each home shall be installed either with:

1. skirting material, installed within 30 days of occupancy, which is of similar material, color, and pattern as the siding of the manufactured home; or
2. a perimeter masonry foundation.

B. Manufactured homes shall be installed in accordance with the adopted rules of the Department of Labor and Industries, as specified in Washington Administrative Code (WAC) 296-150 M, or as hereafter amended;

C. Manufactured homes shall bear an insignia issued by a state or federal regulatory agency indicating that the manufactured home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development definition of Manufactured home;

D. In the R-2 district, manufactured homes shall be multisectioned by original design, with a width of 20 feet or greater as measured along its entire body length;

E. In the R-1 district, manufactured homes shall meet the definition of “designated manufactured home” and “new manufactured home” as contained in Section 17.04.060.

17.64.140 Child day care center.

A child day care center is permitted subject to the following conditions:

- A. State licensing standards and requirements are met;
- B. Setbacks, screening, landscaping, lot size, building size, and lot coverage shall conform to the requirements of the district and applicable supplementary standards sections;
- C. Structure shall meet building, sanitation, health, traffic safety, and fire safety code requirements;

17.64.150 Satellite dish antennas.

Satellite dish antennas shall be located in a manner that will not interfere with emergency access along the side yard of the property upon which they are located and shall comply with the sight visibility triangle, Section 17.72.010.

17.64.160 Operational standards for commercial and industrial uses.

A. If a commercial or industrial use is adjacent to an R or C district, a sight-obscuring fence or wall at least six (6) feet high shall be installed to screen the industrial use.

B. Storage yards shall be screened by a sight-obscuring fence or wall at least six (6) feet high and a maximum of ten (10) feet high.

C. There shall be no unusual fire, explosion or safety hazards. Storage, handling, and use of hazardous substances, materials and devices shall comply with the Uniform Fire Code as adopted in Chapter 15.04 or as hereafter mentioned.

D. Sound levels are not to exceed levels established by noise control regulations of the Department of Labor and Industries. Maximum permissible environmental noise levels to be emitted to adjacent properties are not to exceed levels of the environmental designations for noise abatement (EDNA) as established by the state of Washington, Department of Ecology (WAC 173-60-040).

E. Pollution standards set up by regional, state or federal pollution control commissions or boards shall apply to all uses.

F. There shall be no production of heat, glare or excessive vibration perceptible beyond any property line of the premises upon which such heat, glare or vibration is being generated.

17.64.170 Criteria for review of animal pounds and kennels.

A. Animal pounds and kennels shall comply with the following:

1. Noise levels at the property lines shall not exceed the maximum acceptable levels as established by the state of Washington Department of Ecology.

2. The use shall be compatible with the surrounding uses.

3. The use shall comply with applicable sanitation and health and safety standards.

4. The use shall be fully screened from adjacent properties.

5. All overnight boarders shall be sheltered in suitable structures which provide a clean and uncrowded environment.

6. All structures and runs associated with the kennel shall maintain 100 foot setback from any property line.

17.64.180 Animal density.

A. Where livestock or fowl are kept the following minimum land requirements shall be maintained, independent of minimum land area requirements for other permitted uses, such as residences:

1. Bovine--a minimum of 10,000 square feet of fenced area per bovine;

2. Fowl and rabbits--a maximum of 50 each are permitted per family, provided the animals are housed in a coop or other shelter which is further enclosed by a fence;

3. Horses, mules, donkeys and burros--a minimum of 10,000 square feet of fenced area per horse, mule, donkey or burro;

4. Sheep and goats--a minimum of 5,000 square feet of fenced area per sheep or goat;
5. Swine--not permitted;
6. Any type of animal not addressed--to be established by the Planning Commission.

B. In addition to the minimum land area requirements established above, animal waste shall be handled in a way to reduce odor and pest problems.

Chapter 17.68

MANUFACTURED HOME PARKS

Sections:

- 17.68.010 Purpose and intent.
- 17.68.020 Design standards.
- 17.68.030 Park administration.

17.68.010 Purpose and intent.

The purpose of this chapter is to accommodate the placement of manufactured homes in designated park developments.

17.68.020 Design standards.

The following standards and requirements shall govern the design of a manufactured home park:

- A. Minimum lot size: 1.5 acres.
- B. Maximum density: 12 units per acre.
- C. A minimum of one (1) point of ingress/egress to a dedicated public street shall be provided. The Planning Commission may require additional access points for safety and emergency access. Dedicated streets inside the park and the frontage streets (lot line to lot line) that adjoin the property to the center of the dedicated right-of-way shall be paved.
- D. All utilities including electrical distribution and telephone service systems shall be installed underground except for access terminals.
- E. Spaces within a manufactured home park shall contain a minimum of 3,500 square feet in the R-2, R-3, and C-3 districts and a minimum of 5,000 square feet in the R-1-S district, with a maximum building coverage area including the manufactured home of 50% of such space. Only one (1) manufactured home shall be permitted on a space. The boundary of each space shall be permanently marked to locate any space line in the field.
- F. A minimum of eight (8) percent of the total gross area of the park shall be designated and maintained as a recreational area for occupants of the park.
- G. Setbacks in a manufactured home park shall be as follows:
 - 1. 15 feet between dwelling units;
 - 2. 20 feet from the property boundary line abutting a public street or highway and 10 feet from other roadways;
 - 3. 20 feet from the perimeter of the park.
- H. Visitor parking in addition to that required per unit (Section 17.72.080) shall be provided in parking areas distributed around the park, not to be less than two (2) parking spaces per ten (10) homes, nor more than one (1) space per home. All off-street parking spaces shall be surfaced with four (4) inches of crushed rock or gravel, or paved with asphalt or concrete.
- I. Outdoor lighting shall be provided to adequately illuminate internal roadways and pedestrian walkways as determined by the city street superintendent.

J. Walkways shall be provided to all service buildings and to all recreation, play, and all other areas reserved for general occupant use. The walkways shall be at least five (5) feet wide, of which three (3) feet shall be surfaced.

K. The Planning Commission may recommend that the park be enclosed on all sides with a permanently maintained sight-obscuring fence, or buffer of trees or shrubs, with a maximum of six (6) feet in height on all sides not fronting on a public right-of-way and a maximum of four (4) feet in height on all sides fronting on a public right-of-way.

L. All open areas of the manufactured home park not otherwise used for park purposes shall be landscaped and maintained.

M. Signs identifying the manufactured home park shall conform to applicable sign ordinances. All manufactured home park spaces shall be numbered either with a sign or other method to facilitate emergency vehicle response. All internal street or drives shall be named and signed to facilitate emergency access.

N. All vehicular ways shall meet or exceed the following minimum requirements:

1. Private roads:

a. The right-of-way shall be a minimum of 30 feet in width, paved 28 feet curb to curb.

b. All private roadways and dedicated streets shall be designed and maintained to carry emergency vehicles. Maintenance of private roads shall not be the responsibility of the city.

2. Dedicated public rights-of-way which are designed to serve a manufactured home park shall meet or exceed the minimum requirements as specified by the city street superintendent.

O. Support system and stabilizing devices for any manufactured home shall be designed and installed in accordance with the manufacturer's specifications or when the manufacturer's installation specifications are not available the adopted standards of a federal or state regulatory agency.

P. Accessory structures installed in a manufactured home park shall meet or exceed the requirements of the Uniform Building Code and other applicable laws.

17.68.030 Park administration.

A. It is the responsibility of the park owner and manager to assure that the provisions of this title are observed and maintained within the manufactured home park. Violations of this title shall subject both the owner and the manager to the penalties in Chapter 17.124. The owner, or designated agent, shall be available and responsible for the direct management of the manufactured home park.

B. The manufactured home park shall be maintained free of any flammable materials in amounts which might communicate fires between manufactured homes and other improvements.

C. Refuse shall be collected and disposed of on a regular and sanitary basis.

Chapter 17.72

OFF-STREET PARKING AND LOADING

Sections:

- 17.72.010 General requirements.
- 17.72.020 Access.
- 17.72.030 Design requirements.
- 17.72.040 Location.
- 17.72.050 Units of measurements.
- 17.72.060 Cooperative parking facilities allowed.
- 17.72.070 Enclosure.
- 17.72.080 Plans shall be submitted.
- 17.72.090 Table of minimum standards.
- 17.72.0100 Loading space requirements.

17.72.010 General requirements.

A. Every building erected, enlarged, converted, or relocated within the City of Colville or its Urban Growth Area shall provide clearly marked and usable permanent off-street parking and loading areas as required by this title except that no off-street parking shall be required for uses located within the C-2 central business district

B. It is unlawful to discontinue, reduce, modify or otherwise dispense with parking and loading facilities that comply with the requirements of this chapter.

C. A pre-existing use which does not have sufficient parking and/or loading facilities to meet the requirements of this chapter may continue to operate with the deficiency so long as no enlargement or other change is made which would require additional parking or loading facilities.

D. When a pre-existing use is enlarged so as to require additional parking facilities, the requirements of this chapter shall apply only to the enlargement.

E. When additional uses are placed on the same lot with a pre-existing use or an enlarged lot of which a pre-existing use is a part, the requirements of this chapter shall apply only to the additional use.

F. Parking and vehicular access areas for multifamily, manufactured home parks, commercial and industrial uses shall be paved and shall be graded and drained to dispose of all surface water. In no case shall any drainage be allowed across a public sidewalk.

G. Access to a property, including the width, location and spacing between driveways, shall be as approved by the City Engineer.

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

17.72.020 Access.

A. Efforts shall be made to minimize the number of curb cuts along streets through proper spacing and joint use of driveways. The City Superintendent may impose special standards on curb cuts in areas where curb cuts could cause traffic or safety hazards.

B. Ingress and egress to and from any off-street parking area shall not be located closer than 30 feet from the point of the corner of an intersection unless otherwise approved by the city street superintendent. Ingress and egress from parking areas to the street shall not exceed 30 feet in width at the property line in commercial, industrial, and multifamily residential districts, and 20 feet in width at the property line in single family residential districts unless approved by the city street superintendent.

17.72.030 Design requirements.

All required off-street parking and loading facilities shall be developed in accordance with the following:

A. For a standard size parking space the minimum size shall be nine (9) feet in width by 18 feet in length. For a compact size parking space the minimum size shall be eight (8) feet in width by 16 feet in length.

B. For multi-family, commercial and industrial uses, a maximum of 25% of the required spaces may be compact in size.

C. Turning and maneuvering space for all uses except single family and duplex dwellings shall be located entirely on private property.

D. All off-street parking facilities shall be paved and shall be graded and drained so as to dispose of all surface water into an approved drainage disposal system. Where a storm sewer system is within 300 feet of the property, the developer shall be required to hook up to said storm sewer system.

E. Parking facilities shall have a permanent means of identifying entrances and exits, traffic direction, and parking spaces.

F. All traffic control devices such as parking stripes, designated car stalls, directional arrows for signs, wheelstops, and curbs shall be installed and completed as shown on the approved plans. Compact spaces shall be clearly marked for use by compact cars only.

G. Parking facilities shall be designed so exiting vehicles are not required to back into streets, except for residential uses of less than four (4) dwellings per lot on streets designated as local access streets in the Transportation Element of the Comprehensive Plan.

H. Suitable wheel or bumper stops shall be required to delineate the parking space and to prevent vehicles from overhanging walkways, property lines or other limits of a parking facility.

I. Aisle widths between parking bays shall be:

1. One-way aisle: 13 feet minimum
2. Two-way aisle: 27 feet minimum

17.72.040 Location.

Where a distance is specified, such distance shall be the maximum walking distance measured from the nearest point of the building that such parking facility is required to serve. Location of parking areas shall be as follows:

A. For one-family or two-family dwellings: on the same site with the building to be served;

B. For multifamily dwellings: 200 feet;

- C. For hotels and motels: not to exceed 300 feet from the structure to be served but at least fifty percent of the required spaces shall be on the same site;
- D. For congregate housing, and home for the aged: 500 feet;
- E. For uses other than those specified above: 300 feet.

17.72.050 Units of measurements.

Except for residential uses, the required parking for multi-level buildings shall be calculated using the total floor area and the standards in Section 17.72.080 adjusted as follows:

- A. Main floor--100% of the required parking;
- B. Basement and second floors--50% of the required parking;
- C. Additional stories--25% of the required parking.

17.72.060 Cooperative parking facilities allowed.

Cooperative or shared parking facilities shall be allowed where the parking for two (2) or more land uses can be joined or coordinated to achieve efficiency of vehicular and pedestrian circulation, economic use of space and a superior grouping of buildings or uses. The continuation of the cooperative facility shall be assured by a sufficient legal document such as a covenant or reciprocal easement agreement or by participation in a local improvement district or parking cooperative or association.

17.72.070 Enclosure.

Any portion of an off-street parking area requiring four (4) or more parking spaces, which adjoins a lot or lots in any R district, shall provide an appropriate view obscuring fence or landscaped buffer along the property lines, except those abutting a street.

17.72.080 Plans shall be submitted.

- A. Every tract or lot used as a public or private parking area, having a capacity of four (4) or more vehicles, shall be developed and maintained in accordance with the requirements and standards of this title.
- B. The plan of the proposed parking area shall be approved by the city Building and Planning Office at the time of the application for the building permit for which the parking is required. Said plan shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other required features.

17.72.090 Table of minimum standards.

The minimum number of off-street parking spaces shall be determined in accordance with the table below. Where alternative standards are indicated, the greater requirement applies. In cases of mixed uses or occupancies, the various uses shall be computed separately and combined for the total off-street parking requirement. Where computations result in a fraction, the parking space requirement shall be rounded to the nearest whole number in accordance with Section 17.12.010.

<u>USE</u>	<u>SPACES REQUIRED</u>
A. <u>Residential</u>	
1. Single family dwelling	2 per unit
2. Duplex	2 per unit
3. Multifamily dwelling	2 per unit plus 1 guest space per 5 units

4.	Manufactured homes	2 per unit
5.	Boarding houses and lodging houses	1 per sleeping room or lodging unit
6.	Senior citizens housing, designed with independent dwelling units	0.5 per dwelling unit
B.	<u>Personal Services and Repairs</u>	
1.	Barber shops and beauty shops	2 per chair
2.	Service station	3 spaces
3.	Service station with convenience store	2 spaces plus 1 per 100 square feet of retail floor area
4.	Auto repair garages	1 per 600 square feet of total floor area
5.	Car Wash	2 spaces
C.	<u>Financial Institutions</u>	
1.	Banks, savings and loans, etc.	1 per 250 square feet of total floor area
D.	<u>Offices</u>	
1.	Governmental offices, libraries, public utilities, police and fire stations, welfare-employment offices	1 per 200 square feet of total floor area
2.	Retail, commercial and general office buildings	1 per 200 square feet of total floor area
E.	<u>Shopping Centers</u>	1 per 200 square feet of total floor area
F.	<u>Eating Establishments</u>	
1.	Restaurants and taverns	1 per every 4 persons based on occupancy load, or 1 per 100 square feet of total floor area
2.	Drive-in restaurants	1 per 100 square feet of total floor area
G.	<u>Public and Semipublic Place of Assembly</u>	
1.	Churches, mortuaries, funeral homes, auditoriums, conference rooms, and other enclosed places of assembly	1 per 5 fixed seats, or 1 per 100 lineal inches of bench-type seating, or 1 per 100 square feet of total floor area used for assembly purposes

	2.	Theaters	1 per 5 seats
	3.	Schools, public or private	
		a. preschool	1½ per teaching station
		b. elementary, junior high	2 per teaching station
		c. high school	5 per teaching station
		d. college	5 per teaching station
	4.	Child day care center	1 per on-shift employee + off-street drop-off/ pick-up area
H.		<u>Medical Buildings</u>	
	1.	Medical and dental offices and, clinics, including midwifery	1 per 200 square feet of total floor area
	2.	Hospitals	1 per bed
	3.	Convalescent, nursing, and rest homes	1 per 6 beds
I.		<u>Commercial-Industrial</u>	
	1.	Manufacturing uses, research and test laboratories, assembly plants, and similar industrial uses not including office space	1 per 500 square feet of total floor area
	2.	Warehousing and storage facilities	1 per 1,000 square feet of total floor area
	3.	Warehouse, Wholesaling	1 space per employee (minimum of 2 spaces)
J.		<u>Miscellaneous</u>	
	1.	Bowling alleys	7 per alley
	2.	Hotels and motels	1 per sleeping room
	3.	Racquetball, handball and tennis courts, including accessory uses	1 per 40 square feet of assembly area plus 2 spaces per court
	4.	Bus depots and terminals	1 per 400 square feet of total floor area
	5.	Furniture, automobile, and heavy equipment retail sales store	1 per 1,000 square feet of of total floor area
	6.	Laundromats	1 per 4 washing or dry cleaning machines
	7.	Swimming pools (public)	1 per 5 bathers based on maximum bathing load per WAC 248-98-050(11)(m)
	8.	Dancehall, skating rink and similar recreational buildings	1 per 100 square feet of dance floor or rink area

9.	Athletic-recreational field	12 spaces per acre
10.	Aircraft Hanger	1 per 1,000 square foot
K.	Any use not addressed in this table	The Administrative Official shall determine the number of spaces required based upon requirements for similar listed uses.

17.72.100 Loading space requirements.

Off-street loading space(s) shall be required adjacent to each building erected or enlarged in a commercial or industrial zone district if the use of such building could entail deliveries or shipments. Off-street loading space(s) shall have access to a public right-of-way. Such loading space(s) shall be of adequate size to accommodate the number and size of vehicles simultaneously loaded or unloaded in connection with the business conducted in such building, but in no case less than one (1) space for each 20,000 square feet of gross floor area and no less in size than 15 feet in width and 30 feet in length. Off-street loading shall be provided so that no vehicle occupying the space extends into a public right-of-way.

Chapter 17.76
NONCONFORMING USES

Sections:

- 17.76.010 Purpose and intent.
- 17.76.020 Pre-existing legal lots of record.
- 17.76.030 Nonconforming uses of land.
- 17.76.040 Nonconforming structures.
- 17.76.050 Nonconforming uses of structures or of structures and premises in combination.
- 17.76.060 Repairs and maintenance.
- 17.76.070 Uses under conditional use provisions not nonconforming uses.

17.76.010 Purpose and intent.

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

17.76.020 Pre-existing legal lots of record.

In any district in which single family dwellings and/or manufactured homes are permitted, a single family dwelling or a manufactured home and customary accessory buildings may be established on a pre-existing legal lot of record which contains less area or width than required under the terms of this title; provided that the front, side, and rear yard setback requirements as well as other applicable standards of this title are met.

17.76.030 Nonconforming uses.

A. Nonconforming uses shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this title;

B. Nonconforming uses shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this title;

C. If any such nonconforming use of land ceases for any reason for a period of more than 180 consecutive days, any subsequent use of the land shall conform to the regulations specified by this title for the district in which the land is located.

17.76.040 Nonconforming structures.

A. Where a lawful structure exists at the effective date of adoption or amendment of this title that could not be built under the terms of this title by reasons of restrictions on areas, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Nonconforming structures may not be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease the nonconformity;

2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 percent of its current assessed value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this title unless the structure is designated as an historic structure in which case the structure can be rebuilt;

3. Should such structure be moved for any reason for any distance whatever, it shall conform to the regulations for the district in which it is located after it is moved.

17.76.050 Nonconforming uses of structures or of structures and land in combination.

If lawful use involving individual structures with current assessed value of 1,000 dollars or more, or of structure and land in combination, exists at the effective date of adoption or amendment of this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this title in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

B. Any nonconforming use may be extended throughout any parts of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this title, but no such use shall be extended to occupy any land outside such building or other building or structure on the site;

C. If no structural alterations are made, any nonconforming use of a structure, or structures and land, may be changed to another nonconforming use upon approval of a Conditional Use Permit subject to Chapter 17.84. The Zoning Board of Adjustment shall make a finding in the specific case that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Adjustment may require appropriate conditions and safeguards;

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;

E. When a nonconforming use of a structure, or structures and land in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen months during any three (3)-year period, except when government action impedes access to the land, the structure, or structures and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

F. Where nonconforming use status applied to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Accidental destruction for the purpose of this section is defined as damage to an extent of more than fifty percent of the current assessed value at time of destruction.

17.76.060 Repair and maintenance.

A. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 20 percent of the current assessed value of the nonconforming structure

and nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased. Regular and ordinary maintenance shall not be construed as enlargement, expansion, change, alteration, renovation or reconstruction as used in this chapter.

B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized Official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

17.76.070 Uses under conditional use provisions not nonconforming uses.

Any use which is permitted as a conditional use in a district under the terms of this title (other than a change through the Zoning Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

ARTICLE IV

PROCESSES

Chapter 17.80

GENERAL PROVISIONS

Sections:

- 17.80.010 Purpose and intent.
- 17.80.020 General provisions.

17.80.010 Purpose and intent.

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

17.80.020 General provisions.

It shall be the responsibility of the applicant or petitioner to present evidence to the satisfaction of the body or person authorized by this title to hear an application that undue detriment will not result from the requested approval.

Chapter 17.84

CONDITIONAL AND TEMPORARY USE PERMITS

Sections:

- 17.84.010 Purpose and intent.
- 17.84.020 Conditional Use Permit process type.
- 17.84.030 Action of review authority.
- 17.84.040 Time limits.

17.84.010 Purpose and intent.

Certain uses, because of their unique characteristics, temporary nature or noise, odors, traffic, dust, etc. generated as side effects, cannot be permitted as a general matter in any zone. Such uses should be considered individually and the impact on surrounding properties taken into account and mitigated if necessary. Therefore, the intent is to provide a review process for these uses, and to establish conditions under which the uses may be permitted in a specific location.

17.84.020 Conditional and Temporary Use Permit process type.

- A. The Type I process shall be used to process Temporary Use Permit requests.
- B. The Type III process shall be used to process Conditional Use Permit requests.

17.84.030 Action of review authority.

A. The Administrative Official may approve a Temporary Use Permit in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:

1. The temporary use shall occur for a maximum of six (6) months.
2. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare.
3. The proposed site is adequate in size and shape to accommodate the temporary use without detriment to the use and enjoyment of other properties in the project vicinity.
4. The project makes adequate provision for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection.
5. Adequate temporary parking to accommodate all vehicular traffic that will be generated by the use will be available either on-site or at alternate locations acceptable to the review authority.

B. The Zoning Board of Adjustment at a public hearing may approve a Conditional Use Permit in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:

1. The project is consistent with the City of Colville Comprehensive Plan and meets the requirements and intent of the Colville Zoning Ordinance, including the type of land use; the density/intensity of the proposed development; and the protection of critical areas, if applicable.

2. The project will not be unduly detrimental to the use of properties in the project vicinity.

3. The project makes adequate provision for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection.

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

5. The project is beneficial to the public health, safety, and welfare, is in the public interest, and is generally compatible with adjacent properties and other property in the district.

17.84.040 Time limits.

A. A Temporary Use Permit shall be valid for the time specified in the approval or a maximum of six (6) months. A written request for up to a six (6) month extension submitted prior to the expiration date may be approved by the Administrative Official if the Administrative Official finds that the facts on which the Temporary Use Permit was approved have not changed substantially.

B. Authorization of a Conditional Use Permit shall be valid one (1) year from the effective date, and shall lapse at that time unless a building permit has been issued and substantial construction has taken place or the use has commenced. However, a written request for up to a one (1) year extension submitted prior to the expiration date may be approved by the Administrative Official if the Administrative Official finds that the facts on which the Conditional Use Permit was approved have not changed substantially.

C. In approving an application for a Conditional Use Permit, the Zoning Board of Adjustment may attach other time limits to the permit as deemed appropriate.

D. If the use authorized under a Conditional Use Permit ceases or is interrupted for six (6) consecutive months or more, then a new Conditional Use Permit will be required.

Chapter 17.88
VARIANCES

Sections:

- 17.88.010 Purpose and intent.
- 17.88.020 General provisions.
- 17.88.030 Variance process type.
- 17.88.040 Action of review authority.
- 17.88.050 Time limits.

17.88.010 Purpose and intent.

The purpose of a Variance is to provide relief in cases where the strict application of the development standards in this Ordinance would result in the deprivation of privileges enjoyed by others in the same district. The intent is to ensure that because of unique physical characteristics of a property, such as topography, soils, or dimensions, that the property is not rendered unusable.

17.88.020 General provisions.

- A. A Variance may be requested and granted for variations to the development standards, such as setbacks, lot dimensions, height or parking. Under no circumstances shall the Zoning Board of Adjustment grant a variance to allow a use not permissible in the district.
- B. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a Variance.

17.88.030 Variance process type.

A Variance shall be subject to a Type II or Type III review as follows:

- A. The Type II procedure shall be used to process a Minor Variance request involving a reduction or increase of 10% or less from a quantitative provision of this title.
- B. The Type III procedure shall be used to process a Major Variance for any request not covered by a Minor Variance.

17.88.040 Action of the review authority.

- A. A Variance request may be approved in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:
 - 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same district;
 - 2. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title;
 - 3. That the special conditions and circumstances do not result from the actions of the applicant;
 - 4. That granting the Variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same district;

5. The granting of the Variance will be in harmony with the general purpose and intent of this title, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

6. That the Variance is the minimum Variance that will make possible the reasonable use of the land, building, or structure.

B. A Variance request for development within the FM Overlay District may be approved in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner:

1. Denial of the variance would result in exceptional hardship and would deny all economic use of the property.

2. If the site is located in a designated floodway, no increase in flood levels during the base flood discharge would result.

3. Granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or conflict with existing local laws or ordinances.

4. The variance would result in the minimum relief necessary, considering the flood hazard.

5. In the case of the reconstruction of a structure listed on the national Register of Historic Places or the State Inventory of Historic Places, the structure is being rebuilt as it previously existed.

C. In granting any Variance, the review authority may prescribe appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the variance was granted, shall be deemed a violation of this title and punishable under Chapter 17.124.

17.88.050 Time limits.

Authorization of a Variance shall be valid one (1) year from the effective date, and shall lapse at that time unless a building permit has been issued and substantial construction has taken place or the use has commenced. However, a written request for up to a one (1) year extension submitted prior to the expiration date may be approved by the Administrative Official if the Administrative Official finds that the facts on which the Variance was approved have not changed substantially.

Chapter 17.92
SITE PLAN REVIEW

Sections:

- 17.92.010 Purpose and intent.
- 17.92.020 Application and fee.
- 17.92.030 Site Plan Review process type.
- 17.92.040 Action by review authority.
- 17.92.050 Time limits.

17.92.010 Purpose and intent.

The purpose of a Site Plan Review is to ensure that development on sites containing unique or critical resources protects these resources to the extent possible, and that the public health, safety and welfare of residents of Colville is maintained.

17.92.020 Application and fee.

A. Any person, firm, or corporation may make application for Site Plan Review. The completed application shall be submitted to the Administrative Official with applicable fees in accordance with the fee resolution adopted by the City Council.

B. A Site Plan Review application shall include the following:

1. Plans (drawn to scale) showing:
 - a. the nature, location, dimensions of the critical resource area or floodplain area (if applicable).
 - b. Existing topography and natural features.
 - c. Existing and proposed structures and the proposed uses.
 - d. Proposed grading, drainage facilities, and location of storage, if applicable.
2. All required technical reports prepared by experts with demonstrated qualifications in the area(s) of concern.
3. Any additional information deemed necessary by the Administrative Official or the Planning Commission.

C. In the case of proposed development within the FM District, the following shall also be provided:

1. Estimated flood elevation for a 100-year flood or the flood event having a 1% chance of occurring in any given year, as determined by Flood Insurance Agency or a qualified professional engineer.
2. Elevation in relation to mean sea level, of the lowest floor, including the basement, of all structures.
3. Elevation in relation to mean sea level to which any structure has been floodproofed.
4. Where available flood data relates to depth of floodwaters rather than height above mean sea level, then the depth of the 100-year flood should be substituted for elevation data.

5. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meets the applicable floodproofing standards in Sections 17.56.060 and 17.56.070.

6. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

17.92.030 Site Plan Review process type.

Site Plan Review shall be subject to a Type IV process.

17.92.040 Action by review authority.

A. The Planning Commission at a public hearing may approve a Site Plan Review in whole or in part, with or without conditions, if all of the following findings of fact can be made in an affirmative manner

1. The project is consistent with the Colville Comprehensive Plan and meets the requirements and intent of the Colville Code, including the type of land use; the density/intensity of the proposed development; and infrastructure, including public facilities and services needed to serve the development.

2. The physical location, size, and placement of proposed structures on the site and the location of proposed uses within the project minimize disruption of the critical resource or floodplain area to the greatest extent possible.

3. The project is compatible with and relates harmoniously to the surrounding area.

4. The project will not be detrimental to the public interest, health, safety, or general welfare.

5. The project adequately mitigates any identified impacts.

6. Adequate setbacks and buffering have been provided. Any reduction to setbacks or buffer width is the minimum necessary to allow for reasonable economic use of the lot and does not impact the functional value of the critical resource area.

17.92.050 Time limits.

Authorization of a Site Plan Review shall be void three (3) years after the effective date, unless a building permit has been issued and substantial construction has taken place.

However, the Administrative Official may extend the Site Plan Review one (1) year longer if the Official finds that the facts on which the Site Plan Review was approved have not changed substantially.

Chapter 17.96
AMENDMENTS

Sections:

Article I. Zoning

- 17.96.010 Purpose and intent.
- 17.96.020 Amendments to title text and zoning map.
- 17.96.030 Review process.
- 17.96.040 Action of review authority.

Article II. Comprehensive Plan Public Participation Policy

- 17.96.050 Intent of provisions.
- 17.96.060 Notification methods.
- 17.96.070 Citizen review methods.
- 17.96.080 Citizen participation – Planning process.
- 17.96.090 Citizen participation – Adoption and amendment of comprehensive plan and development regulations.

Article III. Comprehensive Plan Amendment Docketing Process

- 17.96.100 Application procedure.
- 17.96.110 Annual department review.
- 17.96.120 Amendment proposals additional to annual review.
- 17.96.130 Emergency amendment.
- 17.96.140 Staff review – Cumulative effect of proposals.
- 17.96.150 Public participation – Appeals.

Article I. Zoning

17.96.010 Purpose and intent.

The text and/or map of this Ordinance may be amended to better implement the City of Colville Comprehensive Plan or protect the health, safety, and welfare of local residents.

17.96.020 Amendments to title text and zoning map.

A. An amendment to the text of this title or to make a change in or addition to the zoning map by altering district boundaries may be initiated by the Council, Commission, or by application of a property owner or contract purchaser or his authorized agent.

B. An application by a property owner or his authorized agent for an amendment to this title shall be filed with the Administrative Official on forms provided by the city. The application shall be accompanied by a fee as established by resolution of the City Council.

C. Attached to any proposed amendment or supplement shall be an explanation and justification for the proposed change. Additionally, a request for a zone boundary change

or zone change shall be accompanied by an accurate map showing the affected property and all other properties 300 feet in all directions from the property lines. A complete list of all owners of record of all property on the map shall also be submitted.

17.96.030 Review process.

A. A site-specific zone map or text amendment shall be subject to a Type IV review consistent with Section 17.108.120 of this title.

B. An amendment to the Comprehensive Plan and/or area-wide development regulation shall be subject to a Type V review consistent with Section 17.108.130 of this title.

17.96.040 Action of review authority.

A. Whenever there is a proposed rezoning being reviewed where public hearing is advertised and held, if after hearing testimony and considering the facts involved, the Commission finds that a more restrictive zone classification than that requested and advertised or that a rezoning of less land than that advertised would be in the public interest and constitute good zoning practice, the Commission may recommend the more restrictive zone or smaller land area without readvertising and rehearing. For the purpose of this provision, the Single Family Suburban District (R-1-S) shall be interpreted as being the most restrictive zone district.

B. The Commission shall not recommend approval of or the City Council approve an amendment to the Comprehensive Plan or any implementing ordinance or regulation unless it first makes the following findings and conclusions:

1. The proposed amendment is consistent with the intent and goals of the Colville Comprehensive Plan and meets the requirements and intent of the Colville Code, including the type and intensity of development, and the protection of critical resources areas.

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

3. The City and other responsible agencies and special districts will be able to supply the development resulting from the amended Comprehensive Plan or implementing ordinance with adequate roads and streets for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection.

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

5. The amendment is beneficial to the public health, safety, and welfare, and is in the public interest.

Article II. Comprehensive Plan Public Participation Policy

17.96.050 Intent of provisions.

Citizen participation is an important element of the Growth Management Act (GMA). The Comprehensive Plan development and amendment process, as well as the development and amendment of implementing regulations, should be a “bottom up” effort, involving early and continuous public participation (RCW 36.70A.140 and WAC 365-195-600).

The City of Colville will encourage citizen involvement that goes beyond the minimum legal public notification requirements found in GMA. The City’s basic framework for achieving an

interactive dialogue between local decision makers, City staff, and the public will be formed through this article and will apply throughout the local planning process including the adoption and development of the Comprehensive Plan, amendments thereto, and the adoption of development regulations which implement the Comprehensive Plan of the city.

Cities and counties planning under the GMA must establish procedures “providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans” (RCW 36.70A.140). These procedures shall include opportunities for public review of proposals and alternatives, opportunity for written comment, public meetings after effective notice, provision for open discussion, communications programs, information services, and consideration of and response to public comments. While a public participation program is required under the GMA, cities may determine their own methods of soliciting public participation in accordance with RCW 36.70A.035 and 36.70A.140.

The following guidelines reflect the basis for public participation related to GMA and the City of Colville’s local planning process.

17.96.060 Notification methods.

A. The City of Colville will publicize public workshops and hearings to ensure that the community is made aware of the opportunities to become involved in the planning process. At a minimum, the requirements of Chapter 36.70A RCW pertaining to public hearings and notification will be satisfied.

B. The City of Colville will inform citizens through various techniques including, but not limited to, the following:

1. Posting the property using appropriate signage for site-specific proposals.
2. Publishing notice in the Colville Statesman-Examiner. Such notice will be accompanied by a news release to provide more information to the public.
3. Sending notice to all citizens and community organizations that sign up on a mailing list. Citizens may request to be included on the mailing list to receive notice of Planning Commission or other planning-related public meetings in either an electronic mail or regular mail format. Names will be removed on the last business day of the calendar year if no response is received from an invitation to re-enroll sent by December 15th. An invitation to re-enroll will be included on notices prior to the end of the year.
4. Providing press releases to KCRK/KCVL radio and other media outlets.
5. Meeting notices and minutes from the Colville Planning Commission and Technical Review Committee will be posted on-line along with notices of applications including actions reviewed under the State Environmental Policy Act (SEPA) process.
6. Compiling, on an ongoing basis, a list of parties interested in the GMA and local planning issues. Names should come from meetings and hearings, sign-in sheets, written correspondence, and known community groups, as well as specific requests to be included. Notice will be sent to all parties who reasonably appear to have an interest in the matter being considered, where such determination is not possible.

7. Issuing press releases, public service announcements, and media packets as appropriate to inform the public about GMA issues, local planning activities, availability of documents, or meeting and hearing dates.

17.96.070 Citizen review methods.

The City of Colville will provide citizens the opportunity to review documents, analyze alternatives, and provide feedback to ensure the community has the opportunity to become involved in the planning process. These methods include the following:

A. Pertinent documents will be available for review in a timely manner at the Department of Building and Planning, located in Colville City Hall at 170 S. Oak Street. Copies will be made available for the cost of reproduction.

B. At least two public hearings will be conducted prior to making an official decision on a comprehensive plan, a development regulation implementing the plan, or an amendment to either. The City Council may hold additional public hearings if deemed necessary.

C. Public meetings and hearings shall be advertised at least 14 days before the scheduled date.

D. Notices for public meetings and hearings shall include the name and address of the person to whom written comments should be sent, along with a deadline for submittal.

E. All written comments and public testimony at meetings or hearings shall be considered by the decision-makers, and addressed as time permits. Relevant comments will be addressed in the findings-of-fact portion of the decision-maker's written decision or recommendation.

F. Two-way communication between the public and planning staff will be encouraged.

G. As appropriate, given the specific proposal, public workshops should be hosted prior to public hearings as a means to involve and educate the public and solicit their opinions, reactions, or suggestions. The number of workshops should be based upon the specific circumstances of the case.

H. The public shall also have the opportunity to attend regular or special meetings to observe and aid in discussion topics.

17.96.080 Citizen participation – Planning process.

The City of Colville will seek opportunities to work directly with citizens throughout the planning process to ensure their concerns are understood and considered, and provide opportunities for open discussion.

A. The Planning Commission will host periodic public meetings in each of Colville's three council wards. At least one council representative from the ward will be encouraged to attend. An opportunity for public comment and discussion will be provided at each meeting.

B. The Department of Building and Planning will host topical workshops on matters of local concern at least once annually. Topics may include affordable housing, transportation alternatives, community development projects, and other subjects of broad public interest.

C. The City will invite citizens to serve on local boards, committees, and commissions through local newspaper or web page announcements.

17.96.090 Citizen participation – Adoption and amendment of Comprehensive Plan and development regulations.

The City of Colville will provide an opportunity for citizens to participate in the adoption and amendment of the City's Comprehensive Plan and the development regulations which implement the plan as set forth in this article and the following procedures:

A. One informational meeting shall be held by the Planning Commission, at least 30 days prior to the first public hearing, at a neighborhood or community center in the affected council ward(s) or at Colville City Hall, the location at the discretion of the Director of Building and Planning. The meeting shall be announced using methods described in Section 17.96.060.

B. A description of the proposal will be presented to the public. Discussion between the public, staff members and the Planning Commission will be encouraged.

C. No decisions or recommendations on the outcome of the proposal will be made during the informational meeting.

D. The Planning Commission or staff members shall provide the public a copy of the hearings process, and proposed hearing dates if known.

Article III. Comprehensive Plan Amendment Docketing Process

17.96.100 Application procedure.

The City shall give public notice to announce that applications to amend the Comprehensive Plan or development regulations can be made to the City until a specified date, to be considered during the current annual review cycle. Notice will also be given that amendments may be submitted at any time and will be docketed for consideration during the next annual cycle. The applicant will be given procedures describing the Comprehensive Plan amendment docketing process, applicable fees, and annual submission deadline date. A suggested non-site-specific amendment requires no fee. Anyone may suggest an amendment, which shall be submitted in writing to the Director of Building and Planning. These will be added to the list of proposed amendments to be considered during the annual review process.

17.96.110 Annual department review.

The Department of Building and Planning will review and evaluate Comprehensive Plan amendment proposals annually. Submittal deadline shall be September 30th, or the next business day following this date.

17.96.120 Amendment proposals additional to annual review.

The City of Colville may consider Comprehensive Plan amendment proposals more frequently than once per year under the following circumstances: the initial adoption of a subarea plan; the adoption or amendment of a shoreline master program under the procedures set forth in Chapter 90.58 RCW; and the amendment of the capital facilities element of a Comprehensive Plan that occurs concurrently with the adoption or amendment of a county or city budget.

17.96.130 Emergency amendment.

The City of Colville reserves the right to adopt amendments or revisions to its Comprehensive Plan whenever an emergency exists or to resolve an appeal of a Comprehensive Plan filed with a growth management hearings board or with the court, after appropriate public participation.

17.96.140 Staff review – Cumulative effect of proposals.

All docketed Comprehensive Plan amendments will be reviewed by staff at one time to determine the cumulative effect of the proposals.

17.96.150 Public participation – Appeals.

All amendments shall be processed in accordance with the public participation guidelines adopted by the City under Article II of this chapter. Appeals of Comprehensive Plan amendments shall be made within 60 days of publication to the Eastern Washington Growth Management Hearings Board, as provided by law.

Chapter 17.100

PLANNED UNIT DEVELOPMENTS (PUD)

Sections:

- 17.100.010 Purpose and intent.
- 17.100.020 Permitted uses.
- 17.100.030 General standards.
- 17.100.040 Density of development.
- 17.100.050 Traffic circulation and parking.
- 17.100.060 Utilities.
- 17.100.070 Application Requirements.
- 17.100.080 PUD Review process type.
- 17.100.090 Action of review authority.
- 17.100.100 Implementation of the planned unit development.
- 17.100.110 Platting, subdivision, and resale.

17.100.010 Purpose and intent.

The purposes of the planned unit development provisions are as follows:

A. To permit flexibility that will encourage a more creative approach in the development of land, and will result in a more efficient, aesthetic, and desirable use of open area, while at the same time maintaining the same unit density and area coverage permitted in the district in which the project is located;

B. To permit flexibility in design and placement of buildings, use of open spaces, circulation facilities, off-street parking areas, and to best utilize the potential of sites characterized by unique or unusual geography, topography, size or shape.

17.100.020 Permitted uses.

The following are permitted in a PUD:

- A. In a R-1-S, R-1, R-2, R-3 district:
 - 1. Any residential use including single family, duplex, multifamily dwellings, or manufactured home;
 - 2. Conditional uses permitted in the R-1-S, R-1, R-2, or R-3 districts.
- B. In a C district:
 - 1. Primary permitted uses and conditional uses permitted in a C district.
- C. In a LI or I district, uses shall be limited to those permitted outright in the industrial district.

17.100.030 General standards.

- A. All ground surfaces shall be landscaped according to approved plans.
- B. Perimeters of the PUD shall maintain all required building setbacks as specified in the underlying zone district.

17.100.040 Density of development.

A. Density of development for a PUD in any R district shall be dependent on the maximum permitted density stated in the Comprehensive Plan Land Use Designation in which the PUD is proposed to be developed. Intensity in Commercial or Industrial districts shall be dependent on the maximum floor area ratio established in the Colville Comprehensive Plan.

B. The number of dwelling units permitted in any residential planned unit development area shall be determined by multiplying the net development area in acres times the maximum number of dwelling units permitted in the applicable comprehensive Plan Land Use Designation.

17.100.050 Traffic circulation and parking.

A. All dedicated rights-of-way within a PUD shall be paved, and have curbs, gutters and sidewalks in accordance with City street standards. The location of sidewalks may be varied upon a finding that the PUD will provide for the separation of vehicular and pedestrian circulation patterns.

B. Off-street parking requirements shall be in accordance with Chapter 17.72. The Planning Commission may require more than the minimum prescribed standards.

C. The PUD shall be located with respect to rights-of-way which are adequately designed to handle the generated traffic.

D. Private roadways may be permitted subject to the approval of the Planning Commission and City Street Superintendent. All private roadways shall have direct access onto a dedicated street. Construction standards shall be the same as for public streets of the same classification unless a variance is granted by the City Council. The city shall not be responsible for the maintenance of private streets. Creation of a private entity to ensure maintenance will be required.

E. All private roadways and dedicated streets shall be designed and maintained to carry emergency vehicles.

17.100.060 Utilities.

A. All utilities, including electricity and telephone, shall be installed underground except for access terminals.

B. PUD's shall be located on or shall bear the cost of providing streets, sanitary sewers, water mains, storm and surface drainage systems, and other utility systems and installations of adequate size to properly serve the PUD and conform to the Comprehensive Plan of the City.

17.100.070 Application Requirements.

A. An environmental checklist must be submitted with the application forms.

B. Application for approval of the proposed planned unit development shall be made to the Administrative Official upon forms furnished by the City.

C. A minimum of six (6) copies of the site plan drawn to a scale of one (1) inch equals 100 feet or larger, (sheet size 24 inches by 36 inches), and any supporting maps necessary to show the major details of the proposed PUD must be submitted along with the application.

- D. Payment of all required fees
- E. The applicant must provide the following minimum information:
 1. A general landscape plan;
 2. Existing land uses within 200 feet of the proposed PUD;
 3. Existing site conditions including topography, identification of geological hazards and unique natural features;
 4. Proposed lot lines and plot designs;
 5. The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, and major points of ingress and egress to the development;
 6. The existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;
 7. The location of all existing and proposed buildings, structures, and other improvements including maximum residential structures including commercial facilities;
 8. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic uses;
 9. The proposed pedestrian circulation system;
 10. The proposed treatment of the perimeter of the PUD, including materials and techniques used such as screens, fences, and walls;
 11. Vicinity map showing adjacent subdivisions.

17.100.080 PUD Review process type.

PUD shall be subject to a Type IV process.

17.100.090 Action of review authority.

A. The Planning Commission may recommend approval, approval with specific conditions or changes to be incorporated into the final plans of a PUD, if all of the following findings of fact can be made in an affirmative manner:

1. The project is consistent with the Colville Comprehensive Plan and meets the requirements and intent of the Colville Code and Colville Subdivision Ordinance, including the type and intensity of land use, and the protection of critical resource areas, if applicable.
2. The project is compatible with the existing development or proposed development on properties in the project vicinity.
3. The project makes adequate provision (including financial guarantees) for access and circulation, water supply, storm drainage, sanitary sewage disposal, emergency services, and environmental protection.
4. The project adequately mitigates impacts identified through the SEPA review process, if applicable.
5. The project is beneficial to the public health, safety, and welfare, and is in the public interest.

17.100.100 Implementation of the planned unit development.

A. The subdivider shall post a performance bond or other financial guarantee in a form satisfactory to the City Attorney and upon the recommendation of the Commission and approval of the City Council. This bond shall be of such an amount to cover 150 percent of the cost of completing all public improvements (streets, water and sewer lines, etc.), utilities, and all landscaping improvements as required by the City Council in approving the final PUD plan.

B. If, during the construction phase of the PUD, minor changes in the location, setting, or character of buildings or structures become necessary, they may be authorized by the Planning Commission. All other changes in the PUD must be approved by the City Council.

C. If construction of the public improvements (streets, water and sewer lines, etc.) has not been started within two (2) years from the date of approval of a final development plan, or if construction has been commenced but the work has been abandoned for a period of one (1) year or more, and if no extension of time has been granted by the City Council, the authorization granted for the PUD project shall terminate and all permits and approvals issued pursuant to such authorization shall expire and be null and void.

D. Extension of Time Limit. The City Council may grant relief to the developer of the land involved in a PUD project by granting an extension of the time limits for commencement of construction of the PUD project, or may extend or make adjustments in the time schedule for development. Such relief may be granted only after a public meeting and only upon specific findings by the City Council:

1. That unforeseen circumstances or conditions have caused the delay in development;
2. That an extension of time will not cause substantial detriment to the neighboring property owners or to the community.

17.100.110 Platting, subdivision, and resale.

A. Platting shall be required for all projects which involve or contemplate the division of land and the procedures set forth in the Colville Land Division Ordinance shall be followed concurrently herewith.

B. The development plans must be submitted in a form which will satisfy the requirements of the Land Division Ordinance for preliminary and final plats.

Chapter 17.102
DEVELOPMENT AGREEMENTS

Sections:

- 17.102.010 Purpose and intent.
- 17.102.020 Application and fee.
- 17.102.030 Review process.
- 17.102.040 Recordation.
- 17.102.050 Amendment or cancellation.

17.102.010 Purpose and intent.

The purpose of a development agreement is to provide greater assurance in the planning and development process to both the property owner and the City. A development agreement is typically used for a larger scale project or one that will develop over an extended period of time. A development agreement clearly identifies applicable standards and conditions under which a property will be developed.

17.102.020 Application and fee.

- A. A completed application shall be submitted to the City Official with applicable fees in accordance with the fee resolution adopted by the City Council.
- B. The application shall be accompanied by the development agreement as proposed by the applicant.

17.102.030 Review process.

- A. The Administrative Official shall negotiate the terms of the agreement with the property owner and enter into a preliminary contract.
- B. A development agreement shall be subject to a Type IV process.
- C. The Council shall review the development agreement at least every 12 months from the effective date until the terms of approval are satisfied.
- D. If, as a result of an annual review, the Council determines, on the basis of substantial evidence, that the applicant or successor has not complied in good faith with the terms and conditions of the agreement, the Council may commence proceedings to enforce, modify or terminate the agreement.

17.102.040 Recordation.

- A. Within 10 days of the effective date of the approval of a development agreement, the Administrator shall forward the agreement to the office of the County Auditor for recordation.
- B. The agreement shall be binding on the parties and their successors.

17.102.050 Amendment or cancellation.

- A. Either the City or the applicant or successor may propose an amendment or cancellation in whole or in part of the agreement.
- B. An amendment or cancellation shall be subject to a Type IV process.

ARTICLE V

ADMINISTRATION

Chapter 17.104

GENERAL PROVISIONS

Sections:

- 17.104.010 Purpose and intent.
- 17.104.020 General provisions.

17.104.010 Purpose and intent.

Article V describes the process for review of land use development proposals and ordinance or map amendments subject to review under this title. The intent is to establish procedures for the review of permit applications that will ensure that the requirements of this title are met, and the goals and policies of the Colville Comprehensive Plan are achieved. The process integrates the State Environmental Policy Act (SEPA) review as well as providing for consolidated development review wherever possible, in order to avoid duplication and delay.

17.104.020 General provisions.

A. Unless otherwise required, where the City must review more than one (1) application for a given development, all applications required for the development may be submitted for review at one time under the consolidated permit review process.

B. Where more than one (1) application is submitted for a given development, and those applications are subject to different types of procedure, then all the applications are subject to the highest number procedure that applies.

C. If this code does not expressly provide for review using one of the types of procedures, and another specific procedure is not required by law, the Administrative Official shall classify the application as one of the five (5) types of procedures. The Administrative Official shall consider the following guidelines when classifying the procedure type:

1. The Type I, Administrative, process involves an application that is subject to a clear, objective and nondiscretionary standard or standards that require the exercise of professional judgment about technical issues, such as Temporary Use Permits, Short Plats without SEPA review, and Boundary Line Adjustments.

2. The Type II, Administrative, process involves administrative approvals subject to notice, such as any Type I approvals requiring SEPA review, and Minor Variances.

3. The Type III, Quasi-Judicial Permit Review, process involves an application that is subject to objective and subjective standards that require the exercise of substantial discretion and about which there may be a broad public interest, such as Conditional Use Permits and Major Variances.

4. Type IV, Quasi-Judicial Development Review, process involves decisions made by City Council pursuant to existing legislative standards and based upon the Planning Commission's record and recommendation after holding an open record pre-

decision hearing. Examples of applications include Site Plan Reviews, Site-Specific Rezones; and Preliminary Subdivision Plats.

5. The Type V, Legislative, process involves decisions made by the City Council in its capacity to establish policy and create legislation. The City Council will seek broad public participation and review by the Planning Commission or other advisory groups on these decisions.

Chapter 17.108

DEVELOPMENT REVIEW PROCESS

Sections:

- 17.108.010 Purpose and intent.
- 17.108.020 General provisions.
- 17.108.030 Preapplication.
- 17.108.040 Application and fee.
- 17.108.050 Completeness review.
- 17.108.060 Notice of application.
- 17.108.070 Technical review.
- 17.108.080 Environmental review.
- 17.108.090 Type I, Administrative reviews not requiring notice.
- 17.108.100 Type II, Administrative reviews with notice.
- 17.108.110 Type III, Quasi-judicial permit review process.
- 17.108.120 Type IV, Quasi-judicial development review process.
- 17.108.130 Type V, Legislative review process.
- 17.108.140 Recess of hearing.
- 17.108.150 Final decision.
- 17.108.160 Notice of decision.
- 17.108.170 Reinitiation of hearings.
- 17.108.180 Exclusions.

17.108.010 Purpose and intent.

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

17.108.020 General provisions.

A. Unless otherwise required, where the City must review more than one (1) application for a given development, all applications required for the development may be submitted for review at one time.

B. No more than one (1) open record hearing and one (1) closed record appeal shall be heard on any Type I, II, III or IV land use application, except for the appeal of a determination of significance as provided in RCW 43.21C.075.

17.108.030 Preapplication.

A. Applicants for a Type I or II review are encouraged to contact the Administrative Official prior to submitting an application to discuss the nature of the proposed development, applicable development standards, design alternatives, required permits and the review process.

B. Applicants for a Type III, IV, or V review shall request a preapplication meeting prior to submitting an application. A preapplication meeting shall be held to discuss

the nature of the proposed development, applicable development standards, design alternatives, required permits, availability of services, and the review process.

1. The applicant shall have prepared for the meeting the general outlines of the proposal, evidenced schematically by sketch plans. The more detail that the applicant is able to provide for the preapplication review, the more thorough the response and guidance City staff will be able to provide on meeting the requirements of this Title.

2. The Administrative Official may furnish the applicant with a written summary of the preapplication meeting regarding the relation of the project to general development objectives and applicable City ordinances and policies, or seek further input from the Technical Review Committee.

17.108.040 Application and fee.

Any person, firm, or corporation may make application. A completed application with applicable submittal materials and fees as established by resolution of the City Council shall be submitted to the Administrative Official.

17.108.050 Completeness review.

A. Within 14 days of receiving a date-stamped application, the Administrative Official shall review the application for completeness, and provide the applicant with a written determination that the application is complete or incomplete. If the application is found to be incomplete, the Administrative Official shall identify the specific information or requirements that must be provided to constitute a complete application.

B. An application is complete if it includes the following:

1. A completed original application form signed by the owner(s) of the property subject to the application or by a representative authorized to do so by written instrument executed by the owner(s) and filed with the application.

2. Information necessary to demonstrate compliance with the standards specified in the applicable section(s) of this title. In addition, the Administrative Official may require such additional information as reasonably necessary to fully and properly evaluate the proposal.

3. A completed SEPA checklist, including all back-up materials, or, in the case that the project is exempt, a statement explaining why the project should be considered exempt under WAC 197-11-800.

4. Suggested findings of fact supporting the proposed project and relating to each required finding in this title.

5. Payment in full of all applicable fee(s) adopted by the City Council.

17.108.060 Notice of application.

A. Within 14 days after making a determination that an application is complete, the Administrative Official shall publish a Notice of Application on Type II applications requiring SEPA review and on all Type III and IV applications in accordance with the requirements of Section 17.112.020.

B. The Notice of Application begins a public comment period of not less than 14 days and not more than 30 days.

17.108.070 Technical review.

The Technical Review Committee (TRC) shall review the development application for compliance with the provisions of this title and the City of Colville Comprehensive Plan, and other applicable City regulations, including the State Environmental Policy Act (SEPA). The Committee shall make a determination that the application provides all technical analysis needed to support a decision under the provisions of this Title. The Committee shall also make a threshold determination pursuant to SEPA and the SEPA Threshold Determination shall be signed by the Chair of the TRC.

17.108.080 Environmental review.

A. Developments and planned actions subject to the provisions of SEPA shall be reviewed in accordance with applicable policies and procedures of WAC 197-.

B. SEPA review shall be conducted concurrently with development project review. The following are exempt from concurrent review:

1. Projects categorically exempt from SEPA.
2. Components of previously completed planned actions, to the extent permitted by law and consistent with the EIS for the planned action.

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

17.108.090 Type I, Administrative reviews not requiring notice.

A. The Administrative Official may approve, approve with conditions, or deny Type I applications.

B. No notice, public comment period, or administrative appeal shall be required for Type I decisions.

17.108.100 Type II, Administrative reviews with notice.

A. The Administrative Official may approve, approve with conditions, or deny Type II applications, subject to the notice and appeal requirements of this section.

B. Within 120 days, a Notice of Decision must be published in accordance with Section 17.112.040. The Notice of Decision may be a copy of the report or decision on the project permit application. Preliminary approvals under this section shall become final if no appeal is submitted within 14 calendar days from the date of the Notice of Decision.

17.108.110 Type III, Quasi-judicial permit review process.

A. A Type III, Quasi-judicial permit review shall require a public hearing before the Zoning Board of Adjustment.

B. The Administrative Official shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of City departments, affected agencies and special districts, and evaluating the development's consistency with the requirements of this title, the Colville Comprehensive Plan, other applicable City regulations. The staff report shall include findings, conclusions and proposed recommendations for the disposition of the development application.

C. The Administrative Official shall schedule a public hearing before the Zoning Board of Adjustment as soon as possible after a determination is made that a completed application requires a Type III review. Notice of the time and place of the hearing shall be

published in accordance with Section 17.112. The applicant will be encouraged to hold an informational meeting at least 30 days prior to the public hearing to discuss the proposal and consider public input.

D. At the time and in the place appointed, the Zoning Board of Adjustment shall conduct a public hearing for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the requirements of this title and other applicable laws, plans and regulations.

E. The Zoning Board of Adjustment may grant preliminary approval, approval with conditions, or may deny the project based on the testimony received and the findings made. This decision shall be final unless within ten (10) calendar days of the publication of the Notice of Decision an appeal is filed with the Stevens County Superior Court.

17.108.120 Type IV, Quasi-judicial development review process.

A. A Type IV, Quasi-judicial development review shall require a public hearing before the Planning Commission, before that body makes a recommendation to the City Council regarding action on the application.

B. The Administrative Official shall prepare a staff report on the proposed action summarizing the comments and recommendations of City departments, affected agencies and special districts, and evaluating the proposal's consistency with the requirements of this title, the Colville Comprehensive Plan, other applicable City regulations, and applicable state and federal laws and regulations. The staff report shall include findings, conclusions and proposed recommendations for the disposition of the development application.

C. The Administrative Official shall schedule a public hearing before the Planning Commission as soon as possible after a determination is made that a completed application requires a Type IV review. Notice of the time and place of the hearing shall be published in the Notice of Application, in accordance with Chapter 17.112. The applicant will be encouraged to hold an informational meeting at least 30 days prior to the first public hearing to discuss the proposal and consider public input.

D. At the time and in the place appointed, the Planning Commission shall conduct a public hearing for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the requirements of this title and other applicable laws, plans and regulations. Only one (1) public hearing before the Planning Commission shall be held prior to Council action.

E. Whenever a Type IV, Quasi-judicial development review application is considered by the Planning Commission at a public hearing, the Commission shall prepare findings of fact supporting its recommended action and transmit such findings to the City Council for final action.

F. A recommendation to the Council shall be by the affirmative vote of not less than a majority of the total members of the Commission. The approval shall be by recorded vote, which shall incorporate findings of fact and reasoning, and shall refer specifically to what is being recommended.

G. Upon receipt of a recommendation by the Planning Commission, the Council shall conduct a closed record hearing. The Council's decision shall be based on the record established by the Planning Commission.

H. Whenever the Council makes a determination to adopt, modify or reject the Planning Commission findings of fact or recommendations, the Council shall adopt findings

of fact representing the official determination of the Council and specifying the basis for the decision.

17.108.130 Type V, Legislative review process.

A. A Type V, Legislative review shall require an informational meeting at least 30 days prior to a public hearing before the Planning Commission, before that body makes a recommendation to the City Council regarding action on the application.

B. The Administrative Official shall prepare a staff report on the proposed amendment or action summarizing the comments and recommendations of City departments, affected agencies and special districts, and evaluating the proposal's consistency with the requirements of this title, the Colville Comprehensive Plan, and other applicable City regulations, and applicable state and federal laws and regulations. The staff report shall include findings, conclusions and proposed recommendations for the disposition of the proposed amendment or action.

C. The Administrative Official shall schedule a public hearing before the Planning Commission a minimum of 30 days following at least one public informational meeting. Notice of the time and place of the hearing shall be published in accordance with the Public Participation Policy, as contained in Article II of Chapter 17.96.

D. At the time and in the place appointed, the Planning Commission shall conduct a public hearing for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the requirements of this title and other applicable laws, plans and regulations.

E. Whenever a proposed ordinance or amendment to the Zoning Ordinance or Land Division Ordinance or other ordinance implementing the Comprehensive Plan, or an amendment to the Comprehensive Plan is considered by the Planning Commission at a public hearing, the Commission shall prepare findings of fact supporting its recommended action and transmit such findings to the City Council for final action.

F. A recommendation to the Council shall be by the affirmative vote of not less than a majority of the total members of the Commission. The approval shall be a recorded vote which shall incorporate the findings of fact and reasoning, and shall refer specifically to what is being amended.

G. Upon receipt of a recommendation by the Planning Commission, the Council shall conduct an open record hearing. The Council's decision may be based on the record established by the Planning Commission.

H. Whenever the Council makes a determination to adopt, modify or reject the Planning Commission findings of fact or recommendations, the Council shall adopt findings of fact representing the official determination of the Council and specifying the basis for the decision.

I. In the event of initiation of an amendment or a proposed action by the Council, it shall refer the proposal to the Planning Commission for consideration and recommendation prior to taking action. A minimum of one (1) public hearing before the Planning Commission shall be held prior to Council action.

J. Action by the City Council regarding the initial adoption of any official land use controls or ordinances, any subsequent amendment to official controls or any subsequent amendment to the Comprehensive Plan, shall be final and conclusive, unless appealed to the Growth Management Hearings Board as provided under RCW 36.70A.

17.108.140 Recess of hearing.

The review authority may recess a public hearing on a proposed project to obtain additional information or to serve further notice upon other property owners or persons it determines may be interested in the proposed amendment. Before recessing for this purpose, the review authority shall announce the time when and the place where the hearing will be resumed. A new notice stating the date, time, place and purpose for resumption of the hearing shall be given by the administrative official in accordance with the provisions of Section 17.112.

17.108.150 Final Decision.

A. The review authority shall approve or deny a development proposal within the following timeframes from the date of the letter of completeness:

1. 120 days for development applications, such as Conditional Use Permit, Variance, Site Plan Review

2. 90 days for Preliminary Subdivision Plats

3. 30 days for Short Plats and Final Subdivision Plats

B. For development applications not identified in this Section, the 120-day timeframe shall apply. Exceptions to this shall include:

1. Amendments to the Comprehensive Plan or Development Code, or any development regulation that would require a comprehensive plan amendment.

2. Any time required to correct plans, perform studies or provide additional information, provided that within 14 days of receiving the requested additional information, the Administrative Official shall determine whether the information is adequate to resume the project review.

3. Substantial project revisions made or requested by an applicant, in which case the 120 days will be calculated from the time that the City determines the revised application to be complete.

4. All time required for the preparation and review of an environmental impact statement, if required.

5. Projects involving the siting of an essential public facility.

6. An extension of time mutually agreed upon by the City and the applicant.

7. All time required to obtain a variance.

8. Any remand to the hearing body.

9. All time required for an appeal of a Determination of Significance.

10. Processing of a Development Agreement.

C. If the City is unable to issue the final decision within the specified timeframes, the City shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

17.108.160 Notice of decision.

As soon as feasible after the hearing, and within the specified timeframe, the Administrative Official shall prepare and distribute a Notice of Decision for all Type II, III and IV applications, in accordance with the requirements of Section 17.112.040.

17.108.170 Reinitiation of hearings.

No person, except the Planning Commission or City Council, shall reapply or reinitiate a

petition for a zone change, variance or conditional use for which a public hearing was held, and said request was denied or withdrawn, within a period of time less than the following:

- A. Six (6) months after action by the Planning Commission.
- B. One (1) year after action by the City Council.

17.108.180 Exclusions.

The following project permits are excluded from the provisions of the integrated and consolidated permit process and the requirements of Chapters 17.108.060 and 17.108.160:

- A. Boundary line adjustments;
- B. Building and other construction permits or similar administrative approvals, categorically exempt from environmental review under Chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits.

Chapter 17.112
PUBLIC NOTICE

Sections:

- 17.112.010 Purpose and intent.
- 17.112.020 Notice of application.
- 17.112.030 Notice of public hearing.
- 17.112.040 Notice of decision.

17.112.010 Purpose and intent.

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

17.112.020 Notice of application.

A. A Notice of Application for Type II, III and IV applications shall include the following:

1. The date of the application, the date of the determination of completeness of the application, and the date of the notice of application;
2. A description of the proposed project or requested action, including a list of other permits required, if applicable;
3. A description of the SEPA determination for the proposed project or action and identification of existing environmental documents that evaluate the proposed project;
4. A place where further information may be obtained;
5. A statement of the public comment period, which is not less than 14 days and not more than 30 days.
6. A statement of the preliminary determination, if one has been made at the time of notice, of the development regulations that will be used for project mitigation and to determine consistency with the Zoning and Land Division Ordinances.
7. The schedule for making a decision on the request, including opportunities for public input and the form that such input should take.

B. Notice of an application for Type II procedure shall be made as follows:

1. The Administrative Official shall notify the adjacent property owners of intent to grant approval. Notification shall be made by mail and posting of the property.
2. Final approval will be granted unless a request for a public hearing is filed with the Administrative Official within 14 days of the date of the notice.

C. Notice of an application for Type III or IV procedure shall be made as follows:

1. Publication in the official City newspaper of general circulation not less than 14 days nor more than 30 days prior to the date of the hearing;

2. Mail to all property owners within 300 feet, not including street rights-of-way, of the boundaries of the property which is subject of the hearing. The notice shall be postmarked at least 14 days prior to the date of the public hearing. Addressed, pre-stamped envelopes shall be provided by the applicant. The property owners shall be as shown on the most recent County Assessor's records;

3. Post at least three (3) notices of the requested action in conspicuous places on or within 200 feet of a site under consideration using notices provided by the Administrative Official.

D. Public notification concerning Type V applications shall be in accordance with the Public Participation Policy, as contained in Article II of Chapter 17.96.

17.112.030 Notice of public hearing.

Prior to a public hearing, if the hearing date was not included in the Notice of Application, the Administrative Official shall prepare a Notice of Public Hearing, stating the nature, time and location of the hearing. Distribution of the Notice of Public Hearing shall be completed in accordance with Section 17.112.020.

17.112.040 Notice of decision.

A. After a decision is made by the review authority, the Administrative Official shall prepare a Notice of Decision that contains the following:

1. A description of the project or requested action and the location of the property.
2. A statement of any SEPA determination.
3. A statement of the action taken by the review authority.
4. A statement that the action is final unless an appeal is submitted within the appeal period set by this title. The final appeal date shall be provided.
5. A statement describing the procedure for an appeal.
6. A statement that affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

B. The Notice of Decision shall be distributed as follows:

1. Publication of the notice in the official City newspaper of general circulation.
2. Mailing of the notice to the applicant or applicant's representative and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application.
3. Mailing of the notice to the County Assessor's office.

Chapter 17.116
APPEAL PROCEDURE

Sections:

- 17.116.010 General provisions.
- 17.116.020 Filing.
- 17.116.030 Judicial appeal.

17.116.010 General provisions.

A. Any decision on an administrative action, Type II, Type III, or Type IV application made by the Administrative Official, Zoning Board of Adjustment, or Planning Commission or City Council, may be appealed, by applicants or parties of record as follows:

1. A Type II administrative action not SEPA exempt may be appealed within 14 calendar days of decision to the Planning Commission for a recommendation to City Council.
2. Type II decisions, which are SEPA exempt may be appealed within 14 calendar days of issuance of the Notice of Decision to the Zoning Board of Adjustment
3. Type III Conditional Use Permit and Variance decisions may be appealed within ten (10) calendar days of issuance of the Notice of Decision to the Stevens County Superior Court.
4. Type IV decisions may be appealed within 21 calendar days of issuance of the Notice of Decision to City Council or Stevens County Superior Court.
5. Type V decisions may be appealed within 60 days following publication of the ordinance to the Growth Management Hearings Board, or in accordance with state law.

B. Upon receipt of an appeal, the Administrator shall schedule a hearing with the appropriate review authority. The hearing date shall be within 60 days for a closed record appeal and within 90 days for an open record appeal from the receipt of the appeal.

17.116.020 Filing.

- A. An appeal shall contain the following:
1. The decision being appealed;
 2. The name and address of the appellant;
 3. The property affected by the appeal, including street address and assessor's property number.
 4. The specific reasons for the appeal (the appellant shall bear the burden of proving why the decision is inappropriate); and
 5. The desired outcome or changes to the decision.
- B. The appeal fee shall be paid by the appellant in accordance with the fee schedule adopted by the City Council.

17.116.030 Judicial appeal.

A. Appeals from the final decision of the Zoning Board of Adjustment or City Council for which other appeals specifically authorized have been timely exhausted, shall be

made to Stevens County Superior Court within ten (10) days of the date of publication of the Notice of Decision for Conditional Use Permits and Variances and within 21 days for Type IV decisions, unless another time period is established by state law or local ordinance. No person having actual prior notice of the proceedings of the Zoning Board of Adjustment or the City Council hearings shall have standing to challenge the final action unless such person was a party of record at the final hearing.

B. Notice of the appeal and any other pleadings required to be filed with the court shall be served to the Administrative Official.

Chapter 17.120

ADMINISTRATION AND ENFORCEMENT--BUILDING PERMITS

Sections:

- 17.120.010 Administration and enforcement.
- 17.120.020 Building permits required.
- 17.120.030 Application for building permit.
- 17.120.040 Construction and use to be as provided in applications, plans, permits.

17.120.010 Administration and enforcement.

A. An Administrative Official designated by the City Council shall administer and enforce this title.

B. If the Administrative Official finds that any of the provisions of this title are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Administrative Official shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this title to ensure compliance with or to prevent violation of its provisions.

17.120.020 Building permits required.

No building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Administrative Official. No building permit shall be issued by the Administrative Official except in conformity with the provisions of this title, unless he/she receives a written order from the Zoning Board of Adjustment in the form of an administrative review, conditional use, or variance as provided in this title.

17.120.030 Application for building permit.

All applications for building permits shall be accompanied by a site plan drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.

17.120.040 Construction and use to be as provided in applications, plans, permits.

Building permits issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction that differs from that authorized shall be deemed a violation of this title and punishable as provided by Chapter 17.128.

Chapter 17.124

ZONING BOARD OF ADJUSTMENT--ESTABLISHMENT AND PROCEDURE

Sections:

- 17.124.010 Established--Membership.
- 17.124.020 Proceedings of the Zoning Board of Adjustment.

17.124.010 Established--Membership.

A Zoning Board of Adjustment is established, which shall consist of five (5) members to be appointed by the Mayor with the consent of the City Council, each for a term of three (3) years. Members of the Zoning Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by the Mayor with the consent of the City Council for the unexpired term of the member affected.

17.124.020 Proceedings of the Zoning Board of Adjustment.

A. The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this title. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. All meetings shall be open to the public.

B. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed with the Administrative Official.

Chapter 17.128

VIOLATIONS AND PENALTIES

Sections:

- 17.128.010 Filing of complaint.
- 17.128.020 Violation--Penalty.
- 17.128.030 Violation--Penalty--Continuing offenses.

17.128.010 Filing of complaint.

Whenever a violation of this title occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis of the complaint shall be filed with the Administrative Official. The Administrative Official shall record properly such complaint, immediately investigate, and take action thereon as provided by this title.

17.128.020 Violation--Penalty.

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this title, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, is guilty of a misdemeanor. Any person convicted of a misdemeanor under this title shall be punished by a fine not to exceed five hundred dollars or by imprisonment not to exceed ninety days, or by both such fine and imprisonment.

17.128.030 Violation--Penalty--Continuing offenses.

Each such person is guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued, or permitted by any such person, and he is punishable accordingly.